CONTEMPORARY GERMAN FAMILY POLICY
BETWEEN SOCIALIST AND CHRISTIAN CONSERVATIVE LEGACIES

by

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Submitted to

Central European University

Department of Political Science

In partial fulfillment of the requirements for the degree of

Master of Arts in Political Science (2-year)

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Budapest, Hungary

(2013)

ABSTRACT

Since unification incorporated the formerly socialist East with its particular traditions in state-sponsored childcare and family-work conciliation into the capitalist West, all-German family policy in the Federal Republic has undergone a number of changes. While the literature provides numerous accounts of the historical and contemporary development of family policy in East and West, it leaves open the question whether and how socialist legacies from the East may have influenced the developmental trajectory of this policy field in the all-German polity after unification. This thesis is meant to fill this gap by conducting an in-depth case study, based on primary documents and qualitative interviews with policy-makers. It first establishes the differences between pre-unification family policy in the two Germanys, in order to then explain which transmission mechanisms have saved over certain ideas, institutions, and attitudes from socialist times into contemporary family policy-making. The analysis shows that East German legacies were carried over through East German politicians, infrastructural and attitudinal remnants, legal-institutional misfits between East and West, as well as intra-organizational persuasion processes. These legacies were able to influence all-German family policy-making in a mostly indirect manner, acting as catalysts for the introduction of new policy models.

ACKNOWLEDGEMENTS

First and foremost, I would like to show my gratitude towards my supervisors Professor Dorothee Bohle and Professor Evelyne Hübscher for their ongoing support with advice and suggestions for improvements.

Furthermore, I would like to thank all of my interviewees in Berlin and Potsdam for their cooperation and for giving me first-hand accounts of how family policy is made in practice.

A big thank you also to my academic writing instructor Tom Rooney for helping me structure my thoughts on paper, and to Dénes Csurgó, Imre Szabó, and Professor Béla Greskovits for their helpful comments during the thesis writing workshop.

A number of friends helped me out with accommodation on research trips: Marie-Thérèse with her room in Passau, Pierre with his couch in Bayreuth, as well as Anja and Caro with their air mattress in Berlin. Ich danke euch allen für eure Gastfreundschaft!

Great thanks to all those people with whom I sat in the library for countless hours, but especially to my friend Elisabetta Ferrari. I owe you several packages of stroopwafels.

Last but not least, my parents for everything a family can provide. Mama, Papa, ich danke euch, dass ihr immer für mich da seid in allen Lebenslagen!

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INTRODUCTION

Manche Frauen neigen zur Hysterie, wir neigen zum Erwerb.
—Regine Hildebrandt[1]

Family policy is an important part of social policy that is interlinked with various other policy areas. A multitude of policy instruments more commonly associated with the fields employment, tax law, education, healthcare, or income replacement also have a direct or indirect effect on the incentives and capacities of individuals to make life decisions about their relationship status and reproductive behavior. Should we get married or not? Is it too early to have children? Will I be able to get back into my former position after maternity leave? All of these individual behavioral decisions ultimately entail changes in tax obligations, property rights, spending priorities and labor-market involvement.

Recent years saw a resurgence of family- and gender-related issues in German public debate, especially concerning the reconciliation of family life and work. Already during the first Red-Green administration (1998 to 2002), family issues have received more attention from the national legislator than previously, for example with the reconceptualization of the parental leave scheme and benefit in 2000/1, which allowed for more flexible work arrangements for parents. A pronounced reorientation happened in 2003, during the second Schröder administration, with the concept of "sustainable family policy" (Rürup and Gruescu 2003). This concept sought to particularly emphasize the demographic and economic benefits of family-oriented policy-making,

1 (*1941; †2001) Former Minister for Labor, Social Affairs, Health, and Women in Brandenburg (1990–1999). Transl. "Some women are subject to hysteria, we are subject to making a living." The quote is a comment on the tendency of (male) West German politicians to speak derisively after unification of East German women's *Erwerbsneigung* (inclination to gainful employment), as if it was a psychological condition.

and framed the topic in a way that underlined the relationship between smart policy decisions and the future sustainable performance of the German economy. While this reframing shifted attention towards practical arguments and away from traditional left-right party cleavages on what constitutes the desirable family model, old ideological differences between left-liberal and conservative conceptions of family – the prevalent argumentative basis for or against certain policy proposals well into the 1990s – are still prominent in today's policy discourse.

Even in this area, however, the underlying ideas and models seem to be in a state of flux, with gradual ideational shifts in all parliamentary parties throughout the 1990s and 2000s. Especially the Christian Democratic Union (CDU), once the clear proponent of the traditional male-breadwinner female-homemaker model (Lewis 1992), has gradually started to reconsider its policy stance, allowing ideas of expanded childcare and female labor market participation to enter its programs. The Grand Coalition under Merkel passed a legal entitlement for early-childhood childcare in late 2008. This would have been an unthinkable move for Christian Democrats of earlier decades, who argued that a child's first years were best spent at home with the mother.

This change of mind has frequently been attributed to the changing demands of the modern labor market, demographic pressures, and the proliferation of alternative family models in society[2]. This argument – that politics is starting to catch up with societal realities – is of course part of the explanation, and it is related to the shift in framing by the Schröder government. In this thesis, however, I argue that this should not distract us completely from the underlying ideological disputes that still contribute to the choice for or against certain family policy measures in Germany. I argue that one particular historical incident – so far largely overlooked in the literature – has had a lasting effect on the ideological basis of German family policies: the unification of the formerly socialist East with the capitalist social market economy in the West.

2 Single parenting and the so-called "patchwork family" are the most prominent of these models.

The West German welfare state has been described by Esping-Andersen (1990) as belonging to the "corporatist-statist" cluster of welfare state regimes, in which welfare policies are characterized by the traditional Christian-conservative model of family life. The socialist state in the East, on the other hand, followed the opposite "universal-breadwinner model" (Fraser 1997). It encouraged full employment of women in order to contribute to the household income alongside their husbands, while also providing them with state-sponsored means of reducing their caretaker burdens at home, especially in the form of extensive childcare facilities and all-day schools. These policy decisions are still visible in certain infrastructural residues; for example, while in West Germany less than 3 percent of children below the age of three could be offered a place in a crèche in 2002, the Eastern *Länder* offered a ratio of 37 percent (Destatis 2004, 17).

While it is not too far-fetched to assume that historical legacies from a previous political system may have some sort of influence on the ideas of policy-makers and the resulting policies in the successor state[3], this issue is only incompletely discussed in the literature on German family policy. While some authors do not include socialist legacies in their explanations of family policy change at all (e.g. Leitner 2010; Mätzke and Ostner 2010; Gerlach 2010), others only describe them in the very narrow fields of population attitudes (e.g. Rosenfeld *et al.* 2004; Bauernschuster and Rainer 2012) and childcare infrastructure (e.g. Hank *et al.* 2001) without incorporating these findings into a larger explanatory framework.

This thesis contributes to the literature on German family policy in that it fills the gap related to the effects of post-communist legacies on the development of family policy after unification. It is argued that, despite an almost full legal-institutional incorporation of the new *Länder* into the West German polity, positive evaluations of institutional childcare and female

3 Indeed, this legacy concept is commonly found in the discussion of transitional and post-transitional politics in other post-socialist countries of Central and Eastern Europe (see Minkenberg 2009).

employment, shaped by four decades of socialism, have survived the breakdown of the GDR via "transmission mechanism" (Grzymała-Busse 2002, 21), and have subsequently influenced the development of family policy in unified Germany. This influence has been more direct in the years after unification, in the shape of legal-institutional misfits and direct references of East German politicians to their Eastern socialization. In the 2000s, when most family policy change has happened, East German legacies acted more indirectly as facilitating factor for change.

The thesis proceeds as follows: Chapter 1 reviews the literature on German family policy and elaborates on the research questions and hypotheses of this thesis. It also develops a theoretical framework for explaining post-socialist legacies and incremental institutional change in social policy. Chapter 2 establishes the differences between childcare, parental leave, and female employment policies in the former GDR and FRG before unification on the basis of self-developed descriptive indicators. It will be shown that the policy models followed in the two Germanys deviated substantially from one another in terms of policy goals, measures, and outcomes, but that recent changes moved the West German model towards a mixed model that also incorporates some elements of East German policy. In Chapter 3, I will provide a chronological account of family policy development between 1991 and 2009, discerning particular "transmission mechanisms" that have contributed to the transfer of formerly socialist ideas and approaches into all-German policy-making in the areas of state-sponsored childcare and female employment. A brief concluding discussion points out differences between post-socialist legacies in Germany vis-à-vis other countries in Central Eastern Europe, as well as possible reasons why the topic of GDR family policy is curiously absent from the national family policy discourse.

Chapter 1: Literature Review and Research Outline

This chapter first provides a review of the literature on German family policy, and reveals gaps therein concerning the treatment of socialist legacies as an explanatory variable for change in post-unification family policy. The questions emerging from there are: in what ways did socialist legacies from the East have an influence on the development of all-German family policy? What were the direct or indirect "transmission mechanisms" through which these legacies could become influential? The chapter concludes with conceptualizing the concepts of socialist legacies, transmission mechanisms, and incremental institutional change.

1.1 The Literature on Recent German Family Policy

The body of empirical literature on the German and other European family policies has been steadily growing in the 1990s and 2000s. Part of this literature is mainly concerned with the description of current developments[4]. Especially the latest contributions find a non-dramatic, yet discernible change in the orientation and ideational approach to family policy in Germany. Grasnick (2007) and Sturn (2011) even went as far as to speak of a "paradigm shift" in German family policy, following advances in this field since the second term of the Red-Green Schröder government. For this thesis, the most important part of this supposed "paradigm shift" can be found in the areas of institutional childcare and reconciliation of family and work for mothers: as compared to earlier decades, German governments of both the center-left and the center-right have put increasing emphasis on the creation of childcare facilities, even for children under three. This, and a number of adjustments to the parental leave, clearly have the intention of facilitating

4 Commonly, the aim of these studies is to point out possible outcomes of certain policies, and make policy recommendations for improvement (see e.g. Ehmann 1999; Gruescu and Rürup 2005; Kreyenfeld and Geisler 2006; Ahrens 2012).

the labor market (re-)entry of mothers after childbirth. This is a visible departure from previous West German policies, and exhibits some similarities with policies followed in the former GDR.

How can this change of mind be accounted for? The recent German political, media, and academic discourse has often referred to changes in the economic and social environment as explanatory factors. These changes can be summarized under the term "new social risks," which Taylor-Gooby (2004, 2–3) defines as "risks that people now face in the course of their lives as a result of the economic and social changes associated with the transition to a post-industrial society," e.g. rising female and falling male labor market participation, or a growing number of elderly people in need of care. Additionally, the German discussion starting in the early 2000s frequently revolved around the problems of declining fertility rates and aging population, and thus increased demographic pressures on the social security systems (Leitner *et al.* 2008, 181). New social risks do provide one plausible explanation for the changing policies followed by German political elites, in the sense that they describe the current demographic, social, and economic pressures making policy changes necessary for the continued functioning of the German welfare state and economic system.

A sophisticated argument about how underlying structural changes leading to new social risks may influence the reform process of social policy in continental welfare states has been made by Häusermann (2010). Her analytical framework assumes that the existing institutions of the continental welfare state are particularly incapable of dealing with these structural changes of post-industrial society, thus creating the potential for distributional conflicts (6–7). This "institutional misfit," as she calls it, translates into a distinct "multidimensional space" of political conflict, creating a space for reform that may or may not be utilized by policy-makers for forging interest coalitions, bargaining situations, and reform package deals (7). Häusermann applies her

framework primarily to pension reform, but indicates that it could be modified to explain family policy reforms (210). She argues that recent post-industrial changes have led to an increasing misfit of traditional family policy instruments in conservative welfare regimes with new labor market requirements, "both with regard to the generosity of transfer levels and with regard to the eligibility criteria they rely on" (211). This results in a two-dimensional conflict space, with one line of conflict about the (de-)commodification of female labor through family benefits, and the other about the targeting of family policy instruments either on the traditional core family or on the individual (211). A change in German family policy would thus be explained by tracing these conflict lines in the behavior of actors and actor coalitions in the recent policy-making process.

While such an interest- and structure-based approach would certainly yield an interesting explanation of the "paradigm shift" in family policy, it is less able to account for the origin of the policy ideas followed by policy-makers. After all, the same structural problems may be tackled with quite different policies. Furthermore, it neglects the historical experience of German division and subsequent reunification, as well as ongoing regional differences between old and new *Länder* in terms of living conditions and attitudes.

Historical, idea-based path-dependency arguments are frequent in the family policy literature. Sigrid Leitner (2010), for example, establishes a link between the changing character of German and Austrian childcare policy and the ideational differences of the main governing parties[5] in the respective countries. Her path-dependency argument traces the historical development of childcare policy in both countries from the 1950s until today[6], linking it with

5 Christian Democratic versus Social Democratic logic of family policy and combinations thereof.

6 Austria had introduced a maternity leave scheme relatively early on, in 1957, which was geared towards reconciliating work and family for employed mothers and was extended thereafter; a "conservative rollback" with a long parental leave scheme, giving mothers incentive to stay at home longer, happened in the 2000s however. Germany, meanwhile, was late in introducing a parental leave scheme (1979), and was fluctuating between conservative and social democratic models for two decades until the "paradigm shift" had reached both catch-all parties in the 2000s (Leitner 2010, 457).

party ideology and relative party strength as explanatory variables. In the German part of her case study, however, what seems to be missing from the picture is a reference to the other, socialist German polity that merged with West Germany in 1990. It seems as if unification has had no consequence at all on German childcare policy.

Leitner's article is not the only one that seems to overlook the possible variable of socialist legacies despite pursuing an historical explanation. Mätzke and Ostner (2010) stress the role of duration in strengthening the impact of existing policy ideas over longer time spans. The authors argue that ideas of the dual-earner family recently implemented in German family policy only seem new, but that they have indeed been around for decades, slowly "maturing" and building "political resonance" in a wider public (134–5), so that its proponents eventually manage to build successful "multi-level advocacy coalitions" for implementing their long-held ideas (150). Again, the authors emphasize West German historical continuity without taking into account possible effects of ideas implemented under socialism after unification. Similarly, Gerlach (2010, 177) provides an in-depth historical account of incremental changes in West German family policy since 1949 without even mentioning the socialist neighbor and influences of unification.

How is it possible that these historical and mostly idea-based accounts of change all seem to be oblivious of possible post-socialist influences? One reason could be an analytical bias: social policy in the GDR often appears to be conceptualized as an historical model "hermetically sealed" from the West German polity during the decades of division. After unification, GDR laws were then simply overwritten by FRG laws. This idea of a "tabula rasa of 1989" (Elster *et al.* 1998, 25) in family policy is visible, for example, in a piece by Dienel (2002, 30–1) who finds that the "consolidation" (*Zusammenführung*) of both family policy traditions after unification has indeed been more of an "annexation" (*Angliederung*) in the formal-legal and institutional sense. Yet he

also admits that factual realities in family policy still diverged considerably in the years following unification (30). Similar to many authors working on post-socialist states in Central Eastern Europe, I argue that there was no complete *tabula rasa* in the case of German family policy.

There are a number of other *descriptive* accounts in the literature that recognize socialist legacies in partial aspects of East German society and social policy. Bauernschuster and Rainer (2012), for example, find that – despite institutional convergence[7] – East and West Germans continue to differ in gender attitudes, with East Germans being more open to female labor market participation. Rosenfeld *et. al.* (2004) see convergence in both parts of Germany in what they call a "male-breadwinner/female part-time-carer" model, but also find continuing East-West differences in female labor market participation and childcare provisions[8]. What all of these accounts have in common is the fact that they are more descriptive than explanatory, and only deal with limited fields. Moreover, they only see legacies emerging in East Germany, and for the most part only in concrete policy *outcomes* like female labor market participation. In this sense these analyses remain partial; an all-German, comprehensive "big picture" of socialist legacies in post-unification family policy does not emerge.

Some authors do provide more encompassing accounts, however. Leitner *et al.* (2008), for example, trace German family policy development throughout the 1990s and early 2000s. The authors claim that both European integration and German unification contributed to the latest changes in family policy output, and that the currently proclaimed "sustainable family policy"

7 "After reunification, a scenario of institutional convergence emerged. More precisely, family-related policies changed in the East, while those in the West remained largely unchanged." (Bauernschuster and Rainer 2012, 6)

8 Similar findings have been reported by Kreyenfeld and Geisler (2006) for the employment of mothers, by Hank *et al.* (2001) for the offer of institutional daycare arrangements, by von Hehl (2011) for paternalistic attitudes and expectations of East Germans (as well as the higher acceptance for state-sponsored daycare for children under three years resulting from them) and by Fisher (2010) for East German women in general, who are said to be more oriented towards an integration in the labor market on par with men. She even claims that this phenomenon "is directly related to the GDR cultural, political, and legal legacy" (403), albeit not concretely spelling out what these legacies are and how they work.

constitutes a third model which supposedly strongly resembles GDR policies (175). While later outlining the East and West German models of family policy, and stating that these models show a certain historical continuity with policy ideas from the Weimar Republic (176), the article does not provide a clear argument of how unification has contributed to the change in family policy, and of how current policies are influenced by formerly socialist patterns.

Similarly, Ostner (2010) seeks to explain the changes made under the second Schröder government with an all-German, path-dependent argument. The new "sustainable family policy" model appears to feature supposedly new ideas of "conceiving children as society's future assets," "seeking to encourage childbearing by supporting parents to be workers," and "reducing families' poverty by boosting mothers' employment" (211). Ostner points out that this seemingly new concept indeed "follows trodden paths," meaning that it rests on ideas already found under socialism and even earlier time periods (216). In order to trace change, the author classifies current and previous policy measures in an analytical framework of "familialization versus de-familialization," and distinguishes several factors working together to bring about change. Policy legacies from both East and West appear as one of these factors, yet Ostner does not clarify the particular effect of former *socialist* policies and ideas.

A last important feature of many contributions on changes in German family policy is the strong preoccupation with static model-based descriptions. Hašková and Klenner (2010, 278), for example, look at the family policies of East Germany, Czech Republic, and Slovakia in order to establish that even within the socialist bloc, countries favored different logics of dual-breadwinner models with residues in institutions, practices, norms, and values traceable until today. GDR family policy is said to form a "continuous dual-earner model," encouraging continuous female work careers, while Czechoslovakian policies provided for an "interrupted dual-earner model" in

which women were encouraged to work outside the home, but also to interrupt their careers during child-rearing. While such exercises in classification are useful in providing fixed points in a sequence of events, this can only be the first step. It is also important to detect those processes and interactions that have led to the changes observed between those static models.

To conclude this review section, I will shortly summarize its main findings. A sizable portion of the literature is descriptive, establishing that change in German family policy has happened, yet leaving its magnitude and form debated. Authors often use classifications and models to summarize change, but do not explain reasons for and processes leading to change in between ideal-types. Explanatory approaches in the literature usually feature structural, actor-centered, ideational, and/or historical arguments. Interestingly, socialist legacies – covered partially in some descriptive contributions – are not necessarily included even in path-dependency explanations, as if there had been a policy *tabula rasa* after unification. This seems to be a clear gap in the literature, considering that remnants of German socialism are still visible today, and case studies of other transition countries often refer to the lasting effects of socialist legacies. There still remains analytical work to be done on the influence of socialist legacies in the German case, in order to establish a more comprehensive account of changes in German family policy.

1.2 Concepts for Analyzing Legacies and Institutional Change in Social Policy

As the literature review has shown, there is a certain disagreement in the academic discourse concerning the influence of formerly socialist models in contemporary German family policy. If one accepts that these legacies exist, there are gaps concerning the mechanisms that may transmit policy models from a bygone system to today's policy-making. The argument that socialist legacies matter is not new in the literature on post-communist transition; indeed, a recent book by Inglot (2008) argues exactly along these lines for the welfare states of the Visegrád countries. It would be

surprising if such influences in one form or other were not present in Germany at all. This section reviews theoretical approaches related to socialist legacies and incremental institutional change that will be useful for discussing the German example.

The post-communist welfare state. Tomasz Inglot (2008) provides an instructive way of dealing with historical legacies in social policy. In his book, he gives an historical account of the development of the post-communist welfare states in the Visegrád countries, arguing that traces even of the very beginnings of social policy dating back to the early twentieth century persist until today in these countries. He argues that both similarities and differences in these post-communist welfare states today can be explained through close inspection of their historical paths of development, going through "alternating periods of growth and retrenchment or reform throughout the twentieth century" (2), each of these periods leaving traces and residues in the respective welfare systems. What is important to note for the purpose of this thesis is that Inglot rejects the traditional historical institutionalist approach of trying to pin down change in institutional development by simply identifying insulated "critical junctures," i.e. events of crisis that make large adjustments to institutions necessary. Instead, he emphasizes a more complex historical explanation based "on a series of institutional adjustments, ideational shifts, and recurring patterns of crisis-driven social policy expansion and retrenchment" (3). Episodes of larger crisis- or ideology-driven changes are interwoven with periods of relative stability, in which gradual policy change or adaptation processes are less dramatic (12). In Inglot's conception, social policy development in the region is an erratic process of continuities and discontinuities in policy-making (10), with each change in the system leaving marks still visible later on. To Inglot, welfare states in Central Eastern Europe are thus not the result of a grand design from the drawing board, but "dynamic historical entities, or 'works in progress,' rather than static, finished models" (8),

which do not necessarily have to stabilize in order to function over longer stretches of time (11).

This conception of social policy change can be applied to the development of German family policy as well: despite what the term "paradigm shift" might imply, it was not a grand "critical juncture" that changed the direction of family policy in Germany with a full 180 degree turn. Rather, relative stability in the continuation of the West German legislation was complemented by bigger and smaller alterations of Christian Democratic and Social Democratic governments over the course of several decades, starting in the 1960s (see chapter 2, section 3). Unification led to formal-legal continuity of the West German model, yet the following sections will show that socialist legacies from the East have contributed their bit to an incremental change of that model. This change did not follow a grand design, but was more erratic, following different ideological and economic-demographic reasonings at different times, leading to a certain degree of "patchwork."

Communist legacies. In his book, Inglot refers to the concept of communist legacies provided by Grzymała-Busse (2002, 21) who defines them as "the patterns of behavior, cognition, and organization with roots in the authoritarian regime that persist despite a change in the conditions that gave rise to them." It should be noted that this definition is relatively wide, and encompasses not only hard institutional persistence, but emphasizes the behavior of political actors and their cognitive patterns shaping these actions. For the analysis of German family policy, this means that particular attention should be paid to political and societal actors, not just institutions. Their behavioral and cognitive patterns are not necessarily deliberate and explicit, but may be induced from certain utterances and behaviors. According to Grzymała-Busse, the ways in which these legacies may affect policy-making today is through "delineating the set of feasible actions" for policy-makers, "providing the patterns and templates for evaluating both strategies

and other actors" with positive or negative biases, and "providing a cognitive shortcut (as a ready source of information)", thus "lowering the transaction costs of decision making, relative to the other bases of evaluation" (22). In this conception, legacies mainly work as a means of simplifying policy decisions, because they are previously well-tried and thus provide more easily conceivable solution patterns to certain problems than new ideas would. In the German case, socialist legacies in East German policy-makers and institutions interact and compete with established legacies from the West; this particular tension is unique to the German story of transition.

Transmission mechanisms. When testing for communist legacies, Grzymała-Busse suggests looking for three characteristics: firstly, the behavioral or organizational pattern in question should be consistent over time; secondly, there should be a "transmission mechanism," i.e. a structural, individual, or ideational means affecting the behavior of actors; and thirdly, the pattern should have persisted until the point of the system change (21). Applied to the example of German family policy, a valid socialist legacy constitutes a behavioral or organizational pattern concerning institutional childcare policy, female labor market participation, and other such issues, which has been consistent throughout the pre-unification period in the East, has lasted at least until the point of unification, and has been saved over into unified Germany through a "transmission mechanism" as connecting element between old and new regime. Such possible mechanisms may include for example East German individuals in key positions, institutional remnants from socialism, or public opinion of East Germans.

Processes of incremental institutional change. Streeck and Thelen (2005) provide an alternative to previous path-dependency models of institutional change which use concepts of punctuated equilibrium or critical junctures to explain change. The authors argue that these concepts of sudden change are not apt to describe processes of more slow-moving, incremental

alterations of institutions which lead to an adaptation or gradual transformation. Instead, the authors propose five different kinds of gradual transformation processes (19):

(1) *displacement* (emergence of new models questioning and replacing existing ones);

(2) *layering* (keeping the core of the existing institution while adding new elements to it);

(3) *drift* (neglect to adapt existing institutions to changes in external environment);

(4) *conversion* (keeping old institutions but using them for new purposes); and

(5) *exhaustion* (slow-moving decay and breakdown of institutions).

In the case of changes in the German family policy after unification, the processes most likely to be expected are displacement or layering. Displacement can happen when policy models from elsewhere promise a better outcome than previous ones; this is the case, for example, when governments look to other countries like Sweden or France (or indirectly the former GDR) for "best practices" in parental leave policy. Layering would be the case when old policies do not get fully replaced, but only receive minor overhauls and additions of new policy ideas (which may come from the former GDR).

None of these processes need an external shock to happen; they are conceived of as being endogenous ways of gradual institutional change, which nevertheless may lead to fundamentally different outcomes over time (Streeck and Thelen 2005, 19). In case of German unification, one might argue that the merger of the two Germanys could be considered a "critical juncture" or "external shock." At least in the case of family policy, however, this is not really the case. As was mentioned earlier, unification in 1990 was a legal "annexation" of the East into the West; virtually no institutions or laws from the former GDR were kept in the all-German polity. Instead, we can conceptualize unification in social policy as a continuation of the West German legal situation (and family policy model), with changes happening only in small doses at later stages of

development. This, after all, is the reason why the analysis of socialist legacies comes into the picture, in order to describe those more subtle influences on family policy after unification which are not visible as clear, immediate results of unification.

Summary. For the purpose of this thesis, we can conclude that notions of drastic change ("critical juncture," "punctuated equilibrium") are not apt for describing the development of German family policy. The changes happening over the last two decades (and before that in the West) were more gradual. When detecting the socialist and Christian Democratic legacies in family policy, we need to look both at existing institutions and the behavior and attitudes of important actors. These change agents will be crucial as "transmission mechanisms" that make the survival and reappearance of socialist ideas (legacies) possible. They are the connecting element between the different models of German family policy in GDR and FRG.

1.3 Research Questions and Hypotheses

Based on the theoretical framework provided in the previous section, this thesis provides a more comprehensive analysis of which policy ideas from former GDR social policy have made it into the current model of family policy, thus filling the gap that has been left in the literature concerning the effect of socialist legacies in German family policy after unification. It identifies transmission mechanisms that have made it possible that these ideas persisted over time, despite the profound system transition (or "annexation"). The central questions for this analysis are the following: can we distinguish ideas, policy instruments, and practices in current all-German family policy that resemble former socialist precursors? How do they relate to the previous Christian conservative model in West Germany? How could they survive (or reappear) today; which actors, structures, and/or mechanisms could have made this revival possible?

The analysis will show that recent all-German family policy has started to depart from the

previous conservative policy model and show similarities with former socialist policies particularly in terms of an emerging preference for state-sponsored childcare provisioning for children of all ages, the promotion of female employment and continuous female working careers, as well as a turn towards demographic and economic policy objectives[9]. It is also argued that these similarities are not completely coincidental, but that socialist legacies have contributed to this change of direction as facilitating factors, reinforcing other underlying processes that were under way in Germany simultaneously[10].

The reemergence of formerly socialist ideas can be traced back to distinguishable transmission mechanisms, which should be understood as actors, institutions, and processes that are able to influence policy outcomes in a certain direction. Hypothesized transmission mechanisms in the case of German family policy include:

- *East German politicians in key government positions*: politicians with East German socialization may act as agenda-setters in the all-German polity, pushing those topics to the forefront which are closer to their own socialization and further away from the West German model. They may also act as proponents of certain policy solutions to problems recognized as salient in the polity.
- *Attitudinal remnants in East German citizens*: certain preferences of East Germans (e.g. for public childcare and female labor market participation) may persist over time, and thus create public pressure on regional and national policy-makers to act accordingly. Furthermore, lasting attitudinal differences between East and West may act as talking points in political discussion, indicating a feasible alternative way of thinking on the topic of

9 In Germany, family policy is a very wide and complex field of state activity. Due to space limitations, the following analysis will thus focus only on those relevant sub-fields childcare and female labor market policy.

10 For example: declining birthrates and population aging, the need for a well-educated female workforce, the need of families to have two wage-earners, and pluralization of family models lived by society.

family policy in the German topic, without immediately referring to the GDR itself.

- *Intra-organizational persuasion processes*: when a new party program or law is under discussion, East and West German party members and bureaucrats may have to confront each other's different expectations and socializations, trying to persuade the other of a certain preferred policy solution.
- *Fundamental legal-institutional misfits between East and West Germany*: the legal-institutional situation in both countries prior to 1990 may clash so profoundly that a new, all-German law is needed to balance the different needs and expectations of both populations.
- *Infrastructural remnants on the* Länder *level*: the remaining differences between East and West in childcare infrastructure – in connection with the attitudinal differences – may act as a constant reminder of how different the policy solutions followed were. Furthermore, they may be interpreted in terms of a "behindness" of the West in this area, stipulating reform.
- *The influence of regional governments from the new* Länder *in the* Bundesrat: regional governments from the East may act as proponents of policy reform on the national level through the channel of the upper chamber.

These proposed mechanisms focus mostly on the role of agency in policy-making. They include individuals in key positions, collective actors (the voting public), and institutions that may be carriers of preferences, ideas, and concepts. This influence is not assumed to be explicit and intentional most of the time, however; rather, internal persuasions of people or common practice in institutions may act implicitly as well as explicitly. An East German socialization may not necessarily prompt an actor to actively seek certain policies, but it may make him/her more favorable (or less critical) towards certain policy proposals that resemble what s/he was used to earlier in life. In this sense, socialist legacies can act as a catalyst for certain policy proposals.

All of these mechanisms facilitated an incremental move of all-German family policy into a certain direction. Yet, this move was not uniform or based on a grand design, but rather led to several small adjustments over time. As a result, contemporary German family still possesses traits from both previous models that can be described in terms of layering, displacement, and drift.

1.4 Research Outline

The analysis in chapters 2 and 3 combines a more static typological perspective with a process-based one. Chapter 2 establishes the characteristics of the two German models of family policy before unification and compares them to show their main differences, and their relation to the family policy followed after transition. Chapter 3 traces the change process during the 1990s and 2000s, focussing on the policy-making process of major legislation in childcare and parental leave policy. Throughout this chronological analysis, transmission mechanisms will be highlighted where they contribute to the influence of East German legacies. The argument focusses not on historical path-dependency of ideas (and thus constancy) alone, but also on agency as a necessary condition for institutional change.

Evidence for the argument is drawn from secondary literature, official statistics, coalition agreements, parliamentary documents, legal texts, and journalistic sources. These contemporary primary sources document the law-making processes and political discussions in the time period under investigation; they also provide official statements and utterances of policy-makers from which their positions can be deduced. In addition, seven interviews with family policy-makers were conducted in April 2013 in Berlin and Potsdam (see Appendix 1). Among them were three members of the *Bundestag* from different parties[11], one member of the regional parliament in Brandenburg, two higher-ranking bureaucrats from the family ministry, as well as one former

11 SPD, Die Linke (formerly PDS), FDP.

family minister. The selection of interviewees thus provides a variety of different institutional and party backgrounds. While not all interviews could be directly incorporated into the case study, all of them provided important background information for the argument of this thesis.

A brief concluding discussion points out differences between post-socialist legacies in Germany vis-à-vis other countries in Central Eastern Europe, as well as possible reasons why the topic of GDR family policy is absent from the national family policy discourse. I suggest that GDR policies were thoroughly discredited after 1989, making them unattractive as "best practice" for politicians. Moreover, the availability of "best practices" from other European countries, and the creation of new models like "sustainable family policy" made it easy for policy-makers to refer to "ideologically untainted" ideas. Finally, I suggest that, despite these strong reservations, policy ideas from the GDR could indirectly influence policy outcomes after unification, because some of their aspects are more apt to resolve those problems currently considered in the family policy debate than the traditional West German approaches.

CHAPTER 2: THE TWO GERMANYS AND FAMILY POLICY BEFORE UNIFICATION

Comparative studies on welfare state policies are a well-established part of the political economy literature. Many of these studies focus on comparisons across countries of the same or different regions. Germany is a particularly interesting case for comparativists, in that it offers the possibility of conducting comparisons situated somewhere in between an across-country and intra-national case study. The two polities on German territory, existing between 1949 and 1990, started out with the same traditions of welfare state policy and other similar characteristics. Throughout the four decades of their existence, however, the Federal Republic and the socialist GDR took fundamentally divergent institutional and ideological paths, particularly in the family policies they followed. This chapter first establishes categories to then conduct a comparison between the family policy models followed in the GDR and the FRG.

2.1 Categories for Comparing Family Policies

This section outlines eight categories for comparing German family policy models in East and West. They are grouped together roughly by their position in the policy process:

1. *policy anticipation* (definition of family; intended objectives; importance of family policy);
2. *policy implementation* (preferred policy instruments in family policy);
3. *policy outcomes* (interaction state–market–family; role of female labor in the respective labor market; effects on intra-familial separation of labor; effects on female (de-)commodification and (in-)dependence).

The discussion of family policy models in East and West will mostly be organized in a chronological manner, addressing all the eight categories.

2.1.1 Policy Anticipation

The most basic aspect to look at when comparing family policies is how a welfare state conceptualizes and defines "family" and how strong its prescriptive force is on the individual. While it may appear as commonsensical concept at first, social policy in different polities may vary considerably in the legal and societal definitions of what kinds of relationships are considered a family and which are not, with repercussions on eligibility criteria for benefits and services, and on the social rights attached to these relationships. This issue became increasingly relevant in recent decades, in which single-parenting, patchwork families, same-sex marriage, and other such "alternative" life forms have gained societal acceptance and (often more slowly) legal status. On the other extreme, a strongly conservative state may only acknowledge the traditional core family based on different-sex marriage with the aim of reproduction as recipients for its welfare provisions. These conceptualizations of family do not only have declaratory character in terms of legal privilege, however, but they also come with prescriptive-normative effects in the sense of defining what is deemed "proper" behavior and lifestyle for an individual in a given society. Furthermore, legal privileges and benefits may set economic incentives to the individual to choose a certain form of partnership over another.

Social policies obviously do not create certain outcomes at random, but governments usually have certain intended objectives in mind when they pass legislation. In the field of family policy, these objectives may be very practical, such as increasing fertility rates or reducing child poverty. Nevertheless, family policy is also a particularly ideological issue in Germany, reflecting partisan preferences for or against such concepts as institutionalized childcare or the "working mother." Practical and ideological objectives may both be present when creating social policies, but one may also predominate over the other.

The salience of a policy field such as family policy may vary over time. While economic

"bread-and-butter" issues are important both to publics and policy-making elites, other policy fields may only temporarily gain salience due to certain events, media coverage, or framing from actors. Depending on these factors, family policy may not be considered an important, separate field by governments, but be either disregarded altogether, subsumed under a wider conception of "social policy," or lumped together with other fields such as "youth," "seniors" etc.

2.1.2 Policy Implementation

Adapting Pontusson's (2005, 146-8) dichotomy of "transfers vs. services" when describing welfare state regimes, the category of preferred policy instruments looks at the kinds of policy instruments preferably used in the respective German family policy models. In the field of family policy, transfers may include income replacement cash payments for mothers, or flat-rate child benefits; indirectly this may also include tax privileges. Services usually refer to state-sponsored or subsidized childcare facilities. Not included in Pontusson's dichotomy are the effects of certain legal regulations, e.g. dismissal protection during maternity leave. A state will usually include a mix of different policy instruments, but often also shows a certain bias for one of them.

2.1.3 Policy Outcomes

Esping-Andersen's 1990 book *The Three Worlds of Welfare Capitalism* provides several interesting conceptual cues for describing welfare states. For the purpose of this thesis, his concepts of de-commodification and state–market–family interactions are the most useful. De-commodification in Esping-Andersen's understanding refers to the reversal of the historical development, starting during the industrial revolution, that made the well-being of individuals (almost) fully dependent on their participation in the labor market, selling their labor force like a commodity in return for wages (21). Apart from wages, markets may also provide insurance against life risks (e.g. illness, unemployment) and service for individual welfare (e.g. healthcare,

childcare). Social welfare programs, through the provision of cash benefits, tax credits, services, and/or insurance can help individuals "maintain a livelihood without reliance on the market," thus decreasing the dependence of individuals on markets for a worthwhile existence (22). In this sense, states may crowd out markets in the task of providing for the welfare of individuals in society. Traditionally, also the family plays a major role in social provisioning and in providing insurance against life risks. A large offspring, for example, used to provide old-age insurance for parents, while the care-work of women provided for the most basic health services. With an increasing role of the state in providing such programs like unemployment insurance, sick benefits, healthcare, and pension systems, also the dependence of the individual on the family decreased to a certain degree. Esping-Andersen thus describes a triangular relationship between state, market, and family in order to conceptualize the effects of social policy on the individual and to describe different "clusters" of welfare state regimes in Western democracies (21, 26–9). When describing the family policies found in the two Germanys, we also have to take the varying relevance and interaction of state, market, and family into account.

While being descriptively useful, Esping-Andersen's book is not beyond criticism. Arguing from a feminist perspective, authors like Lewis (1992), Orloff (1993), or Fraser (1997) have pointed out that Esping-Andersen neglects gender differences in the effects of state, market, and family on (de-)commodification and (in-)dependence of the individual[12]. According to Lewis (1992, 160–1) and Orloff (1993, 312–4), an analysis of social policy has to take into consideration the difference between female wage labor on the market and female care-work in the household. The majority of unpaid domestic labor is traditionally done by women, and household responsibilities are usually very unevenly distributed between husband and wife. Moreover, it is important to note that "historically women have typically gained welfare

12 Esping-Andersen later acknowledged this criticism (Esping-Andersen 1999).

entitlements by virtue of their dependent status within the family as wives" (Lewis 1992, 161). These facts have to be reflected in analyses of social policy.

There seems to be, then, a difference between commodification and dependence of the individual in the case of women. On the one hand, women who fully stay at home as homemakers are not commodified in the sense outlined above, since they do not sell their labor on the market; they are nonetheless fully dependent on their spouses to provide the family income. For these women, taking up wage employment (i.e. commodifying themselves) can be advantageous to their individual economic independence. Women taking part in the labor market, on the other hand, still carry a "dual burden" (Esping-Andersen 1999, 44) of commodified worker and unpaid homemaker, unless their spouse, the state, or the market take up part of their household responsibilities. Welfare state provisions thus may encourage or discourage female labor market participation (and commodification), while de-commodifying working women from the market through wage replacement, insurance etc.; similarly, social policy may increase or decrease dependency of women on their families/spouses (44). In order to account for the gender perspective of family policies, the analysis of GDR and FRG will consider the following three factors:

- the role of female labor in the respective labor market[13];
- the model of intra-familial separation of labor between man and woman prescribed by the respective family policies;
- effects on female commodification and economic independence[14].

In this manner, the analysis of family policies in the two Germanys considers the different impacts

13 This factor loosely corresponds to Orloff's (1993, 318) category of "access [of women] to paid work."

14 This factor includes but goes beyond Orloff's (1993, 319) category of "capacity [of women] to form and maintain an autonomous household."

of these policy measures on the lives of women in East and West.

2.2 East German Family Policy before Unification

Defining the family in socialism. The socialist regime in East Germany initially did not conceive of family policy as a self-contained policy field. In the first decade-and-a-half after the war, different measures with effects on female labor and childcare were undertaken under the headers like labor market, social, and educational policy. According to Obertreis (1986, 320–2), this first phase between 1945 and 1965 was characterized by an absence of an official party line concerning the role of the family in socialism for two reasons. Firstly, high reparations, the effort of rebuilding destroyed infrastructure, and the mass flight of working-age individuals forced the SED[15] officials to focus on economic issues first. Secondly, it was still unclear whether such a personal societal institution like the family could be accorded a fixed ideological function in the socialist system, especially considering that it was the arena of the family where the stark contrast between ideological claims of the regime and the much bleaker every-day reality were discussed. Nevertheless, early attempts at regulating familial relations, such as the 1950 *Law on the Protection of Mother and Child*, establishing the equal legal status of husband and wife in deciding marital issues, already went in a direction of legal gender equality in marriage relations that the Federal Republic would only reach years later (Dennis 1998, 38).

Early attempts of the SED regime to formulate a comprehensive Family Code dated back as early as 1954, but were delayed until 1966, when the *Familiengesetzbuch* went into effect. In paragraph 2, the Code (1982, 14) spells out that "[t]he equality of man and woman decisively determine the character of the family in socialist society," thus reinforcing legal gender equality. The main functions of the family in socialist society according to paragraph 9 of the Code lie in

15 *Sozialistische Einheitspartei Deutschlands* (Socialist Unity Party of Germany)

reproduction, as well as socialization and education of children: "Matrimony receives its full evolvement and fulfillment in the birth and education of children. Parents jointly exercise their right to educating the child" (16). It should be noted, however, that unlike in the Federal Republic at the time, the task of socialization and education of children was conceived of as a shared responsibility between family and state institutions, such as kindergarten, school, and youth organizations (Dennis 1998, 39). After initial hesitation, the SED regime thus had decided to reign into the private sphere of the core family as much as possible; state-sponsored childcare and education were to have the practical function of ideological indoctrination. As far as the legal conceptualization of the family is concerned, Dennis (1998, 39) points out that the SED clearly saw the traditional marriage-based core family as the ideal; legislation on divorce and abortion, while certainly quite liberal for its time, was not a central aspect in the Code, and the regime only subsequently adjusted to the diversification of relationships that became increasingly widespread in GDR society. Nevertheless, an initially quite traditionalist conception of family gradually lost its prescriptive force over time.

Hidden traditionalism. Despite the emphasis on legal equality, the Family Code did not rid itself of traditional conceptions of family labor. In paragraph 10, it says: "Both spouses contribute their share to the education and care of the children and to household duties. The relationship between both spouses is to be designed in such a way that allows the woman to accommodate her professional and societal activity to motherhood" (16). It remains undefined what exactly each partner's "share" in the household should be, whether evenly split between partners or following old patterns of familial separation of labor putting the main burden of household labor on the woman[16]. Not surprisingly, then, Nickel (1998, 23) criticizes the GDR

16 Interestingly, the Code puts special emphasis on the dual role of women as professional members of society (in terms of general party ideology, this effectively meant being productive members of the workforce) and mothers. The male partner is only asked to help his wife make both tasks possible, not actively alleviate her burden by

family policy for lacking a clear conception of equality not based in traditionalism: "While social policy measures in the GDR supported the full-time employment of women, they did not really challenge gender divisions of labour or dismantle traditionalism in gender relations. Gender divisions in the GDR were even reinforced inside and outside the home." This criticism of GDR policies is exactly what Fraser (1997, 51–5) has in mind when describing the "universal-breadwinner model" in the socialist states; women were seen as equal contributors to the family income next to their husbands, but were still responsible for most of the care-work at home.

Economic reasoning behind female labor market participation. Women policy and family policy in the GDR were very much centered on labor market issues and demographics (birthrates), while giving next to no active impulses to overcome traditional intra-familial gender roles (Schroeder 1998, 527). While both German states needed a certain degree of female labor market participation for the reconstruction effort immediately after the war, this need did not decline subsequently in the GDR and lasted through its whole existence, due to the worker exodus before 1961, distorted demographics with a large female surplus especially in younger cohorts, and ongoing technological backwardness of East German production which required more extensive use of labor (Schroeder 1998, 527; Dennis 1998, 40). As a consequence, most measures of family policy were geared towards enabling full-time employment of women, discouraging or restricting part-time employment of mothers (Schroeder 1998, 528–9), and simultaneously alleviating some of the household burden through provision of state-sponsored services, thus "shifting responsibilities to the state" (Fraser 1997, 53). Ideologically, it was assumed that the integration of women into the production process was in itself a sufficient step towards equality, and that "employment equalled emancipation and assured self-realization" of women (Nickel 1998, 23). This economic conception of female emancipation possibly has its roots in the

taking over some of her multiple tasks.

materialist ideology of socialism, and did not encourage cultural change in gender equality[17]. A member of parliament from the FDP (personal interview) said that, at the time, she heard reports from female fugitives that life in the GDR was mainly structured according to the needs of the workplace, and that there was strong state pressure to conform to the working mother ideal.

Table 2.1
Places available in childcare facilities in the former GDR
(as percentage of all children in age group)

	0 to 2 years	3 to 6 years
1955	8.0	28.1
1960	12.8	41.6
1965	16.5	44.6
1970	30.4	69.2
1989	80.2	95.1

Sources: Obertreis 1986, 310; Dennis 1998, 51.

Policy instruments. Probably the most cost-intensive policy to enable full-time maternal employment were childcare facilities for children of all ages. Table 2.1 illustrates the expansion of childcare facilities between 1955 and 1989. As we can see, the creation of crèches for under-threes and kindergartens for pre-school children was accelerated considerably from the late 1960s onwards, leading to a pre-unification high of about 80 percent of toddlers attending crèches and about 95 percent of pre-school children attending kindergarten. This rapid expansion was due largely to an ongoing decline in birthrates during that decade, culminating in a meager rate of 10.5 life births per 1,000 population in 1975, one of the lowest in the world at the time (Dennis 1998, 48). The SED regime intended to counteract this trend by implementing pro-natalist policies with a clear labor market orientation. The creation of low-cost childcare facilities with

17 Furthermore, as Obertreis (1986, 318) cites from a contemporary government report, full equality between man and woman was said to be only realizable in the next developmental phase of society (i.e. "communism"), and that until then special emphasis on women and working mothers in their traditional roles was warranted for "biological and historical reasons". Needless to say that this next developmental phase, scheduled to happen sometime during the 1990s, never came to be.

reasonably flexible opening hours was complemented by quality improvements in crèches, the introduction of the *Babyjahr*[18] in 1976, low-interest loans for parents, as well as reduced working hours and additional paid holidays for fully-employed mothers with children below the age of 16 (Dennis 1998, 40; Nickel 1998, 26; Hašková and Klenner 2010, 273–7). Again, these policies were geared towards rendering compatible the conflicting tasks of motherhood and female labor market participation by tailoring state services and labor law towards the semi-traditionalist concept of the working mother also responsible for the majority of household chores. Nickel (1998, 26) aptly summarizes these supposedly equality-inducing policies under the term "patriarchal equality," in which "equality, its definition and the measures to secure it did not arise from women's own actions or initiatives but were instituted from above, shaped by the state on women's behalf rather than created by women themselves."

Outcomes. Despite this debatable nature of female equality in the GDR, family policy measures taken by the regime yielded some measurable results. Firstly, birthrates rose again slightly to 14.6 life births per 1,000 population in 1980, then stabilizing around 12.0 births until the system collapse in 1989 (Dennis 1998, 48). As compared to women in the Federal Republic, a larger percentage of East German women had at least one child in the course of their lifetime (Nickel 1998, 28). Secondly, female full-time employment had become normality. As can be seen in table 2.2, the percentage of all working-age women in gainful employment rose from slightly more than half in 1955 to almost 80 percent in 1989[19]. Thirdly, the whole range of policies was met with a certain mentality change especially in women (less so in men), who started to internalize the pattern of relatively continuous working biographies with only short interruptions

18 One-year maternity leave with secure re-entry in the same job and an income-replacing benefit at the level of 80 percent of the last wage earned (Berth 2005).

19 Taking into consideration apprenticeship positions and full-time students, one would even reach a number as high as 91.2 percent of working-age women in 1989 involved in gainful employment or in preparation to soon join the labor market (Nickel 1998, 24).

for childbirth. This normalization is subsumed by Hašková and Klenner (2010, 273–7) under the term "continuous dual-earner model" of socialist family policy, which stands in contrast to the more traditionalist "interrupted dual-earner model" followed in Czechoslovakia, which gave women incentive to stay at home for extended periods of time after childbirth. Furthermore, Nickel (1998, 27–8) attests women in the GDR a higher sense of legal, economic, and psychological independence vis-à-vis their partners, leading to higher divorce and remarriage rates in the East as compared to West Germany.

Table 2.2
Gainfully employed women in the former GDR
(as percentage of all working-age women)

Year	1955	1970	1980	1989
Employed women (in %)	52.2	66.1	73.2	78.1

Source: Nickel 1998, 24.

Summary. Despite the continuity of certain structures of familial work division and the lack of "real" emancipation, East German women did lead quite different, less spouse-dependent lives than their Western counterparts. In terms of the interaction state–market–family, the East German system is characterized by a strong hegemony of the state in the lives of women, taking over all of the tasks that the market would take over in market economies, as well as substituting the family as a social institution in areas like childcare, education/socialization, and basic provisioning. The system thus replaces dependence on husband and family with dependence on state-provided services, funds, and full-time employment guarantees. Furthermore, women in the East had direct access to vocational qualifications and the job market, thus enjoying a certain economic independence from their spouses. The East German model of family policy thus fits Fraser's "universal-breadwinner model," as strong female labor participation was coupled with rather antiquated views on the familial division of labor.

2.3 West German Family Policy before Unification

Not surprisingly, family and women policy in the West German market economy developed almost in contrast to developments in the East, especially considering attitudes of policy-makers towards female labor market participation and childcare.

Catholic-traditionalist foundations. According to Mätzke and Ostner (2010, 136–7), the years after the war were characterized by a move towards "re-privatizing" the family, relieving it from overgrown state control while still protecting it as core institution of society with important social functions. The authors interpret this development as an attempt to undo the abuses of the family for racial politics under National Socialism, but also as a clear repudiation against the state interventionist model of GDR socialism. According to Malte Ristau-Winkler (personal interview), it was visible well into the 1990s that (West) German governments had little sense for family policy as salient field of state activity; if perceived at all, it was seen as subsidiary to social and income policy. Moreover, pro-natalist and economic objectives were avoided for decades. The only somewhat "practical" goal of the Christian Democratic government under Adenauer was to strengthen the traditional core family as "last resort and moment of stability" (Mätzke and Ostner 2010, 136–7) in post-war society.

Due to the strong influence of the Catholic church in the Adenauer years, policies were shaped by traditions of Social Catholicism. This included the concepts of subsidiarity and relationalism (Mätzke and Ostner 2010, 138). The former concept refers to the idea of giving the family priority over the state in social provisioning and only allowing state intervention in case it could not effectively fulfill its tasks. The system thus preferred cash benefits subsidizing family incomes over state-run services replacing family labor. The concept of relationalism conceives of legal entitlements as "pertain[ing] to relations – status, corporations (e.g. occupational ones), the social partners, married couples, parents – not to individuals *per se*" (138). This effectively meant

that any sort of Christian Democratic family policy in the formative years was targeted to the family as most basic unit of society, not the individual[20]. The model of "familiarist" family policy is concisely summarized by Mätzke and Ostner (2010, 138) as follows:

> It [the Social Catholic view] conceived of the family as the basic unit of social organization and assigned important ordering and stabilizing functions to it. It did so most importantly by formally restricting individual agency, mostly on the part of women. Cohabitation was outlawed, divorce extremely restricted, as was the access to modern forms of contraception, and married women willing to leave the home for paid work needed their husbands' consent for doing so.

The initial period of Christian Democratic family policy thus stood in stark contrast to GDR policies. In the West, the male breadwinner was the clear leitmotif, and female gainful employment was discouraged, especially during childrearing.

Subsequent incremental changes. The following decades brought incremental change to these traditionalist structures. Nickel (1998, 28–9) breaks down the period between 1966[21] and 1990 into four distinct phases of women's policy in the FRG. During the first phase, between 1966 and the early 1970s, family and female career were not completely contradictory anymore, but rather different fields of activity from which women could choose. Female work biographies were understood in a "three-phase model" of first work experience, interrupted by extensive maternity leave, and re-entering the labor market (on a part-time basis) after children were old enough. Policies in this period still largely targeted housewives and mothers. The second phase from the early 1970s until 1976, gave more prominence to vocational qualification of women, and legislation emphasized a more equal conception of partnership between husband and wife. The third phase (1976 to 1980) reinforced the idea of freedom of choice (*Wahlfreiheit*)[22] between

20 Child benefits, for example, were family-bound and financed by the husband's employer, in order to make large families with more than three children financially sustainable without the need for full-time labor market participation of the mother (Mätzke and Ostner 2010, 138). Another example is the so-called *Ehegattensplitting*, i.e. the possibility for married couples to file a common income tax report, thus effectively receiving a tax credit if one of the two partners earns considerably less than the other.

21 1966 marked the beginning of the first Grand Coalition of Christian Democrats with Social Democrats under chancellor Kurt Georg Kiesinger.

22 This emphasis on "freedom of choice" may also have been a way of delimiting the FRG from the GDR with its state-pressured, work-centered "standardized life plan" (Adler 2004, 19). Yet, it should be noted that also the

different life plans and equal opportunity for women; political discourse discovered the issue of compatibility between work and family. The fourth phase, finally, spanning from 1979 to unification was marked by neo-conservative "new motherhood" policies, turning the focus from women *per se* to women in the context of family. "In fact, women's policy became family policy. […] Rather than focus on working women as a group, the 'new motherhood' policy suggested that each woman could find her own subjective way to combining family and career." (Nickel 1998, 29).

In the course of these incremental changes in conceptualizing female work biographies and their relation to the family, the work aspect in female lives slowly became more of a normality. Nevertheless it should be noted that, as opposed to the full-time working mother in the GDR, government policy in the FRG still put certain limitations to female employment and led, in the spirit of the "three phases," to interrupted career biographies (Nickel 1998, 30). Childcare facilities were still rather an exception: in 1986/87, the coverage for under-threes only reached a minuscule 3.1 percent, while kindergarten places were available to 68 percent of three- to six-year-olds (Keil 1993, 130–1). This clearly was a strong disincentive for women to go back to work before the child reached at least the age of three, or even later.

Maternity leave schemes. In 1979, the Social-Liberal Schmidt government first introduced a nationally centralized maternity leave scheme (*Mutterschaftsurlaub*). This scheme offered a capped, earnings-related benefit to employed mothers for a maximum of six months. While this could be seen as a first step away from the traditionalist model towards a "dual-earner/carer model" (Leitner 2010, 457, 462), since it enhanced working mothers' financial independence for a short period of time after childbirth and gave incentive to return to the job early, it was certainly only a small step. It targeted only a small portion of the female population

West German policies set incentives to adhere to a certain preferred family image.

and did not encourage fathers to take over more household and childrearing responsibilities. Coupled with the rudimentary childcare infrastructure in West Germany, it did not enable many mothers to work in more than part-time positions, still relying largely on financial support of their partners. As Fleckenstein (2011, 548) remarks, "[t]he limited childcare facilities for the over-threes, commonly covering only half a working day, were not meant to help with the reconciliation of work and family but to pedagogically complement care provision in the family."

The Christian Democratic-Liberal government under Kohl changed the scheme in 1986. The new parental leave (*Erziehungsurlaub*), coupled with a universal flat-rate parental leave benefit (*Erziehungsgeld*) was again a move towards the more conservative conception of family policy (Leitner 2010, 462). With benefit periods gradually expanded from ten months in 1986 to up to two years in 1993, and allowing for a total leave period of up to three years, during which employers were obliged to offer equivalent[23] positions upon return, the law certainly gave women[24] an incentive to stay at home for longer periods of time, especially when their partners were still providing the main family income meanwhile (462). Furthermore, it was not targeted at working women anymore but at the whole population, giving non-employed women further disincentive to join the labor market. An option allowing for part-time employment during the time of the parental leave remained largely unused, again due to the lack of flexible childcare facilities (462). Overall, family policy in the West preferred financial benefits (combined with certain legal regulations concerning female employment) over services[25].

Outcomes. Results of these policies for labor market participation of women can be seen

23 Note that "equivalent" position does not mean "the same" position as before (as was the case in the former GDR).

24 In its wording, the law allowed for parental leave for both partners. Yet, as Leitner (2010, 462) points out, due to the low level of income-replacement benefit, it was unattractive for most male partners as main earners.

25 Christian Democrats claimed in the 1980s that families had been neglected so far and needed more support; giving families more "choice"; Social Democrats essentially shared this evaluation, but favored childcare over benefits (Seeleib-Kaiser and Toivonen 2011, 345).

in table 2.3. While gainful employment among working-age women was constantly rising in the GDR, the West German percentages remained relatively stable over the course of several decades. From the initially about 48 percent in 1960, the value rose less than 8 percent in the course of almost 30 years until unification. The conservative nature of family policy in the early years was resilient, perpetuating discontinuous working biographies, especially for married women who could (and had to) rely on their partners for family income. In practice, reconciliation between working life and family responsibilities was difficult; even if women were employed, they mostly worked in part-time positions.

Table 2.3
Gainfully employed women in the former FRG
(as percentage of all working-age women)

Year	1960	1970	1980	1989
Employed women (in %)	47.6	46.2	50.2	55.5

Source: Destatis 2013b.

Summary. West German family policy before unification clearly belonged to Esping-Andersen's conservative cluster of welfare states. The early prominence of the subsidiarity principle was still visible after several decades, leaving priority to the family as the first instance for social provisioning, and only letting the state step in to subsidize certain life forms. Parental leave benefits were relatively low and could be reduced by high wages of the other spouse, thus basing its calculation on the income of the whole family. Institutionalized childcare provided by the state was rudimentary, leaving it mainly to mothers to raise their children for an extended period of time after childbirth, while at the same time effectively blocking the creation of a free market for childcare to emerge. We see a strong role of the family, a subsidiary role of the state, and a blocking out of the market. From a feminist perspective, West German family policy was thus still adhering to the traditional male-breadwinner model leaving women in a dependent relationship

to their spouses/family. Female wage labor (especially of mothers) was discouraged and mostly limited to part-time jobs. Moreover, women still took care of most of the household chores.

2.4 Summary

This chapter has established categories for describing and comparing models of family policy in East and West Germany before unification. The results of this comparison are summarized in table 2.4. The two models show hardly any similarities. Apart from the fact that both still dwelt in traditionalist notions of intra-familial separation of labor, most other points under discussion here show mild to strong differences. In terms of policy anticipation, the prescriptive force of marriage with children as normalized lifestyle decreased considerably over the years in the GDR, while it stayed relatively strong in the FRG. Family policies followed very different political objectives in both states, with the GDR more clearly showing practical, socio-economic reasons for certain policies, and attaching higher political importance to this field. The FRG governments had a clear preference for financial instruments, while the GDR mainly provided state-run services, especially childcare. The outcomes for society differed considerably as well. While both showed a reduced (or non-existent) role of the market, the GDR effectively tried to replace parts of the familial provisioning with state services, whereas the FRG consciously avoided this. Concerning female labor market participation, the GDR actively pushed for full employment of mothers in full-time positions, thus commodifying them while advancing their economic independence from their spouses. The FRG's policies, on the other hand, discouraged employment of mothers with the result of discontinuous career paths of married women with, at best, part-time positions.

Table 2.4

Comparison of family policy models in the GDR and the FRG before 1990

1.) *Policy Anticipation*	**GDR**	**FRG**
Conceptualization of family	Part of socialist society. Prescriptive force: declining.	Most basic part of society. Prescriptive force: high.
Intended objectives of family policy	Ideological: legal gender equality. Ideal of the "working mother."	Ideological: re-privatization of family. Subsidiarity, relationalism.
	Practical: socialization, fertility rates, female labor market participation.	Practical: source of societal stability. No pro-natalist or economic objectives.
Importance of family policy for government	Growing importance from 1960s onwards.	Retreat of the state. Little salience.
2.) *Policy Implementation*	**GDR**	**FRG**
Preferred policy instruments	Great variety, especially services.	Cash benefits, tax credits.
3.) *Policy Outcomes*	**GDR**	**FRG**
Interaction between state, market, family	Shift of responsibilities from family to state institutions. No market provisioning.	Emphasis on family in social provisioning, but with state influence. Little market provisioning.
Role of female labor in the labor market	High necessity, strongly pushed. Mainly full-time. Continuous work biographies.	Less important, discouraged. Often part-time. Discontinuous work biographies.
Model of intra-familial separation of labor	Dual burden: traditionalist at home, but "universal breadwinner."	Traditionalist. "Male breadwinner model."
Female commodification and economic independence	Commodification of female labor, but lower economic dependence.	Less female commodification, but higher economic dependence.

After the incorporation of the East German *Länder* into the legal territory of the Federal Republic in 1990, national family policy from the West was directly exported over to the East. The only real legal adjustment that was made in the first years after unification was the introduction of a legal entitlement to a half-day childcare spot for over-threes, passed in 1992 and scheduled to take effect in 1996. This already was a first small departure from the previous Western aversion towards widespread institutional childcare. A major reconsideration of parental leave and

childcare policy and a growing salience of family policy issues came with the two Red-Green cabinets between 1998 and 2005, and was continued by the Grand Coalition thereafter. Family policy at the end of the first Merkel term, in 2009, looked very different from the starting point in 1990: legal entitlements to childcare even for under-threes was passed and a large-scale expansion of childcare facilities was underway. Parental leave and benefit were a lot more flexible than previously, allowing for shorter-term leaves and early re-entry of mothers into the working life. It has become easier for women to combine children with continuous working biographies. While certain remnants of the previous Christian conservative model still persist – e.g. the *Ehegattensplitting* –, all-German family policy now also shows certain characteristics typical of the East German model, especially a preference for female labor market participation and institutional childcare. The following chapter provides a chronological account of family policy-making in the 1990s and 2000s, putting particular emphasis on the role of socialist legacies in the post-unification development.

Chapter 3: Legacies and Family Policy Change After Unification

Since unification of the two Germanys, family policy has taken one all-German route. While a part of the literature implicitly assumes a *tabula rasa*, in which West German policy has fully overwritten East German policy, the following discussion shows that this simplification disregards the factor of socialist legacies. The developmental trajectory of all-German family policy is more than a linear continuation of West German trends; East German experiences, practices, and expectations have also influenced the post-unification policy trajectory through a number of channels.

3.1 Abortion Reform and Social Provisions under Kohl (1990–1998)

The first influence of East German legacies can be found in the very act of unification. With the coming into force of the Unification Treaty on October 3, 1990, the five newly-created East German *Länder*[26] and East Berlin joined the legal territory of the Federal Republic, thus making West German family-related legislation law of the land in the East. Article 31 of the treaty contains certain special interim arrangements in the fields of family and women policy, however (Einigungsvertrag 1990). Firstly, the article committed the all-German legislator to expand legislation regarding gender equality and the reconciliation of family and work. Secondly, for a transitory period until June 1991, the state was obliged to cover part of the costs for maintaining childcare infrastructure in the new *Länder*. Thirdly, concerning the diametrically opposed regulations governing abortions in East and West[27], paragraph 4 of the article obligated the all-

26 Mecklenburg-West Pomerania, Brandenburg, Saxony-Anhalt, Saxony, and Thuringia.

27 While abortion was defined in the West as always illegal but remained unpunished in case of specific "indications" (special medical or psycho-social circumstances of mother and/or fetus) which had to be decided on by a physician and documented in a counseling session (Wiliarty 2010, 118), the legislation in the GDR was much more lenient, legalizing abortions within the first trimester of pregnancy and leaving the decision for or

German lawmaker to create a new law protecting unborn life by December 31, 1992. This new law was supposed to include arrangements for improving the resolution of "conflict situations" for pregnant women through certain legal entitlements, especially to counseling and so-called "social aids" (*soziale Hilfen*). Until this new law would be passed, the two separate legal situations on abortion were to remain in force.

It should be noted that article 31 of the Unification Treaty particularly mentions the fundamentally different legal and institutional arrangements in East and West in the areas covered as background for demanding new legislation[28]. It was thus already acknowledged in 1990 that family and women policies in both states had diverged considerably, and that unification in this area could not be achieved solely through legal "annexation" of the Eastern territories. The transmission mechanism at work here is the legal-institutional misfit between the two polities, which created the need for interim solutions and, ultimately, for new legislation for the whole unified polity that could deliver a solution acceptable to citizens of both parts with their differing socializations. Moreover, it created a window of opportunity for proponents of more childcare facilities to instigate a renewed debate on the issue.

While article 31 of the Unification Treaty remained vague on what kinds of "social aids" were to be provided for pregnant women and recent mothers, the parliamentarians drafting the new abortion law in 1992 ultimately interpreted the "social aids" provision decidedly in terms of expanding childcare infrastructure. According to Wiliarty (2010, 134–45) this was due in large parts to the strong involvement of the female interest representation group within the governing Christian Democratic party, the *Frauen Union* (*FU*, Women's Union), in this issue. While the *FU*

against abortion completely to the woman affected (Staatsrat der DDR 1972).

28 See for example article 31, paragraph 2: "It is the task of the all-German legislator, *given the differing legal and institutional starting positions in employment of mothers and fathers*, to formulate legal norms from the viewpoint of reconciliating family and work." (Emphasis added.)

was split on the abortion issue itself, the group had started advocating more institutional childcare within their own party since the late 1980s, gradually moving away from the traditional ideological reservations of the Christian Democrats against state-sponsored childcare (17, 50, 141). At the time of unification, the *FU* was one of the very few internal groups in the CDU to do so but, as Wiliarty (2010) argues based on interviews with *FU* members involved at the time, the addition of active new members from the East shifted power constellations within the party, thus helping them build an intra-party coalition in favor of expanding (half-day) childcare in the West (134). Furthermore, the *FU* was able to build a cross-party single-issue coalition with the liberal coalition partner FDP in pressing for abortion reform and childcare expansion (134). Since the feminist movement of the 1970s, the main opposition parties SPD and Greens have generally been more favorable towards the ideas of institutional childcare and female employment than the CDU (Christine Bergmann, personal interview; SPD MP, personal interview); thus, a relatively broad, so far unthinkable parliamentary front in favor of childcare expansion emerged.

The drafting process of the new abortion law was then used as a chance by members of all parties for a general political debate on the state of family and women policy in a unified Germany. This discussion culminated during the second and third reading of the seven competing draft bills on June 25, 1992, during which childcare infrastructure was as much a topic as abortion (Bundestag 1992a). Since unification, some expansion of childcare in the West as part of the "social package" (*Sozialpaket*) accompanying abortion reform seemed to have become an acceptable proposition across party lines. The two bills with the most chances for a majority[29], while diverging strongly in their proposals concerning abortion, both included a legal guarantee for a half-day kindergarten spot for over-threes. Many contributions to the plenary debate also

29 The bill proposed by the biggest fraction of CDU/CSU (Bundestag 1992b), and a so-called *Gruppenantrag* (group motion) put forth by a large group of parliamentarians from SPD, FDP, CDU, and Greens (Bundestag 1992c).

gave the impression that childcare for this age group had become more politically feasible than before. Particularly noteworthy is the fact that a number of East German MPs from all parties[30] made direct and indirect references to their socialization in the GDR when they explained their positions regarding abortion, childcare, and the role of women in the family and labor market. Angela Merkel, a former GDR citizen and Federal Minister for Women and Youth at the time, took up a pronouncedly "East German" position, for instance, when she said:

> Since last year, I have repeatedly argued with many others for the creation of a legal entitlement to a kindergarten spot. I hope that this legal guarantee will materialize in the foreseeable future. This question is of special importance to me from the perspective of the new *Länder*; since only if we succeed in creating sufficient kindergarten spots also in the old *Länder* will we be able to maintain the kindergarten infrastructure in the new *Länder*.
>
> (Bundestag 1992a, 8246)

In this way, she argued both for the creation of kindergarten infrastructure in the West and for the preservation childcare infrastructure in the East. The new *Länder* were not supposed to adjust to the old ones, but vice versa; in fact, this may well be the only area where it was implied that the West was "less developed" than the East. Furthermore, Merkel argued for an extension of crèches and after-school care in elementary schools; this particular proposition was not yet politically feasible, however, but would gain more proponents years later.

During this session, the usual party discipline had been suspended, allowing MPs to vote according to their own convictions (Süddeutsche Zeitung 1992). After several rounds of voting, the *Gruppenantrag* passed with a margin of 355 to 283 votes (Bundestag 1992a, 8377); a first, small step was made towards an expansion of childcare facilities in West Germany. Growth of kindergarten facilities in the West during the following years was slow but steady. However, regional differences particularly in crèche infrastructure remained, and growth slowed somewhat after 1999. Furthermore, after this initial step in family policy legislation, the Kohl government did not do much else in terms of modernization legislation on family policy. Meanwhile, *Länder*

30 Except of course the regionally bound CSU from Bavaria.

governments in the East all drafted their own regional laws that helped maintain the high level of childcare infrastructure inherited from socialism; this was in great part due to the expectation of the East German citizens that this infrastructure be kept alive (Christine Bergmann, personal interview).

This first episode of family policy-making after unification does illustrate, however, that legacies from the GDR were already at play early on, and rather directly so. The aforementioned legal-institutional misfits between East and West in the areas of abortion and childcare prompted a political reaction in the Unification Treaty, which acknowledged these misfits and obliged the parliament to act on them. Interestingly, the parliament then chose two very different approaches to both misfits. The abortion question was settled with a compromise solution that was more liberal than the previous West German law, but not nearly as liberal the East German one. This is probably due to the highly contentious, morally loaded and ideological nature of the issue, especially within the CDU, making it impossible to simply liberalize abortion as much as in the GDR. On the other hand, abortion legislation has an immense influence on the lives of the women affected; thus simply transferring the West German legislation on the East would have meant an unacceptable retrogression for East Germans.

Childcare for over-threes, meanwhile, was comparatively less politically contentious. In fact, there had already been proponents for an expansion of childcare in the West, even within the conservative CDU. These proponents found sudden allies in their new fellow party members from the East, for whom it was common practice to send their children to childcare facilities and who did not have the sort of ideologically-reinforced negative preconceptions about childcare institutions that were still quite widespread in the West. At the same time, the Unification Treaty had expressed the political determination to maintain most of the existing childcare infrastructure

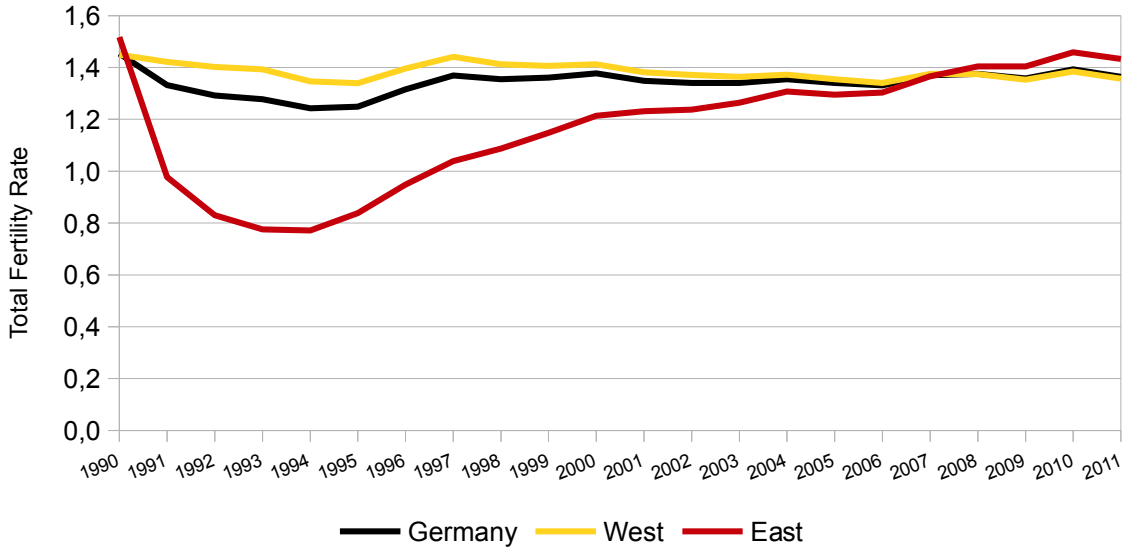
in the East. As was hinted at in Merkel's speech, this determination also meant, in a converse political argument, that West Germany had to adapt to the East if the country was to become one more or less coherent polity with similar living conditions. This is how, effectively, the East German conditions of institutional childcare became the role model for all-German family policymaking: The initial legal-institutional misfit had opened a window of opportunity for the advocacy of East German politicians like Merkel and other parliamentarians to fall on fertile ground, and the infrastructural remnants of childcare facilities in the East served both as manifest illustration of the misfit and as reinforcing argument for gradually adapting West German infrastructure to the Eastern level.

While East German childcare infrastructure thus remained largely intact, other legal and economic consequences of unification had considerable negative influence on the ability of East German women to live with a similarly continuous work biography as they had under socialism. Women were the hardest hit by the collapse of the East German economy and the following high unemployment rates after 1989/90, and divorced or single mothers lost most of the state-guaranteed assistance that they had enjoyed under socialism, like guaranteed cheap apartments, the relatively high maternity benefit, or the legal guarantee to re-enter their previous job after maternity leave (Kiderlen 1992). According to Vogel (1999, 17–8), not only were women more likely than men to be forced to reduce working hours or be fired when enterprises had to downsize after unification, they also did not profit as much as men from certain labor policy measures put in place to alleviate the unemployment situation in the East. As a result, women made up three quarters of all long-term unemployed in the mid-90s in East Germany (18). Moreover, part-time employment for women became more prevalent: full-time employment of all

women in the new *Länder* contracted from about 91 percent in 1991 to only about 62 percent in 2000, while full-time employment of mothers shrank from 64 percent in 1991 to 48 percent in 2000 (Adler 2004, 18). A factor in this reduction was probably also the West German parental leave legislation, which favored longer absences of mothers from the labor market, thus reinforcing political and social pressures to withdraw from the labor market permanently. "[I]n contrast to the male working population, women had to fight very early on in the transition period for their claims to access the labor market and to an independent economic existence" (Vogel 1999, 18).

Figure 3.1

Total fertility rates in Germany between 1990 and 2011



Source: Destatis 2013a.

Adler (2004, 15) describes the deep changes in the economic and legal environment for East Germans as "sudden move from a 'centrally planned life' to a 'high risk society' [that] has completely overturned the predictable life course of most East Germans." This was particularly true for women, who had to restructure their lives in order to fit their established dual role as mothers and self-reliant workers in the new West-induced environment still favoring

discontinuous female working careers. As an immediate consequence, many women in the East changed their reproductive behavior, and total fertility rates in East Germany dropped sharply for the first half of the 1990s and only recovered slowly thereafter (see Figure 3.1).

These particular institutional misfits between West German family policies and East German breadwinning patterns did not act as transmission mechanisms, however, and did not create an immediate policy response, as had been the case for the childcare infrastructure. This was due to three reasons. Firstly, the economic crisis situation itself took away attention from such "soft" social issues as female employment, especially considering the traditional bias of the West German system to focus labor market policies on preserving the jobs of men (Vogel 1999, 18).

Secondly, the immediate consequences of institutional transfer of other policy instruments for the lives of women on the micro-level may have been recognized at the time but were either framed in a way that ideologized these effects in terms of the previous authoritarian system, or disconnected them from family policy measures and linked them to broad economic development trends instead. The drastic drop in fertility rates in the East, for example, was acknowledged in the government's official statement on the Fifth Family Report (Bundesregierung 1994), yet the government did not come to the conclusion that changes in the institutional setting were in order to alleviate this situation. Instead, it was noted that the previously higher birthrates had been the result of the extensive and goal-driven policies of the GDR regime that left no "freedom of choice" to parents, whereas "[i]n the Federal Republic of Germany, by contrast, family is de facto viewed as private matter of the individual, as personal decision that the state has to respect and for which it only sets the framing conditions" (Bundesregierung 1994, V). This ideology-driven, negative evaluation of the pro-natalist and economic goals of the GDR regime in making family policy is a recurring theme in the statement, and effectively excluded a fundamental questioning

of the West German path for the time being. Furthermore, pro-natalist policies had long been a taboo in West German politics, due largely to historical connotations of racism and eugenics under National Socialism (HWWI 2013, 8–9). It was only later, in the 2000s, that low fertility would become framed as a fundamental policy issue. As the issue of low birthrates could not be fully disregarded, however, the government statement simply reframed it as an issue of economic policy: "The development of fertility in the new *Länder* will depend in essence on the further economic development and the connected harmonization of living standards" (Bundesregierung 1994, VII).

Thirdly, a true commitment to solving the issue of these institutional misfits would have meant a rather complicated and wide-reaching re-calibration of the complicated West German family policy. West German family policy consisted of a whole jungle of great and small policy measures; various benefits, tax credits, labor market regulations etc. would have had to be changed to truly change the direction of family policy. Such a wide-reaching reform would not only have been legally complicated, but also politically problematic within the ruling CDU, still following a comparatively conservative party line. The upkeep of existing childcare infrastructure in the East, and the legal guarantee to a kindergarten spot in the West, meanwhile, were comparatively simple measures (in political and legal terms), for which it was a lot easier to build an advocacy coalition within the CDU.

This lack of response thus reveals the limits to and peculiarity of socialist legacies in the German context: as opposed to other post-socialist countries, where the whole population and political elite had been socialized in the previous socialist system, East German politicians and the East German population joined another polity, with existing institutions and an existing national political elite where they were not in the majority and did not yet fill as many central positions.

Transmission mechanisms for socialist legacies, therefore, could only work under certain favorable conditions in the German context, like advocacy coalition opportunities with like-minded West German elites and windows of opportunity for pushing reform in certain directions. This was the case with the Unification Treaty and the ensuing abortion reform with the *Sozialpaket* in 1990/2, but did not extend further in the course of the 1990s due to a lack of reform willingness in family policy and ideological reservations of the Christian Democratic party and the Kohl government. It would only be years later that such favorable conditions existed again.

3.2 A Revival of Family Policy under Schröder (1998–2005)

A major turning point in the German debate on family policy started with the first SPD and Green government under Gerhard Schröder in 1998. One of the many areas in which the Red-Green coalition had promised reforms in its coalition agreement (Bundesregierung 1998, 34–5) was family and women policy. Four main points in the program deserve mentioning. Firstly, the government widened its definition of family. The new motto "Family is there where children are" put the main emphasis on children, as opposed to the rather marriage-centered concepts prevailing in West Germany for decades. Secondly, the two parties promised that they would help families through economic means and by investing in the expansion of "social infrastructure." This last category particularly referred to "an adequate provision of daycare facilities for children and all-day care" for children of all ages. Thirdly, the government planned the introduction of a modernized, more flexible parental leave scheme (*Elternurlaub*) in combination with a legal entitlement for reduced working hours and a benefit (*Elterngeld*), whose length and amount were adjustable according to parents' wishes. Lastly, the incoming government promised to do more in terms of gender equality, especially on the labor market.

3.2.1 The Term of Christine Bergmann

The press at the time remarked that the new family minister, Christine Bergmann, had come into office due to an unofficial "double quota" in the coalition, being female and from the East (Roll 1998). This assumption of a double quota does not seem far-fetched. She was not the first woman socialized in the former GDR to be appointed to this post. Two of her three predecessors since 1991 had been women from the East[31]. Yet, simply putting a woman from the East into a political position did not necessarily mean that she would be an outspoken advocate of East German ideas. While Angela Merkel had on occasion publicly claimed to also be considering the special demands of women in the East and had more or less succeeded in balancing out the different expectations from East and West (Wiliarty 2010, 167), her predecessor Claudia Nolte did not seem as outspoken about "East German issues" during her tenure. Furthermore, both women had been rather young at the time, and came with little political experience and expertise in social policy matters[32].

Bergmann, however, clearly went into office with a lot of personal life experience and political expertise in social policy. At the time of unification, the then 50-year-old joined the SPD and served as Mayor of Berlin and Senator for Labor, Vocational Training, and Women between 1991 and 1998. This experience allowed her to enter the family ministry with specific aims in mind for improving family policy. For example, she put special emphasis on the issues of childcare infrastructure. In a 1999 newspaper interview, she said that the "standard in the East would be needed in all of Germany" (Bergmann 1999). It appears that she was quite outspoken about her socialization in the East and the differences in viewpoint that this entailed. In the same

31 Angela Merkel, as Minister for Women and Youth alongside the West German Hannelore Rönsch as Minister for Family and Senior Citizens, 1991–1994; Claudia Nolte, 1994–1998.

32 Indeed, it seems that this was not necessarily an accident. Putting female East German newcomers into at the time seemingly unimportant ministries was a most welcome way of addressing unwritten internal quotas without risking too much political interference (Wiliarty 2010).

interview, she particularly marveled at the persistent West German *Rabenmutterdebatte*[33], which criticized working mothers for their lack of dedication towards their children:

> Gainful employment and family were something self-evident for East German women, and they still are. Also for men. I can see that this is not the case everywhere in Germany, in contrast to our neighbors. We have a modernization backlog, and this stands in opposition to the wishes of most women, even in the old *Länder*.
>
> (Bergmann 1999)

In a personal interview for this thesis, Bergmann said in retrospect that when she took office in 1998, she was astonished at how conservative the images of family still were in parts of Germany, especially in the traditionally more conservative south. She thought that the half-day legal entitlement for over-threes created under Kohl was not enough, and that all-day infrastructure would be preferable (as was the case in the East).

During her time in office, the three most important areas of activity for her were: firstly, campaigning for wider acceptance of working mothers and institutional childcare in the West. Secondly, a modernization of gender roles within the family and households in both East and West; for this she started so-called "father campaigns," which were meant to animate men to take up more responsibility in their children's upbringing. Thirdly, she advocated for the right of children to a non-violent upbringing (Christine Bergmann, personal interview).

During Bergmann's tenure, the most relevant piece of legislation for this analysis was the promised modernization of the old parental leave and its flat-rate benefit[34] originally passed in 1986 by CDU and FDP. In 2000, the Schröder government passed a law creating the so-called *Elternzeit* ("parenting time") that individualized the right to parental leave, with both parents being able to take it simultaneously and split the whole 3 years leave into up to three separate sections. The option of working part-time during parental leave was extended to 30 hours per

33 In German, a *Rabenmutter* ("raven mother") signifies a bad mother who is negligent and unloving towards her children. The common perception over several decades in the West was that mothers who brought their children to childcare institutions outside the home in order to work were bad mothers, and that this was detrimental to a child's development.

34 *Erziehungsurlaub* and *Erziehungsgeld*.

week per partner, and the connected benefit (still called *Erziehungsgeld*) now included a "budget option" allowing parents to receive a higher monthly payout if they opted for a shorter payout period (Gerlach 2010, 216–7). This latter option was intended as an incentive for parents to re-enter the labor market earlier and foster continuous working careers.

During the first reading of the law, Bergmann explained the government's aims in this renewed parental leave arrangement (Bundestag 2000a). It was supposed to offer more freedom of choice for parents, and move family policy away from the traditionalist family model of intra-familial separation of labor by encouraging fathers to take the leave and mothers to continue part-time employment during leave periods. In her speech, the minister particularly referred to opinion polls showing a growing willingness of parents to shared responsibilities and continuous working careers (9210–2). What is interesting to note is that, unlike during the abortion reform debate in 1992, there was virtually no reference to GDR experiences in the speeches[35]. In my interview with Bergmann, she also mentioned that she had somewhat refrained from making open comparisons to East Germany in official communication, given that people were not thrilled about hearing such references.

During the second reading, the Greens' speaker for family policy, Irmingard Schewe-Gerigk, additionally reminded the parliament in her speech that this law was only the start of further reforms that had to be done, especially concerning care facilities for under-threes and in all-day schools (Bundestag 2000b, 10948–9). She agreed with the PDS in their proposal that something needed to be done in that area, but also held that the federal government had to cooperate with the lower levels (*Länder* and municipalities) in this project, and that the federal level had to bear part of the finances. It appears thus as if the issue of institutional childcare had

35 The only exception was a negative remark by Christian Democratic MP Klaus Holetschek, reminding the PDS fraction with reference to their competing minority bill that they were not living in "real-existing socialism" any more (Bundestag 2000a, 9224).

made an advancement in political salience over the years. While the first Red-Green cabinet did not make any major law regarding this problem, it certainly recognized it as an item of growing importance on the political agenda, especially since the East German family minister in office herself had made a point in advocating that this issue be given more attention than previously. However, as was pointed out by some of my interviewees, Bergmann was not in the position at the time to organize the necessary political majorities to push the topic of childcare expansion on top of the agenda. Particularly the *Bundesrat* would have blocked such approaches, considering that it was dominated by the Christian Democrats from September 1999 onwards and had a general showed reluctance to let the federal level reign in on their childcare infrastructure.

Family policy in general had also finally gained a higher position on the political agenda. Despite it being mentioned in the 1998 coalition agreement, according to Bergmann (personal interview), "family policy was not a topic when Red-Green came to power in 1998." Over the years, however, family policy gained a lot more salience and public attention. Malte Ristau-Winkler (personal interview), head of department in the family ministry between 2002 and 2009, remembers a vivid medial debate starting after the year 2000. The media outlets and the public started worrying about the supposedly bad situation of families in Germany; perceptions of rising divorce and abortion rates, declining birthrates, bad economic shape of families were the main topics. While these worries were not fully backed by statistical evidence, they created public awareness of family matters. Around 2004, then, "[t]here was an almost hysterical demographics discussion about birthrates being too low; that created leverage to go into the offensive with family policy" (Malte Ristau-Winkler, personal interview).

3.2.2 The Term of Renate Schmidt

The second Red-Green coalition agreement again picked up the issue of family policy (Bundesregierung 2002, 29). It included the plan to invest federal funds into the improvement of quantity and quality of childcare for under-threes. During the second Schröder government, the family ministry was headed by the West German Renate Schmidt, another woman with extensive political experience in social policy matters. Schmidt and her appointee for Head of the Family Department in the ministry, Malte Ristau-Winkler, were determined to use the growing salience of family matters and pushed for a redefinition and redirection in the field. As a first step, they initiated a large-scale scientific evaluation process to get an overview of all family-related benefits and legal arrangements. According to Ristau-Winkler (personal interview), no government before them had taken the step of defining clear policy objectives based not on an ideological but economic basis, and then reviewing the jungle of family-related measures in order to evaluate their actual effectiveness. For this purpose, the Seventh Family Report[36] was commissioned in February 2003, and the incoming results during the drafting process were used for further policy proposals throughout the legislative period. The approach was decidedly comparative, looking at "best practices" from other European countries.

One consequence of this evaluation was that the ministry defined a new concept of "sustainable family policy," based on economic reasoning. A policy paper published by the family ministry (Rürup and Gruescu 2003) argued that, in order to boost birthrates and female labor market participation, the government had to include parents' opportunity costs into their reasoning when designing certain measures. It especially argued for a shorter parental leave period and a so-called *Elterngeld* ("parenting allowance") benefit as it was found in certain Scandinavian countries, based on previous income and partially replacing the "lost income" incurred by taking

36 The report was ultimately published in April 2006, already during the Grand Coalition (BMFSFJ 2006).

parental leave. This way, it was argued, parents would have an easier time deciding for a child if they knew that they would be compensated partially during a career break. This new system of parental leave should additionally be supplemented with flexible and affordable childcare infrastructure, allowing parents an early re-entry into the labor market.

In a later article, Ristau (2005, 18) explained further that the government actively pursued five guiding sustainability indicators: "birthrate, reconciliation, poverty risk, level of education, and educational competency". This clear definition of demographic, economic, and educational goals was unique for the field of family policy at the time. The family ministry thus used the ongoing demographic discussion in the public to move family policy out of the ideological corner, where it had long been the playground for party politics.

At a closer look, one may find certain parallels between these policy proposals and objectives and the GDR model of family policy. In terms of objectives, the GDR had mostly constructed its family policy according to demographic and economic goals. While the FRG had refrained from any pro-natalist reasoning for decades due to the historical abuse of such ideas under National Socialism (HWWI 2013, 8–9), the GDR had based its family policy on economic and demographic grounds early on. Family policy was not a social nicety of the state but was supposed to achieve particular objectives. In terms of policy instruments, the *Elterngeld* with its income-replacing character strongly resembles the benefit that was paid out during the *Babyjahr* introduced in the GDR in 1976 (Berth 2005). While these parallels are most probably coincidental[37], it is still striking to note, however, that no mention was made of similar GDR predecessors, even though, technically, an evaluation of their effectiveness in the GDR could have been part of a cross-country comparison like the one conducted. In any event, it seems that similar demographic and economic problems had led to similar policy solutions.

37 The family ministry was pronouncedly looking at the Scandinavian countries and France for inspiration.

The grand law-making project of the second Red-Green government in childcare was the so-called "TAG" (*Tagesbetreuungsausbaugesetz*) in 2004, a law on the demand-based expansion of childcare facilities for children below the age of three, which was to be funded in part by federal money. During the second reading (Bundestag 2004, 12282–3), Schmidt particularly mentions low birthrates, the ensuing low economic growth, early childhood education and enabling parents a "freedom of choice" over their life and career plans as main reasons for this law. Unlike during the debate related to the *Elternzeit* law in 2000, the differences between East and West were referred to on a few occasions[38]. Renate Schmidt herself referred to the different situations between East and West in childcare by saying, "I am convinced: We can make it happen that West Germany does not stay a developing country in terms of childcare, and that East Germany can maintain its good infrastructure" (12282).

Table 3.1

Places available in childcare institutions in 2002
(as percentage of all children in age group)

	0 to 2 years	**3 to 5 years**
Former FRG (excl. Berlin)	2.8	89.9
Former GDR (excl. Berlin)	37.0	105.1
Germany	*8.6*	*91.3*

Source: Destatis 2004, 17.

Differences between East and West regarding childcare infrastructure and citizens' attitudes towards female labor market participation were still quite considerable and visible in the early 2000s. As Table 3.1 shows, the West German *Länder* had caught up quite well in terms of kindergarten infrastructure, offering mostly half-day childcare to about 90 percent of children over three. Meanwhile, almost nothing had happened in terms of crèches for children below the

38 Notably, Katrin Göring-Eckardt (Greens; 12287), Klaus Haupt (FDP; 12297), and Gesine Lötzsch (PDS; 12303) referred to the East. These East German MPs made direct comparisons between East and West in terms of childcare facilities and/or female labor market participation.

age of three. While the new *Länder* could on average offer an early childcare ratio of almost 40 percent, the West did not even reach 3 percent. This huge difference made it obvious that something had to be done in early childcare.

At the same time, women's attitudes on family matters and female labor market participation also still tended to differ. As Adler (2004, 21–2) reports:

> [A]lthough the life plans of women under 30 [in the East] differed significantly from the standard GDR biography, they have kept the work orientation of their mothers, are postponing family formation, and reject the West German notion of full-time homemaker. Economic necessity and the desire for independence make employment a priority, and prompt many women to delay or forgo marriage and child bearing until they secure a stable employment situation.

Overall, women in the East continued to have higher employment, cohabitation and non-marital birth rates than West German ones (26). These differences in attitudes and behavior seem to be more enduring than might have been expected after unification. So, apart from the infrastructural legacy in the childcare infrastructure, also a relatively stable behavioral/attitudinal legacy among Eastern women lived on, even over a decade after unification. There was definitely a basis for still comparing East and West in these areas, and using the lasting differences for a political argument in favor of childcare infrastructure and work-family reconciliation.

While direct references to one's own socialization under socialism were more common among East German MPs during the abortion debate in 1992, they seemed to have disappeared from the parliamentary discourse of the 2000s. Likewise, aside from the still visible and by now politically innocuous legacies in the childcare situation, there was no reference to concrete GDR policies and their objectives, even when the current proposals showed certain parallels. It seems that as time passed, as East Germans had lived longer and longer in unified Germany, and as the GDR system more and more disappeared into the shadows of history, direct references to life under socialism seemed increasingly anachronistic. At the same time, readily available contemporary "best practices" from ideologically untainted countries like Sweden, Norway, or

France provided more than enough arguments and examples for comparison and new ideas.

One might say that, by this time, socialist legacies had become a lot less direct than they were right in the transition period. As old policy practices from the GDR became increasingly historical, they also disappeared from public consciousness, even of those that had lived under them. Meanwhile, infrastructural and attitudinal legacies in childcare and female labor market behavior were still at play in an indirect way. Due to the fact that childcare infrastructure in the East had been preserved, and the differences vis-à-vis the West were still considerable, differences between the two parts were now interpreted as an infrastructural lag of the West that had to be reduced. Concerning public attitudes towards family life, childcare, and female employment, differences were also still clearly visible in opinion surveys and in discussions between East and West Germans. Also here, political and media discourse tended to frame the conservative legacies of the West as rather "backward," while East German attitudes tended to be framed as more modern. What matters here is that an underlying normative consensus had started to establish itself in the political elite, media, and public opinion over what was considered "modern" (working women with continuous careers; early childhood education; gender equality in the household) and over what was considered "old-fashioned" (the housewife-homemaker; long-term home-based childcare)[39]. Those elements of the consensus that coincided with the infrastructural and attitudinal legacies in the East could then start working as subliminal benchmark.

3.3 Programmatic Turn of the CDU under Merkel (2005–2009)

During the Red-Green administration, the Christian Democrats started to make moves towards a modernization of their family policy positions, with a lot of reinforcement coming from their

39 It should be noted that this new consensus was fostered by the now commonly discussed demographic and economic developments in Germany, as well as the role models of other European countries with higher birthrates and higher female labor market participation. Also, advocacy of East German women like Christine Bergmann may have helped.

Secretary-General, Angela Merkel. As Fleckenstein (2011, 556) argues, the electoral defeat in 1998 had been a strong blow to the party, and it became increasingly obvious that the party had issues to mobilize women and urban populations. Family policy was identified as key issue by the party leadership to mobilize these constituents, putting in place an intra-party commission to develop new ideas in this field. The election manifesto for 2002 included a new, less marriage-centered definition of family, and promised more childcare infrastructure. Nevertheless, the manifesto's positioning remained ambivalent, considering that it did not include a clear commitment to childcare for under-threes, as well as the rather conservative proposal for a flat-rate family allowance, backed by conservative Chancellor candidate Edmund Stoiber (Fleckenstein 2011, 557). The Christian Democrats again lost at the polls in 2002, and General-Secretary Merkel kept pushing programmatic renewal in family policy and other areas (562). This time, an intra-party commission discussed new positions on work-family reconciliation. During her own election campaign as Chancellor candidate in 2005, Merkel emphasized female topics, and on occasion talked freely about her socialization in the GDR where childcare and female labor market participation were normal (Kahlweit 2005).

3.3.1 The Grand Coalition

The CDU won the election and went into a Grand Coalition with the SPD under Merkel, the first East German Chancellor. In the coalition agreement a comparatively large section was devoted to family affairs. The leitmotifs included demographic change, pro-natalist goals, more childcare infrastructure, gender equality, and family-work conciliation (Bundesregierung 2005, 41, 79, 111–21). The family portfolio was assigned to the Christian Democratic Ursula von der Leyen, a West German, 47-year old married doctor, Catholic, and working mother of seven, who received a lot of media attention at the time, both for the rather unusual family model she lived –

a mix of conservative and modern – and for the resoluteness with which she advocated for a modernized Christian Democratic family policy (Poelchau 2006).

According to Ristau-Winkler (personal interview), who had stayed in the family ministry, it was a fortunate coincidence that von der Leyen became Schmidt's successor, since both women had similar attitudes and ideas. This led to a certain continuity in the approaches followed. Effectively, von der Leyen managed to convince her party that they had to modernize their family image in order not to fall behind the Social Democrats in this regard.

In 2006, the first big legal project was the introduction of the *Elterngeld* concept, which had previously been announced by Schmidt during the election campaign (Berth 2005), and had been taken up again by the new government. Not surprisingly, Leitner (2010, 457, 463–4) calls this law a compromise between conservative and Social Democratic ideals: the new benefit would be earnings-related, but with a minimum universal amount for the formerly non-employed. The timeframe for claiming the benefit was reduced from two years to only one year, plus an option to add two "partner months" if the partner also took parental leave. According to Leitner, this new concept was certainly a move towards a dual-earner/carer model, in which female labor market participation and male participation in child-rearing was (theoretically) encouraged[40].

Only a few months later, von der Leyen (2007) pushed further ahead with her modernization by strongly arguing in a newspaper interview that a benefit like the *Elterngeld* was only meaningful if parents also had the infrastructural possibilities – i.e. childcare for under-threes – to realize their plans of re-entering the labor market. Her plan was to introduce a legal entitlement to childcare for children one year and older[41], a final break with conservative ideas

40 Around this time, a debate began about whether the CDU's modernization made the party move too far away from the conservative part of its base (Schneider 2006). This debate has continued until today.

41 In effect, she thus suggested the extension of the previous legal entitlement, which had covered children aged three to six.

that young children should best be educated at home. This idea had also already been around during Schmidt's term, but the Christian Democratic majority in the *Bundesrat* at the time did not allow for the realization of this project before the Grand Coalition came into power (SPD MP, personal interview). Conservatives within the CDU, however, did not remain silent and an "acrimonious verbal battles broke out between advocates of '*Selbstbetreuung*' [self-conducted childcare at home] and those of '*Fremdbetreuung*' [foreign-conducted childcare in crèches], which have led to a re-ideologization of family policy" (Gerlach 2010, 233). A lot of convincing had to be done, also in the Women's Union, where "conversations between women from the East and women from the West were helpful in convincing the Westeners that the new policy was a good idea" (Wiliarty 2010, 181).

The legal entitlement, couched in the frame of early childhood education, passed in late 2008 as *Kinderförderungsgesetz* (Child Advancement Act; *KiföG*). The law promised an additional federal investment of 1.85 billion Euros between 2009 and 2013, and another 770 million per year thereafter (Bundestag 2008, 17190). The entitlement is taking effect in August 2013.

Table 3.2
Children enrolled in childcare institutions on 1 March 2012
(as percentage of all children in age group)

	0 to 2 years	**3 to 5 years**
Former FRG	22.3	92.9
Former GDR (incl. Berlin)	49.0	95.6
Germany	*27.6*	*93.4*

Source: Destatis 2012.

In recent years, investment in public childcare has further increased in the West in order to meet the demand expected in connection with the legal guarantee. Yet, as can be seen in table 3.2, regional differences between East and West are still clearly visible in case of crèches. One

might argue now that a lower coverage in the West is not problematic as long as it is also met with the traditionally lower demand in these regions for childcare in the first three years. Yet, West Germans seem to have changed their attitudes towards early childcare. A recent study (DJI 2012) reveals that there is a considerable demand in the old *Länder*, which so far cannot be met by the existing infrastructure. Furthermore, an overall trend towards higher female labor market participation can be discerned when looking at recent employment data (table 3.3). The percentage of gainfully employed working-age women rose from about 65 percent in 2001 to over 70 percent in 2009. It can be assumed that this considerable increase is not only due to attitudinal changes, but also due to the effects of recent legislation in the field of family policy.

Table 3.3
Gainfully employed women in Germany
(as percentage of all working-age women)

Year	2001	2005	2009
Employed women (in %)	64.9	66.8	70.3

Source: Destatis 2013b.

Looking at these figures and the legislation of the last decade, the all-German system of family policy does not clearly qualify as "conservative" anymore, in the sense established by Esping-Andersen in 1990. Parental leave benefits are now much less family-based and more individualized. Moreover, the expansion of childcare facilities even for the youngest certifies a higher acceptance among policymakers and the public towards state-provided services outside of the family, while still leaving the market locked out as childcare provider. Female labor market participation is now encouraged and a valid option for a large part of the population. The opportunity of a largely continuous work biography for women is improving in both parts of Germany with the growing availability of childcare.

3.3.2 Transmission Mechanisms in the 2000s

It was not that surprising that it was two left-wing parties, SPD and Greens, that started the reform path to a family policy enabling mothers to work, and to the state taking over some of the responsibilities with infrastructure. But why did this modernizing trend continue with such full force under the conservative CDU? Possible explanations for this programmatic renewal are manifold, but none of them work without a closer look at the agency of the East German Chancellor Angela Merkel.

According to Wiliarty (2010, 164), Merkel was able to rise within her party rather quickly because her "party manager" leadership style, apt in balancing out different forces within the CDU, coincided with her belonging to three internal constituency groups (East German, woman, Protestant) which all had to be represented in the party's leadership staff. Because of this, she was a frequent pick for higher positions. During her time as Secretary-General, she noticed that the CDU could only win elections if it was able to modernize its social policy stance, thus attracting more women and young people, especially in urban areas (Fleckenstein 2011).

One might argue now – as Fleckenstein (2011) does – that this renewal can mainly be explained with instrumentalist assumptions of vote-maximization and party competition with the Left. This is of course part of the story. Yet, I also argue that the particular direction which the family policy reforms in the Grand Coalition took can only be understood properly when taking into account Merkel's provenience. The previous Red-Green reforms, with Bergmann putting the topics of gender equality, childcare, and female employment back on the political map, and Schmidt redefining the goals and means of sustainable family policy, already gave a sense of direction where modern family-related policy should be headed. This direction coincided with attitudes in the general public, and with the positions of the ambitious party hopeful von der Leyen. While Merkel, in her position as head of the party and Chancellor, generally tends to

avoid too open references to her Eastern heritage, she did on occasion – like in the election campaign 2005 – make comments in that direction, implying that female career orientation and early childhood care are nothing foreign to her. Considering that this East German socialization coincided to a large degree with the direction that Red-Green had given to family policy, it is not surprising that von der Leyen was Merkel's pick for the office of family minister (Wiliarty 2010, 183), and that subsequent reforms followed the given path.

While the minister was in charge of the policy proposals put forth by her ministry, one should not underestimate the role of the Chancellor. As a head of division in the family ministry said in a personal interview, there is always an intensive communication stream between family ministry and chancellery. Furthermore, "[t]he Chancellor has her own ideas what she wants. In this respect one will not do anything where one already knows beforehand that the Chancellor will not support it." Any proposal from the ministry thus needs the Chancellor's backing[42].

In this sense, the whole period between 1998 and 2009 illustrates how high-ranking East German politicians acted as the main transmission mechanism in the sense that they acted as facilitating factors for certain reforms resembling policy models they had experienced in the former GDR. Christine Bergmann was not in the political position to push reforms of childcare infrastructure and female employment more strongly, but she did come out in favor of these topics during the first Red-Green government, thus gradually putting these issues back on the political agenda. Similar things can be said about Merkel, who came into office at a time when the first steps towards reform had already been made, and differences between East and West illustrated the

42 Wiliarty (2010, 182) provides a good example for Merkel's approach in these issues. During the drafting period of the *Elterngeld*, Merkel, in keeping with her balancing managerial style, took herself out of the debate for a long time, and only stated her opinion openly once a consensus was reached in the party. Yet, she made sure to give von der Leyen her backing in order for this reform to pass successfully.

different infrastructural and attitudinal remnants between the two parts, which were interpreted (also by West German politicians) as a certain "backwardness" of the West. Under these favorable conditions, Merkel's presumably conscious pick of von der Leyen as family minister and her backing of von der Leyen's reforms reveal a certain implicit preference – likely stemming from her socialization in the former GDR – for the reform path started by the Red-Green government. At lower levels of the process, persuasion processes within the CDU, for example in the Women's Union, also helped West German members in accepting the new positioning of the party[43]. Thus, in summary, one can say that socialist legacies were still at play to a certain degree at the turn of the millennium and after, even though they were more subtle and indirect than right after unification. The main transmission mechanisms in the new century were thus East German politicians in particular, but also infrastructural and attitudinal differences between East and West, and to a lesser degree intra-organizational persuasion within the CDU. Interestingly, the hypothesized effect of Eastern *Länder* governments as transmission mechanisms did not emerge during my research; as became visible in many of my interviews, *Länder* governments regardless of region rather acted as decelerators, as they were suspicious of national interference into their childcare infrastructure, and were driven in their behavior more by budgetary interests.

Concerning the overall institutional change processes in German childcare and family-work reconciliation policy, we can first speak of a decade-long layering process that has gone so far by now that it starts becoming a "displacement in installments." Throughout the 1970s, 1980s and after unification, the West German model was not fully replaced by a new model, but experienced over the years a number of smaller and larger adjustment to the traditionalist policy core in the direction of more institutional childcare and better family-work reconciliation. In the

43 As a head of unit in the family ministry told me during an interview, he clearly noticed that there were also differences in viewpoint within the ministry between staff members from East and West, which occasionally came up in the discussion of certain issues.

last two decades, these changes were facilitated by those socialist legacies discussed in this thesis. By now, however, policy adjustments have amounted to so much change over time that, at least in the area of childcare and reconciliation policy, Germany has reached a state where the traditionalist "male-breadwinner model" has been almost fully replaced by a more egalitarian model with two breadwinners and shared household burdens, more similar to the Nordic countries. Thus, the displacement in this particular area is advanced, even though it took several decades to unfold. Unfortunately, this is not the case for the overall system of family policy. Certain persistent policy measures, like the *Ehegattensplitting* or the free health insurance for unemployed spouses, however still show remnants from the traditional marriage-centered conception that used to be at the core of the West German system of family policy. Despite advances under Red-Green to halt the uncontrolled growth in tax credits, benefits etc., overall German family policy remains a layered patchwork of various measures that will probably not be "streamlined" in the near future. Also the recent introduction of the *Betreuungsgeld*, pushed in particular by the conservative Bavarian CSU and met with a lot of harsh criticism from various sides, marks a certain departure from the advances made earlier.

CONCLUSION

Socialist legacies have played a role in the changing character of family policy in Germany after unification, especially in terms of childcare and family-work reconciliation. The preceding analysis has first established the differences between the policy models followed by the GDR and the FRG during the years of separation. While the socialist regime actively used family-related measures in order to enable mothers to work full-time relatively early after childbirth, thus freeing them for the country's production and boosting fertility, the West German polity was much more reluctant in active population policy. Instead, for many decades it followed the leitmotif of reduced state influence on family matters and traditionalist notions of stay-at-home motherhood and a male single-breadwinner. The FRG thus did not invest much in childcare, and set incentives for mothers to stay at home as long as possible. Consequently, at the time of unification, East German women were more oriented towards work and personal economic independence than Westeners, and the East offered more extensive childcare infrastructure than the West.

The second part of the analysis has provided a chronological account of the development of family policy during the two decades following unification, putting a special emphasis on those transmission mechanisms that have saved over ideational, attitudinal, and institutional legacies from the GDR into the all-German polity. It was shown that immediately after unification, legal-institutional misfits in abortion legislation provided a window of opportunity for certain West German politicians to build coalitions with East Germans to achieve the legal entitlement to childcare for under-threes. Socialist legacies re-appeared years later under the Red-Green government and the Grand Coalition. In the post-millennial period, the main transmission mechanism was East German politicians in key positions pushing childcare and family-work

reconciliation back on the political agenda. Furthermore, the persistent differences between East and West in citizens' attitudes and childcare infrastructure acted indirectly as facilitating factors for the expansion of childcare in the West, as well as emphasizing the topic of female labor market participation. Intra-organizational persuasion processes also played a minor role as transmission mechanism, while the East German *Länder* did not. The final result of these changes to childcare and reconciliation policy amount to a long-term process of institutional layering, only changing smaller elements from the West German model at a time. Ultimately, though, changes in this field were so big that we have almost reached a state of displacement, where the West German traditionalist model has been largely replaced by a more egalitarian, less marriage-centered model.

These findings open up further interesting questions and puzzles. Firstly, one may ask why GDR legacies were mostly so indirect, and references to the GDR were so extremely infrequent in the political debate. A tentative answer to this could be that there still seems to be an implicit stigma on referring to anything that only loosely resembles GDR precedent, an ideological "wall inside the head" (*Mauer im Kopf*[44]) of the influential West German policy elite on the national level. One interviewee pointed out that this stigma has long roots, since the Federal Republic had tried its best to differentiate itself from the GDR where it could. This "differentiation mechanism" seems to live on until today, as a Western legacy from Cold War times. GDR policies, even if providing useful ideas for solving contemporary problems, were thus ideologically discredited and unattractive as talking points in political debate, especially if there were other "best practice" ideas containing similar ideas available from other untainted European countries.

A second question arising from the findings of this thesis has implications for the field of transitology and the legacy literature. It would be interesting to compare the working of legacies in the German case to other countries in Central Eastern Europe. Considering that the transition

44 I thank my supervisor Dorothee Bohle for suggesting this idea out to me.

process in Germany differed considerably from that in other countries of the region, due to the very different initial situation of unification, one would expect that also the working of socialist legacies had to be different analogously. In Germany, the citizens and elites of two very different countries came together in 1990 and had to find a way to create a workable situation for both of them. In other post-socialist countries, on the other hand, almost all citizens and members of the elite were socialized under the same system; one thus might expect that legacies were much stronger here than in Germany. Nevertheless, the transition period also brought Western-capitalist models of policy-making into these countries, which interacted with historical legacies.

Thirdly, the literature review at the beginning of this thesis has shown that explanations for family policy change in Germany have to incorporate a multitude of factors, such as path-dependency, party politics, new social risks, and policy learning from other countries. Further research may be able to clarify the interaction of the socialist legacies discussed in this thesis with other explanatory variables to explain the outcome of policy change in German family policy. As became during the analysis, for example, the changing socio-economic environment has created problems that could be addressed with certain model solutions learned from the Scandinavian countries. As these models showed some likeness with ideas and models that East Germans had experienced under socialism, they could ask as catalysts for the implementation of these policies.

Finally, this thesis has only covered the area of family policy. Further research could investigate whether socialist legacies were also at work in other policy areas, such as welfare state policy, public health, or education policy.

The issue of socialist legacies has so far been neglected in the literature. However, as long as Germans continue to make a difference between *Ossi* and *Wessi*, we will have reason to believe that the GDR casts longer shadows than was initially expected.

Appendix 1: List of Personal Interviews

The personal interviews with policy-makers were conducted between April 11 and April 19, 2013 in Berlin and Potsdam. A number of respondents asked to remain anonymous.

1. Dr. Christine Bergmann, former Federal Minister of Family Affairs, Senior Citizens, Women, and Youth (1998–2002).

2. Malte Ristau-Winkler, former head of the Department for Family Affairs in the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth (2002–2009).

3. A head of division in the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth.

4. A member of the FDP in the *Bundestag*.

5. A member of Die Linke in the *Bundestag*.

6. A member of the SPD in the *Bundestag*.

7. A member of the SPD in the *Landtag* (regional parliament) in Brandenburg.

APPENDIX 2: LIST OF GOVERNMENTS AND FAMILY MINISTERS SINCE 1991

Cabinet	Coalition Parties	Family Minister
Helmut Kohl IV (01/1991–11/1994)	CDU/CSU, FDP	*Family Affairs and Senior Citizens* Hannelore Rönsch (CDU) *Women and Youth* Angela Merkel (CDU)
Helmut Kohl V (11/1994–10/1998)	CDU/CSU, FDP	*Family Affairs, Senior Citizens, Women, and Youth* Claudia Nolte (CDU)
Gerhard Schröder I (10/1998–10/2002)	SPD, Greens	*Family Affairs, Senior Citizens, Women, and Youth* Christine Bergmann (SPD)
Gerhard Schröder II (10/2002–10/2005)	SPD, Greens	*Family Affairs, Senior Citizens, Women, and Youth* Renate Schmidt (SPD)
Angela Merkel I (11/2005–10/2009)	CDU, SPD	*Family Affairs, Senior Citizens, Women, and Youth* Ursula von der Leyen (CDU)
Angela Merkel II (10/2009–today)	CDU/CSU, FDP	*Family Affairs, Senior Citizens, Women, and Youth* Kristina Schröder (née Köhler; CDU)

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————. 1992b. *Entwurf eines Gesetzes zum Schutz des ungeborenen Lebens*. Draft bill proposed by the CDU/CSU fraction. Drs. 12/1178 (neu).

————. 1992c. *Entwurf eines Gesetzes zum Schutz des vorgeburtlichen/werdenden Lebens, zur Förderung einer kinderfreundlicheren Gesellschaft, für Hilfen im Schwangerschaftskonflikt und zur Regelung des Schwangerschaftsabbruchs (Schwangeren- und Familienhilfegesetz)*. Draft bill proposed by parliamentarians Inge Wettig-Danielmeier and others. Drs. 12/2605 (neu).

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