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Family Leave Policies and Labor Market Segregation in Germany: Reinvention or Reform of the Male Breadwinner Model?¹

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Abstract

The historically dominant male breadwinner and female carer model in West Germany has resulted in comparably low female employment rates and a gender-structured labor market. Since the 1970s, the decline of traditional patterns and sectors of male employment has been accompanied by the expansion of the female-dominated service sector. Supplemented by women's higher educational attainment, a pluralism of household forms, and German unification, the result has been constant growth in female employment. With more working mothers, the question of combining work and family has provoked policy responses that, in West Germany, have mainly centered on family leave policies. In addressing the question of whether these policies have resulted in a more equitable sharing of paid and family work, this article presents longitudinal empirical data on the working patterns of women entitled to different forms of family leave. These show how changing regulations have led to the institutionalization of a "baby break" for younger women and to the promotion of labor market exclusion.

INTRODUCTION

The male breadwinner and female carer model has deep and tenacious roots in Germany, resulting in comparably low female employment rates and a gender-structured labor market. Although the standard employment relationship of life-long, full-time employment underpinned by strong corporative regulation represented a typical employment pattern of male industrial workers, it did not apply to most women with discontinuous labor market participation and work in the service sector. This picture can be completed by characterizing the postwar West German welfare regime as employment centered, defining access and level of the main social security provisions (health care, unemployment insurance, and pensions) for husband, wife, and children by the continuous full-time participation of one (usually the male) household member in the labor market.

In the 1950s and 1960s, labor market participation and employment patterns of men and women fit this institutional structure. Since the 1970s, with an expansion of the service sector and a decline of the industrial sector, female employment rates have been growing, especially among (← p. 115) working mothers. This trend has continued throughout the eighties and nineties, fueled by higher educational levels of women, a pluralization of household forms, and German unification. With the decline of male breadwinner employment patterns and a continuously high unemployment rate, female supplemental earnings gained more importance for the income of family households and put the question of combining work and family on the agenda.

Policy responses in West Germany to this process of socioeconomic modernization and individualization have centered mainly on family leave policies and were combined with a

¹ We would like to thank Heidi Gottfried for her helpful and thorough comments on an earlier draft.

symbolic and modest financial upgrading of family childcare for nonworking women. Given the fact that a continuous and rising labor market participation of women is a more or less secular modernization trend, as well as a general political and economic quest of welfare capitalism, the question is whether the policies in Germany that were intended to meet the perceived needs of working mothers / parents have resulted in a more equitable sharing of paid and family work. We argue that the outcome and innovative effects of family leave policies since the eighties are questionable.

This article is structured in four sections. The first section links theories of labor market structures and the life course. We adopt a life-course approach, which seems especially helpful to identify discrepancies between the strong institutional shaping of labor market participation in the German welfare system on the one hand, and social change in individual action challenging this institutional framework on the other. The second section discusses how education and family policies regulate and influence maternal labor market participation. We then present longitudinal empirical data on labor market participation of different cohorts of women who are entitled to different forms of parental leave. This analysis allows for the identification of the distinctive effects of single policy measures on the life course and on work and life arrangements. We find that these regulations have led to the institutionalization of a “baby break” for younger women and to the promotion of labor market exclusion. Finally, the sociopolitical implications of these outcomes are discussed.

THE LABOR MARKET AND THE LIFE COURSE

The structuring of the labor market by means of rules governing access, retention, remuneration, and promotion opportunities and the structuring of the life course by means of status passages are closely related to each other and vary considerably between different countries. In German welfare capitalism, the linkage is chiefly achieved by a corporative regulation of employment relations in the industrial core sectors and an associated employment-oriented social policy, including labor market policy (Gottschall and Dingeldey, 2000). This form of welfare regime has been referred to as a strong male breadwinner model (Lewis and Ostner, 1994; (← p. 116) Gottfried and O’Reilly, 2002). A correspondence exists between the “standard employment relationship,” which has been firmly anchored in the German employment system for decades, and the “normal biography,” which describes a standardization of the life course by institutionally defined status passages. Both the structuring of the labor market and the structuring of the life course are gendered. It is only recently that a sensitivity to gender as a master status has been evident in German labor market and life-course research (Krüger and Levy, 2000, 2001).

If we turn to the functioning of labor markets first, segmentation theory is particularly relevant. Although the theory of the dual labor market (Doeringer and Piore, 1971) distinguishes a primary labor market segment, with comparatively stable and well-paid jobs linked to corporate promotion tracks, and a secondary segment characterized by unstable jobs requiring few qualifications and with a low level of integration into the company, for the situation in West Germany, a tripartite labor market structure has been specified. The third segment is called the occupationally specialized (*berufsfachlich*) segment that is based on the wide-ranging system of vocational training and is maintained by close links between the training system and the labor market (Sengenberger, 1978, 1987).

Although this theoretical approach emphasizes the role of both corporate personnel strategies and the transcorporate state regulation of occupational training for the structuring of the labor market, it cannot adequately explain the gender segregation² of the German labor market. The main reason is that it ignores the existence of a two-class system within the general system for vocational training. Although the so-called “dual” (firm- and school-based vocational training deriving from the historically male-dominated apprenticeship system) is regulated by national law, guaranteeing unified training standards and inclusion in corporate codetermination, the school-based training system for the stereotypical female occupations within the service sector (for example, nurse, physiotherapist, and child-minder), historically deriving from the idea of “natural vocations” for women, is regulated by the individual states and is characterized by a high degree of heterogeneity in qualification standards and privatization of costs. This institutionalized arrangement distributes the majority of the male certificate holders into an occupationally organized labor market in the field of industry and commercial services with credential-based claims and career patterns and the majority of female credential holders into a less regulated feminized employment sector in the broad field of social support services with low income work and a sharp separation of semiprofessionals and professionals (Krüger, 1999). (← p. 117)

Thus far, we see close linkages between the training and employment systems and the role of continuous full-time employment for achieving social security. These linkages have been related to the life course. The dominant conceptualization ascribes a central role to the labor market that, in modern societies, structures the life course in three phases on the basis of age: preparation for employment, employment itself, and withdrawal from employment (Kohli, 1985). A more gender-sensitive alternative approach not only focuses on participation in the labor market, but also assumes the simultaneous relevance of different institutions, with different regulations, expectations, and requirements (Levy, 1996). In this view, individuals can participate in several social fields simultaneously (for example, the labor market and the family). During their participation, they take on certain positions within these fields (for example, an ordinary employee or a woman on maternity leave). Both participation and position are evaluated by the individual actors themselves, those around them, and society at large, in terms of their correspondence to culturally acceptable or deviant configurations of participation and position. The normatively dominant participation and position profile forms the socially expected “normal biography.” At least two major variants ascribe a male normal biography and a female normal biography, with further differentiation possible (for example, nonmothers and mothers).

In the preunification Federal Republic of Germany (as in Austria and Switzerland), the major distinction between the female normal biography and the male normal biography was the relationship between paid employment and the family. Whereas marriage or the birth of the first child was usually associated with increased income through promotion and / or overtime for men, this status passage in the female life course usually implied a break from employment or a reduction in hours (Krüger, 2001). This gendered structuring of life courses is not only institutionally supported by the previously mentioned sociopolitical regulation of employment relationships, but also by a specific arrangement of education and family policies in Germany. This is the topic of the next section.

² The term "segregation" will be used to refer to the gendered divisions of the labor market to avoid confusion with the term "segmentation" as used in labor market segmentation theory.

PUBLIC EDUCATION AND CHILDCARE POLICIES: THE SEPARATION OF STATE AND FAMILY

In contrast to other West European states, in particular France and the Scandinavian countries, West German welfare capitalism was known as transfer intensive rather than service intensive. This means that the state more readily gives direct financial assistance to those taking on the tasks of child or elder care in the family, rather than investing in an expansion of public social services. This is accompanied by a limitation of woman's/parent's availability to the labor market and therefore a reduction of the labor supply. The historical roots of this situation reach back to the Bismarck era, when the division of labor between the family and the state (or its welfare establishments) was legally and institutionally established. This legacy implies a strict separation of childcare and education. The care and upbringing of children is the "natural right" and "highest duty" of the family, whereas the state is responsible for education. "Education" is interpreted in a relatively narrow fashion, defined as imparting knowledge at school, which is also evident in the historical establishment of the system of half-day schooling without lunch. After World War II, the newly founded German Democratic Republic departed radically from this tradition. Taking as a role model the centrally steered Soviet welfare system, supervision for nursery-, pre-school-, and school-aged children outside of school hours was provided on a universal basis. As a result, the female employment rate was extremely high, even in comparison with other socialist countries. In contrast, postwar West German politicians clung to the institutional separation of childcare and education, with the former remaining the firm responsibility of the family, or the wife and mother. Childcare facilities for pre-school children or for supervision outside of school hours remained poor even though the employment rate of mothers began to rise.

Only since reunification, and under pressure from the extremely different starting situations in the two parts of Germany, did notable reforms in the area of elementary and primary schooling take place. In the early 1990s, the Child and Youth Assistance Law (*Kinder- und Jugendhilfegesetz, KJHG*) was revised and amended so that at least on paper local authorities are required to provide an adequate level of public childcare facilities. Furthermore, in 1996, children between three and six years of age received the right to attend kindergarten for one-half of a day, which has caused an expansion of facilities so that 80% of this age group can now be accommodated. However, in Western Germany, there are still very few facilities for children under three years of age, and the number of all-day facilities for pre-school and school children trails far behind the demand. In particular, the extension of school supervision to at least six hours a day and the provision of a meal are long awaited, but not yet realized, reforms (Gottschall, 2001).

Although the family's responsibility for childcare enjoys a long tradition in Germany, actual family policy can be described as "symbolic" (Kaufmann et al., 2002; Mazur, 1995). The esteem enjoyed by the family in the constitution and in public rhetoric is certainly not matched by adequate social safeguards. In the conservative welfare model, women's work in the family is considered an alternative to paid employment. However, it permits no access to the insurance system available to paid employees, nor does the financial compensation offered by the family allowance offset the costs associated with bringing up children. Even the principle of differential taxation for spouses does not benefit couples with (← p. 119)

children; instead, it promotes either nonemployment or part-time of one partner (Dingeldey, 2001).³

The institutional protection of the strong male breadwinner model with all its contradictions entered the crossfire of public criticism prior to German unification. The employment rate among mothers has been rising since the 1970s in West Germany. Women increasingly asserted their claims to egalitarian employment opportunities, to the reconciliation of work and the family, and to social insurance for wives and mothers. Against this background, a hesitant reform started in the 1980s under a conservative government. The primary objectives were the recognition of childcare in the family⁴ and improving the compatibility of paid employment and family responsibilities. To achieve this second objective, the entitlement to leave after the birth of a child has been extended considerably. In the following section, the effects of changing parental leave regulations on female employment participation will be considered.

MATERNITY LEAVE REGULATIONS AND FEMALE EMPLOYMENT PARTICIPATION IN WEST GERMANY

The forerunners of parental leave regulations in West Germany were the earlier maternity leave regulations, *Mutterschutz* and *Mutterschaftsurlaub*,⁵ which were only available to women in employment at the time of the birth. During their time off work, they received an earnings-related benefit, intended as a compensation for lost earnings. Leading conservative politicians regarded these regulations as discriminatory against nonemployed women. As a result, the *Erziehungsurlaub* was introduced in 1986. This reform departed from previous legislation in the extension of leave to men and the entitlement to remuneration for a stay-at-home parent who had not previously been employed (*Erziehungsgeld*). The relatively modest financial remuneration (which was not increased during the 14 years it was in force) was intended as a symbol of social recognition for the work of childcare and child rearing within the family (Bird, 2001a). For this reason, *Erziehungsgeld* is a universal benefit. Since 1986, (**← p. 120**) the period for which *Erziehungsgeld* was paid and the duration of the *Erziehungsurlaub* were increased several times, but not always equally. As a consequence, since 1992, the third year of leave received no financial remuneration, unless the leave taker worked part time. Since the introduction of the *Erziehungsurlaub* in 1986 until its replacement in January 2001, the number of fathers taking leave never exceeded 2%, so we concentrate our analysis on female leave taking.⁶ We will now take a closer look at the effects of these regulations on the employment participation of mothers during the past 40 years.

³ Instead of being taxed as individuals, married couples can choose for one partner (with a high income) to pay a low rate of income tax, and the other partner (with a low income) to pay a high rate, thus maximizing their joint net income.

⁴ Since the beginning of the nineties, depending on the mother's age, up to three years of nonemployment per child are considered equivalent to employment in calculating pension entitlements.

⁵ In this chapter, the terms maternity or parental leave are used as general terms to collectively describe the four different regulations that have been in force in postwar Germany. The different provisions and eligibility criteria of each type of leave necessitate a clear distinction between each measure. Because their distinctive German names in part reflect changing attitudes toward mothers' paid employment and are difficult to translate accurately and elegantly, they have been retained. The literal translations of *Mutterschutz* and *Mutterschaftsurlaub* are "protection of mothers" and "motherhood leave," respectively. *Erziehungsurlaub* is literally "child-raising leave," and the new *Elternzeit* is "parenting time."

OUTLINE OF THE EMPIRICAL STUDY

The empirical investigation was conducted by the B1 Project (“Occupations in the female life course and social change”) of the Special Research Centre 186.⁶ Throughout its 14 years of research, a central focus of this project has been to study how the first occupation trained for structures women’s life courses in Germany. The final phase involved the collection and analysis of the family and employment histories of a large sample of skilled female workers. These were women who formally had all attained qualifications at the same level by completing an apprenticeship as a skilled worker in one of 10 occupations most frequently chosen by women.⁷ Three cohorts were questioned to ensure that significant social changes could be taken into consideration. So that the employment histories had a common starting point and would be affected by labor market or economic fluctuations at the same stage, the cohorts were defined by the date of completion of occupational training (1960, 1970, or 1980). A total of 2130 women returned usable questionnaires providing details of their employment and family histories on a half-yearly basis from the completion of their occupational training until the date of the survey at the end of 1997 (Bird, Born and Erzberger, 2000).

The analyses were conducted with a subsample of women selected in accordance with two criteria. First, they had to be mothers because the life courses of women without children are unlikely to be affected by leave regulations. Second, the women had to be in paid employment shortly before the birth of their child, otherwise they would not be eligible for leave. This resulted in a subsample of 1471 mothers.

During the timeframe under investigation, three different types of maternity leave were available to mothers. Because these did not exactly (← p. 121) correspond with the dates for apprenticeship completion that defined the cohorts, it was considered more meaningful to depart from the original structure of the data and to construct “motherhood cohorts.”⁸ Membership in one of the four motherhood cohorts is defined by the regulations in force at the time of a child’s birth as shown in Box One:

BOX ONE **The Motherhood Cohorts**

- The Mutterschutz cohort: Mothers whose first child was born before July 1, 1979.
- The Mutterschaftsurlaub cohort: Mothers whose first child was born between July 1, 1979 and December 31, 1985.
- The short Erziehungsurlaub cohort: Mothers whose first child was born after January 1, 1986 and before December 31, 1991.
- The long Erziehungsurlaub cohort: Mothers whose first child was born after January 1, 1992.

⁶ The Centre’s overall research objective was "Status Passages and Risks in the Life Course." It was funded by the Deutsche Forschungsgemeinschaft and was supported by the University of Bremen from 1988 to 2001.

⁷ The full titles of the occupations are doctor’s clerical and medical assistant, hairdresser, hotel receptionist, office employee in industry, nurse, qualified bank employee, qualified office employee, specialist sales assistant in a baker’s or butcher’s shop, qualified retail sales assistant (in other branches), and wholesale and export office employee.

⁸ These can be considered cohorts in so far as membership is based on a defining event, in this case, giving birth on a certain date. However, the range of dates within the cohorts is rather large for these to be strictly considered true cohorts. Consequently, the term is used rather loosely to denote the different groups of women who gave birth when different laws were in force.

PATTERNS OF LEAVE TAKING AND HOMEMAKING

In considering how maternity leave regulations and occupation affect women's behaviour, their actions both on the birth of their first child and in the time after this event were investigated.⁹ The first issue considered is whether or not women took leave or quit their jobs, and if the type of leave or occupation influenced this decision. The second point is how long mothers stayed at home, how this is related to the length of leave, and whether women who trained for different occupations behaved differently. Finally, the return to work will be considered and the factors that influence the timing and likelihood of this move.

Taking Leave and Quitting Work

Since the introduction of the Mutterschaftsurlaub in 1979, a legal framework enables women to interrupt their employment, which led to increased standardization, as will be shown below. The additional security offered by the job guarantee appears to have prompted more mothers to stop work on the birth of their first child (see Table One). (**← p. 122**)

⁹ Comparable analyses relating to the second and further children produced virtually identical results, but from a much reduced sample. Thus, the results relating to the first child can be considered typical for employed women in the sample.

TABLE ONE
Timing and Frequency of the Labor Market Exits According to Motherhood Cohort

Motherhood Cohort	Mothers Who Stopped Working on the Birth of the First Child		Mothers Who Stopped Working Later		Mothers Who did not Stop working		Total <i>n</i>
	<i>n</i>	Percentage of cohort	<i>n</i>	Percentage of cohort	<i>n</i>	Percentage of cohort	
Mutterschutz	399	56.7	153	21.7	152	21.6	704
Mutterschaftsurlaub	283	81.1	38	10.9	28	8.0	349
Erziehungsurlaub (short)	293	89.0	14	4.3	22	6.7	329
Erziehungsurlaub (long)	80	89.9	6	6.7	3	3.4	89
Total	1055	71.7	211	14.3	205	13.9	1471

Considering first the Mutterschutz cohort, just over one-half stopped work on the birth of the first child.¹⁰ Slightly more than one-fifth stopped later (usually on the birth of the second child), and another one-fifth continued working. The introduction of the Mutterschaftsurlaub marked a turning point in the timing and frequency of homemaking periods in women's lives. Suddenly, the proportion of mothers becoming homemakers on the birth of the first child rose to 81.1%, the proportion becoming late homemakers was halved to 10.9%, and the number who continuously worked fell considerably. This trend continued in both the Erziehungsurlaub cohorts, where even more mothers took time off (nearly 90% on the first birth), and the proportion who worked without interruption drops further from the short to the long Erziehungsurlaub. These figures are the first evidence of the standardizing effect of maternity leave regulations.

A more complex multivariate analysis of the transition from employment to homemaking found that in the Mutterschutz cohort, the likelihood of stopping work on the birth of the first child was influenced by a range of factors, including occupation, age, and marital status. In particular, women trained as bank employees, retail sales assistants, industrial office employees, and nurses were significantly less likely to quit their jobs than women who trained for other occupations, whereas older and married women were more likely to quit. In the Mutterschaftsurlaub cohort, the influence of these factors declined and they were completely absent in the combined Erziehungsurlaub cohort. Differences between the women, which in the past accounted for variations in behavior, were no longer important. Since the introduction of the Erziehungsurlaub, birth is no longer one of several necessary conditions for stopping work, but in itself it has become the sole sufficient condition.

How Long Do Women Stay at Home?

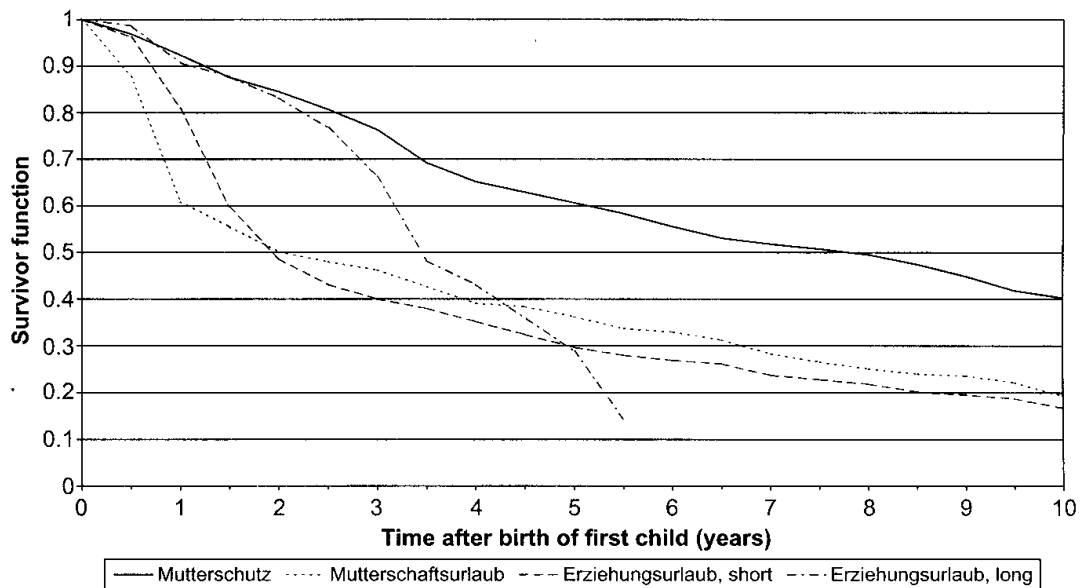
The introduction and extension of maternity leave has resulted in increased uniformity of behavior after childbirth, such that taking a "baby break" has become a virtually universal phenomenon. The various regulations also imposed a limit on the duration of this break. Whether or not this was adhered to will be investigated in this section.

Survivor functions were calculated to describe how long women stayed at home after the birth of their first child.¹¹ These start with the birth of the first child, when the women either quit work or took leave. Women who stayed at home for longer than their leave entitlement either received an extension to their leave because they had another child, or they quit their jobs. The time spent at home ended with commencement (**← p. 124**)

¹⁰ The statutory prohibition on mothers working in the eight weeks after a birth is not considered leave.

¹¹ The product limit estimator was used, as this is temporally more sensitive and less arbitrary than the life-table method.

FIGURE ONE
Duration of the homemaking episodes of the four motherhood cohorts



of an employment-related activity. This could be paid employment, registering as unemployed, or furthering education or training.¹² The four survivor functions, one for each motherhood cohort, are shown in Figure One. The curves show how long the mothers “survived” at home. At the start of the observation, all of the women were at home. As time passed, more and more left this status to take up new activities and so the curve declined toward the x axis.

The effects of the different leave regulations on the length of time mothers spend at home can be best illustrated by considering the example of the Erziehungsurlaub. The two motherhood cohorts entitled to Erziehungsurlaub varied in the length of leave available, whereas all other aspects were equal. Nevertheless, the course taken by the curves for these two cohorts varied considerably. If the length of leave available was relatively short, then a large proportion of the mothers returned to the labor force quickly. This is the case for the short Erziehungsurlaub cohort (and also for the Mutterschaftsurlaub cohort). The time periods leading up to and after the expiration of leave were characterized by a large proportion of mothers returning to the labor force. Eighteen months after the birth of their first child, 40% of the short Erziehungsurlaub cohort had started a new activity. After this initial high rate of return, the curve (← p. 125) flattens out considerably, which means that in each following time interval, only a small proportion of mothers took up a new activity.

The initial part of the curve for the long Erziehungsurlaub cohort is very different. The decline is very shallow, which means that only a small proportion of mothers returned to the labor force in the first two years. This parallels the Mutterschutz cohort without entitlement to any extended leave. After this point, the proportion of mothers from the long

¹² These last two activities indicate a willingness to participate in the labor market that cannot currently, by reason of labor market fluctuations, skill depreciation, availability of childcare facilities, or other structural factors, be satisfied. Consequently, including such activities as valid reasons for terminating homemaking restricts the homemaking period to a “voluntary” devotion to the family and not difficulties in re-entering employment (see also Falk and Schaeper, 2001; Kirner and Schulz, 1992).

Erziehungsurlaub cohort ending leave started to increase, slowly at first, but then much more rapidly as the three-year leave entitlement expired. After 2.5 years at home, 23% of the mothers in the long Erziehungsurlaub cohort returned to the labor force, and after 3.5 years, this figure had risen 52%.

If the pattern of ending homemaking observed in the Mutterschutz cohort is considered typical for mothers with no leave entitlement, then it can be seen clearly that the introduction of fixed periods of extended maternity leave has led large numbers of mothers to spend less time at home. A fixed period of leave introduces more uniformity into the duration of employment interruptions, which end, primarily, around the expiration of the leave entitlement.

Further analyses indicated that in both Erziehungsurlaub cohorts, the women who had a second child before their leave expired took longer to return to the labor market than those with only one child. With the birth of the second child, a new period of leave starts, so that women in the long Erziehungsurlaub cohort could stay at home for an additional three years. However, this was not the case for all mothers. A small proportion of mothers returned to work between births, a trend that until now has been identified in East Germany only (Falk and Schaeper, 2001).

Occupation played a minimal role in determining which mothers stayed at home the longest. In all cohorts, nurses and industrial office workers return to the labor market faster and in greater numbers than women who trained in other occupations. Part-time working is very common among the nurses returning to work, and, contrary to popular beliefs, it would appear that working night shifts makes it easier to combine family and employment responsibilities. Furthermore, it is not uncommon for larger hospitals to provide childcare facilities for employees' children. This removes the need to search for an appropriate nursery or kindergarten before returning to work, and it saves working mothers an extra journey before and after work to drop off or collect their children.

THE RELATIVE POWER OF MATERNITY LEAVE REGULATIONS AND SOCIAL CHANGE

The analysis of the survivor functions revealed a distinct change in women's behavior over time. The introduction and extension of fixed-term maternity leave has had a two-fold effect. First, the length of leave (**← p. 126**) taken corresponds closely to the length of leave available. Second, a greater proportion of mothers have returned to the labor force since the introduction of fixed-term leave. However, the different maternity leave regulations are not the only source of variation between these mothers. They have also been affected by wider aspects of social change over the past 40 years, of which two are of particular relevance: the changes in when and how women work, and attitudes toward this.

Since the 1960s, more mothers engage in paid work. Numerous studies and official statistics show that younger generations spend less time at home after the birth of a child.¹³ For example, the proportion of mothers in paid employment whose youngest child was between 6 and 14 years of age rose from 44% in 1972 to 62% in 1996 (BMFSFJ, 1998). The rise in part-time employment is responsible for this change. In fact, fewer mothers with children of minority age were in full-time employment in 1996 than in 1972 (16% as opposed to 21%).

¹³ For example, Kurz, 1998; Lauterbach, 1991, 1994; Kirner and Schultz, 1992; BMFSFJ, 1998; and Klammer et al., 2000

Labor shortages during the 1960s led to the introduction of measures to encourage the reserve of qualified homemakers to return to employment. The wide-scale introduction of part-time and social insurance-exempt positions enabled mothers to return to a job, but at the same time, to still fulfill their family responsibilities.¹⁴ With the support of trade unions, the employers' offers of reduced hours for women with families became widely accepted (Eckart, 1986; Oertzen, 1999). Attitudes to the employment of women and mothers changed, and acceptance for life-long female employment (with breaks for children) grew. However, it is questionable whether mothers' desires to return to work were really new, or whether it was just the opportunities and the greater social acceptance that changed (Born et al., 1996).

Given these wider social changes, the question arises of whether the different durations of the homemaking episodes shown in Figure One are really the result of changing maternity leave policies or if they are a result of the wider process of social change? An investigation of the mothers who completed their occupational training in 1970 should answer this question. Most of these women had their children under either the Mutterschutz or the Mutterschaftsurlaub regulations. This means that within one cohort, that is, a group of women confronted with similar labor market conditions and similar attitudes toward women, work, and children, two different types of maternity leave were available. This is ideal for testing the effects of the different leave regulations. By keeping the apprenticeship-completion cohort constant, the role of changing labor market conditions, norms, and attitudes can be controlled. Therefore, variations in the duration of homemaking episodes among these women must be due to other factors, such as the maternity leave regulations in force at the time. (← p. 127)

A comparison of the survivor functions for the duration of the time at home after the birth of the first child for the women from the 1970 apprenticeship-completion cohort¹⁵ showed that many of the women entitled to a Mutterschaftsurlaub ended their homemaking episode far more quickly than those entitled to Mutterschutz. Of the former group, 40% had returned to a new activity by one year after the birth. Of the latter group, only 7% had made this transition at this time (Bird, 2001b).

Although this result seems fairly conclusive, it should be remembered that there could be other differences between these women that could also affect the length of time spent at home. Age could be one such factor because women eligible for the Mutterschaftsurlaub only started having children in 1979, whereas those eligible for Mutterschutz had children from 1970 onward. To investigate the influence of a wider range of factors, a model for the transition rate of a return to the labor force was estimated. The greatest influences on the likelihood of a return to the labor force were the birth of another child and the expiration of leave. These effects work in opposite directions so that a further birth dramatically reduces the likelihood of a return (by 80%), leading to longer periods at home, but in the half-year when leave expires, the likelihood of a return is 3.5 times greater than at other times. Once these effects and the role of characteristics such as marital status and employment history have been discounted, the major factor found to affect the time spent at home was the type of leave. Mothers who were entitled to either a short or long Erziehungsurlaub were twice as likely to return to the labor force as the women entitled to Mutterschutz (Bird, 2001b).

¹⁴ Until 1976, married women in West Germany were, by law, only permitted to be in paid employment if this did not lead them to neglect their household duties.

¹⁵ In this cohort, 164 women fell into the Mutterschutz cohort, 99 were in the Mutterschaftsurlaub cohort, and 8 were in the short Erziehungsurlaub cohort. This last cohort is not included in this analysis due to its small size.

The effects of increasing age on the rate of return to the labor force followed a U-shape, such that younger women are likely to leave homemaking quickly, and as they get older, this likelihood drops before starting to rise again for older women. Consequently, younger and older women have similar, higher rates of return, whereas those in between have a lower rate. Returning to the example of the 1970 apprenticeship-completion cohort, the older women in this cohort (entitled to Mutterschaftsurlaub) would have a similar transition rate to the youngest women (entitled only to Mutterschutz). Therefore, the differences between the younger and the older women cannot merely be attributed to age at first birth or to other characteristics such as being married or having another child because these are just as common among both groups. Because all of these women are members of one apprenticeship-completion cohort, these differences cannot be attributed to wider processes of social change – the most plausible explanation for them is the maternity leave regulations they encountered. (← p. 128)

CONCLUSIONS

We have seen that the introduction of and successive increases in the length of maternity leave have had a profound effect on the participation of mothers in the labor market. In the areas investigated – leaving employment, time at home, and return to the labor force – the degree of standardization in the behavior of women eligible for different types of leave has increased. This standardization accords with the provisions of the maternity leave regulations that they encountered and is to such an extent that the relevance of other distinguishing features, such as age, marital status, or occupationally specific labor market factors have disappeared. Furthermore, this standardization cannot be explained away by reference to social change; in fact, only counter evidence is found for the frequently asserted increased diversity and differentiation of life courses that is to be found in modern societies. In this one particular area of the reconciliation of employment and family commitments, a startling degree of uniformity can be observed.

The simple explanation for this is that mothers abide by the institutional steering of their life courses prescribed for them by legislation and backed-up by normative expectations of colleagues, friends, and families. These dual measures – the external policy instrument and the expectations of their normative environment – combine to produce a nearly insurmountable prescribed pattern for the labor market participation of mothers with children under three years old; that is, they stay at home. Furthermore, there is also recent evidence (Born, 2001; Hopf and Hartwig, 2001) to suggest that women's attitudes toward staying at home with young children are changing so that a three-year interruption from employment is becoming a norm that features in the life-plans of young women.

An additional consequence of the establishment of a new phase in the female life course is its corresponding effect on men's life courses. A woman on Erziehungsurlaub does not have sufficient income to support herself and her child. Consequently, she is dependent on either a partner or the state to provide for her. Because the majority of mothers live with a male partner, if she stays at home to look after the child, he will have to work to support his family. In this way, the Erziehungsurlaub has cemented the traditional gendered division of labor.¹⁶ To deviate from the accepted practice of a mother taking Erziehungsurlaub requires nonconformity from both the mother and the father. Whereas one parent may be able to

¹⁶ Vaskovics and Rost (1999) come to the same conclusion from studying fathers in Erziehungsurlaub.

tolerate the disapproval of family, friends, and work colleagues, expecting both to do so would imply overcoming even greater hurdles. It is these constraints of institutionalized leave taking that explain why a supposedly gender-neutral policy has only succeeded in perpetuating traditional gender relations. (← p. 129)

The findings presented here are based on retrospective data covering the period from 1960 until 1997. Since then, there have been changes in the institutional framework regulating female employment. The most immediately relevant change was that of parental leave that came into force in January 2001. The new regulation, called *Elternzeit*, retains the old structure of the *Erziehungsurlaub*, but also introduces the new option of both parents reducing their working hours and caring for their child. However, there are no incentives for couples to choose this option, and in the past, the number of women who did work a few hours a week while in *Erziehungsurlaub* was small (8%-10%, see Engelbrech and Jungkunst, 2001). Given that the old norms and structures have not been affected by this change, the likelihood of a significant increase in either the number of men taking leave or the number of women working during leave is low (Koch, 2001).

A second measure that may have a greater impact on working patterns is the new right for workers to request a reduction in their hours, introduced in January 2001. This can be achieved in one of two ways. At the end of a period of *Elternzeit*, an employee in a company with more than 15 employees has the right to request a part-time position on their return. Only if the employer can show that there are serious business reasons (which have not yet been defined) against such a reduction can they refuse the request. Under the new law for part-time working (*Teilzeitgesetz*) that came into force in January 2001, this same right to request a reduction in hours is open to all employees in firms of the same size who have been employed for more than six months. As yet it is too early to tell how many people will make use of this right, and whether they will be men or women. It is likely that women returning after a period of leave will predominate because surveys have repeatedly shown that many (more in the West than in the East) already work part-time after an *Erziehungsurlaub* (Beckmann, 2001; Engelbrech and Jungkunst, 2001; Engelbrech et al., 1997). This measure also carries a symbolic message. Expressly giving mothers the right to work fewer hours implies that this is what they should be doing. It is interesting here to consider the differences between East and West Germany. Before unification, it was normal for all East German women to be in full-time employment. The high degree of labor market attachment even among mothers has survived over the last 10 years, as has repeatedly been shown (e.g., Falk and Schaeper, 2001; Klammer et al., 2000; BMFSFJ, 1998). Even with the same institutional framing conditions, the different normative expectations still exert a major influence on behavior, a fact that is also seen in the area of daycare for young children, which enjoys far higher acceptance in the East than the West.¹⁷

Both of these reforms, that of parental leave and the extension of opportunities for part-time working, have met resistance from the corporate (← p. 130) sector concerned about the cost implications of these new measures. Furthermore, the fact that in expanding service industries such as multimedia, cultural occupations, and software production there is a tendency to long and unregulated working hours, the principle of the “ever-ready” worker, unhindered by private responsibilities, has changed little (Gottschall and Betzelt, 2001). Only individual

¹⁷ In answer to the question of whether daycare for “under threes” was damaging to their development, 62% of West Germans and 40% of East Germans agreed (BMFSFJ, 1997).

companies keen to retain highly qualified young personnel appear to be open to more family-friendly working arrangements or offer active support for childcare, for example, company kindergarten or procurement of child minders (*Berliner Zeitung*, 2001).

The present institutional framework not only reconstructs traditional gender roles, but it also enhances new forms of social inequality among women and among childless households and households with children. There is a long-term trend among well-qualified women to either delay or forgo completely having children (Klammer et al., 2000). Because these are the women who have a high earnings potential, and their partners often have similar qualifications and career prospects, income disparities between highly-qualified dual-earning couples and those with lower resources are increasing (Blossfeld et al., 2001). When children enter the picture, the situation becomes even more extreme. Well-qualified women tend not to take parental leave in its full-length and are able to employ other women to take over many household and childcare tasks, which enables them to work full-time. Women with lower status jobs (in West Germany) tend to take their full entitlement of leave and adopt the classical homemaker role. When they return to work, it is more likely to be part-time and to jobs with lower qualification demands. Consequently, such households have reduced earnings and higher poverty risks once they start having children, whereas the income of academic families is less affected by children (Kirner, 1999).

As we have tried to show, the German institutional system is suffering from a modernization deficit in assuming traditional patterns of work and life, while at the same time economic and cultural trends are weakening the male breadwinner model. Women departing from the lifelong housewife career might try to meet the norms of the traditional male “ever-ready” worker, but apart from a highly qualified professional group with options for individual solutions, the majority of women as working mothers will find themselves dependent on a male breadwinner or the state. Thus, a more sustainable transformation of the German welfare model remains on the agenda.

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