*Stefanie Börner and Monika Eigmüller**

"Give women proper part-time work!" – Historical trajectories of employment regulation and female labor market participation in Germany between 1998 and 2006

Abstract: This article examines why women in Germany, despite progressive family policies, disproportionately work in atypical, low-paid jobs – a persistent institutional puzzle. This paradox, we argue, can only be explained in light of the normative assumptions in political discourse. Adopting a combined institutionalist and ideational approach, we analyze the relationship between labor market policy (especially policies that deregulate standard employment), family policy, and female employment patterns in order to better understand labor market-related gender discrimination in Germany. The period under consideration, 1998 to 2006, was marked by two significant paradigm shifts: the move toward a more flexible labor market policy between 2002 and 2005, and the conservative government's introduction of a parental leave scheme in 2006. During this period, we argue, specific labor market demands intersected with certain social norms, creating a unique historical context of social and economic upheaval. Emphasizing the timing of these policies and the economic incentives they created for families, we develop a historical argument that traces the two policy fields from 1998 to the introduction of the new parental leave scheme in 2006. Specifically, we analyze the content of relevant plenary debates in the German Bundestag and the underlying normative assumptions regarding gender roles and family models, combining an institutionalist policy analysis with a focus on breadwinner norms and gender role assumptions. Our analysis shows that the persistent gendered division in Germany's labor market stems from the intersection of family and deregulated labor market policies implemented since the late 1990s. In the absence of a more progressive, gender-sensitive family policy prior to the mid-2000s, the restructuring of the German labor market acted as a catalyst for the atypical employment of women.

Keywords: gendered labor markets, Germany, family policy, female labor market participation, labor market policy

Stefanie Börner und Monika Eigmüller, „Gebt den Frauen ordentliche Teilzeitarbeitsplätze" – Die Entwicklung der Beschäftigungsregulierung und der Erwerbsbeteiligung von Frauen in Deutschland zwischen 1998 und 2006

Zusammenfassung: In diesem Artikel wird untersucht, warum Frauen in Deutschland trotz Fortschritte Familienpolitik überproportional häufig in atypischen, schlechter bezahlten

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Jobs arbeiten. Wir argumentieren, dass dieses institutionelle Rätsel nur durch die Berücksichtigung der normativen Annahmen im politischen Diskurs erklärt werden kann. In unserem Beitrag kombinieren wir daher einen institutionalistischen mit einem ideengeschichtlichen Ansatz, der es uns ermöglicht, die Beziehung zwischen Arbeitsmarktpolitik (insbesondere der Politik der Deregulierung der Normalarbeitsverhältnisses), Familienpolitik und weiblichen Beschäftigungsmustern zu analysieren, um die arbeitsmarktbedingte Diskriminierung von Frauen in Deutschland besser zu verstehen. Das hier betrachtete Jahrzehnt, 1998 bis 2006, war von mehreren Paradigmenwechseln geprägt (ein Wechsel hin zu einer flexiblen Arbeitsmarktpolitik zwischen 2002 und 2005 und einem im Jahr 2006, als die konservative Regierung Elternzeit einführte). Durch die Betonung des Zeitpunkts der arbeitsmarktpolitischen Maßnahmen und der wirtschaftlichen Anreize für Familien, die sich aus der spezifischen Konstellation von Familien- und Arbeitsmarktpolitik in diesem Jahrzehnt ergaben, wird in diesem Beitrag ein historisches Argument entwickelt. Dazu werden die beiden Politikfelder von 1998 bis zur Einführung der neuen Elternzeit im Jahr 2006 anhand einer Inhaltsanalyse relevanter Plenardebatten im Deutschen Bundestag nachgezeichnet und die zugrunde liegenden normativen Annahmen in Bezug auf Geschlechterrollen und Familienmodelle analysiert. Die Untersuchung zeigt, dass die ausgeprägten geschlechtsspezifische Muster auf dem deutschen Arbeitsmarkt genau der Kombination aus Familienpolitik und de-regulierender Arbeitsmarktpolitik unterliegt, die seit Ende der 1990er Jahre Gestalt angenommen hat. In Ermangelung einer progressiven geschlechtersensiblen Familienpolitik bis Mitte der 2000er Jahre wirkten die Umstrukturierung des deutschen Arbeitsmarktes und die damit verbundenen Maßnahmen als Katalysator für die atypische Beschäftigung von Frauen.

Stichwörter: geschlechtsspezifische Arbeitsmärkte, Deutschland, Familienpolitik, Frauenerwerbsbeteiligung, Arbeitsmarktpolitik

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Introduction

After the Covid-19-induced lockdowns forced families in Germany to address the challenge of simultaneously reconciling work and family responsibilities, the effects of school closures on gender roles and women's employment were widely debated (e.g., Möhring et al., 2023; Müller, 2024). However, it does not take a pandemic to expose the highly gendered patterns of Germany's labor market. Compared to other European countries, the share of women working part-time in the country is particularly high at 48 %. In 2022, the gap between men and women in part-time employment

stood at 37 percentage points, the third largest in the EU after the Netherlands and Austria (39 percentage points; Eurostat, 2023). Although today's modern welfare states provide caregiving systems that help both mothers—and, increasingly, fathers—balance work and family responsibilities, persistent gender pay gaps, highly gendered labor market patterns, and the horizontal segregation of men and women into different jobs, particularly in terms of job quality, point to persistent occupational and wage inequalities between men and women Kowalewska, 2023). The German welfare state saw a paradigm shift in family policy in 2006 when the conservative government introduced a parental leave scheme. The question remains: why do gender-specific social inequalities persist in Germany despite such modernization?

Feminist perspectives argue that postindustrial welfare states and women's increased labor market participation have not dismantled traditional divisions of labor between men and women (O'Connor, 1993; Guillari and Lewis, 2005). Nancy Fraser (2013: 123f.) critiques the postindustrial "universal breadwinner model" promoting women's employment has failed to deliver gender justice because it universalized the breadwinner role in families without achieving gender parity or adequately valuing predominantly female care work. State interventions undeniably shape women's labor market participation and employment patterns, but they also give rise to a paradox. According to Mandel and Semyonov, "the very same characteristics [that increased female labor market participation in the past]—generous family policies and a large public service sector—seem to reproduce the gendered division of labor and, in effect, decrease women's chances of joining desirable occupational positions" (Mandel and Semyonov, 2006: 1913). However, the German situation is compounded by a further paradox: namely, labor market deregulation, which has been gathering pace since the late 1990s and has prompted atypical employment to rise significantly, was introduced without sufficient family and caregiving policies to help women balance care and work responsibilities. This misguided extension of women's labor market participation and the normative gender roles underlying it, continues to shape male and female employment and caregiving patterns to this day.

Thus, family policies cannot be seen in isolation as either enabling or limiting women's (and particularly mothers') labor market participation. Instead, family and labor market policies must be considered together to allow for a more encompassing picture. Women have never been represented solely as workers in employment policy debates, but always also as (potential) mothers. This is in contrast to men, who have never been implicitly presented as fathers. Hence, employment policies that aim to increase women's participation in the workforce must always be understood within the context of family policy discourses and their specific normative interpretations. In this sense, women's employment is inherently tied to the discourse on maternal employment. Therefore, in this paper we analyze the relationship between labor market policy (particularly policies that deregulate standard employment), family policy, and female employment patterns in order to better understand labor market-related gender discrimination in Germany.

The period under consideration—1998 to 2006—was marked by several policy trade-offs and paradoxes, described as the German welfare state's "Nixon goes to China" moments: a social democratic government introducing neoliberal social policy reforms between 2000 and 2005, and, as argued by Henninger and von Wahl (2010), a conservative government that sought to modernize the traditional family policy paradigm in 2006. Our argument emphasizes the interaction between these two policy areas, highlighting the timing and prevailing cultural norms shaped by the specific constellation of family and labor market policies during this period. To that end, we trace developments in both policy fields from 1998 until the introduction of the new parental leave scheme in 2006 and analyze the normative assumptions underlying gender roles and family models. Using a two-step policy analysis that focuses on normative gender role assumptions, we are able to theoretically link the social norms embedded in social policy instruments to observed labor market patterns. After discussing the current state of research (Section 2), we apply a theoretical framework that combines an institutionalist perspective with approaches that view welfare states as "norm setters" (Section 3). After introducing our research design (Section 4), we present the results of our analysis (Sections 5 to 7). We find that, despite their adherence to a gender mainstreaming agenda, the deregulating labor market measures introduced by the social democrats ultimately paved the way for an unequal adult worker model that relegates women to the role of secondary earners.

Welfare states' role in women's participation in the labor force and the German gender regime

Institutional regulations in labor market, family, and social policy play a key role in shaping gender relations and regimes by establishing socially relevant guiding principles and constructing family and gender role models. These models influence women's labor market participation and impact equality of opportunity between men and women.

To address these mechanisms, in the 1990s feminist scholarship began developing a more gender-sensitive approach to the welfare state (Lewis and Ostner, 1994; O'Connor et al., 1999; Leitner, 2003). A basic premise of this scholarship was that family and social policies should be assessed based on their effects on women's participation in both paid and unpaid work. For example, Lewis and Ostner (1994) distinguish between strong (Germany, Great Britain), moderate (France), and weak (Sweden) male breadwinner states. In the strong breadwinner model, part-time caregiver work is often referred to as the "mommy track." Using childcare and eldercare policies as examples, Leitner (2003) emphasizes the varying (de)familiarizing effects of family policy instruments. High labor force participation among women, she argues, depends on the extent to which public interventions incentivize and enable the externalization of care responsibilities. In contrast to this de-familializing effect in welfare states such as Sweden, familialistic regimes like Germany's welfare state have traditionally relied

on private households to provide childcare and familial caregiving (Esping-Andersen, 1999: 45).

Over the past 20 years, a growing body of research evidence suggests that Germany's conservative and familialistic gender regime is eroding and that the traditional, family wage-based breadwinner model is being replaced by more modern arrangements in which both partners work (Gottschall and Schröder, 2013: 162f.). Research describes this shift as a transition from a conservative/domestic to a more social democratic/public gender regime (Henninger and von Wahl, 2019; Walby, 2020), supported by public childcare and paid parental leave, which support a dual-earner norm and enable carers to balance paid employment and unpaid care work. However, this interpretation is not uncontested. Shire and Nemoto (2020: 443), for example, argue that Germany has transitioned from a domestic to a public conservative model, where "family policies, even when they finance market or public services, have reinforced the family household as the locus of care, and reinforced the role of wives, mothers, and in eldercare, daughters, as those who provide for young and elderly family members." In the employment sphere, this has led to the "consolidation of a one-and-a-half earner or modernized (male) breadwinner family model" (Dingeldey, 2016: 222). The introduction of income-related parental leave in 2006 is paradigmatic here. According to research, this policy has not fostered a de-familialized welfare state based on a dual-earner/dual-carer model (Henninger et al., 2008: 303; Leitner, 2013). Instead, it has entrenched a gendered version of the adult worker model in Germany.

This strand of welfare state literature is particularly valuable to our argument: it highlights how welfare states can shape female careers and employment patterns for caregivers, since welfare state policies can influence family decisions about working time arrangements and the division of labor within households. Nevertheless, institutional analyses often overlook the diversity of women's career and family preferences and life plans. Inspired by Hakim's (2000) preference theory, Bertram et al. (2005: 15) remind us not to forget to ask women what they want. Most women in Germany, they stress, prefer an adaptive lifestyle that allows them to reconcile the demands of family and working life. While most social scientists agree that the welfare state did indeed improve women's access to paid work, thereby increasing their autonomy, recent scholarship has shifted focus to explore gendered labor market patterns (Kowalewska, 2023). These studies argue that even de-familializing policies can adversely affect women's labor market participation, for example by reinforcing women's overrepresentation in atypical jobs and the low-wage sector. Thus, Mandel and Semyonov (2006: 1911) argue that post-industrial welfare states, as public service welfare states, do not necessarily enhance women's workplace and economic progress, as they often fail to challenge the conventional gender division of labor. Policies that accommodate women's domestic responsibilities by adjusting work demands and offering reduced hours or extended leave may inadvertently reinforce traditional roles of women as caregivers and homemakers. The authors highlight the dual role of the welfare state as both a public employer and a legislator of family-related policies (ibid.: 1912). On the one hand, family policies facilitate women's, and especially mothers', participation

in the labor market (Esping-Andersen, 1999; Gornick and Meyers, 2003; O'Connor et al., 1999). On the other hand, the public provision of social services has significantly increased employment rates in the public sector—a sector predominantly staffed by women. By reducing women's care responsibilities at home while simultaneously offering employment opportunities, "the state has become a major employer of women" (Mandel and Semyonov, 2006: 1913; see also Gornick and Jacobs, 1998; Langan and Ostner, 1991: 307). Paradoxically, this has not resulted in equal opportunities for men and women, but rather created new labor market-related inequalities. The very same characteristics—generous family policies and a large public service sector—seem to reproduce the gendered division of labor and, in effect, decrease women's chances of joining desirable occupational positions" (Mandel and Semyonov, 2006: 1913).

Furthermore, with respect to income, the motherhood wage penalty is lower in countries with publicly funded childcare and paternity leave regulations (Budig et al., 2016). Others show that care responsibilities for younger children, as compared to eldercare, have a greater negative impact on women's employment (Chou et al., 2017). These findings show that women's labor market status depends not only on employment regulations and family policies, but also on household circumstances, such as the presence of small children and the domestic division of labor (Emmenegger, 2010; Esping-Andersen, 1999). Consequently, women, and especially mothers, face "additional life-course risks" and "more precarious labor market positions" (Emmenegger, 2010: 10) because they are overrepresented in nonstandard employment (Kross and Gottschall, 2012). Moreover, regardless of their personal career and family plans, employed women may experience labor market discrimination because employers assume that women, on average, are more likely than men to leave their jobs for family reasons. Hence, "[t]here is no personal characteristic that makes women insulated from statistical discrimination. Rather, it is the mere fact that they are women that weakens their labor market position" (Emmenegger, 2010: 11). This points to an important problem: namely that, societally, women are broadly defined as (future) mothers, irrespective of whether or not they are currently raising children.

The fact that mothers are likely to reduce their working hours and are therefore overrepresented in low paid and part-time job sectors highlights the significance of the gender norms and role models that are implicit not only in family policies, but in social and labor market policies in general. While policies like long maternity leave and generous social rights linked to care periods reinforce women's traditional caregiving roles, other measures—such as public full-time childcare, parental or paternity leave policies, and individual taxation—promote a more equitable distribution of care work, both within households and among other welfare providers (Korpi et al., 2013; Lewis and Ostner, 1994; Seo, 2023). Family policies aligned with traditional role models, however, can perpetuate existing labor market inequalities between men and women (Seo, 2023). At the same time, Korpi et al. (2009: 3) note that within a single welfare state there may be "competing values and conflicting goals concerning relationships between women, men, and families". In Germany, this is evident in the sharp contrast

between a comparatively flexible and progressive parental leave regulation (*Elterngeld*) and a taxation regime that incentivizes the primary earner in married couples.

Both welfare state regime theory, expanded to include a gender-sensitive perspective, and labor market research have provided crucial insights into why social policy functions differently for women and why women still fare worse than men in the labor market. From an institutionalist perspective, however, it remains a puzzle why women in Germany, despite generous leave and care policies, are especially likely to become locked into nonstandard jobs with low pay or limited career opportunities (Kowalewska, 2023; Seo, 2023).[1] Thus, in the following section, we propose a theoretical approach to address this research gap.

Welfare states as norm givers

In our view, understanding why the German labor market is so distinctly gendered requires a broader theoretical approach. Existing empirical research often narrowly focuses on the role of either family policy or labor market policy when examining mothers' labor market access, opportunities, and career prospects. In this section, we propose combining an institutionalist approach to welfare state analysis with an ideational perspective, presenting two main arguments. The first broadens the analytical focus to include both family and labor market policy. The second examines not only policy design, but also the norms and values that underpin family and breadwinner models.

First, we argue that gender norms and social values related to caregiving and family are implicit not only in family policies, but also in social and labor market policies in general. We believe the role of labor market policy in shaping women's employment patterns has been underestimated. For instance, legislation on reduced working hours or marginal employment can worsen women's economic outcomes, as such arrangements enable women to balance unpaid care responsibilities with paid work (Blossfeld and Hakim, 1997). Hence, we include labor market policy and employment regulation in our analysis of gender norms in order to better understand female labor market participation patterns in Germany. From an institutionalist perspective, female labor market outcomes do not stem from single reforms, but from complex institutional processes that unfold over time. This is because national employment and welfare policies "are the stable results of previous institutionalization projects in which the future incumbents have succeeded in establishing their" own perceptions and normative conceptions "as the generally accepted rules of appropriateness and interpretation" (Heidenreich, 2009: 17). The norms and values that underlie various policy fields often interact, creating "cumulative incentives" (Dingeldey, 2016: 224) that may conflict with one another, as emphasized by institutionalist theory (Palier and Thelen, 2010). For our case, this means that "welfare provision and employment regulation do not

1 The latter varies extremely between regions, above all between East and West Germany, where also the childcare rates for children under the age of 3 differ considerably (Chou et al. 2017).

necessarily map onto each other," as Gottschall (2023: 7) argues in the context of 24/7 long-term care. Focusing exclusively on welfare provisions for families might yield conclusions that differ from those obtained from the study of labor market policies, as shown in the previous section. In Germany, the incentives created by deregulating employment policies between 1998 and 2006 partly contradicted prevailing family policy gender norms. This constellation, we hypothesize, led to a path-dependent female employment pattern that favors the male breadwinner/ female additional earner model as only viable 'mommy track'.

Second, most comparative studies underestimate or only indirectly address how gender norms and social values regarding family and reproduction work intersect with family and labor market policies. Conducting a case study on Germany allows us to broaden our analytical focus, combining institutional analysis with an ideational approach that examines not only policy instrument design and effects, but also ideas and social norms. In other words, we adopt a sociological institutionalist approach that emphasizes the social values and cultural practices underpinning policies and institutions, providing people with cognitive scripts (DiMaggio and Powell, 1991). Ideational approaches in welfare state research view welfare states as integral components of a society's comprehensive cultural system, highlighting the role of the guiding ideas, social norms, and values that underpin social policy instruments. These approaches stress "the relevant ideas in a given society surrounding the welfare state" and how these welfare cultures are embedded within the broader society (Pfau-Effinger, 2005a: 4). As powerful social institutions, welfare cultures serve as guiding principles and impact the way people act and think. In family policy, these principles often manifest as gendered assumptions that inform gender roles and the associated breadwinner models, such as the traditional male breadwinner model that assigns wives and mothers a caregiving role, the male breadwinner/female additional earner model as a modernized version of the traditional model, or the dual earner/dual carer model (cf. Pfau-Effinger, 2005b: 329). Scholars have also noted that political actors make strategic use of ideas when implementing reforms and that transnational ideas increasingly shape reform agendas (Béland, 2009; Béland and Waddan, 2011; Parsons, 2002).

In view of these theoretical considerations, the following analysis examines the instruments and normative orientations in German labor market and family policies between 1998 and 2006 and their potential intersections. We argue that the persistent gendered division in Germany's labor market stems from the specific combination of family policies and deregulated labor market policies that began taking shape in the 1990s. Until 2006, these two policy areas often formulated different, or even contradictory, institutional demands and provided varying answers to the question of what constitutes good motherhood. In the absence of a more progressive, gender-sensitive family policy until the mid-2000s, the restructuring of the German labor market and its related policies acted as a catalyst for women's nonstandard employment. Only recently has the German government attempted to address this imbalance by emphasizing equal opportunities and reconciliation measures.

Tracing the intertwined policy norms of labor market and family policies: research design and methods used

Below, we present the results of our two-step analysis of German labor market and family policies between 1998 and 2006. This timeframe encompasses the new era under the Social Democratic Chancellor Gerhard Schröder, who formed a coalition with the Green Party from 1998 to 2005, and the first two years of Chancellor Angela Merkel's administration. This period is particularly significant to our research question because it features a double paradigm shift in social and labor market policy. The first paradigm shift focused on labor market deregulation and the activation and employability of the unemployed. The second paradigm shift initiated by the conservative government emerged from the introduction of a parental leave scheme (*Elterngeld*) that provides wage compensation for up to 14 months when both parents take parental leave. Coming into force in January 2007, this new instrument institutionalized the adult worker model as the new guiding principle of German family policy, albeit without fully releasing mothers from their caregiving role (Henninger et al., 2008: 303). The first step of our analysis involves a policy examination that combines insights from research with a systematic review of relevant labor market and family policy acts. For the period between 1998 and 2006, we trace the policy processes in these two areas, focusing on the instruments and their political legitimization. All labor market acts that sought to increase nonstandard employment were included in the analysis; acts not directly related to unemployment, workforce participation, or labor market access were excluded.

During the second part of our analysis, which examines the social norms regarding gender roles that underly the acts, we employed a content analytic approach. For this analytical step, we expanded our primary material to include plenary minutes. To identify arguments that reference female employment or gender mainstreaming, we conducted a keyword search using terms such as 'women,' 'mother,' 'equal opportunity' and 'reconcil*.' The final material corpus comprised 23 plenary protocols (PP) and 17 bills. Using a computer-assisted analytical process, all primary documents containing one of the keywords were coded according to our three breadwinner models, which served as deductive main categories. This step made it possible to exclude any passages unrelated to the research question. The remaining segments were then coded inductively, one by one. Three independent researchers carried out the coding to maximize intercoder reliability, resolving any discrepancies through discussion and consensus. Additionally, a pretest of the coding categories was carried out to ensure that the categories were clearly and consistently applicable. The use of computer-assisted analysis tools supported the systematic and reproducible application of codes across the entire dataset. In a final step, we created summary grids to facilitate the comparison of segments and serve as the foundation for interpreting the material.

German labor market policy and the feminization of part-time and marginal employment

Before we analyze the normative orientations regarding working mothers, this section briefly examines the development of active and activating labor market policy during Gerhard Schröder's tenure as Chancellor, which began in 1998. In accordance with our focus on female labor market participation, we concentrate on the expansion of non-standard employment and its gender bias.

In Germany, the expansion of non-standard employment was part of the long road toward a more flexible labor market, which had been seen as a solution to several Europe-wide issues since the late 1970s, including rising unemployment and the rigidity of rich and generous welfare states in view of global competition. In the German context, these challenges were compounded by reunification and a domestic crisis in the Federal Employment Agency. In this context, the 2002 Job-AQTIV Act, regarded as a precursor to the Hartz reforms, coined the term "*Fördern und Fordern*" ("to support and to demand") (Leschke et al., 2006). To this day, this paradigm serves as a guiding principle for both the unemployed and the employment agencies in German labor market policy. At the core of the infamous Hartz reforms, implemented between 2002 and 2004, was the idea of providing the unemployed with diverse and flexible opportunities to (re)enter the labor market. Examples include a transitional allowance for individuals starting a business ("*Ich-AG*"), the institutionalization of temporary employment through Personal Service Agencies, and the expansion of the German low-wage sector through the deregulation of mini jobs and the introduction of midi jobs—non-standard jobs exempt from income tax and subject to special social security treatment. Labor market researchers describe these reforms as one-sided flexicurity (Leschke et al., 2006) because they broadly aimed to guarantee employability rather than social security. This created a tension "between demands for greater labor market flexibility on the one hand and the need to provide adequate levels of social protection for workers and their families on the other" (Viebrock and Clasen, 2009: 305–306).

Previous research has highlighted the role of flexicurity policies in gendering non-standard employment and noted that job security regulations are especially important for strengthening the labor market position of people in non-standard jobs—most of whom are women (Dingeldey, 2016; Emmenegger, 2010; Esping-Andersen, 1999). Hence, labor market deregulations without accompanying social protection measures created a deepening labor market rift between insider and outsider positions in the labor market. In Germany, as in many other industrial welfare states, flexicurity became the 'magic formula' (Sarfati, 2003: 278) in labor market policy during the 1990s; however, the groundwork for this development had already been laid before the paradigm shift of 2002–04. Among non-standard forms of employment, part-time work, self-employment, and fixed-term employment saw the greatest increases beginning in the mid-1980s (Schmid and Protsch, 2009). Although women's labor market participation jumped from 53.7 to almost 70 percent between 1985 and 2005, mainly due to reunification, the fact that only approximately 29 % of these women held standard jobs by

2005 can be attributed to increased labor market flexibility—especially with respect to working hours and fixed-term contracts (Schmid and Protsch, 2009: 7).

The possibility of concluding *fixed-term* employment contracts under labor law for up to 18 months was introduced in 1985 for a limited period of five years and extended by another five years in 1990 and 1995, with the 1995 Employment Promotion Act further allowing fixed-term employment to extend up to two years. The continuation of this regulation of fixed-term employment without a material reason, as of January 2001, was among the first labor market policy acts of the new Social Democratic government (Bill 14/3292).

Also, from 1985, *part-time work* was promoted as an "additional employment opportunity for women" (Bill 167/85, own translation). In the spring of 1994, the final Kohl cabinet launched a campaign to highlight the advantages of part-time work for both employees and employers (Schmid and Oschmiansky 2007: 476). In 2000, the new government introduced a legal entitlement to part-time work. The increasing legal consideration and regulation of part-time employment illustrates not only the enormous importance of this instrument for German employment policy since the mid-1980s, but also the EU's growing supranational influence on employment issues. For example, the 2000 act adopted the existing prohibition of discrimination against part-time employees relative to full-time employees, in accordance with the requirements of the 1997 EC Directive on part-time work. From a gender mainstreaming perspective, the Red-Green coalition highlights that "non-discriminatory part-time work is an essential prerequisite for the actual implementation of equality between women and men" (Bill 14/4374: 1), thus combining flexibility with social security. Later, Labor Minister Olaf Scholz legitimized this flexicurity approach by referencing the EU's employment policy (PP 14/127: 8f.). This example illustrates the importance of the EU's employment strategy during that period, which not only served to legitimize domestic reforms but also provided labor market policymakers with normative ideas and principles.

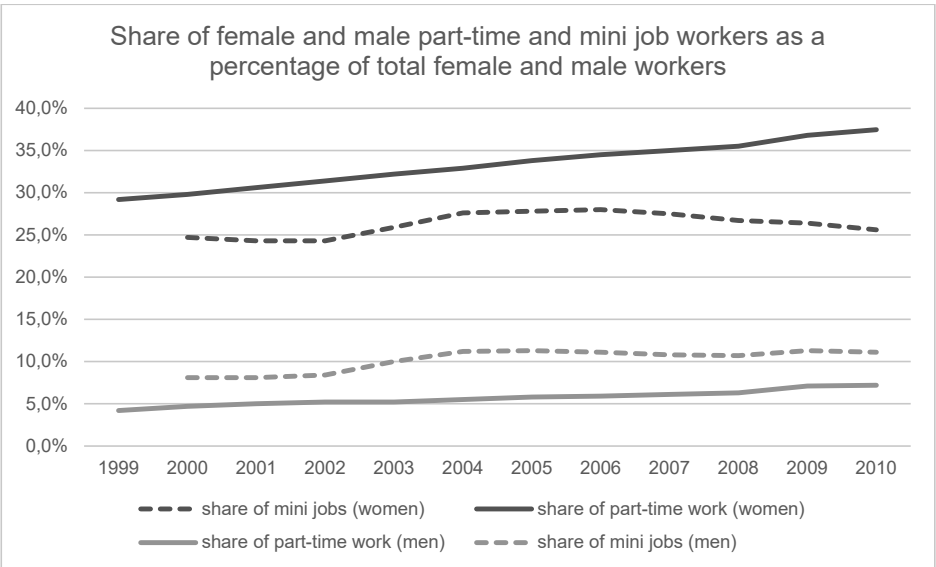
The Red-Green coalition also expanded *marginal employment*, in the form of mini jobs. This simplified form of part-time work was introduced in 1977 (Social Code IV, § 8) as an instrument for irregular part-time work (below 15 hours), and has steadily expanded ever since. Until 1999, marginal employment was exempt from social contributions and applied to a weekly maximum working time of 15 hours. After the Social Democrats' 1998 election victory, the new government's *Act on the Re-Regulation of Marginal Employment* introduced flat-rate social security contributions for employers, while employees were allowed to opt out of pension insurance contributions. This regulation specifically targeted women, who constitute the largest group in marginal employment (Bill 14/280). The 1999 legislation aimed to reduce marginal employment and prevent further fragmentation of employment relationships, as well as to mitigate social insurance revenue losses. However, this policy focus shifted with the *Second Act for Modern Services on the* Labor *Market*, which came into effect in April 2003. The

act raised the marginal earnings threshold from 325 to 400 euros.[2] In the preamble of the draft law, legislators explicitly stated that a new employment policy strategy was needed to combat unemployment (Bill 15/26), which would include restructuring the labor market to provide more flexible employment opportunities. To further expand the low-wage sector, the act introduced so-called *midi jobs* for the first time—covering wages between 401 and 800 euros—thus extending the wage range of marginal employment. While employers were subject to regular contributions, employees' social security contributions increased incrementally with their wages.

The legislative justifications in the preamble of these bills hint that part-time work, mini jobs, and midi jobs support the male breadwinner/female additional earner model as the underlying gender norm. Although the Social Democrats referenced equality between men and women as a new guiding principle, the incentives created by these instruments failed to conceal the economic disadvantages that flexible forms of employment impose on women. The rising prevalence of part-time work corroborates this argument. Following these re-regulations, the part-time rate grew more rapidly than other employment relationships from 1998 onward. By 2003, according to the Statistical Office of the Federal Employment Agency, the number of mini jobs exceeded 5 million – a 43 % increase compared to the previous year. Of this total, 76 % represented primary occupations (Eichhorst et al., 2012: 1). Women made up the majority of mini-job employees, a gender disparity that has remained relatively stable over the years. The number of women in mini jobs increased steadily until 2009, reaching approximately 3.4 million, when it plateaued. In contrast, the number of women in part-time employment rose steadily from 3.6 million in 2003 to 5 million in 2006. This number has continued to grow, reaching approximately 8 million today, with women accounting for 77 % of part-time employment—five percentage points less than in 2006. Among the female workforce, nearly 35 % worked part-time, while an additional 28 % held mini jobs without social insurance in 2006 (see Figure 1). A persistently large gender gap in part-time and mini job employment is evident during this period.

2 Since October 2022, the threshold has been based on a weekly working time of ten hours at minimum wage conditions.

Figure 1: Part-time employment and mini jobs as a percentage of total employment, 1999–2010



Sources: Employment statistics of the Federal Employment Agency; data on mini jobs only available since 2000

Given the strong gender bias of these non-standard jobs, the increase in non-standard employment cannot be solely attributed to the Europe-wide policy shift from job security to flexicurity, which was linked to the supposed flexibility of labor market requirements. An additional factor is the rise in women's labor market participation, which required families to make more flexible work arrangements in order to reconcile work and private life. Hence, the parallel increase in female labor market participation and non-standard employment were mutually reinforcing processes. Examining the economic sectors in which part-time work is particularly prevalent across Europe also highlights its feminization against the backdrop of the expanding service sector: health and social services (32 %), services (32 %), other communal, social, and personal services (30 %), hotel and catering (29 %), and education (27 %) (Schmid and Protsch, 2009; see also Dingeldey, 2016: 221).

Although non-standard employment cannot be equated with precarious work, the long-term effects of these arrangements for women, particularly working mothers who align their employment with caregiving responsibilities, often intersect with precariousness over the course of one's life. Consequently, women, and above all working mothers, face a significantly higher risk that their employment will meet one or more of the four criteria for precarious work identified by Keller and Seifert (2006): insufficient income level, lack of employment stability, limited employability opportunities (the capacity to secure future or higher-ranked jobs), and inadequate social security coverage. Empirical evidence underscores the negative effects of atypical employment,

particularly concerning employment histories (Seifert and Tangian, 2007). For instance, from a life-course perspective, part-time or fixed-term employees face a higher risk of dismissal or transition to another non-standard job (Oschmiansky and Oschmiansky, 2003: 33–39). As a result, non-standard employees are more likely to accumulate atypical employment episodes over their careers, leaving them worse off in the long term.

Family policy and family models until the mid-2000s

Due to time management demands, women were particularly drawn to new non-standard employment opportunities and were also directly targeted by labor market politicians, as we shall see in the following section. Women's labor market participation cannot be discussed without simultaneously considering the policies designed to support families in their caregiving responsibilities. Therefore, this section briefly examines the family policy paradigm that prevailed until 2007 and shaped women's employment propensity.

Franz-Xaver Kaufmann (2019/1993) identifies four main motives for family policy interventions: demographic, family institutional, socio-political, and emancipatory motives. While family institutional and socio-political motives primarily guided German family policy until the 1970s, emancipatory arguments began to emerge in family policy discourse from the mid-1970s, gaining prominence in the 1980s. After the turn of the millennium, tentative demographic policy arguments also began to surface (Gerlach, 2017; Gerlach and Keil 2010: 133f.). These varying motives for family policy interventions reflect different social norms and values that, based on questions of gender and care arrangements, affect the task-sharing between state, market and family with regard to the fulfillment of care responsibilities.

Whereas until the 1970s women's employment in Germany was still primarily intended for unmarried single women, the 1980s were dominated by the dictum of freedom of choice between family or employment. However, political interventions, such as the 1986 introduction of maternal leave for up to three years (the so-called "Erziehungs*urlaub*"), reinforced traditional structures and prevented mothers from entering the workforce. Ideological differences between the SPD and the CDU became evident in the dispute over whether it is possible to raise children and work at the same time. While the social-liberal coalition took the first steps towards expanding (part-time) childcare places, the CDU's assumption of power in 1982 initially cemented the male breadwinner model that underpinned conservative family policy. It was not until the 1990s that the reconciliation of family and career became a guiding theme of German family policy for women. Reunification had a significant influence on this shift, as the former GDR had a more egalitarian understanding of roles and, in particular, of women's equal participation in the workforce, with the state assuming responsibility for childcare as a given.

In 1996, the right to a childcare place for children over the age of three was introduced. However, this further entrenched the dictum that women should work

part-time while simultaneously taking on care responsibilities, as there was no explicit provision for all-day care or care for small children. This clearly shows that, by the end of the 1990s, both labor market and family policy in Germany supported the semi-modern male breadwinner/female additional earner model. It was not until the *Child Support Act* of 2008 that the childcare system was significantly expanded (Henninger and von Wahl, 2010: 361), followed by the 2013 introduction of a legal entitlement to childcare for all children under the age of three. The then Federal Minister for Family Affairs, Renate Schmidt, described the expansion of childcare as an element of "sustainable family policy": "This is the first, most important pillar. Despite the child supplement and the discussion about parental allowance, this is a paradigm shift in Germany: away from 30 years of predominantly monetary support for families towards a policy of better infrastructure for families, which is what they need most urgently" (PP 15/123: 11194, own translation).

The legal entitlement to a childcare place for young children, introduced in 1996 and extended in 2013, marked a lasting structural change in German family policy. Nevertheless, the continuing low uptake of childcare places for children under the age of three, as well as full-time childcare in Western Germany, reflects a persistent value system rooted in traditional family concepts. According to the German Federal Statistical Office, mothers who work part-time remain the norm in 2023 (Keller and Körner, 2023). Women's increasing labor market participation in Germany since the 1970s, which has realigned the relationship between the state, the market, and private households in the provision of social services and has shaken up the traditional gender-specific allocation of tasks within families, has remained stuck in the family part-time trap.

Despite various political efforts to involve fathers in childcare—such as the first parental leave reform in 2001, and even more clearly, the introduction of a new parental leave scheme in 2007 that granted wage-related parental allowances combined with the so-called paternity months—indirect familiarizing benefits that support the male breadwinner/female additional earner model remain intact (Leitner, 2013: 91ff). The eight years of the CDU/CSU and SPD coalition particularly highlight conflicting ideological attitudes in family policy that have prevented a fundamental shift away from the conservative orientation of German family policy. For instance, new childcare allowance regulations passed in 2013, alongside structural legacies such as "*Ehegatten-splitting*" and survivors' pension regulations, stand in the way of a structural change in family policy, as such measures actively inhibit the "de-gendering" of childcare responsibilities (ibid.). Combined with the parallel expansion of non-standard employment, as analyzed above, this dynamic has often resulted—and continues to result—in atypical employment biographies for women, characterized by precarious work relationships with low income, limited legal and social protection, and fewer career development opportunities (Seo, 2023).

Aligning contradicting normative orientations within the political discourse: Employment and family policy debates in the Bundestag in the 1990s and 2000s

How can the persistent gendered segregation in the German labor market be explained? An examination of political discourse from the 1990s reveals that, unlike in the 1970s and 1980s, the image of the working woman had firmly entered German society by that time (Börner and Eigmüller, 2024). Working women were now treated as the norm in politics, and their socio-political protection seen as a subject of political intervention. The dictum of the time was now: "Give women proper part-time jobs" (Böhmer, referring to Rudolf Scharping, 1999, PP 14/17: 19). Even the conservative CDU had come to recognize the new reality of working women.

A key demand during this period was the socio-political protection of women's employment, which primarily referred to part-time and marginal employment. While the Social Democrats and the Green Party were particularly interested in this protection for socio-political and emancipatory reasons, the CDU sought to safeguard the conservative family model. The solution to the logical dilemma of reconciling conservative family policy with changing social roles and the new labor market demands was found in the expansion and legal protection of part-time work. Working mothers who wished to balance children and employment were seen as the primary beneficiaries of this right, as Johannes Singhammer (CDU) argued in 2000 (PP 14/127:12).

At the end of the 1990s, the SPD and the Greens launched a socio-political reorganization project that sharply contrasted with the conservative position. This project aimed to increase women's workforce participation by improving the compatibility of work and family life and explicitly saw fathers as responsible for raising children. As Ekin Deligöz of Bündnis 90/Die Grünen noted, "Preconceived role stereotypes are no longer up-to-date" (PP 14/99: 22).

The debates examined here clearly show that the governing parties of the time viewed successful labor market policy as inseparable from one that promoted women's success and gender equality. According to this interpretation, unemployment can only be sustainably and effectively addressed if governments implement a gender equality policy that offers women with equal labor market opportunities. Edith Niehuis, Parliamentary State Secretary at the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth, stated: "Anyone who fights unemployment as successfully as we do has implemented a successful gender equality policy" (PP 14/121: 1). A "modern working society" was considered essential for achieving equality between men and women and enabling the compatibility of work and family life (PP 14/133: 7).

The CDU, on the other hand, rejected all measures that aimed to increase mothers' employment orientation (PP 14/99: 11), especially those involving public childcare, as demanded by the Left Party (PDS) and the Greens. Klaus Holetschek (CDU) argued in 2000: "I read here about the demand for a legal entitlement to all-day childcare outside the home from birth until the end of the fourth school year and to publicly funded leisure activities until the end of the eighth school year. Or: The law wants to establish comprehensive childcare outside the home as a 'normal biography' and define

childcare as a social responsibility. Ladies and gentlemen of the PDS, you should finally realize that real existing socialism is over and that you cannot shape family policy in a planned economy." (Klaus Holetschek (CDU) in 2000, PP 14/99: 20)

In 2001, the Red-Green federal government presented the second law on family support to the Bundestag. Although the debate primarily centered on the need to expand childcare facilities, its core focused on providing monetary relief for families through child benefits and tax allowances. At the same time, despite a center-left government, progressive proposals that challenge the conservative view of the family struggled to gain traction. As Norbert Barthle (CDU) declared: "Marriage without children is not a reason for tax relief. We need to reach a social consensus on this. I hope that we can achieve this—not by abolishing the tax splitting for married couples, but by restricting it." He added, "Marriage ... is still regarded as the natural form of life entered into by a man and a woman, which together with the children ... forms a family" (PP 14/183: 20). Barthle further framed the "working mother" as a clear deviation from the (desired) norm (PP 14/183: 21).

In particular, the CDU/CSU continued to reject childcare outside the family and instead proposed a so-called child-raising allowance in 2004, intended for parents who cared for their children at home. This "*Herdprämie*" (stove premium) was ideologically opposed to the daycare expansion law proposed by the Red-Green federal government in 2004. While the left-wing government's law called for a massive expansion of childcare in response to demographic changes and the need to bring more women into the labor market, viewing the reconciliation of work and family as a central family policy issue, the CDU/CSU initially rejected these proposals. A lasting shift in policy only became possible after the change of government in 2005 and the appointment of conservative politician Ursula von der Leyen as Minister of Family Affairs. Under her leadership, emancipatory elements (keyword 'gender equality') of the Red-Green family policy were discursively sidelined, while the Red-Green reform project of parental allowance was further developed within the grand coalition.

The decisive factor for the CDU/CSU's approval of the law was its emphasis on voluntariness: women would still have the option of not working or working only part-time without facing disadvantages. As Ingrid Fischbach stated in 2006: "Women should continue to have the option of not working or only working part-time without being disadvantaged" (PP 16/55: 14). In this way, Minister von der Leyen managed to strike a balance: instead of framing the law around gender equality, her primary arguments focused on employment policy necessities and declining birth rates. This allowed the conservative party to claim that only mothers who truly chose to enter the labor market would be encouraged to do so.

The SPD, by contrast, prioritized increasing women's employment rates. As Jürgen Kucharczy noted in 2006: "The fact is that so far only half of all mothers return to work after parental leave. That is too few. It must be in everyone's interest to promote the employment of women, especially in times of an impending shortage of skilled workers" (PP 16/55: 17).

However, more far-reaching emancipatory approaches, such as actively promoting part-time work for fathers, held little significance. On the contrary, simultaneous reductions in parents' working hours would significantly shorten the period of parental allowance entitlement, as explained by left-wing delegate Jörn Wunderlich (PP 16/55: 10f.).

In summary, an analysis of Bundestag debates from the late 1990s and 2000s shows that women's employment was increasingly accepted and that fewer and fewer parliamentarians and parties questioned it. However, positions on how to facilitate female employment varied significantly among the parliamentary factions. The conservative stance up to the mid-2000s upheld female care work as the norm, advocating for mothers' labor force participation primarily through part-time work and childcare. By contrast, parties to the left of the CDU viewed it as their duty to actively promote women's employment. The SPD focused on employment policy needs, while the Greens emphasized emancipatory arguments, though the boundaries between these positions were fluid. For all parties, however, the debate on female workforce participation revolved around women's rights and duties, while issues of equality in the care sector were rarely addressed. Interestingly, when considering labor market and family policy areas in parallel, it becomes evident that equal opportunities between men and women were discussed in labor market policy, while labor market problems were negotiated and addressed within the context of family policymaking such as through parental leave.

Discussion and conclusion

This article examines the policy instruments and normative orientations of German labor market and family policies from 1998 to 2006, shedding light on why women continue to face disadvantages in entering the labor market. Our analysis highlights the complex interplay between family policy and labor market deregulation since the late 1990s, which served as a catalyst for women's atypical employment. The Social Democrats and Greens' approach during this period, combining gender-sensitive employment policies with a conservative family policy, steered women into marginal labor market participation. Despite various social and political measures to promote gender equality, these inequalities persist, raising questions about the institutional mechanisms that contribute to the high likelihood of women in Germany becoming trapped in atypical work arrangements with low pay and limited career opportunities.

In line with an ideational approach that views the welfare state as part of a comprehensive cultural system, our analysis highlights the gender-specific assumptions underpinning not only family policy instruments but also labor market policies during this period. This extends the insights of feminist welfare state researchers, who have noted the gender-specific institutionalization of the adult worker model in Germany since 2006, which has not allowed mothers to enter the workforce to the same extent as fathers. The institutional complementarities between the highly familialistic and maternalistic family policy prevailing until the early 2000s and the new employment

arrangements born out of Europe-wide labor market transformation have created a rather restrained modernization of the prevailing breadwinner model. The result was a breadwinner model that remains persistently male, supplemented by women's part-time or marginal work. The more progressive and gender-sensitive parental leave scheme introduced in 2006 does not contradict this rather conservative breadwinner model, especially since the two policy instruments address different biographical stages of childcare.

The parliamentary debates we consulted to identify the social norms that underpin these policies shed further light on these processes. On the one hand, the political discourse of the late 1990s and mid-2000s reveals a significant shift in German society's perception of working mothers. On the other hand, the Social Democratic modernization project was half-hearted, especially in the absence of adequate public childcare. Moreover, the debates illustrate how the expansion of part-time and marginal work allowed for the reconciliation of contradictory normative positions. While center-left parties were committed to the socio-political protection of women's employment, conservative parties prioritized maintaining traditional family models. Both positions found common ground in the model of female part-time employment, which became the socio-politically secured "new normal" of female employment in Germany. The analysis also shows that emancipatory or equality-based motives were only able to gain limited traction in the discourse of those years. Instead, the primacy of the family was gradually replaced by the primacy of the market and the imperative to increase employment rates, necessitating greater participation of women and mothers in the workforce. However, this shift occurred without addressing questions of a gender-equitable distribution of care work as a political priority.

These divergent perspectives underscore the complexity of addressing gender inequalities in the labor market. Structural reforms aimed at enhancing women's participation must be accompanied by broader societal shifts in perceptions of gender roles and caregiving responsibilities. A sustainable family policy must not only focus on providing means of birth control and increasing women's employment, as was envisaged at the time: it must also seek to improve the conditions that enable parents to reconcile work and family life in accordance with their preferred model. Policy interventions should address the intersectionality of labor market and family policies, ensuring that efforts to promote gender equality are integrated across all domains.

The dual analytical focus on family and labor market policy, combined with the integration of institutional and ideational arguments, offers a productive analytical lens that deepens our understanding of the complex labor market inequalities between men and women and can guide future research. This approach allows for the identification of institutional complementarities between policy fields, as well as contradictory incentives and institutional imperatives. Further research should more systematically examine the potentially conflicting social norms mothers face at different biographical stages of child-rearing and the extent to which these norms underpin different policy instruments, such as employment regulations, public services, or parental leave.

The analysis also provides lessons for the future, particularly as political and economic actors increasingly discuss raising women's employment rates or working hours to address skilled labor shortages. The past 20 years have shown that a labor market-oriented approach to equal opportunities alone is insufficient. Focusing primarily on women's workforce participation, equal pay, and career advancement has made equal opportunity into an economic project (Fraser, 2013: 123f.). Although women's economic independence is a crucial milestone for achieving gender equality, a broader understanding of equal opportunities remains essential. In Germany, the dual earner/dual carer model has so far failed to take hold, largely due to incomplete implementation of the dual carer part of the model and the persistence of the traditional gender role models highlighted in this article.

To discuss non-discrimination, gender mainstreaming, and equal opportunities today means to raise awareness of the fact that women are still discriminated against in the labor market. This discrimination dates back to a time when women's primary role as mothers and carers was taken for granted, and equal opportunity was seen as providing policies that allowed women to combine paid work with unpaid care work. If we are to prevent discrimination against women in the labor market, we need a more comprehensive understanding of equal opportunity—one that not only focuses on women and paid work, but also considers mens' roles as carers. Eliminating persistent labor market inequalities between men and women requires a holistic approach that responds to the interconnectedness of labor market policies, family policies, and societal norms regarding gender roles. Only by reassessing existing policy frameworks and fostering a culture of gender equality can policymakers work towards creating a more equitable and inclusive labor market for all genders in Germany.

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