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FAMILY POLICY IN GERMANY: A FEMINIST DILEMMA?

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ABSTRACT

The paper provides a detailed description of different aspects of family policy in Germany, including descriptions of financial and employment supports for families in their caregiving role. Family policy in Germany provides strong financial and social support for children. Law and policy, however, are specifically formulated to encourage child rearing to take place in the home, with one of the parents focusing extensively on child rearing and family responsibilities.

The paper also examines whether equality for women can be achieved within the framework of a corporatist welfare state regime such as Germany's. It develops the argument that the German route to equality may be a different one from that pursued by countries with liberal or social democratic welfare regimes. This scenario also implies that when and if equality does occur, the structures and meaning of this equality are also likely to differ. Finally, the paper argues that the corporatist welfare state regime cannot be dismissed as incompatible with the achievement of future equality for women. Instead such a model can be viewed as providing the potential of increasing choices for women with children.

KEYWORDS

Family policy, Germany, child rearing, welfare states, welfare policy

INTRODUCTION

Family policy in Germany provides strong financial and social support for children. Law and policy, however, are specifically formulated to encourage child rearing to take place in the home, with one of the parents focusing extensively on child rearing and family responsibilities. In contrast to other models of family law and policy within the European Union and in Canada and the United States, the German model is based on the premise that children are provided the best opportunities for human development when they are primarily cared for by a parent in their own home. German policies provide particularly strong incentives for parents with infants, toddlers, and preschool age children to specialize in home production. It has also been assumed in law and policy that married couple households

provide the optimum environment for child development (Bundesministerium fuer Familie, Senioren, Frauen und Jugend 1998b, Siegfried Keil 1993; Renate Koecher 1993; Dieter Schwab 1993). The success of the western German model in providing for the psychological and economic well-being of children has historically depended both on the high wages of men supplemented by financial supports for households with children and on the willingness of women with children to accept the role of mother and wife as their primary identity. Today its success in guaranteeing the economic well-being of all children also depends on providing supports for children who live in single-parent as well as in two-parent households and to households where neither of the parents has access to high wages and/or employment. Despite the strong incentives that favor two-parent families where one parent has less attachment to the labor market than the other, all children in Germany are guaranteed a basic economic minimum and have access to essential health and social services. Children of foreigners with official resident status are also included in these policies.

Gosta Esping-Andersen (1990) developed a typology of welfare states that includes three major categories: liberal, corporatist, and social democratic. Within this typology, Germany is a prime example of the corporatist welfare state regime. These regimes have two primary characteristics. The first centers on the preservation of status differentials, which leads to the result that the redistributive impact of state policies is negligible. The second centers on the role of the church and a concomitant emphasis on the preservation of traditional family forms. This emphasis results in social insurance that typically excludes women who are not labor market participants and in the principle of "subsidiarity," which emphasizes that "the state will only interfere when the family's capacity to service its members is exhausted" (Esping-Andersen 1990: 27). Another important characteristic, at least in Germany, is that the state provides a minimum level of economic resources that ensure "every citizen's right to lead a dignified life on the minimum socio-cultural level of our society" (Wilhelm Breuer and Detrich Engels 1998: 1). German policies are successful in meeting these goals. The comprehensive system of benefits does provide at least a basic level of economic support for German citizens (and legal residents), including children and women as well as men. The policies of this corporate welfare state are, however, equally successful in maintaining the distinctions that the state wants to maintain. These goals include better economic outcomes for those who fulfill societal expectations concerning their role in the labor market and in the family. The policies provide differentiated access to economic security and to economic resources based on marital status. For women with children, married women have on average the best access, followed by divorced women, with unmarried mothers in the least favorable position. Unlike in the United States, however, the least favorable position does not carry a high risk of severe economic deprivation.

FAMILY POLICY IN GERMANY

The paper provides a detailed description of different aspects of family policy in Germany, including descriptions of financial and employment supports for families in their caregiving role. The final sections of the paper ask whether equality for women can be achieved within the framework of a corporatist welfare state regime such as Germany's. I argue that the corporatist welfare state regime cannot be dismissed as incompatible with the achievement of future equality for women. Instead, such a model can be viewed as providing the potential of increasing choices for women with children.

BACKGROUND DEMOGRAPHICS: POPULATION, FERTILITY, AND MARRIAGE

In 1996, the total population of Germany was 81.895 million people with 66.444 million in the West and 15.451 million in the East. Although the birth rates in both western and eastern Germany are beneath population replacement level, major differences now exist between the birth rates in western and eastern Germany.¹ A sharply lower birth rate marked one of eastern German women's major, immediate responses to their deteriorating labor market position as a result of unification. This response has continued during the mid-1990s: the 1995 birth rate per 1,000 women was 49.2 in western Germany and 26.0 in eastern Germany. The primary differences in the birth rate occur for women aged 27 and older. For most ages in this range, the rate for eastern German women is one-half to one-third the rate of women in western Germany (Statistisches Bundesamt 1997). In western Germany, 87 percent of all children live in a two-parent married couple household; in eastern Germany, the corresponding number is 73 percent. Only 10 percent of all children who are not born to married parents remain their entire childhood in a single parent household (Bundesministerium fuer Familie, Senioren, Frauen und Jugend 1998b). In 1995, children borne by unmarried women accounted for 16 percent of all births; while children borne by women aged 17 or younger accounted for less than 1 percent of all births (Statistisches Bundesamt 1997; Chapter 3, *Bevölkerung*).

EMPLOYMENT PATTERNS AND AVERAGE WAGES

The marriage and child-rearing patterns of women in Germany reflect the outcome of policies that interact to provide strong incentives for women to curtail their employment during the early years of a child's life. In western Germany, but not in eastern Germany, employment patterns also reflect a strong response to these incentives. Many western German women follow a phase model of education and employment that varies across the life cycle. The first phase consists of a period of extended education and training followed by a period of full-time employment. This phase continues

Table 1 Labor force participation rates for women, by household type and age of children (percent in April 1996)

Age of children)	Married	Unmarried	Divorced
	mothers	mothers	mothers
With children under 3 years	43.1	47.2	38.0
With children under 6 years	46.2	51.5	47.6
With children under 15 years	56.5	59.4	66.8

Source: Statistisches Bundesamt (1997: Table 6.7, p. 112).

until marriage and the birth of the first child. (In 1995, the average age at first marriage was 27.3 years for women.) The birth of the first child, however, marks the second phase, when many women withdraw or at least sharply curtail their hours of labor market participation. This phase continues through early and middle years of their children's lives. The third phase occurs when child-rearing responsibilities decrease. At this point, many women return to full-time employment.

For women aged 15–65, the employment rate was 62.8 percent in April 1997. Table 1 shows the labor force participation rates for women by age of children and by marital status. Among mothers with children aged 3 and under, fewer than 50 percent are employed. Among mothers with children aged 6 and under, this rate remains below 50 percent for married and divorced mothers and is only slightly higher (51.5 percent) for unmarried mothers. Even when women do participate in the labor market, many work part-time: 39 percent of women in western Germany work part-time; the corresponding percentage in the former East is only 20 percent (Statistisches Bundesamt 1997: Table 6.6, p. 111). The female share of full-time employment in western Germany is less than one-third.

The low rates of full-time employment help account for major differences in the distribution of average monthly earned income by gender observed in western Germany, where 26 percent of all employed women earn less than 1,000 DM (\$500)² per month compared with 6.5 percent of all employed men. For April 1996, the Federal Statistical Office reported that net monthly wages and salaries per employee equaled 2,740 DM (\$1,740). Nearly 80 percent of female earners in western Germany had monthly earnings beneath the monthly average; in eastern Germany, the corresponding figure was nearly 85 percent (Federal Statistical Office Germany 1998; Statistisches Bundesamt 1997).³ Even among women in western Germany who were employed full-time in 1996, 33.2 percent earned less than 1,800 DM (\$900) per month, which was beneath the average amount considered necessary for meeting basic economic necessities for a single mother with children under the social assistance program.

FAMILY POLICY IN GERMANY TAX ADVANTAGES AND DISADVANTAGES: INCOME SPLITTING AND THE EARNINGS EXISTENCE MINIMUM

Income splitting (*Einkommensplitting*) represents a major aspect of German family policy. It is also the policy that most highly rewards a two-parent household with a single earner. Income splitting is available to any married couple. The spouses have the right to divide total household income between the two spouses and to be taxed at the corresponding rate for an individual who is earning one-half of the total household income (Jochem Groenert 1997b). In a country with high marginal tax rates, the tax savings from such a scheme are substantial. Under this policy, the earnings of the low-income and the high-income spouse are subject to the same marginal tax – a result that usually substantially raises the marginal tax rate for the lower-earner spouse while lowering the tax rate for the higher-earner. The benefits from income splitting only accrue to couples where one spouse earns substantially more than the other. In cases where the earnings are similar, marriage will usually result in higher as opposed to lower taxes for the household.

Another feature of tax law also discourages substantial labor market participation by the lower-earning spouse. Individuals who work part-time are entitled to earn up to 620 DM (\$310) in western Germany and up to 520 DM (\$260) in eastern Germany before they are required to make their own contributions into the health insurance system and into the pension system. This amount is referred to as the *Grundfreibetrag* and is considered to be the existence minimum (*Existenzminimum*). This tax-free amount is independent from other income sources. Hence individuals, such as married women who are covered under their husband's social insurance scheme, face a large marginal tax when they exceed this limit. In addition to the tax advantages of income splitting, Germany provides many other financial benefits to households with children. With the exception of wage replacement during maternity leave, however, none of these benefits is contingent on labor force participation.

CHILD ALLOWANCES AND TAX DEDUCTIONS FOR CHILDREN (KINDERGELD AND KINDERFREIBETRAEGE)

Germany provides a system of child allowances and tax deductions for children (Bundesministerium fuer Arbeit und Sozialordnung 1998). Families receive the child allowance for children aged 18 and under. Parents are still eligible to receive child allowances for children aged 18–27 under certain conditions, which include children who are in schooling and training; who are unable to find an apprenticeship; or who are officially registered as

unemployed (for children aged 21 and under). Other conditions for the continuation of payment for older children also exist. If a child earns over 12,000 DM (\$6,000) per year, the family loses its entitlement to child allowances and tax deductions for children.

In 1996, the regulations regarding child allowances and child deductions underwent a major change. Until 1996, families were entitled to both a tax deduction and a child allowance. Under the new regulations, families must choose between the child allowance or the tax deduction. In approximately 95 percent of all families, the child allowance provides the higher benefit (Friedrich Marburger 1997). This change was accompanied by sharp increases in both the amount of the child allowance and the amount of the tax deduction. Hence the change does not represent a reduction in the total benefit received by families. In 1999, the child allowance benefits were 250 DM (\$125) per child for the first and second child; 300 DM (\$150) for the third; and 350 DM (\$175) for the fourth and any additional children. Thus a family with three children would receive 800 DM (\$400) per month, which equals approximately 30 percent of the 1996 average net monthly wages and salaries of 2,740 DM (\$1,370). The child allowance is paid monthly and functions as a negative income tax. The benefit is paid out either through the recipient's employer (when the recipient is employed by an employer with fifty or more employees) or directly from the state (*Familienkasse*). In 1997, approximately 8.7 million families (14 million children) received child allowance payments, for a total budgetary expense of 40 billion DM (\$20 million) (Federal Statistical Office Germany 1998).

OTHER CHILD-RELATED TAX DEDUCTIONS

Eligibility for the child allowance or tax deduction for children also determines eligibility for a number of other tax advantages. The "*Solidaritätszuschlag*" (Solidarity Subsidy that was instituted to help finance unification) and church taxes are lower for families who receive the child benefits. Parents also have access to private home and apartment subsidies for children that can total 1,500 DM (\$750) per year per child. Single parents who claim either of the child benefits also obtain a household tax deduction of 5,616 DM (\$2,808) per year. In addition, payments into the health insurance system are lower for children in the household as long as the parents are claiming the child allowance or child tax deduction. Single parents are able to deduct child care expenses from taxes. Without documentation, a single parent can deduct 480 DM (\$240) per child per year. With documentation, a single parent can deduct up to 4,000 DM (\$2,000) for the first child and up to 2,000 DM (\$1,000) for every additional child.

Until 1999, no deductions were available for child care expenses for two-parent families, because these expenditures were considered by Fiskus (the German Internal Revenue Service) to be discretionary and the result of

private decisions related to living style (Gertrud Teusen 1994; Groenert 1997b; Helga Oberloskamp 1993). They also did not receive a household deduction. On November 10, 1998, however, the German Constitutional Court ruled that two-parent households are also entitled to a deduction for child care expenses and to a household deduction. Under this ruling, the legislatures have until January 1, 2000, to formulate a schedule for child care deductions and until January 1, 2002, to formulate a schedule for household deductions (Bundesverfassungsgerichts 1999).

CHILD-REARING BENEFITS AND PARENTAL LEAVE (*ERZIEHUNGSGELD* AND *ERZIEHUNGSURLAUB*)

Maternity and parental leave policy in Germany comprises maternity law (*Mutterschutz*), wage replacement during maternity leave (*Mutterschutzgeld*), unpaid job-protected parental leave (*Erziehungsurlaub*), and child-rearing benefits during parental leave (*Erziehungsgeld*).⁴ The law regulating work for women during pregnancy and after childbirth (*Mutterschutz*) functions as protective legislation for women and regulates the type of work women may perform while pregnant. Six weeks prior to the expected birth date, pregnant women are entitled to paid leave. They may choose to work, but an employer is prohibited from requiring any pregnant women to work during this period. Regulations also exist that restrict and in certain cases prohibit certain types of work for pregnant women. If possible, employers must reassign pregnant women to other work at the same wage level when their normal work activities are prohibited under the *Mutterschutz* regulations. Noteworthy exceptions to these regulations exist that highlight the functions of these regulations in reinforcing industrial and occupation gender segregation (Sabine Berghahn 1993; Sabine Berghahn and Andrea Fritzsche 1991; Groenert 1997a).

After birth, maternity leave law requires an eight-week prohibition on work; that is, a mother is not allowed to work in the first eight weeks after delivery. This period is lengthened for multiple births. During the period of maternity leave, all eligible women receive up to 25 DM (\$12.50) per day from the state, which is paid out from the fund for sickness and disability benefits (*Krankenkasse*). The employer is required to pay the difference between 25 DM and the woman's usual net wage per day. Women are protected from job dismissal during pregnancy and during the first four months following the birth of the child. The protection from dismissal is far more extensive than that available in the United States, where only dismissal on account of pregnancy and childbirth is prohibited. In Germany, only under exceptional circumstances is dismissal permitted during this period on any grounds. Of the many sources of financial assistance for children, wage replacement during maternity leave is the only policy that requires labor

market attachment by the woman. A woman may not, however, collect both wage replacement during maternity leave and child-rearing benefits.

Parental leave (*Erziehungsurlaub*) and child-rearing benefits (*Erziehungs-geld*) were specifically implemented to encourage one parent to be the primary and full-time caregiver of the child. Parents are entitled to three years of job-protected parental leave. This leave may be split between the father and the mother; the parents are able to switch three times over the course of the three-year eligibility period. Fathers are not, however, eligible to take parental leave during the period when the mother is on maternity leave. Nor are parents permitted to take leave simultaneously at any other point. Parental leave is unpaid, but parents are eligible for generous child-rearing benefits during the first two years of the leave.

These child-rearing benefits were first introduced in 1986 and are available for the first two years of the child's life. They are contingent both on household net income and on the lack of full-time labor market participation by the primary caregiver, but they are not contingent on previous or current labor force attachment. The maximum federal benefit received equals 600 DM (\$300) per month per child. A parent is eligible to receive the benefit for every child under the age of 2 years. In the first six months, a two-parent household with one child may have net yearly income of up to 100,000 DM (\$50,000) and a single parent with one child may have net yearly income of up to 75,000 DM (\$37,500) before losing eligibility for the benefit. The federal child-rearing benefit is supplemented in some of the German states by additional amounts during the first six months of the child's life, which in some states can add an extra 500 DM (\$250) per month. During the first 7–24 months of the child's life, the maximum amount per month also equals 600 DM (\$300). However, the income limits for receiving the full amount are substantially lower: 29,400 DM (\$14,700) net income for married couples with one child and 23,700 DM (\$11,850) net yearly income for a single parent with one child. Above these amounts, benefits are proportionately reduced as income increases.

Any parent who receives the child-rearing benefit is limited to 19 or fewer hours per week in the labor market. In the states formerly in West Germany, 550 DM (\$275) per month can be earned in part-time work without this income counting in the determination of household net income. In the states formerly in East Germany, the amount per month is 500 DM (\$250). Although part-time work is permitted under parental leave regulations, employers are under no obligation to provide a part-time position. Women must also have the permission of their employers to accept part-time work at another establishment. These regulations apply to single parents as well as to two-parent households, but they do not apply in special hardship cases, such as when the other spouse has died or when a single parent would be unable to provide adequate income for the child without additional hours per week.

A parent is also ineligible for the benefit if he/she is receiving benefits from any state assistance program that serves as wage replacement; for example, payments under the employment insurance system or pay during absences for sickness and disability. The receipt of unemployment insurance payments by one spouse would not forfeit child-rearing benefits to the other spouse, but a single parent could not receive both child-rearing benefits and benefits from the unemployment system. The consistency of the regulations for single-parent and two-parent households stems from the intent of the parental leave and the child-rearing benefits. The stated purpose is to enable one parent to have child rearing as his/her primary activity – market work in excess of 19 hours per week is held to interfere with the ability to adequately provide time for child rearing and child development activities. Hence the receipt of unemployment insurance payments rules out receipt of the child-rearing benefit by the same individual, because the recipient of these benefits must be available for market work (Groenert 1997a, 1997b; Teusen 1994; Senatsverwaltung fuer Schule, Jugend und Sport 1997).

In 1995, 705,372 women received child-rearing benefits compared with 18,105 men. Of the women, 387,704 were also on parental leave. Even though the child-rearing allowance regulations allow up to 19 hours per week of market work, only 3.9 percent of the women on parental leave worked part-time (Statistisches Bundesamt 1997: Table 19.9).

PARENTAL LEAVE AND PENSION BENEFITS

In Germany, the level of retirement benefits is based on a combination of years worked and total monetary contributions into the insurance system. Since 1992, each year of parental leave is counted in the total number of years worked. A monetary contribution for these years is also included, which equaled 75 percent of the average contribution of all persons paying into the retirement system from 1992 until the middle of 1998. On July 1, 1998, this amount increased to 85 percent; on July 1, 1999, the amount increased to 90 percent and then to 100 percent on July 1, 2000 (Bundesministerium fuer Familie, Senioren, Frauen und Jugend 1998a). For many women, parental leave provided a greater contribution to retirement income than did employment, because women were less likely than men to meet or exceed the average social security contribution.

This provision not only increased expected future income, but also produced yet another disincentive for wage earners. Contributions up to the 75 percent level added no marginal increase to future pension payments. The 1998 revisions to the pension system decreased this disincentive to some degree. Working mothers are now able to add together the child-rearing contributions to the social security system with their own employment contributions as long as the total contribution does not exceed the

maximum allowable amount. Nonetheless women who work full-time and/or have high wages gain less from this change than do women who work fewer hours. This change reflects the current emphasis in German family policy, which is to facilitate part-time market work by women with children.

CARE FOR SICK CHILDREN

An employee in a two-parent household is entitled to 10 days per year of paid sick leave for each child aged 12 and under in the household. Employed single parents are entitled to 20 days per child. For children with special caregiving needs, the number of paid sick leave days increases to 25 for two-parent households and 50 days for single-parent households (Senatsverwaltung fuer Schule, Jugend und Sport 1997).

PUBLICLY PROVIDED CHILD CARE

In 1995, 3,631,300 children aged 5 years and younger lived in western Germany and 406,900 lived in eastern Germany. Although Germany provides extensive access to part-time kindergarten places for children, the availability of full-time child care places is limited. In 1994, the Federal Statistical Office of Germany reported that 3,052,721 places existed for child care, but only 1,350,198 of these slots provided full-day care. Thus Germany has full-time child care slots for approximately one-third of all children aged 5 and under. In addition, infant care places are scarce: 22,745 with 18,451 providing full-day care (Statistisches Bundesamt 1997: Table 19.15.11). According to data from the German Federal Statistical Office (1998), public expenditures for child care in 1997 amounted to 18.8 billion DM (\$9.4 billion). These expenditures for publicly provided child care are substantially beneath public expenditures for child allowances, which totaled more than 40 billion DM (\$20 billion) in 1997. Recent changes in German law stipulate that all children aged 3 and over are entitled to preschool child care. These new regulations do not, however, provide for access to full-day child care, although they do provide priority access to existing care places for single mothers who are in training or at work. Instead they reflect the continuing strong emphasis in Germany on providing resources that promote child development and that are compatible with part-time, but not full-time, labor market participation by women with children. As noted above, child care expenses are not tax deductible for two-parent families.

In addition to policies that encourage women to withdraw from the labor market, such as parental benefits, income splitting and limited availability of child care slots, other institutional arrangements make employment for mothers of young and even school-age children difficult. Elementary school extends only for half-days, when children return home for the

midday meal. School vacations are longer than workplace vacations, with extremely limited availability of before-school and after-school child care and child care during vacations. In addition, store hours in Germany are regulated by law. Until 1996, when stores were allowed to remain open until 8:00 p.m. on week nights and until 6:00 p.m. on Saturday, store hours were much less extensive than in many other Western industrialized countries. Not only were stores required to close by 6:30 p.m. on week nights and by 1:00 p.m. on three out of four Saturdays, but many stores also closed for two hours at lunch time. Despite the change in law, store hours still remain highly restrictive in comparison with other Western countries, particularly in smaller towns and villages.

CHILD MAINTENANCE PAYMENTS FOR SINGLE PARENTS (UNTERHALTSVORSCHUSS)

Although German law and policy strongly endorse the two-parent married couple household as optimal for child development, the economic and social needs of children who live in other types of households are also recognized. Germany has a system of child support that provides support to divorced as well as to unmarried mothers (Theo Drewes 1997; Senatsverwaltung fuer Schule, Jugend und Sport 1997; Jochen Duderstadt 1993; Teusen 1994). As noted above, single parents are entitled to a generous household tax deduction; they are eligible to deduct child care expenses from taxes; and they have priority access to available child care slots. Social assistance is also guaranteed by the Constitution.

A single mother can apply for child support from the Office of Youth (*Jugendamt*), if the father cannot or refuses to pay child support. Child support will be paid from the state for a maximum of 72 months per child. These benefits are only paid, however, for children who are aged 12 years or younger. In 1998, the maximum amount was 224 DM (\$112) per child until age 6 and increased to 299 DM (\$150) per child for ages 7–12 in the former Western states. In the former Eastern states, the corresponding amounts were 189 DM (\$95) for younger children and 255 DM (\$175) for older children. By law, women are required to provide the name of the child's father; women who refuse to do so forfeit their entitlement. This requirement, which is controversial, enables the state to garnish the wages of the noncustodial parent, who in almost all cases is the father. Any amount of child support from the father that is paid directly to the mother is deducted from the child support provided by the state. The amount received in child support is taken into account in determining the amount of any social assistance received. It does not depend, however, on the earnings of the mother. Single mothers with high as well as with low earnings are entitled to apply for child support from the Office of Youth in the event of nonpayment of support from the father.

In 1997, the Office of Youth provided child support for 519,000 children, for a total cost of over 1.6 billion DM (\$0.8 billion) (Bundesministerium fuer Familie, Senioren, Frauen und Jugend 1998b). These children constitute fewer than 5 percent of all children aged 12 and under. Although the Office of Youth attempts to collect these monies from the fathers, only 14 percent of the amount paid out was collected in 1997. This low collection rate reflects in part the inability of some fathers to provide support, particularly those fathers who are receiving unemployment insurance assistance or social assistance. In other cases, the fathers cannot be located.

CHILD SUPPORT AND ALIMONY PAYMENTS FOLLOWING DIVORCE

Most divorced mothers will receive child support and alimony directly from the ex-spouse rather than from the Office of Youth. A complex system of child support and alimony payments lowers future financial risks associated with specialization in household production. In the case of divorce, non-custodial parents are required to pay child support until the child reaches age 18 (and in some cases until the child reaches age 27). In Germany, alimony is also routinely awarded, including in cases where the wife had been active in the labor market, but earned less money than the husband. In most cases, the combined alimony and child support payments exceed the amount paid by the Office of Youth, usually by a substantial amount. Thus divorced mothers tend to have access to more resources than do single, unmarried mothers. In the event of nonpayment, the wages of the noncustodial parent can be garnished by the state, but the Office of Youth usually becomes involved only when the father is unable to pay or cannot be located.

Child support payments depend on the age of the child and on the income of the noncustodial parent. Alimony, but not child support payments, depend on the net monthly income of both of the ex-spouses. Non-custodial parents are entitled to retain a minimum amount of their own net income to meet their own needs, which either equals or exceeds the maximum amount that a single individual would receive under the social assistance program (described below). The Duesseldorfer Tabelle, which is reproduced in part in Table 2, provides the guideline schedule of payments for child support and indicates the minimum amount of own income that the noncustodial parent is entitled to maintain. If the noncustodial parent is unable to meet the minimum child support payments without his own income dropping beneath his guaranteed entitlement, the shortfall in child support will be paid by the Office of Youth. If these payments are still inadequate to bring the custodial parent's income above the social assistance threshold, she/he is entitled to cash assistance under the social assistance program.

FAMILY POLICY IN GERMANY

Table 2 Child support guidelines: Duesseldorfer Tabelle (January 1, 1996) (monthly payments, DM)

Income group of parent with child support payment	Age of child				Minimum income noncustodial parent is entitled to maintain (per month)
	Under 7 years	7-12 years	13-18 years	Over 18 years	
Up to 2,400	349	424	502	580	1,300/1,500
2,400 to 2,700	375	450	530	610	1,500

Source: http://195.222.216.3/jura/duc_lab.htm

Alimony payments, which are determined at the time of divorce, are based on actual earnings of both spouses, not on expected earnings. Under this system, a married woman has no major incentive to work in the market to ensure her livelihood in the event that a divorce occurs. The amount of alimony awarded depends on the difference in earnings between the higher earning spouse and the lower (or no market earnings) spouse. This amount is usually equal to three-sevenths of the difference in earnings between the lower and higher earnings spouse, so long as the higher earning spouse retains the amount designated as necessary to meet basic economic needs.

In terms of the availability of financial support, expectations regarding work differ for women who are single parents as a result of divorce in comparison with never-married mothers. As noted below, women with children who apply for funds under the social assistance program are exempt from work expectations when children are aged 3 years or younger, but are expected to be available for part-time work when the children are aged 4 and older. In terms of legal guidelines for alimony support, however, divorced mothers with one child are exempt from work expectations as long as their child is under 8 years of age (unless the mother had been working in the market prior to the divorce). When a mother has two or more children, the guidelines for alimony payments include no expectations for market work, with the same caveat that a mother who worked before the divorce is expected to work following the divorce (Drewes 1997).

SOZIALHILFE: THE GERMAN SOCIAL ASSISTANCE PROGRAM

Within the framework of social security, social assistance steps in when necessary for people who have no claim on the higher-ranking insurance and compensation systems, or for whom the benefits of the higher-ranking systems of social security are insufficient due to their

individual situation. The social constitutional state has established a last "safety net" for these cases in order to protect people against poverty and social marginalisation.

(Wilhelm Breuer and Detrich Engels 1998: 1)

The German constitution guarantees social assistance to individuals who have insufficient income to meet their basic needs.⁵ The amount of income varies by household status and by number in the household, but will always be calculated to include sufficient income to cover reasonable amounts for rent, utilities and heat, allowances for special expenses, plus a fixed amount of income to cover food and other necessities for each member of the household. Under the social assistance program in 1996, 1,637 DM (\$818) was budgeted on average in western Germany for basic necessities for a single mother with one child, which represents approximately 60 percent of the average monthly net wage (see Table 3). Because the social assistance threshold is calculated based on actual expenses required for meeting basic economic needs, the levels of income designated as social assistance minimums in Germany provide for a higher absolute standard of living than do the levels of income designated by the U.S. poverty line.

All individuals who apply for funds under the German social assistance program are required to provide detailed information on their living costs and on their income sources. Expectations regarding work (or willingness to work, if able) must be met before social assistance is provided. In some cases, family members outside of the household may be expected to contribute support; parents are expected to provide income support for children (including older adolescent children) even if the children are no longer living at home. This requirement does not apply, however, if the adolescent child is either pregnant or caring for her own child.

Single parents are entitled to two major exceptions regarding social assistance regulations. The first concerns child-rearing benefits, which are not counted as income in determining the amount paid out in social assistance. The second exception is that no expectation for work or willingness to work in the market exists for single mothers with children aged 3 and under (Albrecht Bruehl 1995). For single mothers with preschool age children who are over 3 years of age, the expectation for work is limited to part-time participation. Thus Germany does not perpetuate a sharply differentiated system with different and contradictory expectations for married mothers and unmarried mothers regarding the importance of parental care, particularly during the first three years of the child's life.

According to the 1997 *Statistical Yearbook of Germany*, 22.6 percent of all single mothers with children under 18 years received social assistance in 1995 compared with 2.1 percent of two-parent households with children under 18 years. In terms of number of households, 289,000 single-mother households with children and 161,000 two-parent households with children

Table 3 Average monthly social assistance payments based on family type (average amount per month in DM)

Household type	Average gross income needed	Average own income*	Average net payment from social assistance
Married couples with one child under 18 years	1,973	948	1,025
Single mothers with one child under 18 years	1,637	698	939

*As noted in the text, child-rearing benefits (*Erziehungsgeld*) are not included as own income available from other sources. Hence single mothers with children aged 2 and under would receive 600 DM on average more than the amounts listed above.

Source: Statistisches Bundesamt (1997: Table 19.13.2, p. 478).

received payments from the social assistance, while 7.5 percent of all children aged 6 and under, 5.8 percent of all children aged 7–11, and 5.1 percent of children aged 12–15 lived in households that were receiving payments from the social assistance program (Statistisches Bundesamt 1997: Tables 3.19 and 19.13.2). The very low percentage of two-parent households receiving social assistance reflects the better employment prospects available to men, including higher wages, and the availability of higher income supports to individuals with strong labor market attachment, which include both regular unemployment payments (*Arbeitslosengeld*) and extended unemployment insurance assistance (*Arbeitslosenhilfe*).

The overall success of the German system in providing for the economic needs of children can be ascertained through a comparison of the basic social assistance thresholds (Table 3) with the distribution of families with low incomes (Table 4). According to these data, no children (or a negligible percent) lived in households with incomes beneath the social existence minimum.

Germany has not, however, eliminated relative poverty. Based on data from the German Socio-Economic Panel, Richard Hauser (1997) found that in 1995 two-parent households with at least one child under 17 years of age, 6.3 percent of households in western Germany had incomes beneath 40 percent of adjusted median income, with 13.2 percent with incomes beneath the 50 percent level. For single-parent households in western Germany, the corresponding percentages of households were 15.7 and 31.0. The German government consistently has contended that the social existence minimum represents a better indicator of the extent of poverty in Germany than do relative poverty measures:

Social assistance thus targets "poverty" according to the comprehensive definition by the Council of Ministers of the European Union, according to which those "individuals, families and groups are

Table 4 Distribution of low monthly household net income by household type (percent)

Household monthly net income	All households	Single parent				Two-parent household	
		Single parent with one child	parent with two or more children	Two-parent household with one child	Two-parent household with two children		
Western Germany							
Under 1,200 DM	8.2	0.0	0.0	0.0	0.0		
1,200-1,600 DM	5.0	0.0	0.0	0.0	0.0		
1,600-2,000 DM	6.1	9.2	0.0	0.0	0.0		
Eastern Germany							
Under 1,200 DM	5.2	0.0	0.0	0.0	0.0		
1,200-1,600 DM	9.0	0.0	0.0	0.0	0.0		
1,600-2,000 DM	11.5	9.0	0.0	0.0	0.0		

Source: Statistisches Bundesamt (1997: Table 21.10, p. 580).

considered to be 'poor', who possess so few [material, cultural and social] resources that they are excluded from the lifestyle acceptable as the minimum in the Member State in which they live." [Thus relative income poverty thresholds] approach ignores, among other things, the fact that the "poverty threshold" is high in a country such as the Federal Republic of Germany with its high standard of living and a broad distribution of income.... The priority task of social assistance is "to enable the assistance recipient to lead a life of human dignity".

(Breuer and Engels 1998: 1)

When compared with other rich countries within the European Union, such a contention may be viewed as defensive. When compared with the level of poverty experienced by many children in the United States, the accomplishments of the German social welfare system can only be viewed as impressive accomplishments.

GERMAN FAMILY POLICY: FEMINIST NIGHTMARE OR FEMINIST ALTERNATIVE?

Family policy in Germany reflects a classic case of the corporatist welfare state. Although Germany has been confronted with major shocks as a result of reunification of West and East Germany, European unity, a high rate of immigration, and the many changes in the global economy, its family policy has remained steadfast in its focus on the primary role of parents in child

rearing. Women in many other Western industrialized countries have moved toward substantial labor market participation throughout their entire adult life cycle. Many women in western Germany have followed a different path, with withdrawals or sharp curtailment of labor market activity during the early years of their children's lives.

For some feminists, such an outcome is generally viewed as problematic. The dominant (liberal) feminist position argues that equality between men and women can only be achieved when the state is committed to a full-employment guarantee between men and women. Furthermore, this guarantee needs to be accompanied by equal access to occupations and industries, including the removal of barriers surrounding caregiving that currently limit primary caregivers from equal participation. Thus, of the three models of welfare capitalism in Esping-Andersen's typology, the model represented by Germany is often considered to be the least hospitable to feminist goals and the least likely to survive (Siv Gustafsson 1997; Janneke Plantenga 1997; Susan Okin 1989). Notburga Ott (1992), for example, argues that the specialized division of labor within marriage encouraged by German policy can result in a suboptimal number of births and lead to economic inefficiency, while Plantenga (1997) claims that the conservative/corporatist welfare state regime of which Germany is a prime example will not survive. She contends that:

... the sources of conflict within this particular welfare state regime will in the end result in its dissolution. Not only will the financial costs be too high, the particular division of care responsibilities will be challenged and rejected by a growing number of women.

(Plantenga 1997: 101)

Evidence suggests, however, that the success and acceptance of the German model depends at least in part on the congruence between its underlying premise and the attitudes and perspectives of German women. The policies and laws that encourage primary and extensive caregiving by the mother are consistent with the attitudes of a substantial percentage of women in western Germany, particularly among women with children (Koecher 1993; Institut fuer Demoskopie Allensbach 1993). Even among career women in western Germany, studies tend to find little support for substantial intervention by the state that would help to ease the burdens of combining market work and child rearing (Hildegard Theobald 1998).⁶

Even if many western German women support the family policies of Germany, it could still be the case that German women do not understand their own best interests, an argument that many neoclassical economists are never hesitant to make regarding the demands made by women. Gisela Kaplan (1992), for example, presents such a perspective. She argues that in Germany the "attitudes of the general population (women included) reflect considerable doubts about the merits of a basic integrative

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egalitarianism" (1992: 146) and classifies the resistance to change in Germany (and the other Germanic countries of Austria and Switzerland) as profound. She also notes that in Germany, the value accorded to marriage and the family is shared by many women as well as by men. According to Kaplan, the "time-honoured" traditions associated with these values have made it extremely difficult for more progressive feminists to influence policies that affect women's lives. Although recognizing that western German women are not strongly opposed to the model under which they live, she attributes this acceptance to negative characteristics, arguing that western German women continue to be affected by the propaganda of the Nazi regime regarding the role of women and that:

The poor participation rates of women in politics, in positions of power and leadership, whether in the private or the public sectors, do not so much reflect a lack of opportunity as an at times negative attitude and a poor self-image on the part of women.
(Kaplan 1992: 145)

Myra Marx Ferree (1985), however, provides an alternative view. In presenting a review of research on working-class women and work in Germany, Ferree (1985) emphasizes that the "women in these studies emerge as participants who shape their own lives rather than as passive victims of sex and class oppression" (Ferree 1985: 520). For many women, Ferree notes that both work in the market and in the home produce ambivalence given the current structures available in both spheres. She further argues that:

Such genuine ambivalence is obscured by Procrustean research designs that place respondents unequivocally into categories of either work or family orientation, and it is denied theoretically when either paid work or housework, or the choice between them, is presented as a route to liberation for women. Instead, the ambivalence of response to both forms of work suggests that both structures need to be changed....
(Ferree 1985: 530-1)

Ferree's interpretation of the motivations behind the actions of working-class women can also provide an interpretation of the actions of German women in other socio-economic groups. A phase model that encompasses periods of relatively intensive, but sequential specialization in both market and home spheres represents one approach that deals with the difficulties of present-day reality. For most women, current structures of work and home both produce a complex set of rewards and difficulties. Thus movement from one sphere to another may represent a legitimate method of negotiating these ambiguities.

From a narrow feminist perspective, it is easy to argue that barriers to work in the market have prevented the same level of labor market participation in Germany as found in the Scandinavian countries and in the United States. This argument focuses primarily on the shortcomings of the German system and does not look at what Germany offers families. Some feminists have been reluctant to address the question of whether families should have the right *not* to rely on extensive nonfamilial care for their young children. Such care is often required when women work full-time in the labor market. This question goes far deeper than research questions that address the potential short-term and long-term effects of child care. It is a question that concerns human dignity and human rights. To what extent should feminists actively support the perspective that families should have the right to be the exclusive or nearly exclusive caregivers of young children? Or must this right be contingent on the equal involvement of men in caregiving?

I recognize that most feminist theorists do not dismiss the right of families to choose how to provide care for their children. I contend, however, that conditioning these choices on men's involvement in household production in general and on child rearing in particular presents difficulties for women. Three major problems exist when men's equal (or at least greater) participation in child rearing is a prerequisite for addressing what I view as basic human right. First, theoretical discussions on how to encourage and increase men's involvement in home production in a substantial way are still just that – theoretical. Unfortunately we do not have strong evidence on whether feminist theories accurately predict what would indeed occur if the policies called for in these theories were implemented in a comprehensive way. To contend with certainty that our feminist theories are correct moves the discussion from a theoretical one to an ideological one.

Second, even if our theories are correct, it is not likely that the societal changes required to bring about equality in home production will occur quickly. Hence any prerequisite that requires far greater participation by men in home production makes women dependent on changes in male behavior before they have the right to make real choices about caregiving for their children. Third, a model that addresses inequality between women and men by placing greater value on caregiving can theoretically lead to equality or at least to more real choices for women. Many paths, not just one, may lead to great equality.

A model such as Germany's illustrates an approach in which caregiving is not as sharply devalued as it is in the United States. In contrast with the U.S. model, where full-time caregiving carries substantial future financial

risks for women if their marriage and/or relationship dissolves, the current and future financial risks for full-time and/or intensive caregiving are not so severe in Germany. In the United States, full-time family caregiving is increasingly becoming a privilege reserved for the high-income classes. Far more so than in Germany, low-income and/or single mothers in the United States are sharply limited in the choices they are able to make concerning familial care for children. The situation facing women in the United States under welfare reform highlights how brutal a system can be that denies the right of parents to be primary caregivers for their young children. The many benefits listed above that are available to single mothers also indicates that a country can simultaneously encourage a particular family form, without denying other family forms access to resources that guarantee a life of human dignity.

Given that substantial percentages of German women with children do participate in the labor market, one could argue that the barriers to market work in Germany are lower than the barriers to intensive caregiving faced by families in other countries – that Germany provides women with more choices, not fewer. This statement by no means implies that German women have achieved equality or that German women do not need to negotiate very difficult choices concerning how they will balance conflicting priorities. It is simply a statement that the German route to equality may be a different one from that pursued by countries with liberal or social democratic welfare regimes. It also implies that when and if equality does occur, the structures and meaning of this equality are also likely to differ.

Plantenga (1997) argues that "an actual redistribution of paid and unpaid work will only be attainable if care, like paid labour, is seen not as a matter of necessity and duty, but as an essential and enriching part of human life" (Plantenga 1997: 100). If care is seen as "an essential and enriching part of human life," then it is highly likely that women (as well as men) may view periods of intensive family caregiving as important phases of the life cycle. Feminists thus face the dilemma that if caregiving in the home is more highly valued, more women are likely to exercise this option. To the extent that women in Germany choose a more intensive degree of work in the home because this option is relatively more rewarding and less costly to them than to women in other countries, then Germany can provide insight into how to increase choices for women.

In recent years policy within Germany has simultaneously focused on removing barriers to employment (such as relaxing regulations on store hours and increasing access to child care) and on increasing incentives for specialization in the home (such as increasing child allowances, creating generous child-rearing allowances, and extending parental leave to three years). The 1998 Constitutional Court decisions on child care tax deductions and household deductions also provide two-sided incentives regarding market work and home production. In addition, German law and policy

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have sought to remove legal distinctions between husbands and wives and between children born to married versus unmarried parents. Family law and policy in Germany are now gender-neutral in language, if not in practice.

The current family policies that are being proposed by the Federal Ministry for Families, Seniors, Women and Youth recognize the need for women to be able to combine market work and family responsibilities, but these policies emphasize and promote part-time rather than full-time employment (Bundesministerium fuer Familie, Senioren, Frauen und Jugend 1998b). For example, the proposed policies center on substantial increases in the availability of publicly supported child care, but here the emphasis continues to be on the creation of part-time rather than full-time spaces. The focus is also on flexibility at the workplace, in particular the call for the creation of more part-time work that requires higher skill and provides higher pay for men as well as women.

The model currently advocated by the German government is far from a reality. Its approach, however, does allow for the implementation of real structural change over time. Such a model for structural change is advocated by the OECD report "Shaping Structural Change, The Role of Women" (cited in Plantenga 1997: 100). As reported by Plantenga, this change would require substantial structural change that entails flexible hours without changing jobs, intermediate part-time work with the option of returning to full-time hours, flexitime, job sharing and the ability to capitalize time over the working week. These changes, however, would also involve a substantial shift concerning the value of caregiving in the home. Although one interpretation of the German model is that it represents a more pronounced patriarchal structure than does the liberal or the social democratic welfare state, it can also be interpreted as a model that facilitates but does not mandate caregiving in the home. If Germany is successful in increasing the availability of satisfying and financially rewarding part-time work, while minimizing the risks of specialization in home production, it may provide a useful model that extends the possibilities for how market work and families' responsibilities can be combined for women and for men.

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NOTES

¹ In this paper western Germany (or western German) will refer to the territory of the Federal Republic of Germany prior to unification and to individuals living in this territory; eastern Germany (and eastern German) will refer to the territory formally in the German Democratic Republic and to individuals living in this territory.

² All dollar conversions are based on the purchasing power index (PPI) between Germany and the United States, not the actual exchange rate. In January 1999, the PPI between Germany and the United States was 2.00 DM per U.S. dollar. This index is higher than the exchange rate between the DM and the dollar, which has fluctuated from under 1.50 to over 1.75 during the mid-to-late 1990s. In mid-1999, however, the exchange rate had reached 1.9, the highest level in the decade. This increase is likely a response to the introduction of the euro.

³ The references are presented in German if the original source was written in German and in English if the original source was written in English.

⁴ Germany also has strong support for pregnant women and for newborn and young children. All pregnant women are guaranteed pre-natal care. Health care and social supports are also available for all mothers with newborn children and for infants and young children. Policies and programs also explicitly recognize that the needs for social supports by single mothers may be more substantial than those of married mothers.

⁵ I use the term social assistance throughout the article for two reasons. First, social assistance is the standard English translation of the German term *Sozialhilfe*. Second, a more descriptive term such as means-tested income transfer does not adequately convey the constitutional and societal importance behind a program that embodies a concept of human rights whereby individuals who are in need and who cannot help themselves have a constitutional right to support from the larger society.

⁶ The position and perspectives of eastern German women are discussed in much greater detail in Tizchinski (1998). Most of the policies presented here, however, were developed before reunification and hence are more likely to represent the interests of West German women (or at least West German households) than East German.

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