Does the German gender regime support the dual earner model?
Policy fragmentation as a bridging concept in institutional analysis of gender regime change
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Abstract: It is undeniable that the formerly conservative German gender regime has seen seminal change through the reforms in German family and equal opportunity policies over the last two decades. However, a transition to a new gender model, the adult-worker, or a dual care-giver-model, is yet not to be seen. Rather, new conflicting incentives are being institutionalized, which represent different normative and causal, sometimes contradictory assumptions and which can be ascribed to totally different gender models.

The German gender regime is a good example to demonstrate that its fragmentation is a typical but not unavoidable side-effect of institutional change. Basing on the concept of gender regime (as longtime debated in feminist welfare state research), the concept of fragmentation highlights the idea that in order to adequately assess institutional change, we need two axes, a horizontal and a vertical axis of analysis: While horizontal fragmentation denominates inadequate coordination between policy fields and results in inconsistent institutional regimes, vertical fragmentation point out the consequence of tensions between institutional regulation and actual social (gendered) practices. As such, fragmentation indicates a current phenomenon in institutional social policy change. Conceptually, the paper aims at contributing to the debate on paradigmatic institutional change and the evolution of gender regimes. Empirically, my arguments are based on a short analysis and interpretation of the present German gender regime.

Keywords: Institutional change, policy analysis, welfare state, family policy, equal opportunity policy

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1. Introduction

It is undeniable that the formerly conservative German gender regime has seen seminal change through the reforms in German family and equal opportunity policies over the last two decades. Especially in the sphere of employment, many policies have been introduced in order to increase the compatibility of family and paid work. As a consequence, the conditions for young wage earners to raise children and to work have ameliorated and signals for women to opt for a working career have become significant. At the same time, labor market reforms, i.e. the de-regulation of labor law and tightened conditionality in the unemployment scheme, together with a weakening of collective bargaining, have undermined the predominance of the standard employment relationship – a supporting pillar of the German employment system. As a consequence, the share of atypical employment has risen since the mid-nineties so that about one third of wage earners face unstable economic working conditions. In brief, employment policy reforms have partly undermined the efforts to ease the work-family conflict and created new social risks for more vulnerable or less available wage earners – especially for women.

We thus have to acknowledge that rising labor market participation is not to be equated with more gender equality. Despite a broadly shared conviction that women should be able to realize their own working career, there lacks a new unitary predominating policy paradigm – comprising the commitment to maintain decent working conditions – that would include the concept of the working mother or the father as a full-time and part-time caregiver on equal footing with the full-time working father. All in all, the new institutional arrangement harbours new opportunities for women – but possibly not for all in the same way so that we may wonder whether the glass is half empty or half full.

In this paper we argue that the transition to a new gender model, the adult-worker model or a dual-earner/dual care-giver model, is not complete (see also Daly 2011), but that in order to adequately assess the processes of social and policy change of the German gender regime we can comprehend the result of ongoing change as institutional fragmentation. Based on the concept of a gender regime, fragmentation presumes that processes of political paradigmatic change are usually incremental, patchy, and sometimes even unintentional. The concept of fragmentation offers a heuristic perspective in that it depicts two axes of tension that arise from uneven policy development, a horizontal and a vertical axis. While horizontal
fragmentation denotes inadequate coordination between policy fields and results in inconsistent policy regimes, vertical fragmentation denotates normative tensions arising from incongruence between proclaimed normative objectives, institutional regulation and actual social (gendered) practices. As a heuristic tool it helps to more adequately assess the 'quality' and the degree of change within the gender regime. Politically, fragmentation indicates that a gender regime is 'stuck' between competing policy paradigms, an ambiguous situation where social tensions are not settled and where gender inequality might intersect with other patterns of social inequality. As such, fragmentation indicates a current although not unavoidable phenomenon of social policy change.

This paper aims at contributing to the empirical research on the development of gender regimes as well as to the conceptual debate on institutional change. I will develop the concept of fragmentation of gender regimes further in the second section by clarifying its normative reference, depicting the societal complexity we have to deal with, and connecting the concept to ongoing scholarly debates on institutional and policy change. I will then illustrate my arguments with a sketchy analysis and interpretation of the present German gender regime (section 3) and demonstrate why it may be comprehended as deeply fragmented (section 4). This article concludes with some more general reflections on the causes and consequences of fragmentation for policy reforms and institutional change (5).

2. Fragmented and integrated gender policy regimes

2.1 Normative perspectives: Equality of recognition, income and power

The driving normative idea of most comparative feminist analyses on welfare state change bases upon the uncontroversial insight that despite the overall formal commitment to gender equality and justice, women’s living conditions are still more fragile in terms of income and status compared to those of men, and that women’s typical occupations and activities are usually less valued. Most of these studies either address the effectiveness of single instruments or policy sectors (e.g. the take-up of new parental leave schemes or childcare policies). Alternatively, they assess changing institutional arrangements in terms of concepts like the adult worker model (as the opposite model to the male breadwinner model (Lewis 1992, O’Connor, Orloff et al. 1999), or, more recently, familialism (Leitner 2003). All this has contributed to the understanding of the complexity of the interaction between the working

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1 In a favorable political reading, fragmentation occurs when dominating gender models lose their ground and become less predominating within a society, allowing for more diverse social practices.
sphere and the sphere of private households in the Western industrial world. But have the observed shifts in gendered patterns of labor division led to more gender equality? Indeed, as has been argued, less familialism is not automatically correlated with more gender equality (Leitner and Lessenich 2007), and the expansion of the adult worker model does not necessarily guarantee the same employment chances to women (for a short critical discussion see Bothfeld and Rouault 2015b).

Other analyses have addressed gender inequality directly. Those studies have translated ‘women-friendliness’ with the degree of women’s autonomy and citizenship (Lister 1997, 2007, Betzelt and Bothfeld 2011), by the individualization of life courses (Daly and Scheiwe 2010, Daly 2011), employment opportunities (Wahl 2005) or equal democratic rights (Borchorst and Siim 2008), thus remind us of the political claim of universal neutrality of state intervention (Young 1990). They underline the state’s responsibility to guarantee these rights as they address (gender) equality as a basic civil and political right. Nancy Frasers’ complex conception of gender equality corresponds to this as it argues that gender equality embraces more aspects than equal employment or the recognition of care work alone, but that gender equality policies embrace protection against exploitation, equal respect and combating general androcentrism. According to Fraser an ‘integrated care giver model’ would outmatch any other gender model in that it calls for a review of both men’s and women’s respective roles in care work and employment (Fraser 1996). Fraser therewith underlines that gender equality combines both recognition of unpaid work with redistributive aspects.

This view calls for a claim to the elimination of androcentrism also in the working sphere. That means that as precondition for gender equality a decent level of labor market regulation and social security provision is needed – as these predetermine the average level of living and the material situation and degree of (labor) market dependence of all people within a country. If –through labor market deregulation good employment opportunities become scarcer or more difficult to access, and social security provision becomes more conditional, competition between workers will rise and put additional pressure on employment conditions. As a consequence, persons with a weaker market position – due to a lack of education, availability, physical constraints or discrimination – will have systematically lower chances for decent employment (see for the gender effect in the activation strategy in Australia Bowman, 2006).

2 This model is compatible with the dual earner/ dual caregiver model (Gornick and Meyers 2008) as it considers both men and women as equally responsible for both spheres and claims institutional support in terms of childcare, working time regulation and so on.
Bodsworth et al. 2013). Claiming the enhancement of gender equality therefore involves a reasonable degree of protection against the effects of the market to profit the weakest, reducing general inequality and avoiding the discrimination of vulnerable groups. The norm of gender equality is therefore inevitably connected with a broader normative concept of redistributive justice.

2.2 Gender inequality - a complex societal issue

The original idea of the concept of a gender order was to show that gender inequality was implicitly reproduced by more or less uncovered interaction between different societal spheres through male hegemonic cultural practices (Connell 1987). As such, androcentric values and references would pervade all spheres of intimate, social and political life. This key assumption that power structures were gender biased and hegemonic has inspired feminist political scientists. Starting from this idea, they defined a gender regime as a “formal and informal organisation of political power according to the gender divide which embraces institutions, organisations as well as norms and discourses and which regulates the gender relations, the access of women to power positions as well as the perceptions and stereotypes surrounding men’s and women’s roles in society” (Rosenberger and Sauer 2004: p. 259, transl. by the author). An adequate analysis of institutional change and its outcome should therefore take account of both the formal and informal structures (including social practices) that shape the gender relation within a given society.

Comparative welfare scholars have also underlined that analysis of women’s societal position should take account of implicit normative assumptions and basic values on the level of the political discourse (Jenson 1986, 1989, Fraser 1990). This coincides with the neo-institutionalist presumption that normative values that are inherent in institutional regulation are reflected in people’s every day practices and attitudes – including those toward gender roles. Ideational and cultural patterns on gender relations also embrace presumptions as to what degree (if at all) the state should intervene into the private household – e.g. by providing public care services – or whether intimate and family relations should be protected against

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3 For analytical reasons, we stick with a political science definition that underlines the formal and public character of institutions and distinguishes ‘informal structures’ like social practices, attitudes and discourses from formal institutions (for a different approach see Waylen 2014). In comparative welfare research, informal structures have been acknowledged as a privileged subject of comparative research in terms of the ‘cultural dimension’ of the Welfare State (Pfau-Effinger 2005).
public intervention (see for a discussion Meyers and Gornick 2003, Gornick and Meyers 2008).

In a similar vein, feminist welfare scholars were rather concerned with the state’s role in fuelling the reproduction of gender inequality through gendered policies and institutions. However, they agreed that the persistence or change of gendered social practices and attitudes would not follow from single instruments or programmes like education, provision of care, or civil rights (Walby 2004: 7) but that social practices and attitudes interact within a gender (policy) regime, and that relevant public intervention comprises different policy sectors and instruments. In the domain of comparative welfare state research\(^4\), partly as a response to Esping-Andersen’s suggestion to consider de-commodification as a key category for measuring welfare state performance, the concept of a gender (policy) regime was applied to the Welfare State in order to demonstrate how public intervention contributes to the formulation of the relative economic, social and political position of men and women in a given society – above all, in the working sphere and private households (Lewis 1992, 1997, O’Connor, Orloff et al. 1999; Orloff 1993). The interconnectedness of relevant policies and policy sectors and the interaction of formal and informal structures are hence two key conceptual and methodological presumptions for analyzing (gender) policy change and assessing the change of the underlying gender regime in its substance (see fig. 1).

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\(^4\) This approach does not focus on key policy areas such as violence against women and others.
2.3 Institutional fragmentation of a gender policy regime: Coherence and consistency

In an ideal situation, a gender policy regime ought to be normatively coherent and consistent in respect of how individual policies are coordinated and complement with each other (Bothfeld 2008). But in fact, due to the characteristics of policy-making, tensions will occur in the horizontal as well as in the vertical dimension; they will however not necessarily turn into lasting fragmentation of a gender regime. We will discuss both kinds of tension in terms of incoherence and inconsistency in the following two sections.

2.3.1 The problem of normative coherence: Adequacy and acceptance of policies

A basic assumption in the debate about paradigmatic institutional change is that underlying normative ideas provide an orientation for policies of a certain sector and stabilize them as long as they are uncontroversial (Jenson 1986, 1989). As such, the gendered division of labor has for a long time been a paradigmatic norm that affected all kind of social activities especially in conservative welfare states – such as family policy making (e.g. developing public childcare or not), administrative rules and actions (e.g. not offering childcare places to job seekers), employers’ hiring strategies, or the negotiation between parents about their right share of care work and employment (Weckwert, Gerhard et al. 2005). Scholars in institutionalism underline as well that norms and values are inherent in institutions (such as formal rules, laws, policies) so that these work as a catalyst and stabilize behavioural patterns of social groups and actors as well as their attitudes; this comprises the ideal and normative assumption that public intervention responds to political objectives that would aggregate and reflect peoples’ needs and expectations (e.g. equal opportunities for men and women to work and to care for their children) and hence contributes to further normative and social integration. In the ideal case, institutional regulation fits normatively into a dominating policy paradigm, meets actual social needs and expectations, and hence contributes to the further integration of different and diverging interests or ideas in a society (Göhler 1994).

Tensions arise when norms that are inherent in new policies (policy principles) or new dominating discourses clash with given social practices. The point of departure is here the basic assumption that institutions reflect the relationship between the addressees and the intervening state, and that that these may emphasize a constraining or an enabling character of regulation (Scharpf 1997). Institutional regulation may thus through monetary incentives or entitlements offer additional options for the adjustment of the addressee’s behaviour (enabling aspect) – and therewith increase their options and choice. Alternatively, regulation may
provide interdictions or prescriptions that constrain responses in specific behavioural options (constraining aspect). It is, however, difficult to assess how persons perceive incentives or the very existence of a new rule as such. In fact, the very existence of a rule or weak incentives may have a considerable symbolic effect as it sketches a path for alternative behavioural options like e.g. the right of men to request parental leave. Hence, the room for diversity in social practices is largely determined by the very existence of institutional regulation (and the visibility of the inherent norms) and the actual design of the incentive structure of a policy. In fact, the incommensurateness of normative ideas throughout the gender regime is a source of tensions that may result in incoherence, which we suggest to call vertical fragmentation. In general, we expect a change of paradigmatic ideas – through social change or the emergence of new policy discourses – to be a cause of transformative institutional change (Hall 1993), although ideational change may result as well from new policies or changing practices. As institutional scholarship has argued, we also assume that patterns of change comprise the coexistence of paradigms which may layer or shift (Streeck and Thelen 2005). Consequently, tensions are a current phenomenon which precedes institutional change in that policy change usually results from the assessment of a discrepancy between need or expectation and regulation. Conversely, institutional regulation necessarily causes tensions if it constrains the behaviour of groups or persons. Whether tensions give rise to incoherence or not depends on whether the addressees of a policy will by and by adapt their behaviour, ‘accept’ a new policy, and develop positive attitudes towards their practices. Incoherence becomes problematic if people do not make use of a policy programme, if constraints do not result in a new consensual behaviour but cause protest and objection, or if needs and expectations remain ignored and do not get covered by new policies. In many cases, as this is the case e.g. when partners in a household practice an unequal division of paid work and care responsibilities, problems of incoherence are resolved individually and at the cost of losses of income and employment career chances or – in the worst case – the degradation of life

5 For example, the effectiveness of tax breaks that are conditional on a person’s employment will therefore depend on the person’s salary, her household’s income, the respective employment chances of partnered wage earners, and their basic attitude toward employment. Given the differences in employment and income chances, monetary incentives in the sphere of employment will always have different effects on men and women.

6 For example, a misfit between social practices and institutional regulation and the policy paradigm has occurred through the rising share of women who claim individual and self-determined employment careers. As a consequence, social policy institutions and regulations were acknowledged as gender-biased and detrimental for gender equality (Weckwert, Gerhard et al. 2005).
satisfaction or health. As the introduction of reconciliation measures places new demands on employers, policy makers have to weigh different policy problems and objectives against each other. However, opposite goals are usually unevenly represented in the public sphere so that social policies and labour market regulation always represent a compromise between both employers and wage earners. In fact competing norms and ideas are both cause and consequence of political conflicts and tensions and can hardly be totally resolved. Introducing ‘good’ (informed, adequate) policies in terms of problem solving thus represents a definitely normative idea in itself.

2.3.2 The problem of consistence: Fit of policies within a regime

On the horizontal dimension, tensions will arise if policies are not sufficiently well coordinated so that incentives go in different directions and cause inconsistence. The concept of consistency addresses two different problems: The coordination between different policy sectors, and the design of policy instruments within single sectors.

As we said in the beginning, individual measures of gender equality in the sphere of employment have to be analyzed within the whole context of welfare state structures: This is due to the interaction between the many diverse measures and programmes, all exerting their influences on gender relations in the economic sphere (Wahl 2005). Necessarily, policy measures – and analyses of the effect of institutional change - cannot be limited to one single policy sector alone. Rather, policies have to be coordinated within as well as between different sectors such as employment, family or legal policies. This is problematic, as the sector usually represents the ‘territory’ for the identification of policy problems and represents a field of public action (Muller 2013).

Delimiting a certain sector allows the state to develop an operational agenda, to design appropriate instruments of action, and to control the success of its intervention. In so doing, the delimitation of a sector largely co-determines the very capacity of public intervention (ibid.). If policy problems such as gender equality cut across several sectors, three different kinds of problem may occur (Halpern and Jacquot 2015): First, problems of coordination may arise from the simple fact that the actors – policy-makers as well as the addressees of policies differ between the sectors: The policy makers concerned with the regulation of the labour market, with employment policies or with family policies will all pursue different policy objectives and follow different logics of action. For example, raising women’s employment chances clashes with the interest of employers to avoid the implementation of further protective (and costly) rules. Second, sectors are institutionally structured by the formal responsibility of an administrative department, the assignment of a (limited) budget, and the
routine of using given programmes and instruments. The construction of common objectives necessarily entails negotiations about competencies and (financial) responsibilities. And third, sectors always represent a ‘cognitive territory’ of expertise and scientific knowledge as well as routines in the use of specific tools or the reference to certain guiding norms and ideas. Accordingly, the problem-awareness and the knowledge about possible remedies will differ so that the comprehension of a policy problem is conditional on hierarchical intervention into the respective sector (labour market regulation or policy etc.), i.e. that problems are defined outside a sector and imposed as constraints to policy makers. As a consequence, the negotiation of compromises between sectors is quite difficult. Therefore transversal policy objectives like gender equality in employment which is not covered by an own policy sector have to be formulated on a higher hierarchical level and translated into issues that can be dealt with in each of the single sectors at stake – as for example the access of women to employment (or their availability), the working conditions for women, or the access to different employment sectors and leading positions (Bothfeld et al. 2010). Accordingly, policy problems have to be integrated into sectorial interpretations of policy problems (e.g. to raise women’s employment rates). At best, cross-cutting institutional structures would have to be developed that are responsible for the coordination of public action and mechanisms, and rules of cooperation should be developed within and between the sectors (commissions, round tables) that bring together experts and actors in order to develop a common comprehension of a problem. But in practice transversal structures and efforts at coordinating gender equality will remain too weak as long as the political objective is not prominently supported by powerful governmental actors. To translate overarching norms into sectorial policy objectives is a necessary step.

Another problem may undermine that policies achieve their intended effect: According to policy analysis scholarship, a lack of effectiveness results from poor policy design (Howlett and Ramesh 1995, Rayner and Howlett 2009, Howlett and Rayner 2013). As policy reforms are “always embedded in pre-existing contexts where the relics of earlier policy initiatives are found in paradigms, institutions, practices and established actor networks” instruments have

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7 For example, in Germany, the federal minister for women’s affairs does have the competence to consider issues that do not fall under her original responsibility but that are relevant for gender issue; in addition the federal government has committed itself to practicing the principle of gender mainstreaming.

8 The interest in the interaction and coordination of different policies, policy instruments and tools has accelerated with the emergence of new policy domains (esp. environment and climate); most of these analyses refer to these policy sectors.
to be adequately designed and coordinated, so that their “respective effects do not cancel each other out, result in windfall effects or other unintentional consequences” (Rayner and Howlett 2009, p. 99). In a similar vein, we argue that a consistent policy regime requires a fine-tuning of policy design and a coordination of processes of instrumental choice within and between different sectors. The idea, though, that policies can be designed and technically optimized is an ideal assumption. Rather, an effective policy requires a thorough analysis of causal effects, and detailed ‘technical’ knowledge about the interaction between instruments to avoid unintended effects as well as strong political voluntarism – the more so as policy objectives, logics and interests differ between sectors.\(^9\) As a consequence, weak programmes or instruments that produce counterproductive effects or ‘sub-optimal’ policy outcomes (Rayner and Howlett 2009, p. 100) may reflect a lack of knowledge about policy instrumentation or a lack of political voluntarism to implement an effective measure. As we said before, to assume that policies should be ‘effective’ or display a good ‘quality’ is a strong normative assumption that does not correspond to political reality – at least when equal opportunity policies are at stake. Rather, inconsistency within and between policy sectors is a current phenomenon in cross-cutting policy problems.

### 2.4 Analysing fragmentation - methodological remarks

In a sum, institutional fragmentation of a gender regime denominates a situation where significant discrepancies arise in the vertical dimension between the predominating policy paradigm and single policy principles, between policy principles and the dimension of social practices and attitudes (incoherence) or in the horizontal dimension within policy sectors in a given gender policy regime in a country (inconsistence). Our normative reference was the equal rights approach in the socio-economic sphere (see section 2.1) which may be translated into the analysis of men’s and women’s respective roles as wage earners, as carers (and consumers of care & educational services), and as claimants of social benefits. The broader normative context necessarily embraces decent working conditions, a framework for a fair sharing of care obligations, and a reasonable level of social security provision. The analysis of a gender regime would then comprise a multi-level approach and look at overarching paradigmatic norms and values, institutionalized policy principles, and finally at social practices and attitudes. In order to analyze the state of the art or the transformation of the German gender regime, we opt for a combination of qualitative and quantitative methods. An

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\(^9\) For an illustration on the regulation of women’s quotas for advisory boards of private firms see (Bothfeld and Rouault 2015a).
encompassing analysis would require a careful analysis of the policy discourse, the institutional design of relevant policies as well as thorough analysis of actual practices and attitudes.\textsuperscript{10} Table 1 depicts examples of indicators by means of which we could grasp the technical fit (consistence) on the one hand, and the normative fit (coherence) on the other.

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Key elements of a stylized equal gender policy regimes</th>
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<tr>
<td><strong>Men’s and women’s roles/ Norms and Values (about gender relation &amp; state’s role)</strong></td>
<td><strong>Policies and policy principles</strong></td>
</tr>
<tr>
<td>Wage earners</td>
<td>1. Women being considered as employees on equal footing with men (including access to leading positions and equal pay)</td>
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<td></td>
<td>2. ‘Decent work for all’ – state’s responsibility to protect from market risks</td>
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</tr>
<tr>
<td>Carers</td>
<td>1. focusing on ‘parents’ instead of ‘mothers’ and ‘parents’ does not implicitly mean ‘mothers’ Men are addressed as fathers to the same degree as women as mothers</td>
</tr>
<tr>
<td></td>
<td>2. Public involvement in childcare provision</td>
</tr>
<tr>
<td>Social security coverage</td>
<td>1. Individual rights and autonomy of decision on life courses</td>
</tr>
<tr>
<td></td>
<td>2. Decent level of social protection, state responsibility</td>
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Source: Own depiction.

Taking a fragmentation approach would mean that single policies (e.g. the right to work part-time) are analyzed in terms of their normative fit (enabling parents to work and offering decent employment chances), their institutional ‘instrumentation’ (e.g. protection against discrimination and low pay, right to return to full-time work), and their impact on men’s and women’s employment patterns, life situation and attitudes. We would then check to what extent programmes that encourage part-time work offer chances for more autonomous life courses for parents in terms of reconciliation of work and family as well as of pay, career

\textsuperscript{10} Clasen and Oorschot have underlined that in order to assess the degree of change we need a simultaneous analysis of changing policy principles (which they suggest calling a ‘legal approach’) combined with the analysis of outcomes (‘volume approach’) (Clasen and van Oorschot 2002).
options and social security\textsuperscript{11}, and whether such a programme addresses individuals in equal terms without privileging specific gendered behaviour and employment patterns. As we will see in the following section, part-time work has indeed become the Achilles’ heel of the German gender regime.

3. How fragmented is the German gender policy regime?

So, how has the German gender policy regime been modified over the past two decades? Has it become more consistent and coherent?

3.1. Institutional change of the German gender regime

Gender equality in employment emerged at the end of the 1990s as a major domestic political issue in Germany. This happened when the first red-green coalition took office – after long decades of stagnation during the conservative-liberal legislature where support of working women consisted mainly in leave policies and where an unequal labour division was largely accepted (Gerhard 1990, Ostner 1991, Gerhard, Knijn et al. 2003, Gottschall and Bird 2003). Driven by the EU employment strategy (1998-2010), the German federal government had already become much more sensitive for gender equality in the labour market and took measures to increase women’s labour market participation, to enhance the public supply of childcare facilities, to ameliorate the accession of women to leading positions in politics and private firms, and also to acknowledge that women were disadvantaged by the social security arrangements and had a higher risk of poverty, especially lone mothers and elderly women (Lewis and Ostner 1994, MacRae 2006). And then, in 1998, the new government presented an encompassing programme in order to enhance policies that would promote women in all spheres of paid work (Bothfeld 2005). As a consequence several laws were introduced, e.g. the right to work part-time (2001), an equal opportunity law for the federal public administration (2001, which has seen slight modifications in 2015), on the gender parity in public commissions (2001), on the obligatory share of women in advisory boards (2015, see Bothfeld/Rouault 2015), as well as a new parental leave scheme (2006) that has been ameliorated for parents who are carers and working part-time in 2015 (Beblo and Boll 2014), a right to child-care places for children under three years old (2006), and a programme to expand childcare provision in all of the federal states (2008) (see Oliver and Mätzke 2014 for

\textsuperscript{11} A further argument: Whether the institutional principles of this programme fit with other policies and programmes and to what extent those programmes are suited in the long run to raising part-time work among men as well.
more details). The access to the unemployment regime has also been ameliorated for working parents, as since 2004 the parental leave period (up to a maximum of 3 years) is fully acknowledged as a period covered by the social insurance system. Part-time employment, however, did not give rise to decent unemployment protection as the benefit remained strictly proportional to former wages and due to the fact that problems may occur when unemployed mothers can only supply their labour on a part-time basis and their entitlement can be lost if they are not available for full-time work (Bothfeld 2012).

Despite a generous regulation for working parents, the German pension scheme also remains disadvantageous for part-timers: The partial privatisation has brought the level of average benefits down to 50% of the average earned wage after 45 years of contributions, so that low-wage earners run high risks of being poor in old age. This risk even increases when wage earners cumulate risks like a low wage with unstable or part-time employment. The law on post-marriage alimonies was changed in 2007 so that post-marriage alimonies paid by ex-husbands are going to be rather an exception than the rule and women become increasingly responsible for their own life. The new regulation represents an incentive for young women not to reduce their labour supply, to strive for an own professional career with better chances for a good working wage and a high professional status. But on the other hand, despite several attempts and many debates, the tax-splitting scheme which presents a strong incentive for spouses to earn unequal incomes (Spangenberg 2005) has not been changed.

The activation strategy in labour market policy as well as the idea of a social investment state provided additional tailwind to the idea that women’s labour market participation would contribute to higher household incomes and protection against poverty (see e.g. Esping-Andersen, Gallie et al. 2002). It was, however, not specified to what extent and in what kinds of employment women were expected to work. An explicit objective of the activation strategy in Germany, especially the ‘Hartz reforms’, was to expand the low-pay sector in the German employment system (Knuth 2013), and therefore included the further deregulation of the

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12 Parents will have three years (each calculated as if the average income had been earned) for each child born after 1991 added on their pension account. Additionally, part-time periods are topped-up to 100% of the average contribution until the 10th birthday of the child if one parent works part-time.

13 The maximum pension benefit rate has been decreased and tax incentives for wage earners to buy private additional insurances have been introduced (‘Riester-Rente’).
standard employment relationship\textsuperscript{14}, a reduction in unemployment protection and active labour market measures, as well as stricter conditions of access to the unemployment security scheme (Bothfeld and Betzelt 2013). Finally a sea change was brought about with the introduction of the basic allowance for (long-term unemployed) jobseekers or those whose rights have phased out, which reaffirmed the subsidiarity principle and strengthened the interdependence of adult partners (married or not) who live in one household (Betzelt 2008): According to the new scheme, the need for support is calculated on a household basis and both adult partners are subject to the obligation to be prepared to work – or to extend their labour supply in order to reduce the benefit dependence of their household (Jaehrling and Rudolph 2010). As a response to the observation that wages had further decreased and an increasing number of wage earners, due to their low wages, had to apply for the basic allowance, the minimum wage regulation was introduced in autumn 2014, ending a long and fierce debate between the labour movement and social democrats, on the one hand, and the employers and the conservative and liberal parties on the other.

With the activation strategy, however, gender equality as a virtual political objective increasingly lost ground, especially with the anew change in government in 2005 to the first grand coalition (Lepperhoff 2010) and then to the conservative-liberal coalition (2009-2013). Little progress, though, was made under the second grand coalition, when the women’s quota and the minimum wage regulation became key issues of the coalition contract in 2013 and eventually became legislation in 2014/2015. A counterpart was established with the introduction of the childcare allowance in August 2013, against the fierce protest of feminist activists and parts of the Social Democratic Party; it was argued that this allowance would particularly deter lower-class parents from sending their children to public child-care institutions. A smaller reform of the pension scheme in 2014 increased the child bonus to mothers with children born before 1991 but has not ameliorated the overall situation for low wage earners or not regularly employed persons.\textsuperscript{15} Most of the family policy benefits are neither conditioned to paid employment nor need-based; they are usually calculated on the

\textsuperscript{14} Above all, for small part-time jobs that are exempted from social security contributions the upper limit of 15 hours per week was abolished so that the number of ‘mini-jobs’ increased further. But also fixed-term and agency employment has been deregulated.

\textsuperscript{15} The bonus was increased from two to three years for each child, which results in an increase of pension benefits of €27 per month per child. In fact this reform was criticised as gender-biased as the largest share of additional expenditure will profit (male) long-term contributors (with more than 45 contributory years aged between 63 and 65) who regularly have had above-average earnings.
basis of the family income and not that of the individual parents. As a consequence, together with relatively high childcare cost and the married couples’ tax-splitting system they set significant incentives to reduce labour supply within a household. Overall, despite substantial progress in the domain of childcare, labour market and social security regulation does not deliver optimal conditions for women to achieve the same chances of gainful employment and individualised social rights on an equal footing with men.

3.2 The persistence of gendered practices and attitudes in Germany

In Europe the view that gender equality is a fundamental right is widely shared (94% of the overall population), whereas a lack of gender equality is perceived by far less people (62%, (Commission 2015:7)). Overall there is are strong reservations concerning full-time working women, with 60% of the whole European population stating that family life would suffer if women worked full-time (ibid:10). And, interestingly, about half of all Europeans think that ‘men are less competent than women at performing household tasks’. Anyway, about two thirds (68%) disagree that women were less interested in an own career or that ‘a father must put his career ahead of looking after his young child’ (66%) (ibid.). In all items, Germany ranks in the middle. However, attitudes are marked by high sensitivity for unequal pay (68% of Germans consider this as the most urgent issue) and women’s low pension benefits (Commission 2015:76), whilst the share of people that recognise the unequal share of household tasks as an important field of action is the smallest (7%) among the member states. These findings show that the sensitivity for gender inequality in Germany refers to the formal dimension and economic issues (pay, pensions, working-time) rather than to the ‘soft’ issues (division of care work, stereotypes) that pass as informal, ‘private’, and therefore ‘individual’ issues. We assume a high degree of regional and socio-demographic heterogeneity among the attitudes about respective women’s and men’s roles among the German population that may correspond to actual social practices.

Over the different cohorts, Western German women have experienced a shift from the traditional to the modified breadwinner model, whilst women in the east part of the country experience a transition from a dual earner to a modified breadwinner model (Trappe, Pollmann-Schult et al. 2015). These shifts are due to rising participation among women in the core age group in the West and the labour market situation in the East. Despite an overall

16 As we would expect, attitudes towards equal gender roles are stronger in the Nordic states, France and the Netherlands; in many cases the most conservative attitudes can be found in the middle and southeastern European member states.
increase of women’s employment to almost 70%, differences between the eastern and western part of Germany still exist, especially concerning their working time (Holst and Wieber 2014) but also concerning work preferences in general (Beblo and Goerges 2014). Labour market deregulation has contributed towards increasing the share of employment outside the (well protected) standard employment relationship to about one third. Analyses show that atypical-employed wage earners (part-timers and mini-jobs, fixed-term contracts and agency work) have a five times higher risk of earning low wages (Keller, Schulz et al. 2011: 29). As women are clearly over-represented in part-time work (with a rate of about 50%) and mini-jobs they run a high risk of earning a small income that is insufficient to make ends meet outside a household with a second earner. Indeed, of the approximately 8 million low-wage earners 70% are women (Weinkopf and Kalina 2013). According to the Federal Ministry of Women’s Affairs, the new minimum wage was therefore expected to cover about 2 million low-waged women.

Having care obligations towards children has a clear impact on women’s employment in Germany. When children are under 3 years old, the ‘active’ employment rate is at about one third and the majority of these women (70%) work part-time. Although with the age of the child employment rates rise up to about 73% (for mothers with children 15-17 years old), the part-time rate remains relatively high (61%) – even when the children are grown up. This pattern of part-time participation has developed since the mid-nineties: Since then, the part-time rate has increased much more quickly than the overall employment rate (by 20 resp. 5 points). In fact, women’s average contracted working time is at about 30 hours per week, which corresponds with their preferences. Men, on the other hand, have an average contractual weekly working time of 38 hours (Holst and Wieber 2014), although in both cases the actual time worked is about 2 hours higher per week and parents have to accept the unpredictability of their working time. Longitudinal analyses show that employment courses of women have become differentiated, exhibiting many changes between part-time employment and other employment statuses, but that a part-time employment career has become the dominant pattern in Germany for women (with about 40%, compared to full-time employment over the life-course practiced by about 20% of all women, Klenner and Schmidt 2011: 278). A recent analysis has demonstrated that about 1.8 million employees (of whom more than 94% are women) in the service sector (childcare, elderly care, hospital staff) bear

17 Low wages are defined here as two thirds of an average hourly gross wage.
18 Women in parental or maternity leave are not included in the ‘active’ employment rate.
the risk, due to their low average income and the high incidence of (small) part-time work, of not achieving a reasonable pension level (Blank and Schulz 2015). As a consequence, women who do not realise an own employment career will depend to a high degree on their partners – also in old age.

The practice of the very traditional model – with an employed father and a non-employed mother has decreased from 40% in 1996 to 29% in 2012 (Keller and Haustein 2013: 870). In these terms the programmes for the expansion of childcare have been quite effective so that the threshold of 30% coverage for children under 3 years old could be reached in 2013. However, the coverage is regionally unevenly structured and only a very small share of services are offered on a full-time basis (8%) (Oliver and Mätzke 2014). The introduction of the parental leave scheme has supported women’s employment, especially for women in low-income households, and women in the East of Germany; even full-time employment for women two years after the birth of their child has increased (Wrohlich, Berger et al. 2012). Besides its positive incentives for women with low earnings to work, the new regulation establishes an important and new signal for women to work and to combine both family care and paid work. Paternity leave has become a (relative) success story, displaying a continued increase since 2007 up to a share of 23% of all fathers with children born in 2012 demanded parental leave, although the majority of these men take only two months (78%). We know that despite individual commitment to a more equal division of labour, sharing care and paid work is fiercely negotiated between partners (Rüling 2007, Peukert 2015). In general, new practices do not coincide with given and institutionalised norms, and couples with modernised patterns of labour division harbour a higher risk of separation and divorce (Cooke 2006). The discomfort for working women with their role as mothers has been an unattended phenomenon; but in fact, recent studies reveal that mothers may perceive a strong discomfort so that they may even regret having children (Donath 2015). However, the childcare allowance that exists since August 2013 has seen a considerable take-up: after 15 months about 380,000 parents claimed this benefit and studies show that – as expected – women, and especially those with low education and migrants, were overrepresented among the recipients.

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19 This includes mothers in parental or maternity leave.

20 Only 6.1% (but 88% of women) opt for a period of 12 months (Statistisches Bundesamt 2014).

21 Parents of 12-month-old children can request this benefit provided they do not claim in the public childcare service.
If the deregulation of the labour market has reduced chances for decent and sufficient employment, this risk has not necessarily been compensated for by the German social security system as the flexicurity concept had suggested. Although the German insurance system (especially for unemployment and old age protection) offers generous compensation for pre-defined care periods, gaps arise as result of unstable or part-time employment (Bothfeld 2012). On the other hand, long-term unemployed persons or those without claims to unemployment insurance benefits are subject to the rules of conditionality of the basic allowance for jobseekers scheme which is based on mutual responsibility between partners within a household. Although analysis shows that job centers mostly respect the labour division of households and rather offer activation measures to women who were formerly employed than to those with a clear homemaker orientation (Kopf and Zabel 2014), the regulation formally intervenes with a couple’s labour division – at least in the case they receive unemployment allowance (Betzelt 2008). Especially in the pension scheme, due to their non-standard employment trajectories and despite the generous recognition of periods of childcare, women seldom fulfill the preconditions (number of contributory years and average income as a basis for contributions) to access benefits that would protect them from poverty. As a consequence, analysts expect an increase in the share of women at risk-of poverty in the coming decades.

4. The complex fragmentation of the German gender regime

The analysis of the German case illustrates three developments of the German gender regime: Over the past two decades the German gender regime has seen some irreversible institutional changes towards a dual earner / dual carer model as family and social policies have been expanded to better cover parents’ needs. At the same time, tax incentives and the subsidiarity principle have been maintained and partly been strengthened, therewith sending contradictory signals to working parents. Third, the rising pressure in the labour market has, by reducing monetary and temporary leeway for wage earners, made it more difficult to reconcile work and family life. Reading these developments as a situation of institutional fragmentation helps to understand the underlying processes.

Incoherence, taken as an incompatibility of normative goals and assumptions with policy principles or social practices and attitudes, arises from the fact that proclaiming both parents as workers is neither adequately translated into the relevant policy sectors nor adapted to the families’ practical needs. Despite the objective of enabling parents (and especially mothers) to engage in paid work, the working-time is not adequately regulated so that parents could easily
reconcile both paid work and family care. Although some parents do try to realise both, a working career and having a family, most of them have to acknowledge that ‘women can’t have it all’ as long as parents cannot control their working time and place of work to enjoy reasonable working times.\textsuperscript{22} Taking parents’ needs seriously would require more secure employment, shorter and more strictly regulated working days and a change of the German working culture which includes long presence of employees at and their ubiquity outside their workplace. The other way around, attitudes towards working mothers have remained quite skeptical so that full-time working mothers still feel the pressure from their societal context if they work more than short hours. In fact, although a working career has become part of regular expectations, young German women are re-engaging in a battle about the best and most adequate model of how to reconcile family and paid work. As a consequence, the normative model of the modified bread-winner dominates families’ practices as a line of compromise, as this is coherent with the divided expectations placed on mothers. The tax-splitting system, part-time child care, stricter protection of part-timers and adjustment of the social security schemes that compensate for periods of childcare or part-time work due to childcare to a higher extent than fifteen years ago all support the modified breadwinner model; but they do not correspond, of course, to the idea of a comprehensive strategy for gender equality. Finally, the childcare allowance, child benefits, survivor pensions and the tax-splitting system correspond to the traditional model of a gendered labour division and continue to exist. As the significant take-up of the child-care allowance demonstrates, this indeed supports social practises – and attitudes – at the bottom and at the top of the income distribution.

This incoherence comes along with inconsistence between the policy sectors. Although the parental leave scheme or the right to work part-time set significant incentives for women to work, the labour market regulation and the limited childcare services allow only for a part-time engagement in paid work. As a consequence, child rearing in Germany largely relies on a two persons’ household and either continues to burden women with the responsibility of providing family care or becomes a balancing act for both parents. Although the opportunity

\textsuperscript{22} This quotation refers to the case of Anne-Marie Slaughter who, after two years as Director of Policy Planning in the U.S. State Department, returned to her university and stated that she had preferred “to be with my family and my conclusion that juggling high-level government work with the needs of two teenage boys was not possible.” (Slaughter 2012). Two German journalists have recently reported their experience as working fathers and claimed that reconciliation of both, a working career and being responsible for a family was not possible (Brost and Welfing 2015).
for both parents to work part-time has been ameliorated through the last reform of the parental leave scheme, the tax-splitting system, universal child-benefits and high childcare cost reduce the marginal gains from women’s paid work so that work incentives are far lower for low-income households or for women with a weaker work orientation. The inconsistence between the different policies finally has as a consequence that policies have different impact on low and high-income families so that women profit from the new regulation very selectively. Obviously, the co-existence of three normative models and the inconsistence arising from the misfit between the different policies or the poor policy design can easily be read as a fundamental and complex fragmentation of the German gender regime. Although this offers the opportunity for parents to realise less traditional life courses, empirical findings indicate that this fragmentation harbours the risk that policies are unevenly used by the according to the income level of the families. As a consequence, inequality may be replicated along the old dividing lines between the lower and the upper middle classes.

5. Outlook: How to avoid institutional fragmentation?

We have argued in the beginning that fragmentation was a current phenomenon coming along with institutional reforms; but fragmentation does not result from uneven or patchy policy processes alone. So, what does it need to have more coherent and consistent policies especially when it comes to enhance gender equality? We suggest here to consider three preconditions for a more coherent and consistent policy making: The concretion of objectives, knowledge-based policy-making, and coordination across the sectors. First of all, the overarching objective of ‘gender employment equality’ appears too vague to be directly implemented through policy programmes. Accordingly, this goal has to be translated and integrated into sectorial goals like e.g. to promote and protect part-time workers. As policy makers do control every public action in ‘their’ territory, they will very rarely adopt policy goals that are not inherent elements of their own logic of action. It would therefore need authority and consultancy to introduce more specified goals into a sector. One instrument for doing so is the gender mainstreaming principle which prescribes that public intervention would have to be assessed ex-ante in terms of its impact on gender equality. As a consequence, policy makers need specific consultancy to generate knowledge about gendered impact and they will not carry out this assessment if they do not need to do so. Possibly, the minimum wage regulation in Germany could be pushed thanks to the argument (forwarded mainly by trade unions) that it would contribute to more gender equality in the labour market – as the campaigns against the gender pay gap have been very successful within recent years
in making the problem visible. But it was not designed as a corollary strategy to the labour market deregulation in order to enhance gender equality in wages. Accordingly, the problem following from the high level of minijob-employment among women has not yet been addressed within the sector itself – which is due to the resistance of the employers’ side to cancel this regulation of ‘cheap labour’. As long as the overarching general goal of gender equality is not broken down to a detailed set of sectorial objectives adopted by the relevant policy makers, it will be difficult to achieve factual progress in gender equality in the work sphere.

Second, the formulation and design of policy programmes have to be based on knowledge about the problems that arise from the interaction between different policies as well as from societal mechanisms. We know for example why a lot of women opt for part-time employment, and we know what ‘family reasons’ may mean. We are also informed about the consequences for the income, social security and career opportunities of part-timers. As experts in equal opportunity and reconciliation policies we also know how full-time employment is regulated, and that often working schedules (especially those of high qualified workers) are too demanding and not sufficiently reliable to be combined with family obligations. Indeed, the most obvious disadvantages of part-time employment are compensated for at the household level – in Germany mainly through income tax-policies and after-marriage pension splitting rules so that part-timers are instantly well protected against exploitation or poverty. But chances to achieve equal career options, equal recognition, and an individual and secure social status are low. Consequently, enhancing gender equality in the work sphere needs a revision of working conditions in general, the introduction of the minimum wage regulation and the confirmation of non-discrimination of part-timers are indispensable but not sufficient steps. Further steps are to make high-level jobs accessible for women, e.g. through quota regulation, and to change the conditions of the work sphere in order to enable both men and women to integrate paid work and family obligations. This presupposes, of course, that the impossible reconciliation of work and family and also the mechanisms of how the division of labour is organised within the households is perceived as a public issue. To conceive an unequal division of labour as a policy problem would guarantee that social practices are no longer ignored and considered as private and individual arrangements.

To achieve a better coordination of policies appears as the simplest and most obvious approach for the enhancement of gender equality. The preconditions, however, are difficult to meet: It certainly needs relevant political leadership to advocate gender equality at a prominent place, promote its visibility, and shape the accordant political discourse. To
introduce (cross-sectional) institutions concerned with the gathering of information, formulation of policy problems and programmes, and monitoring of implementation processes is then a logical consequence, as well as the institutionalisation of gender mainstreaming processes. We know nowadays how important prominent advocacy and the institutionalisation of 'women’s policy machineries' are; but we know as well how difficult it is to defend the maintenance of these institutions against their constant and always impending dismantling.

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