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Is Ursula von der Leyen really going too far? Gender regimes and the welfare state: between conservatism and radicalism

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Abstracts

This article proposes to address the multiple issues challenging the provision of care facilities for children and the elderly in Germany. Is a paradigm change really taking place? Focusing on the specifics of the welfare system and considering the German feminist movements which traditionally are suspicious of state interventions and against the diminishment of femocrats initiatives, it will be argued that the degenderization of care duties might not be changing as rapidly as expected. New lines of oppression might develop that engage feminists to rethink the care issue which has evolved from one of gender and class to one of ethnicity and nationality.

Geht Ursula von der Leyen wirklich zu weit? Geschlechterordnungen im Wohlfahrtsstaat: Zwischen Konservatismus und Reform

Der Beitrag rekonstruiert die bundesdeutschen politischen Debatten bezüglich der Kinder- und Seniorenbetreuung und -versorgung und fragt nach einem möglichen Paradigmenwechsel. Hierzu werden im besonderen wohlfahrtsstaatliche und feministische Diskurse rekonstruiert, die vor allem aus machttheoretischer Perspektive die Dimensionen 'Generation' und 'Klasse' in den Blick nehmen. Demgegenüber zeigen sich aber auch neue Linien der Unterdrückung, die sich entlang der Kategorien 'Ethnizität' und 'Nationalität' entwickeln.

In a context of economical crisis, public budget constraints, globalisation and demographical changes, European countries today face multiple issues challenging the provision of their care facilities for children and the elderly. Ursula von der Leyen, the German Federal Minister of Family Affairs, Senior Citizens, Women and Youth (2005-2009), has been criticized for “going too far” by the members of her own political party, the Christian Democratic Union (CDU)¹. Steffen Flath, the Minister for Culture of Saxony (2004-2008), has argued that this series of reforms makes the state the only responsible institution for childcare financing. Is this paradigm change really taking place today in Germany? And does it also affect the care provision for children and the older population? This paper stresses the importance of relating childcare and elderly care issues. Both have a great impact on the

1 *Der Spiegel*, February 2007, p. 52.

(unequal) gender division of labor and directly affect the female activity rate. This is all the more true since care for children and the elderly tends to come at important times in women's careers, i.e. at the crucial early stages and at a fairly advanced stage when women are well into their fifties (Simonazzi 2009). Adopting a cross-national comparative approach and taking into account the existing literature, the purpose of this article is to provide a general understanding of the current situation in Germany. Focusing on the specifics of its welfare-system on the one hand and considering the German feminist tradition, it will be argued that the defamilization and degenderization of care duties might not be changing as rapidly as expected. On the contrary, new lines of oppression might develop and engage feminists to rethink the care issue, which has evolved from one of gender and class to one of ethnicity and nationality.

1. Care issues in the European Union

Childcare arrangements have become a central political issue and have obliged European countries to redesign their welfare states mainly for two reasons (Esping Andersen 2004): firstly, the provision of childcare services has been argued to be the main solution to bring women back into the workforce.² If the 2007 gender gap was markedly narrowed in the age class 25-54 (Eurostat 2008), many European women's professional engagement is still linked to the age of their children (Maruani 2006). Adequate, quality and affordable care facilities may therefore help women to strike a better balance between their professional career and family lives. Secondly, childcare services and pre-primary education play an important role in combatting educational disadvantages and reducing child poverty (Eurycide 2009). They produce long-term benefits by offering children the skills and experience they need to succeed in compulsory education.

The rapid expanding of this policy area has been recently on the political agenda, not because of a sudden ideal of social justice but due to the rising awareness of human capital being an important investment strategy. Although the causal relation remains complex to demonstrate, early childhood education can help the reduction of class repetition. Higher school qualifications are in turn associated with a higher economic independence and a lower dependence on the welfare system. As Jensen (2009) argues, the issue

2 The term "childcare services" refers here mainly to two major day care possibilities "Krippe" and "Kindergarten" in Germany for infants and toddlers between 0-3 years old and for pre-schoolers between 3-6 years old. For an overview of the childcare organisation in Germany see Ondrich et al. (1998) and Wrohlich (2005).

of female labour force participation and equality has already been on the European agenda without leading to a radical change concerning traditional childcare provision. Thus the current policy shift – besides nations that have traditionally already provided high levels of childcare facilities – represents more a wish to generate more human capital among mothers and young children than to reduce social inequalities (Evers et al. 2005).

A second urgent challenge concerning care issues relates to the ageing society in so far as dependence remains a social risk not adequately covered by current welfare systems (Pickard et al. 2007). Ageing will not only impact on pensions and health care systems. It will also increase the pressure on social and caring systems – i.e. on the relation between the family, the community, the market and the state in charge of this issue (Jacobzone 1999). Women are all the more concerned by social policy reforms since they represent two thirds of the over-60-year-old and three quarters of the over-75-year-old population (Backes et al. 2006).³ They also constitute the main proportion of the formal (from privately hired helpers to volunteers) and informal care-givers (Theobald 2006). Related to the growing number of the older population, European countries will have to increase their long-term services to assist elderly persons in need of care.

The solutions European governments are providing have been and still remain today very different. In the 1980s, we observed two tendencies referring to two different welfare models. One included cash transfers and was based on delegating care responsibility to the family. The United Kingdom and Germany were, for example, relying heavily on this model. The second one, on the contrary, removed responsibility from the private sphere and centred on care services provided by the public sector. This could be observed in Sweden and the Netherlands. Other countries such as France or Italy occupied intermediate positions, introducing public programmes to meet the costs of persons in need. In recent years however, various problems emerged with cash transfer programmes. They seem unable to face the increasing demographic demand for care on the one hand and are overstrained by a growing number of the elderly living alone, who do not benefit from free care in an multigenerational family network, and will thus increasingly apply for care subvention on the other hand. On top, the demographical tendency towards one-parent-families diminishes the capacities to provide care. Then, there is also a risk to see women of working age becoming trapped in care duties. As Simonazzi (2009) suggests, governments may face the dilemma of a higher female activity rate at the cost

3 In Germany in 2005 about 2,1 million persons were in need of care. Two thirds of this population was female. An estimation of the development of people in need of care until 2030 indicates an increase of nearly two thirds, a total of 3,4 million care-receivers with about 2,2 million women and 1,2 million men care-receivers (see Statistisches Bundesamt 2008).

of a greater reliance on informal home care. But shortcomings have also emerged in the second model, mainly because of the high costs of the public and private care service. For these reasons, the main reforms introduced since the 1990s tended not to regard these two alternatives as mutually exclusive as used to be the case. Formal and informal care services are today considered as complementary activities (Pavolini et al. 2008). These general trends raise perennial questions regarding the impact on job choices and the life of women in charge of care duties. In a context of financial and economical crises, we can expect these challenges to be even more difficult to handle and to see the quest for a more flexible labour force to crowd out other concerns, including gender equality. This nature of this challenge will be examined in the following section choosing the example of the German welfare system and delineating the particularities of its care services.

2. Germany and its principle of subsidiarity

The tremendous changes in the population structure we have just described will have far reaching consequences for all European societies – especially for those shaped by national traditions based on the principle of subsidiarity, thus delegating most of the care responsibilities to the family unit. To which extent, then, are these changes affecting Germany? An overview of the German welfare system will shed light on the question whether family policy in Germany is really designed to reassess care activities as a public responsibility. According to Esping-Anderson's typology (1990)⁴, welfare states can be categorized by four main regimes: a social-democratic (e.g., Denmark, Norway and Sweden), a conservative (e.g., Germany, Italy), a Southern European regime (e.g., Southern European countries) and a liberal regime (e.g., United Kingdom, United States). The German welfare system belongs to the conservative-corporate regime emphasizing “welfare through work” (Goodin 2001). Its conservative principles reproduce many of the features of the old Bismarckian or Imperial welfare state. These conservative aspects are apparent in the German welfare system's organizing principles and its foundation in law. It is (1) employment-centred: a system maintaining status differences; (2) corporatist, which implies that various interest groups are integrated in policy making processes; (3) committed to the principle of subsidiarity embedded in catholic social ethics which reinforces the role of the family as the provider of “first resort”; (4) a patriarchal system, centred on a male breadwinner model; and finally (5) based upon a specific

4 This typology refers to cross-national differences in the field of pension, sickness and unemployment benefits.

conceptualisation of German citizenship.⁵ In contrast, the work of Lewis (1992) proposes a three-model typology presenting the evolution of the male breadwinner model constructed through the “policy logics” in west European societies. Her results confirm that the West German welfare system has been constructed around a strong male breadwinner model. Women’s participation in the labour market was seen as detrimental to the family and child welfare. Women are primarily considered as wives and mothers and remain unequally treated through the German tax-system favouring marriages rather than families (Laisney 1999).

The German case differs from other European cases in a couple of aspects one of which is the childcare arrangements for infants and pre-schoolers. If “all-day” childcare represents the norm in most European countries, Germany is an exception and offers only a “half-day” service. This stems from the welfare-state’s strong adherence to the male breadwinner/women house maker model. In 1996 federal law voted under the Red-Green coalition guaranteed a right for a half-day care to children from three years old. The downside of this measure encouraged the cities and counties to cut their fulltime programmes into half-day services and thus double available spaces (Lang 2007). The current promises to increase childcare services do not allude to a return to full time programmes. Nevertheless, the necessity to expand childcare opening hours has recently moved to the top of the agenda. The 1992 Child and Youth Act established a right to childcare for 3-6-year-olds and was finally implemented in 1999. But the usefulness of both public and private care services remains limited by their highly restricted hours, difficult to handle for parents whose working hours are irregular. Similar problems continue when children reach school age. Not all German schools offer regular meals and they usually end very early (Braun et al. 1994).

Germany is also confronted with a unique situation: clear disparities remain between the “two Germanys” (Hagemann 2006)⁶. Childcare services developed in different socio-political contexts which explains the higher provision of public services today in the eastern part of Germany. The integration of women in the labour market was one of the central guiding principles of the former German Democratic Republic. During almost two decades – from 1972 until the reunification – the pro-natalistic family policies in East Germany were explicitly directed towards increasing fertility and supporting not only early but also *large* family formations (Geisler and

5 The construction of this typology remains the most influential contribution to the comparative welfare systems research literature but it has also been criticised for neglecting the gender dimension (see Arts et al. 2002, Misra et al. 2003).

6 For a transnational historical analysis of the differences between East and West Germany, see Hagemann (2006).

Kreyenfeld 2005).⁷ They encouraged the compatibility between work and family life to maintain the pressure on women to seek employment. In 1989, 80% of children under the age of three and 95% of children in kindergarten age were in institutional care (Kreyenfeld 2004). The societal context of West Germany of course strongly differed from the one in the East. The German tax system provided, for example, substantial tax relief for traditional family forms. Not even the German reunification has promoted any institutional change while most European countries introduced individual taxation since the 1990s. The public pension and health care system also encouraged the reproduction of traditional type families. But as Geisler and Kreyenfeld (*ibid.*) argue, this is not alone the tax and transfer system that renders the FDR a familialistic welfare regime but rather an interplay of various institutions. The support of traditional family types created an attitude where women's employment is still considered as harmful to children's education and well-being. Since the 1970s the care situation in West Germany for children under the age of three changed little. In 2008, only one of six children under three years old had a childcare place (see Kindertagesbetreuung Regional Report 2008).

Despite the many other differences that remain between East and West Germany, the fertility rate in both regions of Germany is today one of the lowest compared to other industrialized countries. Women are still working part-time in greater proportion than their European counterparts. Consequently, the present government is planning to increase public infrastructures for children (Familienbericht 2009) as the most appropriate solution to encourage especially single mothers to re-enter the labour market. Thus the rising awareness of the childcare services' long term economical benefits explains why it continued to be a salient political issue under Angela Merkel's coalition.

Confronted with the decrease of its fertility rate, Germany faces more than other countries the dilemma of the growing demand to assist the older population. Compared to other countries such as France or Great Britain, Germany is ageing faster and does not only have an old population but also an old economic system with labor, capital market and social policy institutions created in the 1950s which are today under substantial pressure (Börsch-Supan 2004). Looking at public commitment, the same tendency to contain the costs of care provision can be observed. At the beginning of the 1990s, Germany had a medium to low coverage for the elderly based above all on home care. A great number of people were covered with cash transfers; little use of service provision was made. The different elderly care policies in Europe range from the services-led model at one extreme and the informal

7 These measures included extra holidays for women with three or more children, priority access to larger housing spaces and public holiday camps, interest-free credit for married couples, child benefits, paid leave in case of a child's illness etc.

care-led model at the other (Pavolini et al. *ibid.*). Germany belongs to the informal care-led model. This can be explained by its institutional tradition grounded on the principle of subsidiarity, delegating care responsibilities to the family/women and limiting state support. Since the mid 1990s, its traditional informal care-led model has been reinforced. In May 1994, Germany's Parliament introduced the *Pflegeversicherung* (care insurance) covering the risks of long-term care for all citizens. This social insurance consists of substantial services and/or cash transfers. The beneficiary can use it to purchase professional services or to compensate informal care-givers. The German Care Insurance Act does not only promote the sector of home care in general, but contributes to an increasing provision of informal care (Holdenrieder 2003). The actual policies do not free women from family obligations. Caring for the elderly remains an unpaid/invisible contribution. Thus enabling dependent older people to stay in their own homes without providing adequate support raises the question of the long-run consequences of providing incentive for carers/women to leave the labor market and may be problematic for them to get back into the job market afterwards (OCDE 2005). The following section will discuss the supposed "paradigm change" taking place in Germany.

3. Care distribution in gender trouble?

To which extent does the present context we have just described favour the participation of women in the labour market and really reverse the gender distribution of care duties? Indeed, we observe a differently paced process. On the one hand, efforts are made to de-familiarize child-care responsibilities; although it remains debatable to which extent the increase of pre-school facilities will be sufficient to reverse the current situation. On the other hand, concerning the elderly population, the prevalent informal care-led model remains the norm. State support is essentially indirect and the beneficiaries are still in charge of finding an appropriate solution on their own. Efforts are made to maximize the articulation between formal and informal care which implies that women remain mainly responsible for the elderly. Thus, if childcare arrangements are slowly being transferred into the paid work labour, this is indeed not the case concerning the older population.

It also remains questionable whether the professionalisation of childcare activities brings women to the workplace when parental allowances are also encouraged. Exploring national differences may help to analyse the efficiency of government promises favouring women's employment. France has for example adapted child-care facilities to meet the needs of dual earner couples

and single mothers much earlier than Germany and in greater proportions. But since the mid-1980s, their right-wing governments have both introduced pronatalist “family package” schemes – the “baby year” in West Germany and the “Allocation parentale d’éducation” (APE)⁸ in France – still existing today in updated versions (Chamberlayne 1993:180). While childcare facilities are more common in France, the APE resulted in a reduced female employment rate and actually prevented working-class women from re-entering the workforce (Thalineau 2004). Contrary to the *Elterngeld*⁹ introduced in 2007 in Germany, the APE is not an income-linked allowance and remains too low to compensate for the loss of a second income. For this reason, French women who had been previously working full-time went back to work in higher proportion than in other countries. As far as the German tradition is embedded in a more conservative welfare regime, the *Elterngeld* might encourage more women than in France to stay at home, while increasing inequality between social classes. As mentioned, the amount of the German child raising allowance is related to the last net income (almost 70%) and ranges between 300 to 1’800 Euros per month. This allowance is also given after the first child birth whereas in France (since 1994) only a family with a minimum of two children was eligible for APE. Thus it remains questionable if the promises made by the current Minister of Family Affairs will really reverse the present situation.

Another urgent issue relates to the recruitment of workers to meet the growing demand in the elderly care sector which is highly gender-segregated, labour intensive, low pay and insecure.¹⁰ As mentioned earlier, new lines of oppression might develop due to the precarization of the care sector. Despite the absence of reliable data, many studies indicate that the majority of domestic workers are female and from migrant backgrounds (Lutz 2007, Döhner et al. 2007). If all European countries are confronted with this challenge, the German case differs in a couple of aspects. The pioneering German project research about the “New Maids in the Age of Globalisation” showed that domestic workers have to face a dual illegality due to an absence of residential and work permit. It implies that migrant women are excluded from the system of labour legislation and from the protection it provides (Caixeta 2005). As Helma Lutz (2002) points out, the marketization of the

8 The APE was a child rearing benefit in France introduced by the French government in 1994 to encourage economically active parents having a second child to opt for staying at home after a parental leave. A new reform was introduced in 2003-2004. Because the new child allowance (PAJE) is more recent, little literature has measured its impact on women’s labour market.

9 Parents with children born after the January, 1st 2007 have the right to receive parental allowance (“*Elterngeld*”) in Germany. For details see “bundeselterngeld und Elternzeitgesetz” in www.bmfsfj./bmfsfj/generator/BMFSFJ/gesetze,did=93110.html (01.03.09).

10 The same can be said about childcare services whether they are public or private.

elderly, child and home care – related to the withdrawal of the state – generates a new category of difference between those women who are socially equipped to employ private care workers and those women engaging in these precarious work conditions and thus “reflects the shift of exploitation and dependence from a national to an international context” (p. 91). Inequalities may also increase between households who can afford private care companies and those who cannot (Holdenrieder 2003). We can thus speak of a complex and sensitive issue challenging the societal level and feminist revendications at the same time. In a context of globalisation and transnationalization of life courses, it remains unclear and extremely problematic to know who is benefiting from the care chains involving sometimes more than two countries altogether.¹¹

But the issue is also complex for another reason. A multilayered landscape of positions and relations has to be taken into account: the “counter” feminist movement’s tradition and the femocratized political infrastructures. Indeed since the 1960s West German feminists have refrained from confusing independence with employment and emancipation with equality (Eckart 1988, Klinger 1988). This reluctance can partly be explained by the feminist movement’s critique concerning the narrowness of the Marxist-feminist discourse and its familiarity with critical theories of the Frankfurt School, without forgetting that it regarded the state as unfit to serve alternative feminist issues. During the post-war period, in reaction to Nazi family policies and to the East German gender regime which forced upon women the double burden of work and family care, there has been a strong shared belief in West Germany that the state should not intrude the private sphere. As Ute Gerhard (1999) reminds us about the German feminist movements, the “autonomous” feminist group was not asking for more equality but for freedom and self-determination. “Autonomy” was meant a liberation from women’s reproductive roles and a liberation from the nuclear family altogether. The request for both an individual and a political self-determination implied a refusal to compromise with political institutions. Thus second-wave feminists in Germany did not ask for childcare services because this claim did not fit their general vision and collective identity (Naumann 2005). They did not demand childcare public support because the *Emanzipationslogik* promoting full-time employment has never been the solution promoted by the majority of West German Feminists: “none of the capitalist societies, nor the socialist ones has ever really succeeded in

11 The research project mentioned earlier shows for example that while Polish women come in Germany “en masse” to become care providers, at the same time middle-class households in Poland employ Ukrainian women for care work. For more details about the transnational care chains between the Ukraine to Poland and from Poland to Germany see “Migration and Networks of Care in Europe. A Comparative Research Project” an EUROCORE Programme, H. Lutz 2007-2010.

accommodating parenthood and work. All give women a hard time” (Ostner 1993, 94). As Naumann explains, lobbying for childcare arrangements is a reformist project. If it may promote gender equality on the labour market, it does not address the issue of the work-centredness of modern societies. On the contrary it is assumed that all women want to work (preferably full time), that all women want to have children and that the better solution is to provide childcare facilities, so that women can work and raise children simultaneously. In fact, many German feminists strongly doubted that women could emancipate themselves and be mothers at the same time. A strong consensus among them on this issue could be observed.

As far as the Femocrats are concerned, they started integrating state bureaucracies “en masse” mainly during the 1980s. But as Lang points out, women’s policy machinery in Germany cannot be assessed clearly (2007, 141). Even after seven years of Red-Green government between 1998 and 2005, only few significant advances in gender equality took place. As already mentioned, the 1996 Federal Law granting the right to day care for children only stipulated a right of *half-day care* and only for children of more than three years of age. Another example of what could be called *half* women friendly measures is the new line of inclusion and exclusion created during Schröder’s government. The institutionalization of women’s movements privileges actors who have the socio-economical capital to interact with such a system (Lang *ibid.*). Single mothers and migrant women are for example marginalized while these groups are the most affected by the increasing needs of care services. Especially since the care worker recruitment scheme has been implemented in 2002 and legalized care workers for the elderly coming from the EU while other migrant workers are not provided with legal work permits in Germany (Lutz 2008, 45). If only few advantages have been observed, the neglect of women’s policy agencies is also the result of two main factors: the deregulation of the employment sector – mainly the service sector – and the downsizing of equality offices on a local and state level (Lang *ibid.*).

In conclusion, considering the reluctance from both public institutions and the radical feminist tradition in Germany we may wonder if the current situation will not substantially be the same in the coming years. Further comparative research is now needed to observe how in a context of economical and financial crisis, the next feminist generations will articulate their interests and transform the current welfare policies.

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