

# **Soft Europeanisation of Work-Family Reconciliation Policy-Making?**

**Social, Policy and Political Learning among  
German MPs**

Alisa Gühlstorf



Alisa Gühlstorf holds a M. Sc. in Welfare Policies and Management from Lund University and this paper is her graduate thesis. Currently, she works as an Account Manager EU Funding at CONCILIUS Europe in Brussels, Belgium. Her interest is directed towards EU cohesion and social policies.



Centre for European Studies at Lund University:  
Box 201: Phone +46 (0)46-222 88 19  
SE-221 00 LUND Fax: +46 (0)46-222 32 11  
Sweden E-mail: [cfe@cfe.lu.se](mailto:cfe@cfe.lu.se)  
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## Abstract

The EES, Lisbon and Europe 2020 are the most relevant soft law strategies promoting the improvement of work-family reconciliation-related policies in the EU Member States. In this study, the cases of the German *Elterngeld* reforms are applied to scrutinise the influences of these three strategies on domestic policy-making. Thus, this research work is based on the theoretical framework of soft Europeanisation and its concomitant social, policy and political learning mechanisms. By means of subject literature, official documents and interviews with German MPs, it is sought to what extent German MPs were influenced by the three EU soft law strategies throughout the policy-making of the two *Elterngeld* reforms. Although the German reforms strongly coincide with the EU soft law strategies, both content-related and time-wise, this study concludes that EU soft law influence on domestic policy-making concerning work-family reconciliation is overestimated. The effectiveness of EU soft law and concomitant domestic policy paradigm shifts are highly dependent on MP's interests, pre-existing policies, socioeconomic issues, the domestic political climate and societal discourse. Soft Europeanisation learning mechanisms seem to solely occur in unilateral, clustered, asymmetric processes; yet only among MPs willing to learn from effective work-family reconciliation policy models from MSs with comparable political socioeconomic structures.

*Keywords:* work-family reconciliation, EU soft law strategies, soft Europeanisation learning mechanisms, domestic policy-making, German *Elterngeld* reforms

# List of Abbreviations

BEEG	Bundeselterngeld- und Elternzeitgesetz <sup>1</sup>
BMFSFJ	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth <sup>2</sup>
CFR	Charter of Fundamental Rights of the European Union
CoM	Council of Ministers
CoR	Committee of the Regions
DG	Directorate General
EC	European Commission
ECJ	European Court of Justice
ECOS	Commission for Economic and Social Policy
EESC	European Economic and Social Committee
EMU	Economic and Monetary Union
EP	European Parliament
EPSCO	Employment and Social Affairs Council
ESC	European Social Charter
ESF	European Social Fund
EU	European Union
IG	Integrated Guideline
ILO	International Labour Organisation
JHA	Justice and Home Affairs
MP	Member of Parliament
MS	Member State
NAP	National Action Plan
NRP	National Reform Plan
OMC	Open Method of Coordination
SPC	Social Protection Committee
TAG	Tagesbetreuungsausbaugesetz
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
UDHR	Universal Declaration of Human Rights

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<sup>1</sup> Engl.: act on parental allowance and parental leave

<sup>2</sup> Ger.: Bundesministerium für Familie, Senioren, Frauen und Jugend

# 1 Introduction<sup>3</sup>

The reconciliation of work and family life is one of today's major challenges for welfare states. Growing interdependencies of work and family life in which working parents struggle to accommodate a number of different occupational and familial responsibilities have led to an increasing institutionalisation of family politics particularly in Northern and Western European Union (EU) Member States (MSs). Since the 1990s, gradual paradigm shifts have occurred whereby various policies have been developed to adapt family matters to economic pressures and goals, demographic concerns, changing employment structures, pension and childcare systems, gender equality issues and diversifying familial structures (Lewis, 2006, p. 426).

Based on fairly similar domestic political and socioeconomic developments affecting work-family reconciliation issues, the MSs advocated an extension of EU competencies in social, economic and employment matters. Yet, due to diverse complexities of domestic socioeconomic, political and cultural circumstances, the peculiarities of the differing welfare regimes and the MSs' reluctance of further extending EU powers, resulted in the creation of soft law as a regulative response to support the MSs balancing economic, employment and social issues. Thereby, soft law instruments of the European Employment Strategy (EES), the Lisbon and Europe 2020 strategies are the most prominent channels to promote work-family reconciliation policies. Therein, the EU promotes the work-family reconciliation approach based on the gender equal shared-role-model<sup>4</sup> according to the Nordic welfare practice.

These soft law strategies possess a potential to influence domestic policy-making in reconciliation matters in line with the governance tool Open Method of Coordination (OMC). Although work-family reconciliation matters are not based in an independent OMC framework, they are permanently incorporated in related policy domains mostly addressing social, economic, employment and gender equality matters. Thus, Europeanisation processes are indeed likely to occur through EU soft law and the OMC, whereby the MSs' policies approaching the improvement of work-family reconciliation are quite likely converging.

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<sup>4</sup> Also referred to as dual-earner-carer-model

In order to scrutinise this potential development of soft Europeanisation, the case of Germany appears most interesting to apply. In comparison to others, Germany is one of the latest Western EU welfare states to create reforms directly targeting the improvement of work-family reconciliation. Since the early 2000s, Germany has taken steps to shift its path away from the long-established conservative male-breadwinner-model towards the EU-ideal Nordic reconciliation approach.

Interestingly, the German reforms coincide strongly with the development of the EU's soft law strategies promoting work-family reconciliation issues, both content-related and time-wise. Due to the apparent similar goal of creating reconciliation policies according to the Nordic model, it can be interpreted that there is a correlation between the German policy-makings and the EU soft law efforts concerning work-family reconciliation. Hence, EU soft law strategies seem to be a determining variable in the recent German reconciliation policy-makings. Therefore, it appears that an Europeanisation development in the area of work-family reconciliation-related policies is potentially occurring in recent German policy-makings.

## 1.1 Research Question

The aforementioned issues lead to the research question of this study scrutinising the extent to which German Members of the Parliament (MPs) were influenced by the three EU soft law strategies throughout the policy-making of the two *Elterngeld*<sup>5</sup> reforms.

The theoretical framework of soft Europeanisation provides the fundamental basis to analyse the phenomenon of domestic policy-making in domains outside of full EU competence. The objective is to identify whether soft Europeanisation in fact exists in the recent German policy-makings in the field of work-reconciliation. Yet, the influence of soft law is a fairly complex concept. Due to the rather dynamic nature of EU soft law, it is mostly soft Europeanisation mechanisms of social, policy and political learning processes that occur in these contexts. Therefore, an empirical, actor-centred, single case study based on subject literature and interviews with German MPs allows causal insights to find out whether there are soft Europeanisation learning processes occurring through EU soft law and the OMC regarding domestic work-family reconciliation policy-making. Since work-family reconciliation is a highly

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<sup>5</sup> Engl.: Parental allowance / parents money

complex issue, this study focuses on the policy-makings of the recent German parental allowance policy-makings, the *Elterngeld* reforms.

Overall, this study aims to determine how far EU soft law matters, and if it is a relevant and effective influencing factor in domestic work-family reconciliation policy-making. The major goal of the study is to better comprehend the phenomenon of EU soft law influence and concomitant soft Europeanisation learning mechanisms in the case of national policy changes in the field of work-family reconciliation. Thus, content-related policy developments or party-politics are subordinate and generally summarised.

## 1.2 Relevance and Motivation

This research is grounded in Europeanisation and welfare policy literature with a particular focus on EU soft law affecting policy changes in recent work-family reconciliation policy-makings in Germany. Work-family reconciliation matters are fairly absorbing since they cover contemporary, cross-sectional policy issues affecting various peoples' lives. This is a highly interesting policy field, traditionally only under domestic welfare state supremacy but during the last decades evermore exposed to various EU hard and soft instruments within different policy areas.

Further exploration of work-family reconciliation issues appears necessary in order to satisfy gaps in relevant subject literature, since there is little empirical research in Europeanisation literature. Hence, this study contributes to soft Europeanisation research by means of an actor-centred approach. This is a fairly unique research method to construct verified scientific explanations since Europeanisation subject literature often underestimates the role of domestic actors. There are only a few studies that accurately focus on welfare state policy changes, taking into account both national political actors' policy-making and EU influencing factors of soft law (Graziano, 2011, p. 583). Therefore, this research work enhances the existing Europeanisation literature concerning the effectiveness of EU soft law strategies and the OMC. Additionally, the *Elterngeld* reforms have not been analysed in this way previously. As such, this research provides an opportunity to yield interesting and important new insights into the reach and power of the EU soft law on MS level in terms of work-family reconciliation matters.

Based on the aforementioned similar content-related and time-wise developments, it is expected that Europeanisation processes are in fact occurring in work-family reconciliation policy areas (Morgan, 2013, p. 73). In several policy fields, EU soft law and the OMC indeed possess crucial influences on domestic policy-making (van Vliet, 2011, p. 129). Consequently, German

MPs are expected to be influenced by EU soft law strategies in terms of the *Elterngeld* reform through soft Europeanisation learning mechanisms.

Against all odds, this research study shows that EU soft law influence on domestic policy-making in the field of work-family reconciliation is overestimated. The effectiveness of EU soft law and concomitant domestic policy paradigm shifts are highly dependent on MP's interests, pre-existing policies, socioeconomic issues, the domestic political climate and societal discourse. Domestic policy changes, transfers and convergences initiated by soft Europeanisation learning mechanisms seemingly occur solely in clustered, asymmetric long term processes; yet only among MPs willing to learn from effective work-family reconciliation policy models from MSs with comparable political socioeconomic structures.

### 1.3 Structure of the Thesis

The research work proceeds as follows. First, the background of work-family reconciliation policies is elaborated. Relevant EU hard law provisions are briefly summarised. Subsequently, EU soft law approaching work-family reconciliation issues is presented. Afterwards, the case of Germany's recent policy development in the field of work-family reconciliation is demonstrated with particular focus on the *Elterngeld* reforms. Accordingly, domestic issues relevant for the recent German work-family reconciliation reforms are discussed.

Second, the methodology of the research work is expounded. Withal, the *modus operandi* concerning the research design, the interviews with the German MPs and limitations to the research study are elaborated.

Third, the theoretical approach of Europeanisation is demonstrated and discussed employing a literature review. Thereby, the soft Europeanisation mechanisms of social, policy and political learning are elucidated in-depth.

Fourth, within the analysis and discussion chapter, the interviews conducted with the German MPs are examined and applied to the soft Europeanisation learning mechanisms. Thereafter, issues of the OMC, EU soft law, soft Europeanisation, concomitant learning mechanisms and the German reconciliation policies are critically discussed. The research concludes by summarising and discussing the various aspects and implication of the findings.



## 2 The Background of Work-Family Reconciliation Policies

It is essential to stress at the outset that this work refers to a rather dynamic definition of work-family reconciliation. Within this study, reconciliation is defined as family-work-balance matters within a lifecycle approach, which is based on lifelong learning, active aging, intergenerational relations and high-quality care options involving different familial, private and public actors (European Alliance for Families, 2012, p. 15). In this respect, the work-family reconciliation denotes the opportunity for employable adults to combine occupation and career with private life. This specifically implies the birth and care of children without detriment with regards to occupation and economic independence (Kaufmann, 1993, p. 153).

The idea rests on the gender equal dual-earner-carer-model perceiving reconciliation as an issue for parents who are both equally carers and workers (Caracciolo di Torella & Masselot, 2010, p. 32-3). In turn, this is based on the adult-worker-model which assumes the commodification of men and women in which all employed adults equally safeguard their economic independence (Annesley, 2007, p. 195). Thus, this conception includes a de-familiarising welfare regime and a de-genderisation of care and occupational responsibilities. Thereby, families are unburdened from care responsibilities by means of public and private care service provisions (Graziano, Jacquot & Palier, 2011, p. 15). Overall, this model is closely related to the Nordic social-democratic welfare regime reconciliation practice which is the major role model for the EU's reconciliation approach and evermore EU MSs (Greve, 2012, p. 5).

Achieving this balance between the private and public spheres of life is one of today's major challenges for individuals and governments. Work-family reconciliation measures consist of a mix of social, employment and economic policies; a sensitive number of fields dependent on various factors. Due to multifaceted socioeconomic conditions, particular policy models have been constituted throughout different welfare states during the last decades targeting the adaption of working responsibilities to family needs. There are diverse policy combinations consisting of cash benefits and services, amongst others consisting of provisions in the areas of family law, gender equality, maternity protection, parental leave, child and elderly care as well as employment matters, i.e. family-friendly working arrangements, activation, education and training policies (ibid., p. 14).

The main goal of these policies is to improve general welfare and to abolish tensions; instead establishing a balance between private and working life for working mothers and fathers

as well as their children (Lewis, p. 434). Overall, work-family policies aim at promoting female employment, supporting single parents, ensuring parents' economic independence and a gender equal distribution of family and work responsibilities among parents (Morgan, 2013, p. 79). Further, family-friendly working environments are decisive for effective work-family reconciliation. Parents should have the option of choosing whether they want to take care of their children at home, if they want to work, or a combination of both (Fenge & Ochel, 2001, p. 19). Another crucial aspect of these policies is to counteract demographic ageing. Decreasing fertility rates are currently a common socioeconomic problem in many EU MSs and especially in Germany. Thus, work-family reconciliation policies aim at boosting fertility *inter alia* to support the economy and pension systems (Caracciolo di Torella & Masselot, p. 3).

Historically, the societal and political discourse on work-family reconciliation developed in Western industrial countries in line with the emancipation movement and concomitant gender equality issues. The idea of a partner-like division of labour and family responsibilities is based on a relaxation of sexual stereotyping, changing family values and structures, and the perception of occupational- and housework as valuable for both parents participating in the child's growing up and securing one's livelihood (Morgan, 2008, p. 38).

Another factor driving the need for reconciliation policies are changing employment markets. There are ongoing transitions within the working world comprised of diversifying economic organisation and the need for jobs that require more flexibility from their employees. The persistent aspiration of economic growth, socioeconomic pressures and technological advancements leading to brisk economic competition, skilled worker shortages and evermore female employment call for explicit consequences for social, family and labour market policies (Lewis, p. 434).

Around the 1990s, a gradual paradigm shift occurred in several welfare states whereby different forms of economic, employment and family policy models developed responding to the changing nature of family and employment structures. Yet, due to sociocultural, political, economic, demographic and lifestyle-related domestic welfare regime differences, the optimisation of professional and familial culture of society is approached significantly differently by numerous welfare states. Within the last two decades, the reconciliation of work and family life became a hot topic, which resulted in various policy efforts on national, EU and international level<sup>6</sup>.

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<sup>6</sup> E.g. the Universal Declaration of Human Rights (UDHR) and the International Labour Organisation (ILO)

Since work-family reconciliation is a highly complex field combining economic, employment and social policies, and in order to satisfy the research intention, this study focuses solely on EU soft law strategies and their effects on German policy-making. More specifically, the policy-making of the German parental allowance schemes, the *Elterngeld* reforms, but also considers other recent German reforms affecting reconciliation matters. Hereafter, the policy background and development of work-family reconciliation policies on EU level and Germany are elucidated in more detail; relevant EU hard and soft law efforts targeting work-family reconciliation are structured and summarised, before discussing and demonstrating the path-shifting character of this policy domain in Germany.

## 2.1 The European Union and Work-Family Reconciliation Matters

In 1974, work-family reconciliation was literally addressed for the very first time on European level. Initially, reconciliation matters only included equal treatment provisions on employment matters in the 1957 Treaty of Rome, which only received direct effect in the MSs through some European Court of Justice (ECJ) rulings in the 1970s (Europa, 2005). Additionally, the 1961 legally binding European Social Charter (ESC) established the right to maternity leave and the economic, legal and social protection of family life, mothers and children (Kaufmann, p. 164). Since the 1970s, it was particularly the transnational emerging egalitarian discourse and feminist activities institutionalised in European affairs lobbying for gender mainstreaming that led to the first reconciliation-related policy changes implying equal working conditions, social security rights and economic planning on European and MS levels (Morgan, 2008, p. 37).

By the 1990s, equal employment and women's role in the labour market became an increasingly important issue on European national agendas. *Inter alia*, this was due to the then mature transnational emancipation movement, the concomitant decay of the traditional male-breadwinner-model, obsolete welfare policies, rising divorce rates, fewer marriages, the rise of working women burdened with paid and unpaid domestic work and demographic concerns on decreasing birth rates in an ageing Europe. Further, progressive European economic integration schemes<sup>7</sup> as well as structural, demographic, employment and macroeconomic concerns caused decisive pressures on the social systems of the European welfare states. This led to the need for a

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<sup>7</sup> Single Market, Maastricht Criteria, Economic and Monetary Union (EMU), Stability and Growth Pact

social dimension within the then rather economically shaped EU framework. Thus, the then predominant social-democratic European political climate developed a more structured, coordinated and coherent European integration approach to building a closer bridge between economic, employment and social matters (Jacquot, 2008, p. 13-4). Thereby, labour market policies were created to guarantee social and economic inclusion, especially for women. Moreover, the 1992 Maastricht Treaty entitled social partners<sup>8</sup> to participate in the negotiations (Sammut, 2006, p. 108).

Additionally, EU Directives on Equal Treatment, Pregnant Worker, Working Time, Parental Leave, Part-time and Fixed-term Work were generated. Their aim was at protecting family life, improving working conditions for pregnant women and parents, preventing any kind of discrimination, and exclusion against full- or part-time employees. However, these Directives were certainly market-driven and rather statutory limited, solely established minimum standards and merely reflected already existing legal provisions in the MSs (Caracciolo di Torella & Masselot, p. 38).

Further, the 1997 Amsterdam Treaty established the Justice and Home Affairs (JHA) provision, which was the starting point for the EU's competences in the field of economic, employment and social policies<sup>9</sup>. The main objective was to achieve domestic employment and social policies responsive to economic changes and competitiveness by promoting high employment rates, a skilled, adaptable and gender equal workforce, social inclusion and the improvement of work and living conditions for families in the MSs.

These goals are also underpinned in the 1999 ESC revised version and Article 33(1,2) of the 2009 EU Charter of Fundamental Rights (CFR). The charters declare provisions on the safeguarding the economic, social and legal status of families, the protection of pregnant workers and the non-discrimination of employees with family responsibilities and measures related to occupational comeback, childcare, parental leave and dismissal protection for parents (Council of Europe, 1996; European Union, 2010a). Yet, the charters' formulations remain rather vague, failing to specify family itself and leaving much room for interpretation on MS level. Their somewhat restricted sanction mechanisms also limit their actual legal effectiveness in terms of its implementation on MS level (Caracciolo di Torella & Masselot, p. 41).

Since the 1990s, the EU officially perceives work-family reconciliation as the equal sharing of private and occupational responsibilities between women and men (Lewis, p. 435).

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<sup>8</sup> Labour unions and employer associations

<sup>9</sup> Treaty on the Functioning of the European Union (TFEU): Title IX and X, i.e. Art. 143 to 164

Yet, due to the different domestic socioeconomic conditions, cultural, traditional and political varieties and the MSs' reluctance to cede further competencies, the EU only possesses shared competences with the MSs in these policies<sup>10</sup>. Therein, the EU holds certain rights to support and complement the development of policy objectives and the dialogue between the MSs. However, in this triangular framework of economic, employment and social policies it is still the MSs controlling detailed policy-making, guided by commonly agreed policy objectives on EU level (Europa, 2005).

Recapitulating, there are some relevant EU legal provisions regarding work-family reconciliation concerns. They developed in a process accompanied by some institutional changes and ECJ case law rulings which gave greater influence to the EU bodies (Caracciolo di Torella & Masselot, p. 44.). During recent decades, there has been a crucial change of perspective in the EU's approach to work-family reconciliation. First, there was a shift of focus from childcare and equal treatment issues to a more economically-led, market-making promotion of equal labour market participation. Recently, EU initiatives refocused towards a more social market-correcting approach promoting equal shared parenting and occupation according to the aforementioned Nordic reconciliation model (Morgan, 2008, p. 46).

Although the MSs cannot act fully autonomously and sovereignly since they need to comply with the above listed EU provisions, they possess considerable room for leverage in economic, employment and social policy-making according to national circumstances and traditions (Jacquot, p. 14). Nonetheless, these developments facilitated the advancement of EU soft law strategies targeting reconciliation matters which are further elaborated upon in the following sections.

### 2.1.1 Features of European Union Soft Law

Before discussing relevant EU soft law in the field of work-family reconciliation policy, soft law itself needs to be elucidated and distinguished from EU hard law. Basically, the previous section presented EU hard law. It consists of supranational established primary, secondary and supplementary legal provisions holding direct or indirect effect on the EU MSs. This includes the EU treaties<sup>11</sup>, unilateral acts, conventions, agreements, Regulations, Directives and Decisions, case law, international law and general EU principles. Hard law presents specifically defined

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<sup>10</sup> According to Art. five TFEU

<sup>11</sup> I.e. the Treaty on the European Union (TEU) and the TFEU

legally binding policy goals that must be implemented by the MSs otherwise sanctions are imposed against them (Europa, 2010).

In contrast, EU soft law is based on facilitated intergovernmental, voluntary cooperation. It implies quasi-legal instruments and mechanisms of EU policy-making, has no legally binding forces and abstains from sanctions (Bulmer & Radaelli, 2004, p. 7). Soft law is rather non-hierarchical and flexibly utilised in policy areas that lie outside of full EU competence (Jacquot, p. 19). Therein, MSs maintain autonomy over detailed policy-implementation, yet according to main EU targets which are commonly agreed among the MSs and EU bodies. The overall aim of soft law instruments is to influence MSs in policy fields outside of the EU's full legal competence. Thereby, a kind of soft Europeanisation of the MSs is aimed to be achieved which is further elucidated in the theoretical section (Radaelli, 2008, p. 241).

Generally, soft law acts through alternative modes of governance and concomitant cognitive socialisation mechanisms. The most prominent, significant and principally applied approach relevant for this study is the OMC, which is employed in all three soft law strategies presented subsequently. It is used for replacing harder legal measures with softer processes, based on regulatory monitoring in the range of the principle of subsidiarity. Its aim is to create mutual cooperation and balance of responsibilities among the MSs and the EU bodies in line with the European semester (European Union, 2010b). The OMC certainty is a normative measure of compromise applied in the above-mentioned, rather sensitive policy areas (Lewis, p. 423). It is based on facilitated political participation and communication through constant monitoring and non-coercive measures; i.e. commonly agreed non-binding guidelines, principles, codes of conduct, National Reform Plans (NRPs)<sup>12</sup>, benchmarking, annual joint evaluation reports, peer review, quantitative indicators, opinions and recommendations (Morgan, 2008, p. 38, 44). Within the OMC, soft law strategies are based on Integrated Guidelines (IGs); general policy objectives agreed between the European Commission (EC) and the MSs, adopted by the Council of Ministers (CoM) and the European Parliament (EP). MSs annually conceive NRPs that are evaluated by the EC and CoM, giving country-specific recommendations for strategies to fulfil the IGs.

Due to the absence of sanctions and enforcement procedures in EU soft law, domestic policy changes and transfers mainly occur through a rather cognitive, normative, ideational dimension. Since soft law mostly works through cross-national exchanges of best practices, peer reviewing, socialisation and convergence processes occur among domestic policy-making elites

(Obinger, Gindulis & Leibfried, 2009, p. 42). Thereby, MSs can compare and learn from each other, thus potentially collectively achieving a stronger convergence to joint EU goals. Since the OMC aims at enhancing mutual commitments among the MSs and the EU, these modes of interactions hold the potential to create adaptational pressures for policy change and transfer through peer pressure and naming-and-shaming practices (Vannoni, 2011a, p. 12). Concurrently, reciprocal social, policy and political learning mechanisms serve as impulses for implementation adjustments of social, employment and economic policies on domestic level. Eventually, soft law and the OMC can potentially strengthen the EU's policy-making legitimacy and prepare a basis for hard law (Jacquot, p. 17).

However, the OMC is criticised for lacking transparency, being fairly inclusive for a small amount of bureaucrats and high-level politicians, excluding various types of domestic. Further, soft law strategies are not notably considered in the media and public discourse. Since soft law practices and objectives are rather vaguely formulated, do not possess sanctioning mechanisms and are not taken too seriously on MS level they are often judged as solely symbolic cheap talk (Radaelli, 2008, p. 248).

Holding true for both, soft and hard law, the main EU bodies and several committees are involved in policy domains related to reconciliation matters<sup>13</sup> (Europa, n.d.). Further, both create five decisive kinds of EU resources for the MSs; i.e. legally, financially through EU funding options, cognitively through communication channels, institutionally through various bodies and actors participating, and politically in terms of legitimising and justifying domestic policy-making. Nevertheless, instead of a coherent and comprehensive approach, or let alone a reconciliation strategy, hard and soft law measures in reconciliation matters are created in a rather *ad hoc* and piecemeal fashion shaped by economic, employment and gender equality policy goals (Graziano, Jacquot & Palier, p. 10).

### 2.1.2 European Union Soft Law on Work-Family Reconciliation

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<sup>12</sup> Referred to as National Action Plans (NAPs) until 2005

<sup>13</sup> EP employment and social affairs committee, CoM constellation on health and consumer affairs, Employment and Social Affairs Council (EPSCO), EC Directorate General (DG) employment, social affairs and inclusion, European Economic and Social Committee (EESC), Committee of the Regions (CoR) commission for economic and social policy (ECOS), Social Protection Committee (SPC), European Social Fund (ESF), European Investment Bank and Fund, European Foundation for the improvement of living and working conditions, European Agency for Safety and Health at Work

As mentioned-above, the actual discourse on work-family reconciliation was well under its way on EU and MS level in the 1990s. However, strict hard law measures appeared inappropriate and unacceptable for the MSs in this area. Particularly in terms of employment and social law and therefore work-family reconciliation matters, there are still decisive reservations against hard top-down EU measures on MS level. The main reason for this is MSs claiming to keep their supremacy in these policy domains. Additionally, there are an enormous variety of national policies reconciliation-related areas, highly different cultural, political, socioeconomic and fiscal traditional constraints among the MSs' welfare regimes and no precise conceptualisation of family itself on EU level (Sammut, p. 109). Hence, there are some policy misfits between the EU's promotion of the Nordic reconciliation model and some MSs' traditional reconciliation approaches.

Nevertheless, in 1989, corresponding CoM meetings approaching work-family reconciliation matters began. Ever since, various non-binding EU initiatives developed between the European Council, EC, CoM and EP together with several European social partners. These efforts aim at committing the MSs to create measures on the improvement of the reconciliation of occupation and private life for men and women. However, these non-binding EU initiatives were rather incoherently, vaguely formulated, and to some extent ignored, opposed and blocked from the MSs and therefore fairly ineffective.

Yet, since the EU constantly aims at expanding its influence, targeting EU-wide prosperity, work-family reconciliation matters were incorporated within broader soft law strategies combined with related economic, social and employment issues; i.e. the EES, the Lisbon Strategy and the Europe 2020 Strategy (Morgan, 2008, p. 37). These soft law measures aim at individually streamlining MSs' social, employment and economic policies with respect to their domestic contexts. Thereby, the EU basically promotes the aforementioned Nordic reconciliation model in line with further EU integration and productivity with the vision of a sustainable European social model (Annesley, p. 195). Subsequently, these three soft law strategies dealing with work-family reconciliation are presented. Therein, reconciliation matters are basically interlinked with economic, employment or social provisions (Lewis, p. 429).

#### 2.1.2.1. The European Employment Strategy

The 1997 EES, based on the TEU's employment title, is one of the first and ever since most prominent EU soft law strategies in the field of employment and associated social policies (López-Santana, 2006, p. 481). Its overall objective is to create 'more and better jobs' by means of



advising, monitoring and coordinating MSs' employment policies as a matter of common interest compliant with a jointly agreed path between the EU bodies and the MSs (Europa, 2005). Further, it promotes the correction of economic and social imbalances among the MSs (Goetschy, 2003, p. 283).

As a result, the EES introduced the OMC within an economic and social dimension. Despite the need to respect national competences in these policy domains, as well as diversities and different stages of development among the MSs, further European integration still seems crucial particularly due to various far-reaching socioeconomic pressures (ibid., p. 284). Thereby, the EES established a more institutionalised setting for MS cooperation based on four pillars: employability, entrepreneurship, adaptability and equal opportunities. Every five years, the EES is adapted to its changing political, employment and socioeconomic context and therefore incorporated and upgraded within the Lisbon and Europe 2020 strategies (European Union, 2010b, p. 2).

Thereby, the OMC helped to bring work-family matters higher on the EU's political agenda. Due to economic and employment pressures especially on working parents there was a need to better promote social investment, solidarity and higher fertility rates. MSs are since instructed to consider reconciliation issues to a higher degree, as the OMC framework demands MSs to collect and report corresponding data to EU level.

Generally, the EES has the strongest objectives on reconciliation matters of the three soft law strategies. Reconciliation was initially an integral part of the then equal opportunities pillar that became a horizontal principle throughout all EU hard and soft policy domains. Since 2003, work-family reconciliation is located within the IGs of quality and productivity. Basically, work-family reconciliation policies are perceived as “[...] the key to economic and social success” (Caracciolo di Torella & Masselot, p. 3) and based on the aforementioned life-cycle approach. The major reconciliation goals imply decreasing the gender gap, increasing women employment, improving employees' well-being, supporting working mothers and parenthood, enhancing and flexibilising parental leave and part-time work, reintegrating parents into the labour market and expanding high-quality childcare facilities (Morgan, 2008, p. 44).

However, macro and micro employment issues remain the main anchor of the EES (Lewis, 429). Moreover, there are no clear recommendations on part-time work with regards to labour market flexibility and its compatibility with the gender equality goals. Thus, MSs still individually decide on their own specific policy goals which can be found in the inconsistent definitions of gender egalitarian reconciliation policies within the NRPs (Morgan, 2008, p. 50).

### 2.1.2.2. The Lisbon Strategy

The EES is a key component of the 2000 Lisbon Strategy. Designed until 2010, the strategy's aim was to modernise the EU towards "the most competitive and most dynamic knowledge-based economy in the world, capable of sustainable economic growth accompanied by quantitative and qualitative improvement of employment and greater social cohesion" (Europa, 2005). One aspects noteworthy for this study was the objective of improving the EU's social dimension, which aimed to counterbalance economic pressures and aging populations, improve fertility rates, child development and flexible workforces (Bruno, Jacquot & Mandin, 2006, p. 525). The then-existing predominance of social-democratic governments among EU MSs saw the need for promoting a stronger social scope to the EES's economic prevalent goals, in line with the OMC framework (Annesley, p. 199).

With regards to work-family reconciliation, occupational flexibility and the activation of non-core workers<sup>14</sup> were major goals within the Lisbon strategy (EIRO, 2011, p. 3). Further, "[...] equal opportunities, including reducing occupational segregation, and making it easier to reconcile working life and family life, in particular by setting a new benchmark for improved childcare provision" (European Parliament, 2000) played a crucial role. Thereby, IGs on education and training options particularly for mothers were included as well as the target to increase female labour market participation to 60% by 2010 (ibid.). These objectives were included in the life-cycle approach promoting the adult-worker-model.

Additionally, the 2002 Barcelona objectives were incorporated. These encouraged MSs to extend formal childcare services especially for very young children to further support social and economic inclusion as well as equal employment opportunities for parents (Annesley, p. 200). Further, the 2008 EC reconciliation package on work-life balance was integrated, motivated by the objective to strengthen economic growth, welfare and competitiveness. It promoted flexible work conditions, care provisions, gender equality and most importantly aimed at broadening the scope of reconciliation to a universal right (Caracciolo di Torella & Masselot, p. 46-7).

In 2005, the Lisbon strategy was simplified because of negative evaluations on its fairly limited success and the predominance of macroeconomic guidelines (Radaelli, 2008, p. 240). Despite its relaunch, this strategy is generally evaluated as a failure due to its unrealistic and implicit goals (Hartlapp, 2009, p. 6). As with the EES, detailed country-specific reconciliation policy recommendations were missing within the Lisbon strategy.

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<sup>14</sup> Women in general, mothers, older citizens, long-term unemployed, people with disabilities, migrants

### 2.1.2.3. The Europe 2020 Strategy

The successor of the Lisbon Strategy, Europe 2020 is designed as a more sustainable and inclusive growth strategy. Therein, the EES and the concomitant OMC are also embedded within Europe 2020. Basically, there is no particularly innovative approach in terms of work-family reconciliation within this soft law strategy compared to the EES and Lisbon. Again, reconciliation matters are recognised as decisive means to achieve major economic and employment-related policy objectives, to counteract demographic pressures and to further promote gender equality.

Europe 2020 states that MSs should “[...] implement their national pathways for flexicurity [...] to reduce labour market segmentation and facilitate transitions as well as facilitating the reconciliation of work and family life” (European Commission, 2010). It aims at “increasing labour market participation of women and men, reducing structural unemployment and promoting job quality” (European Union, 2010b, p. 3). Thereby, the target of female employment is to be raised to 70% by 2020. Moreover, the expansion of care services, the reduction of the gender pay gap and the development of tailored, flexible family-friendly working arrangements is promoted (COFACE, 2015, p. 9). Further, the EU Confederation of Family Organisations launched the ‘Year of Reconciling Work and Family Life in Europe’ in 2014. Its objective was to call attention to the need to improve parents’ work-life balance and the integration of further private and public actors in reconciliation matters.

Additionally, for Germany, Europe 2020 specifically recommends the achievement of higher full-time female employment rates and the elimination of barriers for women entering the labour market (European Commission, 2015). However, since this strategy continues until 2020, there is a shortage of well-founded subject literature; plus, there is the possibility of changes of contents or the like. Precise policy recommendations concerning reconciliation are unavailable in Europe 2020.

Overall, the three soft law strategies presented generally encompass “[...] more accessible, affordable and better care provision; different forms of leave; more flexible work organisation; social infrastructures to support households and families; fiscal and financial instruments; and the monitoring of national legal systems” (European Alliance for Families, p. 9). The overarching objectives are the creation of a globally competitive knowledge-based EU, resting upon equal opportunities, high female labour-market participation, solidarity, social cohesion, high productivity, sustainable growth, employment mobility, economic flexibility, high quality jobs and adjusted social protection policies (Europa, n.d.). Having structured and summarised the

complexities of work-family reconciliation matters in EU soft law, the following section presents the German work-family reconciliation policy development.

## 2.2 Work-Family Reconciliation in Germany

In the following, Germany's policy development regarding economic, employment and family policies relevant for work-family reconciliation is presented. Thereby, former East German family policies are somewhat disregarded as after unification the Western German policies became predominant. Yet, the former Eastern German gender equal reconciliation model seems to have lived up within the latest policy developments (Ostner, 2010, p. 211-2).

Traditionally, Germany's family policy was based solely on the constitutional legal establishment of the protection and support of the family (Kaufmann, p. 154). According to Esping-Andersen's classification of welfare regimes, Germany possesses a long history in the conservative-corporatist welfare category, which traditionally relies on the male-breadwinner-model (Honekamp, 2008, p. 453). This model generally implies gender stereotypes, such as male workers are central providers, middle or low short and part-time female labour force participation, informal private unpaid family-based childcare primarily carried out by women, relatively long leave provisions, generous financial transfers, tax exemptions for parents and few direct social service provisions (Greve, p. 4, 21).

In Germany, only few family-related policies existed until the mid-1990s, since family matters were primarily perceived as private issues. Since the 1960s, mainly cash benefits to families, generous leave provisions combined with few public care services were developed; i.e. pregnant worker dismissal protection, universal child benefit and legitimate claim for a place in a childcare facilities, child-raising allowance and parental leave and allowance. Further, benefits from fiscal income splitting and social insurance provisions still restrain full-time working mothers (Honekamp, p. 458).

Overall, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) is responsible for the development of policies regarding economic, social and intergenerational integration, fertility and childcare matters, work-life balance and female employment to be implemented by the German federal states (ibid., p. 453). Since 1994, the Family Affairs, Senior Citizens, Women and Youth Committee is a permanent committee in the German Parliament. It is in charge of advising draft bills, motions and reports from the BMFSFJ as well as respective EU bills and strategies. Next to gender equality, support of the elderly, children, families and young people, the committee deals with the promotion of work-family

reconciliation. It recommends resolutions to bills and closely works together with the BMFSFJ in terms of exchange of opinion and policy-making (Deutscher Bundestag, 2015).

In spite of these conservative-corporatist policy preconditions, some significant reforms were created within the last two decades promoting work-family reconciliation, carefully geared to the dual-carer-earner Nordic welfare model (Ostner, p. 221). In line with social-democratic leadership since 1998 actual family-targeted and corresponding activating labour-market policies were developed. A substantial path-shift began whereby old-entrenched conservative traditions were reformed with active sustainable family-oriented employment-led social policies (Henninger, Wimbauer & Dombrowski, 2008, p. 294). Thereby, familial responsibilities became transferred from private to public level due to the shift from monetary support to public services provisions. Supplementary child allowance and breaks for childcare costs were established, child allowances were raised and tax exemption created for single parents (Lewis et al., 2008, p. 268). During the following conservative-led legislative periods, this development continued.

Thereby, the 2005 *Tagesbetreuungsbausbaugesetz*<sup>15</sup> (TAG) introduced the expansion of high quality full-day childcare facilities, guaranteeing legal entitlement in a childcare facility for under three-year old children to be achieved by 2013. Yet the reform has had debatable success since the demand for care facilities is still distinctly higher than its supply (Morgan, 2013, p. 98). Additionally, there is an ongoing debate regarding the cost-sharing between the federal, state and municipal levels (Lewis et al., p. 269). Nevertheless, the TAG is a decisive factor in Germany's paradigm shift towards the Nordic work-family reconciliation setting. It is a strong precondition for the objectives of *Elterngeld* realising the availability of childcare facilities, which are needed for parents who want to work early after childbirth. Further, the 2014 *Betreuungsgeld*<sup>16</sup> was launched, a monthly cash benefit flat-rate of 150€ for parental units who care for their under three-year old child at home. It is a highly controversial reform since it contradicts the promotion of working mothers (Morgan, 2013, p. 99).

The following parental allowance scheme reforms of *Basiselterngeld*<sup>17</sup> and its extension *Elterngeld Plus* including the *Partnerschaftsbonus*<sup>18</sup>, constitute a decisive part in the path-shifting of policy instruments and objectives towards more flexible and sustainable work-family reconciliation. Amongst others, comparable schemes exist in the Nordic countries, France and the Netherlands.

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<sup>15</sup> Engl.: day care expansion act

<sup>16</sup> Engl.: childcare subsidy

<sup>17</sup> Engl.: basic parental allowance / parents' money

### 2.2.1.1. Basiselterngeld

*Elterngeld* is a wage-dependent tax-financed monthly transfer payment or social security benefit from the state to parents. Its basic notion is grounded in the idea of solidarity realised through a direct financial compensation for the loss of income for parents when bringing-up a child. In Germany, it was established by the 17<sup>th</sup> German *Bundestag* in line with the *Bundeselterngeld- und Elternzeitgesetz* (BEEG) and in effect for children born after 1 January 2007. Parents who are not, or only partially economically active due to childcare are entitled to receive *Basiselterngeld* in order to protect their family's livelihood and to spend more time with their child (BMFSFJ, 2014). The receipt of *Elterngeld* is independently decided among the parents.

This reform replaces the former means-tested *Bundeserziehungsgeld*<sup>18</sup>, whereby only one parental unit could receive maximum 300€ independently of the previous income for three years, out of which two were paid. This rather generous policy, combined with the then-existing tax disadvantages for dual-earner households, few childcare facilities and activation policies as well as gendered norms, created a beneficial incentive for mothers to care for their children at home (Henninger, Wimbauer & Dombrowski, p. 288). Thus, the *Elterngeld* encourages shorter and shared parental leave combined with occupational responsibilities and labour-market activation measures for mothers (Honekamp, p. 455-6).

*Basiselterngeld* can be received for the first 12 months following childbirth and extended to 14 months if the other parental unit is on parental leave for minimum two months. Single parents have the right to obtain it for 14 months. This time limit is aimed to be an incentive for parents to re-enter the job market sooner. According to the BEEG, parents are entitled to receive *Elterngeld* if they are residing in Germany, living with the child in the same household and taking care of it themselves, holding no or part-time occupation. Partial occupation implies that the parental unit receiving *Elterngeld* is allowed to work between 25 and 30 hours per week. Earnings obtained during this period of time are offset against the amount of *Elterngeld*. Parental units earning more than 250.000€, or both parents earning more than 500.000€ in the assessment period are not eligible to receive it. Overall, the transfer payment is free of tax and social security contributions (Die Bundesregierung, 2015). The amount of *Elterngeld* depends on the average net income of the 12 months pre-birth of the supervising parent. This accounts for 67% to 100% of the previous monthly net income; thus between 300€ and 1.800€ a month. Non-working parents receive it as a social security benefit according to the minimum of 300€ which amounts to less

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<sup>18</sup> Engl.: partnershipbonus

than the *Bundeserziehungsgeld*. In the case of multiple births, there is a monthly additional monthly payment of 300€ for the second and any further child (ibid.).

Therefore, the particularity of this reform is that those parents who equally share gainful and educational work for minimum four months of their child's life are rewarded. As a general rule, the lower the income, the higher the replacement ratio. In any case, there is no need for special approval by the employer (BMFSFJ, 2014).

#### 2.2.1.2. Elterngeld Plus

The *Elterngeld Plus* is a follow-up reform of the previous *Basiselterngeld*, established in line with the coalition agreement of the 18<sup>th</sup> German *Bundestag*, installed for children born as from 1 July 2015 (Elterngeld.net, 2014). This reform allows parents a greater flexible utilisation of child rearing within the child's first years of life. Parents are availed to the opportunity of choosing the existing *Basiselterngeld*, replacing or combining it with the *Elterngeld Plus* and the newly introduced *Partnerschaftsbonus*. The eligibility requirements to receive this transfer payment remain the same.

A basic change is that one *Basiselterngeld* month can be turned into two *Elterngeld Plus* months. Hence, instead of maximum 14 months of parental leave, parents are able to take 24 months of parental leave. Thereby, both parental units can make use of the new *Partnerschaftsbonus* if they both simultaneously work between 25 and 30 hours a week for four successive months. Consequently, parental leave can be duplicated to 28 months. Single parents are entitled to four additional months of parental leave if they continue working between 25 and 30 hours a week for four consecutive months (ibid.).

Another change to the *Basiselterngeld* is that this reform allows parental leave to be divided into maximum three time periods until the child's eighth year of age. The overall respective amount of the social security benefit stays the same as explained in the previous section. If parental leave is stretched to 28 months in line with *Elterngeld Plus* and the *Partnerschaftsbonus*, the amount of the transfer payment accounts for between 150€ and 900€ a month (BMFSFJ, 2014).

### 2.2.2 Domestic Aspects of the Elterngeld Reforms

In order to satisfy the research intention, comprehensively understand and analyse the motives behind these path-shifting dynamics within the German family-oriented employment-led social

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<sup>19</sup> Engl.: federal child-raising allowance

policy developments, the general domestic reasons and objective need to be scrutinised. Generally, “German policymakers [...] face the problem of both, encouraging mothers’ employment and countering a particularly low fertility rate in the face of traditional attitudes that run counter to the achievement of both” (Lewis et al., p. 265).

The creation of both *Elterngeld* reforms was determined before the establishment of the respective coalition agreements between the coalition parties of the 17<sup>th</sup> and 18<sup>th</sup> *Bundestag*. Simultaneously, domestic actors including social groups and labour unions were pushing for policy changes in this field. As with other domains, political and policy changes are often impelled by electoral calculations and competitions (Morgan, 2013, p. 73). Partisan politics are adapted to socioeconomic changes according to vote-seeking behaviour. During the ongoing modernisation and feminisation of welfare politics, women have gained increasing significance in politics. Female politicians press for concrete women-directed policy preferences and reflect the growing high-skilled share of women in the labour market. Therefore, the decision on the *Elterngeld* reforms even before the elections can be perceived as a political strategy to attract female and parents votes (ibid., p. 85).

Furthermore, the two reforms are also used as population policies. Demographic issues due to poor family supporting policies were a pivotal reason for the creation of the *Elterngeld* reforms (Greve, p. 21). Over the decades, fertility rates have become extremely low<sup>20</sup> in Germany and so an ageing population has naturally developed. Currently, Germany has the oldest population within the EU (Bundesinstitut für Bevölkerungsforschung, 2013). Although Germany spends more than EU-average on measures to support families<sup>21</sup>, a higher birth rate is necessary for safeguarding the future financing of the welfare state, counteracting skill shortages and benefiting pension and healthcare financing (Honekamp, p. 452; Interview 1-13).

The wage-dependent *Elterngeld* reforms certainly encourage high-skilled and single mothers as well as higher and medium income families to have children. Previously, these groups used to experienced high income losses resulting from birth-related occupational absenteeism (Spiess & Wrohlich, 2008, p. 584). At the same time, the need to counteract high unemployment rates amongst mothers and to stabilise the labour force have been grounds for the recent German family policy reforms (Henninger, Wimbauer & Dombrowski, p. 293; Interview 1-13). Moreover, international economic competition, the deregulation of the European trading and financial markets as well as productivity and socioeconomic pressures brought about the need for

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<sup>20</sup> Total fertility rate in 2011: 1.36 children per woman; since mid-1980s 1,40 children per woman on average

<sup>21</sup> Around €185 billion in 2008



adjusted, comprehensive employment-led social security systems and a broadly-skilled, flexible workforce (Obinger, Gindulis & Leibfried, p. 35; Interview 1-13).

Additionally, the *Elterngeld* reforms were a reaction to changing sociocultural values and attitudes. There is an ideological shift of declining conservatism and religiousness towards a growing acceptance of working mothers and househusbands. Family structures are moving away from the traditional male-breadwinner-model towards more diverse, gender equal relationships or single parenthood (Morgan, 2013, p. 82-3). Parents nowadays desire equal opportunities in terms of familial and occupational responsibilities. A high number of mothers would like to start working shortly after giving birth and evermore fathers want to spend more time with their children (Spiess & Wrohlich, p. 576). Working mothers are increasingly struggling to satisfy their private and professional life since the status of having an occupational career is becoming more important for women (BMFSFJ, 2014; Interview 1-13).

The *Elterngeld* reforms target these sociocultural changes in terms of developing more sustainable, gender equal and flexible family employment-related policies (Die Bundesregierung, 2015). They aim at supporting gender equal safeguarding of economic independence for parents; a flexibilisation of working arrangements in order to enable families to leave their occupation without accepting major constraints for their standard of living following childbirth. Moreover, the re-entry into the workplace after childbirth is to be facilitated in order to support the parents' career opportunities and retirement planning. Women are particularly encouraged to work soon after childbirth, which is made possible through the *Partnerschaftbonus* through which both parents can equally share parental leave. Still, parents can decide themselves in what way they want to handle family, childcare and occupational matters (Fenge & Ochel, p. 18).

The two *Elterngeld* reforms can be perceived as reactions to the needs of Germany's altering welfare state traditions including several changing political, demographic, family structural, economic, sociocultural developments. Further, these reforms counteract the negative effects and inefficiencies of Germany's family policy legacies based on too generous cash transfers and too few public services failing to increase birth rates and hampering maternal employment (Ostner, p. 229). Hence, a development is initiated towards the Nordic dual-earner-carer-model based on a de-genderisation and de-familialisation of familial and occupational responsibilities. The family is no longer perceived as a purely private matter. Instead, children are viewed as assets for the future of society and mothers re-commodified according to the social-democratic reconciliation model (ibid., p. 213-8). Ultimately, the *Elterngeld* reforms directly target the improvement of work-family reconciliation in Germany.

### 3 Methodology

In this chapter, the methodology, the research design and narrative of the qualitative study are presented. Thereby, the research design concerning the case selection and case study is demonstrated. Furthermore, the strategy for the realisation of the qualitative interviews is elucidated. Potential limitations of the study are discussed as well as the matters of validity, reliability and generalisability.

In line with a postpositivist worldview this study perceives the social world based on multiple perspectives (Creswell, 2013, p. 24). Social structures, processes and mechanisms are acknowledged as existing independently of the observer yet being approachable through interpretations. Thereby, reality can only be known rather imperfectly due to its multifarious diversity. Ontologically, this research work is oriented towards constructivism purporting that social phenomena are constantly revised products of social interaction and construction (Bryman, 2012, p. 33). Epistemologically, the study is based on an inductive logic building knowledge through observations and a deductive approach applying a theoretical model to these observations (Ormston et al., 2013, p. 7).

The research work is built on an explicating content analysis resting upon an intensive single case study using an empirically, exploratory, interpretivist actor-centred approach. It aims at satisfying the sensitive policy context, as well as addressing the research intention of scrutinising the extent to which German MPs were influenced by EU soft law strategies throughout the policy-making of the two *Elterngeld* reforms.

The research strategy draws on previous subject literature on soft Europeanisation and qualitative interviews. Additional material used is composed of official documents on the developments of EU hard and soft law in the field of social, employment and economic policies. Furthermore, literature and official documents on the evolution of Germany's reconciliation-related policies are examined. Previous research on EU soft law and its Europeanisation framing effects on domestic level is expounded. Thereby, the major theoretical focus is based on the soft Europeanisation mechanisms of political, policy and social learning.

### 3.1 Research Design: Case Selection and Case Study

The design frame is based on a retrospective in-depth single case study of the two German *Elterngeld* reforms. The reason behind considering both reforms is that the *Elterngeld Plus* reform is an enhancement of the prior *Basiselterngeld* reform. Both are in existence and closely connected to one another. They provide a particular representative example of analysing the research problem due to their path-breaking character within the German policy area of work-family reconciliation (Gerring, 2004, p. 28). Moreover, the *Elterngeld* reforms can be viewed as typical examples of the recent EU-wide development of work-family reconciliation policies (Seawright & Gerring, 2008, p. 297).

Looking at the progress of this policy area on German and EU level it could be expected that there is some kind of relation between the EU soft law strategies and the development of the *Elterngeld* reforms. As demonstrated in the background chapter, within around the last two decades a fairly similar policy process can be interpreted with regards to work-family reconciliation policies in the EU, its MSs and particularly in Germany. The qualitative analysis of this research work diachronically explores the progression of German and EU policies. Moreover, its confirmatory character aims at testing the causal mechanisms of the soft Europeanisation approach ultimately verifying or disproving the theoretical approach (ibid.).

The theoretical approach of soft Europeanisation provides the framework in which the phenomenon of domestic policy-making in policy domains outside of full EU competence can be understood. The aim of this approach is to identify a causal mechanism whether soft Europeanisation in fact exists in the case of German MPs' policy-making in the field of work-reconciliation policies. Thereby, the case study including the interviews allows a causal insight as well as helps analyse the soft Europeanisation mechanisms of political, policy and social learning. Thus, an exploratory and confirmatory method is applied to test the causal mechanisms of soft Europeanisation through the case study but at the same time leaves the space for other relevant domestic factors.

## 3.2 Methodological Tool: Interviews

In conjunction with qualitative empirical research on the issue, semi-structured, open ended, face-to-face, anonymous interviews were conducted in order to detect the actual workings of the selected soft Europeanisation learning mechanisms. This micro-level actor-centred approach unveils particular individual perceptions which again help to understand a larger class of similar units. In turn, this enlightens emergent patterns for the bigger picture of the work's paradigm and connects learning mechanisms to domestic policy change (Gerring, p. 28). A significant reason for using interviews in order to comply with the research intention is that the role of national actors is often underestimated in soft Europeanisation subject literature (Jacquot, p. 21).

The questionnaire can be found in German as well as English in Appendix I. The informed consent guaranteeing the participants' anonymity, dignity and safety is presented in Appendix II. If desired, the audio recorded interviews can be requested. The interviews were conducted face-to-face in the interviewees' offices in Berlin, April 2015, in order to have the opportunity to scrutinise in more depth and obtain richer responses (Bryman, p. 215). The interviewer is perceived as impartial, unbiased and nonpartisan.

In short, the interview questions brought to light the domestic factors and reasons for the *Elterngeld* reforms. Thereafter, the contact to and exchange with other politicians from other EU MSs in this policy area became questionable. Subsequently, the contact to, exchange within and influence of the EU level on the policy-making of the two *Elterngeld* was scrutinised. The focus was based on the influence of the aforementioned three EU soft law strategies with particular interest given to the workings of the OMC in the policy field of work-family reconciliation. Overall, the aim of the interviews was to detect potential learning mechanisms among the MPs in order to ascertain a soft Europeanisation process concerning work-family reconciliation matters.

The unit of analysis is a population of a homogenous focus group of interviewees consisting of German MPs being members of the Committee Family Affairs, Senior Citizens, Women and Youth as well as persons in authority in the BMFSFJ from the current 18<sup>th</sup> and recent 17<sup>th</sup> legislative periods involved in the two *Elterngeld* reforms. In order to look at the concrete translation of EU soft law strategies on MS level individual domestic persons responsible appear as eminently suitable as the unit of analysis (Patton, 1990, p. 173). These domestic actors are supposed to be mediators, filters, users or agents of change with respect to these EU strategies for national work-family reconciliation policy-making. By means of the

interviews the aim is to unveil the dynamics between these two levels and identify soft Europeanisation learning mechanisms and processes on German level.

Regarding the ministerial level, the ministers, the parliamentary undersecretaries as well as additional staff involved in the *Elterngeld* policy-makings were potential interview partners. Although several interview requests were sent to, it was unfortunately not possible to conduct any interview with persons in authority on ministerial level. Thus, there are 140 potential interviewees from the Committee; 68 of which were MPs in the former legislative period responsible for the *Basiselterngeld* reform, 72 are MPs in the current legislative period responsible for the *Elterngeld Plus* reform. In each legislative period half of the members are full members and the other half are alternate members. Since only full members are involved in the actual policy-making within the Committee they were the major target group for the interviews. Still, in order to secure as many interviewees as possible, interview requests to all 140 MPs were sent out via email. Personal, regional and occupational background, gender, age and party membership are considered irrelevant since these aspects are negligible for the research objective. However, in the analysis it is elucidated that there are some minor diversities regarding party membership and interaction with EU officials and other EU MS politicians.

In sum, a small n-sample size of 13 interviews was conducted. Two full members and three deputy members of the *Basiselterngeld* reform gave interviews. Concerning the *Elterngeld Plus* reform, eleven full members and two deputy members gave interviews, one of which was also a deputy member in the *Basiselterngeld* reform. Five of the interviewees were MPs in the Committee in both legislative periods. Reason for the fewer number of MPs from the first *Basiselterngeld* reform is that some of the MPs responsible during this period are no longer MPs in the current legislative period.

### 3.3 Limitations: Validity, Reliability and Generalisability Concerns

The intensive single case study design is rich in detail as well as useful for analysing a complex phenomenon within a specific context. Furthermore, it helps to identify and analyse the particular causal mechanisms of a theoretical model; i.e. soft Europeanisation mechanisms of political, policy and social learning; with respect to a particular matter; i.e. Germany's work-family reconciliation policy-making of the two *Elterngeld* reforms (Bryman, p. 69).

Overall, there is a uniform and transparent structure and procedure for all interviews conducted. The detailed documentation of all steps within the qualitative research process

reflects a high degree of replication and reliability of this study. For instance, the interview guide could be used to interview other politicians involved in domestic work-family reconciliation policy-making from different EU MSs (*ibid.*, p. 390).

However, a major limitation of this research work is the sample bias regarding the interviews (Seawright & Gerring, p. 294). The sample size of the interviews was basically dictated by the willingness of the target group to give an interview. This is not a perfectly randomised sample, and so does not enable a generalisation of the findings. The main issue encountered was the non-existence of interviews with persons in authority from the ministerial level that are most involved with EU hard and soft law strategies with regards to national policy-making. Therefore, perfect reliability cannot be achieved since solely 13 units represent the larger population of 140 MPs. Yet, it can be argued that there is theoretical saturation. It is likely that more interviews probably would not have brought more new information since the interviewees certainly answered broadly similarly. Thus, similar instances were scrutinised repeatedly throughout the data collection (Bloor & Wood, 2006, p. 164-6).

Moreover, the response quality needs to be considered critically since politicians are trained to give interviews, and so may give incomplete information. The outcomes of the following analysis and discussion are very much dependent on the interviewee's answers. Certainly, there is the possibility of unexpected results and potential bias due to the limited amount of data. However, the interviews allow an identification of significant results on work-family reconciliation policy-makings.

Further, throughout the research process there were difficulties finding precise information on the accurate content of the three EU soft law strategies as well as EU documents approaching German work-family reconciliation issues. The German NAPs and NRPs and the respective EC communications on work-family reconciliation are highly vaguely formulated, mostly simply stating the aim of improving reconciliation matters, lacking specific, targeted policy recommendations. Hence, the official documents from EU and MS level are generally agree on the plain goal of better work-family reconciliation. In consequence, these documents are not brought into the main focus of this research work.

Another crucial aspect to mention is that this study solely focuses on EU soft law Europeanisation learning mechanisms and its impact in the field of work-family reconciliation policies in Germany. The results present rather unique features of the complex phenomenon being studied and might not be assumed for different MSs and policy domains. Therefore, it can be argued that internal validity is present since a profound understanding of the case at hand is provided. Notwithstanding, external validity cannot be claimed to be fully realised as this case

study cannot serve as a perfect representative basis for other cases concerning the issue at hand (De Vaus, 2001, p. 237). Reason being that work-family reconciliation is a sensitive policy type, which is rather individually case-specific and dependent on various national factors. Many international and domestic variables need to be considered when analysing soft Europeanisation and its learning mechanisms. In turn, this is another reason for using the interview method to attaining profound and tangible results. The role of the specifically responsible domestic actors is particularly important since they are perceived as direct practitioners and translations of EU integration measures and strategies (Jacquot, p. 21-2).

Consequently, cross-case generalisations with other EU MSs are probably not possible (Bryman, p. 71; Creswell, p. 101). EU soft law is a rather individual policy approach vaguely tailored for each MSs varying across policy domains. As the theoretical approach also claims, it is highly difficult to generalise impacts of EU strategies and Europeanisation mechanisms. Thus, this case study might not be representative as a whole for other EU MSs and policy domains.

## 4 Theoretical Framework: Soft Europeanisation

In this chapter, the theoretical basis of the research work is expounded. Thereby, soft Europeanisation is designated as the general theoretical framework and stimulus. This concept provides the fundamental basis for analysing the connection between the EU soft law strategies regarding work-family reconciliation policy promotion and the German policy-making of the two path-breaking *Elterngeld* reforms. Hence, this theoretical approach helps to satisfy the research intention scrutinising the extent to which German MPs were influenced by the three EU soft law strategies throughout the policy-making of the two *Elterngeld* reforms.

This study exclusively focuses on the soft Europeanisation model, which is most consistent with and best applicable to EU soft law strategies and concomitant domestic policy-making in policy fields dominated by MS competences. Thereby, domestic policy paradigm shifts are certainly informal political processes occurring in spheres of learning. Therefore, this research work focuses on the most common soft Europeanisation mechanisms of political, policy and social learning (Morgan, 2008, p. 48). Due to the absence of a clear-cut coherent EU soft law strategy in the field of work-family reconciliation, these learning mechanisms appear as the few most fruitful soft Europeanisation channels to influence national policymakers in the case at hand. According to subject literature, international networks certainly contribute to domestic policy learning processes in the area of family policy (Ostner, p. 214).

As follows, the characteristics of soft Europeanisation with regards to domestic policy-making, change and transfer through EU soft law strategies are elucidated by means of a literature review. Subsequently, the soft Europeanisation mechanisms of political, policy and social learning are expounded. Before, however, the correlation between the EU's and the German reconciliation policy development is discussed serving as a basis for the following analysis.

### 4.1 Evidence of a Correlation: European Union Hard and Soft Law Strategies and Germany's Policy Development

As presented in the background section, the EU's and the German policy efforts aiming at improving work-family reconciliation matters appear to have developed in parallel, both, content-related and time-wise. In this subsection, EU efforts and German policies are briefly juxtaposed



to highlight potential policy convergence processes that occurred through EU soft law and its concomitant OMC. Thereby, a notable connection can be observed whereby EU hard and particularly soft law influenced paradigm changes in German work-family reconciliation-related policy-makings.

Generally, EU hard law provisions induced Germany to adapt EU targets into national law. Nevertheless, these certainly did not have great influence on Germany's policy-making since their targets were for the most part already fulfilled on domestic level. Regarding the EU Directives, most of their intended goals already existed in the German policy framework even before their creation.

In Germany, reconciliation matters certainly became more intensively considered on the political agenda in line with the social-democratic leadership in the late 1990s, which coincides with the JHA, ESC and CFR provisions as well as the creation of the EES and Lisbon goals. For instance, the German *Agenda 2010* and its *Hartz* labour market policies were decisively influenced by the EES employment provisions (Morgan, 2008, p. 49).

On EU and German level, family issues became evermore important on the political agendas, integrated in employment-led policies combined with equal opportunities and economic matters. Some authors argue that soft law efforts during the beginning of the 2000s concerning childcare were generally successful on MS level (ibid., p. 48). Particularly, there is a strong correlation between the creation of the 2005 TAG and the 2002 Barcelona objectives. Both developed similarly, targeting the establishment of affordable high-quality childcare services for very young children (Lewis et al., p. 269).

The *Elterngeld* reforms can indeed be interpreted as a means to achieving the EU's goals of a more sustainable and inclusive economic growth and greater equal opportunities. Especially the *Elterngeld Plus* and the *Partnerschaftsbonus* appear as reforms coherent with Europe 2020's targets of flexicurity concerning family-friendly working arrangements, gender equal parental leave and promoting female full-time labour market participation.

The EU's promotion of social market-correcting policies supporting equally shared parenting and occupation through various hard and particularly soft law channels potentially impacted on recent German reconciliation policy-making. Overall, the reasons and objectives of the work-family reconciliation policy are in fact similar on both levels. Basically, the combination of reinforcing gender equality, the need to counterbalance economic pressures with social policies, the necessity to safeguard future financing of the welfare state, altering family structures and demographic concerns had an enormous impact on the reconciliation developments on German and EU level.

Analysing all German NAPs and NRPs and respondents from the EU bodies would overstretch this study. However, these documents generally read themselves like reproductions of the EU recommendations. In sum, the communication between the EU and Germany in the early 2000s states that Germany should consider other MSs work-family reconciliation systems, review its tax disincentives to female labour market participation, improve and shorten parental leave systems and increase the amount of places in childcare facilities for very small children. Germany fulfilled most of the recommendations in line with several aforementioned reforms within the last two decades bringing about the paradigm shift.

Obviously, Germany adapted closer to the EU-ideal dual-earner-carer-model according to the social-democratic reconciliation concept (Morgan, 2013, p. 73). The recent reforms led to a shift towards a more de-familiarised, gender equal, commodified adult-worker-model based on an individualisation of work-life affairs targeted towards the life-cycle approach. These reforms encourage a flexibilisation of leave provisions and family-friendly working arrangements, promote maternal employment as well as an extension and institutionalisation of care services (Lewis et al., p. 270). By means of these activating family-oriented employment-led social policies, a paradigm change occurred away from the corporatist-conservative male-breadwinner.

Below, the theoretical approach of soft Europeanisation helps to further scrutinise and justify this nexus between EU and German work-family reconciliation policy efforts. Thereafter, the mechanisms of social, policy and political learning are elucidated in order to analyse the extent to which German MPs were influenced by the three EU soft law strategies throughout the policy-making of the two *Elterngeld* reforms.

## 4.2 Soft Europeanisation: Domestic Policy-Making Influenced by Soft Law Strategies

The theoretical model of soft Europeanisation is most commonly used as a framework of analysis to generate implications and statements about the mechanisms and causal relationships between EU soft law efforts and domestic policy change. In order to create an analytical basis for this research work, this section aims at expounding a literature review and synthesis of soft Europeanisation research of the last two decades, ultimately helping to answer the research intention of this study.

Europeanisation, an umbrella concept of EU integration, combines the complexities of EU policies, politics and polity with MS policy-making (Howell, 2002, p. 6; Radaelli, 2004, p. 15). It helps to understand the connections, interactions and consequences of EU efforts and MS

policy-making (Jacquot, p. 8). Therefore, concomitant issues can be identified and explanations for domestic policy development offered. Ultimately, this theoretical approach serves as a tool to scrutinise a pattern in the findings from the interviews conducted.

Within around the last two decades, the theoretical approach of Europeanisation established itself within the traditional European integration literature which was until then primarily based on neofunctionalist, intergovernmentalist and multi-level governance perspectives (Brooks, 2012, p. 88; Bulmer, 2007a, p. 49; Howell, p. 5-10). Thereby, scholarly work mostly focused on how MSs developed European integration as well as how EU hard law influenced domestic policy-making (Knill & Lehmkuhl, 1999, p. 1).

The innovative character of the rather recently evolving Europeanisation literature is its analytical perception of the complex dynamics and contingencies of policy-making in EU-MS relations, in order to understand the diversity of the rather clustered and uneven reciprocal EU integration processes (Brooks, p. 88). This subject literature understands Europeanisation as an incremental process of various types of EU impacts on domestic political, institutional and policy-making logics and processes (Bache, 2003, p. 3; Jacquot, p. 16; Paetzold & van Vliet, 2012, p. 3; Radaelli, 2004, p. 13). Europeanisation needs to be carefully perceived as a highly complex and flexible theoretical concept implying various mechanisms. Consequently, it has to be thoroughly approached thoroughly according to the diverse processes, dynamics and phenomena in EU-MS relations (Jacquot, p. 7, 9; Olsen, 2002, p. 921).

Due to the vast amount of literature on the multifaceted Europeanisation processes, the focus of this research is narrowed down to the issue of soft Europeanisation. This soft mode occurs primarily through EU soft law strategies and the OMC framework. As already mentioned, EU soft law strategies are basically instruments bypassing traditional EU hard law and therefore rendering Europeanisation possible in sensitive policy areas that lie outside of full EU competence (Brooks, p. 86). Hence, this study concentrates on EU soft law as a framing factor for domestic policy change or respective transfers in policy areas where MSs possess major policy-making competence. Thereby, EU soft law creates a common basis, transfer platform and preconditions for potential soft Europeanisation mechanisms, conceivably bringing about policy convergence among MSs in fields outside of EU competence yet according to jointly agreed EU objectives.

Generally, this research work is based on the well-established, widely-used and comprehensive definition by Radaelli (2003) summarising Europeanisation as “[...] the impact of [the EU] on domestic policy, politics, and policies. It refers to processes of a) construction, b) diffusion, and c) institutionalisation of formal and informal rules, procedures, policy paradigms,

styles, 'ways of doing things', and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies" (Radaelli, 2003, p. 30).

Existing literature on soft Europeanisation affecting domestic policy-making in the domains of MS competence mostly focus on labour market, employment, education, regional, enlargement, health, environmental, migration and gender equality issues. Simultaneously, the EES, Lisbon and Europe 2020 strategies, and the concomitant OMC appear as the most influential research contexts regarding soft Europeanisation (Annesley, 2007; Bache, 2003; Brooks, 2012; Fleckenstein, 2006; Graziano, Jacquot & Palier, 2011; Heidenreich & Bischoff, 2008; Jacobson, 2004; Lewis, 2006; López-Santana, 2006 & 2007; Paetzold & van Vliet, 2012; Risse, Cowles & Caporaso, 2001; Thielemann, 2001). Furthermore, there is ample research on the development, conceptualisation, usage and effectiveness of the various forms, workings, dynamics, mechanisms and scope of soft Europeanisation (Bulmer & Radaelli, 2004; De la Porte & Pochet, 2012; Featherstone 2003; Radaelli, 2004 & 2008). Literature on soft Europeanisation often deals with the EU institutions, soft law governance and the respective mechanisms, implementation, impacts and their effectiveness on domestic level (Annesley, p. 196; Brooks, p. 89). Commonly, empirical studies are conducted with the intention of detecting and assessing a certain degree of or development towards soft Europeanisation within MS welfare policies. Thereby, the various channels and mechanisms of EU soft law influence are explored and analysed. Otherwise, studies analyse and evaluate the effectiveness and consequences of specific Europeanisation mechanisms (Jacquot, p. 11). Qualitative research is mostly carried out using single case studies, i.e. focusing on individual MSs' policy-making put into the EU soft law context. Alternatively, comparative case studies are carried out focusing on certain policy areas in several MSs (Bulmer, 2007b; Nedergaard, 2006; Spreitzer, 2011, p. 4).

Thus, a range of different research designs, strategies and analytical frameworks are used by various authors. Yet, they agree that the EU's soft law impact on domestic level significantly varies across policy dimensions within policy areas and among MSs. The peculiarity of these EU strategies leaves much room for policy diversity among the MSs. There is also consistency that particular Europeanisation mechanisms and dynamics need to be treated individually and sensitively according to the respective context, which is again pivotal for the EU's actual impact on domestic level (Bulmer & Radaelli, p. 13). Further, subject literature coincides that soft Europeanisation is most likely to occur if there is domestic support for conformance with EU efforts on administrative, institutional and party political level (Bache, p. 5).

Hence, generalisations in this research area appear rather difficult to develop due to the studies' individual approaches as well as the very different ways in which MSs react to EU soft law strategies (Jacquot, p. 12). Yet, most researchers agree on distinct gradual but uneven, fragmented and nuanced soft Europeanisation processes contingently leading to a rather slow and careful convergence among MSs (Börzel & Risse, 2000, p. 12; Jacquot, p. 13). Thus, soft Europeanisation improbably implies uniform, but if at all rather clustered convergence among MSs within a specific policy area (Radaelli, 2004, p. 14).

There are several approaches in the literature to analyse the dynamics of soft Europeanisation. As a general basis, the fit-misfit model is relevant to mention. For the research case at hand it serves as a suitable theoretical prerequisite. Regarding policy misfit between MS and EU policy as a precondition, the approach argues that the lower the misfit, the lower the pressure for policy adaptation for the MS, the lower the degree of domestic policy change and vice versa (Graziano, p. 600). Hence, this maxim discusses the adaptational pressures and processes on MSs caused by EU targets which in turn present new opportunities and constraints to the MSs (Börzel & Risse, 2003, p. 58). It implies a possible process of policy change on domestic level which again is used to analyse potential convergence mechanisms of MS policy-making towards EU soft law objectives (Bulmer & Radaelli, p. 9).

From there, it needs to be highlighted that subject literature distinguishes between horizontal and vertical Europeanisation mechanisms (Howell, p. 21). Generally, Europeanisation is determined as an interactive two-way process between EU and MS level, implying various feedback loops whereby both actors might be taker and shaper of policy models (Bache, p. 3; Börzel & Risse, 2000, p. 1; Töller, 2010, p. 438). Vertical Europeanisation mechanisms mostly occur in EU hard law affairs in a direct, formally institutionalised fashion where MSs need to conform to EU demands. Horizontally; i.e. among MSs; mechanisms mostly occur in the range of EU soft law matters, where no direct pressures from the EU exist but rather a commonly agreed vision among the MSs and the EU (Brooks, p. 88; Jacquot, p. 9). Thus, soft Europeanisation mechanisms in policy fields outside of the EU's sphere of competence primarily occur horizontally since the mode of governance is based on facilitated coordination in a soft law framework. Within policies of this category, as with work-family reconciliation policies, the most common explanations and mechanisms for soft Europeanisation rather work through soft coercion mechanisms instead of hierarchical pressures (Bulmer & Radaelli, p. 8, 16; Thielemann, p. 24).

Interestingly, there exists only a sparse amount of in-depth literature on how the EU plays a role in work-family reconciliation policy-making in its MSs through soft law strategies,

since most authors focus chiefly on national factors analysing this policy field (Graziano, Palier & Jacquot, 2011; Lewis, 2006; Lewis et al., 2008; Masselot & Caracciolo Di Torella, 2010). Moreover, empirical research on soft Europeanisation that focuses on national politicians and domestic social policy change with respect to EU soft law strategies and particularly the OMC appears rather less prevalent. However, existing subject literature in the field of EU soft law strategies most commonly analyses soft Europeanisation by means of the approach of learning mechanisms (Auel & Benz, 2006; Börzel & Risse, 2003; Graziano 2011; López-Santana, 2007; Radaelli, 2008; Vannoni, 2011b). Yet, the interactive internal as well as external motives, processes and practices as well as the underlying learning mechanisms between EU and MS level are often unconnected in soft Europeanisation literature, especially concerning reconciliation issues (Graziano, Jacquot & Palier, p. 9; Hartlapp, p. 3). Another reason for this study is the very little empirical research on possible policy convergence among EU MSs in the field of work-family reconciliation policies in line with EU soft law strategies and the OMC.

Overall, soft Europeanisation in terms of soft law can have various effects on domestic welfare policies. Viewing policy misfits between EU objectives and MSs' policies as the precondition, soft Europeanisation commonly works horizontally through framing processes potentially impelled by adaptational pressures. These mechanisms are recognised as crucial factors leading to eventual domestic policy changes and transfers (Brooks, p. 90; López-Santana, 2006, p. 494-5). Thereby, framing signifies that the dominant soft Europeanisation mechanism operates through a cognitive change for domestic actors since vertical hard institutional EU pressures are lacking in EU soft law strategies (Knill & Lehmkuhl, p. 3-4). Hence, MSs reflect on, incorporate or adapt domestic policies according to soft Europeanisation pressures that commonly emerge through EU soft law strategies and the OMC (Börzel & Risse, 2000, p. 10).

In order to thoroughly research actual domestic welfare policy changes or respective transfers in the context of soft Europeanisation, individual domestic policy-makers need to be placed at the centre of attention. This actor-centred research approach scrutinising the micro-processes and mechanisms of soft Europeanisation seems fairly innovative, since it aptly targets the scene of event (Knill & Lehmkuhl, p. 11). Thereby, soft Europeanisation learning mechanisms best help to analyse the framing and interaction processes between EU soft law strategies and domestic policy changes and transfers (Börzel & Risse, 2000, p. 8). These complex learning mechanisms are further expounded in the following subsection.

#### 4.2.1 Soft Europeanisation Mechanisms: Social, Policy and Political Learning

According to the subject literature, EU soft law working horizontally is best found in the soft Europeanisation socialisation processes of political, policy and social learning (Jacquot, p. 18; Morgan, 2008, p. 47). Due to the absence of hard sanction and enforcement mechanisms, it is rather an internalisation of norms and practices and therefore ideational convergence that can be found in line with these learning mechanisms. Policy misfits, legacies or failures are considered as the basis or trigger for socialisation and learning processes among domestic policymakers in the context of EU soft law strategies. Therein, primarily cognitive and normative framing mechanisms work within soft Europeanisation as a kind of catalyst for policy change and transfers on domestic level (Fleckenstein, p. 286; Jacquot, 2008, p. 10; Radaelli, 2004, p. 11).

Cognitive and normative framing is based on collective ideational learning and persuasion processes, whereby national policymakers are influenced concerning domestic policy-making. Learning is determined as a policymakers' change in preferences or behaviour in response to an altered or extended information cluster; i.e. in the case at hand, the three EU soft law strategies (Hartlapp, p. 2). Policy change is constituted as modifications and adjustments within the domestic policy-making processes, instruments and goals. Policy transfers imply the shift of certain policy practices and objectives to further policy settings among MSs (Bulmer, 2007b, p. 46). In sum, soft Europeanisation learning mechanisms theoretically lead to domestic policy changes and transfers (Radaelli, 2008, p. 251; Thielemann, p. 11).

Cross-country policy learning mechanisms usually work through the OMC framework within the three EU soft law strategies. As presented, the OMC provides forums of discussion and platforms for exchange for national policymakers. Therein, the EU provides the aforementioned five resources for domestic policymakers (Graziano, Jacquot, Palier, p. 9). Amongst others, mutual learning processes, benchmarking and peer reviewing among the MSs throughout the entire domestic policy-making course hold the potential of creating adaptational pressures, leading to domestic policy changes and transfers according to commonly agreed EU soft law objectives, norms and practices (Bulmer & Radaelli, p. 11; De la Porte & Pochet, p. 339; Thielemann, p. 24; Radaelli, 2004, p. 13).

Basically, subject literature distinguishes between three major channels of learning in public policy-making, i.e. political, policy and social learning, which are closely connected to each other (Radaelli, 2008, p. 242). Ultimately, these learning mechanisms are preconditions for domestic policy change, transfers and policy convergence among EU MSs (Börzel & Risse, 2003, p. 59; López-Santana, 2007, p. 6; Radaelli, 2008, p. 240).

Social learning is based on socialisation processes which develop through discourses and interactions among experts, peers and national policymakers about policy ideas and goals (Thielemann, p. 12). Usually, social learning takes place in professional elite circles or networks of EU and MS officials with a coequal background. Within these communities of discourse, a cognitive and normative behavioural socialisation, institutionalisation and internalisation of norms and collective vocabulary develop. Thus, a shared logic of appropriateness including common problem definition, beliefs and knowledge emerges among the actors involved, leading to new and joint identities and eventually an awareness of their interdependence (Börzel & Risse, 2003, p. 65; Radaelli, 2004, p. 7; Vannoni, 2011a, p. 12). Moreover, by means of arguing and persuasion, policy mimicking can evolve whereby certain actors adopt other actors' behaviour, perceptions and aims (Vannoni, 2011b, p. 358). As such, policy learning is likely to occur. This mechanism implies rather technical learning about the different practical options of designing policy tools, strategies, structures, instruments and resource allocation.

These two learning processes potentially lead to cognitive, normative, ideational and structural convergences. These conditioning factors signify a collective redefinition or even convergence of beliefs of appropriateness, ways of thinking, interests, preferences and behaviour as well as an internalisation of common norms and practices among domestic policymakers (Börzel & Risse, 2003, p. 66). Thus, on the basis of social and policy learning, political learning is likely to occur. It entails political actors learning about policy processes and forecasts in order to master the enforcement of their policy ambitions (Fleckenstein, p. 288). In this mode, politicians can be viewed as individual users, mediators and filters of EU strategies. They can apply the normative, ideational and technical skills they learned as a toolbox for domestic policy-making according to their own strategic political interest or agenda. Consequently, political paradigm shifts can occur on domestic level (Morgan, 2008, p. 48).

Since domestic policymakers usually aim at keeping and extending their power on domestic and EU level, they strategically take advantage of using other actors' behaviour and strategies to justify, legitimise and reach their own domestic policy aims (Radaelli, 2008, p. 243). Thereby, domestic policy-makers can be perceived as agents of change on domestic level, importing EU or other MSs' ideas on national policy level. They are empowered and provided with new ways of policy perceptions and solutions as well as able to prevent the repetition of mistakes in particular policy-making (Börzel & Risse, 2000, p. 2, 9). Thus, domestic policymakers are equipped with confidence from interactions through the OMC framework. Hence, they are more likely to create similar policies on national level according to other EU MSs. From this, actual learning and thus adaption processes can be detected. According to previous research,



these three learning mechanisms eventually hold the potential to bring about changes, transfers and thus convergences of public policies (Thielemann, p. 11).

Furthermore, soft Europeanisation research differentiates thick from thin learning among MS policymakers. The former implies decisive changes in policy approaches, preferences and objectives. The latter is a rather less intensive mode that contains learning how to master policy issues without particular changing of policy approaches, preferences and objectives. Hence, the outcomes of these learning mechanisms can occur on different levels. Regarding thin learning there is potential convergence of vocabulary and discourse. Concerning thick learning there can be convergence of objectives and practices. In turn, this can lead to de facto preference changes and substantial convergence of policy decisions (Radaelli, 2008, p. 244).

Principally, these soft Europeanisation learning mechanisms possess a reflexive character through the OMC framework, whereby policymakers learn from and with each other (De la Porte & Pochet, p. 340). The OMC possibly helps to establish partnerships among different kinds of actors. These learning mechanisms might initiate top-down learning from EU efforts, horizontal learning among national politicians and EU officials through OMC instruments, as well as bottom-up learning from other national actors involved (Radaelli, 2008, p. 243-4).

On reflection of the subject literature, success stories from other MSs with effective policy models, political and moral obligations or peer pressure resulting from OMC instruments and EU soft law objectives can induce adaptational pressures for learning dynamics. Thus, domestic policy changes and transfers can be brought about, from which policy convergence is likely to develop. This certainly implies thick learning whereby similarities between characteristics of specific policies among MSs increase; i.e. policy approaches, objectives, preferences and instruments (Bulmer, 2007b, p. 40). Therefore, there is a possibility that national policymakers ultimately become Europeanised by means of learning, accepting, adapting, sharing and internalising policy models, experiences, preferences, knowledge, ideas, norms, strategies and practices (Radaelli, 2008, p. 241; Thielemann, p. 12; López-Santana, 2007, p. 6, 26-7). Generally, soft Europeanisation learning can also be mutually beneficial since sharing experiences can lead to increasingly efficient policies. Further, the OMC framework aims at strengthening the cooperation and participation of domestic actors within EU-wide networks which again enables domestic policymakers to learn individually according to national contexts.

Yet, in accordance with soft Europeanisation research, these learning mechanisms possess some pitfalls. The ideational linear and causal relationship between domestic policy change and the EU with the OMC as a platform for best practices, learning and policy transfer appears problematic, rather simplified and not fully empirically manifested (Radaelli, 2008, p.

251). Agreement on policy objectives or tools does not necessarily lead to identical policy-making on MS level. National contexts and political interests play a highly important role (Olsen, p. 936). Thereby, the issue of path dependency in terms of pre-existing domestic conditions and structures remains a crucial factor (Bache, p. 5). Additionally, the actual availability of learning tools as well as the policymakers' individual willingness and motivation to learn are highly decisive aspects (Fleckenstein, p. 287-8). Thus, it could be argued that the OMC presents an arena in which national political elites occasionally have the opportunity to find political and policy solutions for domestic issues (Bulmer & Radaelli, p. 12, 17). Thereby, the level and frequency of actual interaction have great impact on the effectiveness of the learning mechanisms.

On reflection of soft Europeanisation literature, domestic policy change is most likely to occur in gradual long term processes if learned and internalised shared norms, preferences and practices are compatible with existing domestic given conditions. Characteristically similar EU MSs might face similar adaptational pressures, develop similar learning outcomes and therefore possibly converge around similar policy results (Börzel & Risse, 2003, p. 73). Hence, there is a tendency that mainly MSs with a related or comparable political socioeconomic background learn from each other (Nedergaard, p. 438).

As discussed, research on soft Europeanisation dynamics and mechanisms can hardly be generalised due to the unique and particular nature of sensitive contexts (Olsen, p. 922). Thereby, the difficulty of measuring the strength of EU soft law and its concomitant learning processes within soft Europeanisation are determining aspects (Radaelli, 2004, p. 13). Besides, learning mechanisms are surely not the only conditioning factor for domestic policy change, as they and policy changes or transfers cannot be fully isolated from other factors involved in domestic policy-making processes (Radaelli, 2008, p. 241). Empirical studies need to consciously focus on the various specific aspects within the different mechanisms of soft Europeanisation in order to develop substantive findings. In any case, Europeanisation needs to be conceived in a careful and differentiated manner and as a contested concept which occurs subtly, asymmetrically and occasionally with conflict (Radaelli, 2004, p. 16).

## 5 Analysis and Discussion

Within this analysis and discussion chapter, the theoretical model of soft Europeanisation is applied to combine the three EU soft law strategies with the German policy-making of the two *Elterngeld* reforms. Thereby, the interviews conducted with the German MPs are used to discuss in how far the soft Europeanisation mechanisms of political, policy and social learning influenced the recent German work-family reconciliation policy-makings. Thus, the overarching research question can be scrutinised bringing into question to what extent German MPs were influenced by the three EU soft law strategies throughout the policy-making of the two *Elterngeld* reforms. Thereafter, a critical discussion on the issues of EU soft law, the OMC framework, the German work-family reconciliation policy development, soft Europeanisation and learning mechanisms concerning domestic reconciliation matters ensues.

Before going into detail, combining the EU soft law strategies with the *Elterngeld* policy-makings; it can be highlighted that the interview results suggest that the existence of soft Europeanisation and its learning mechanisms cannot be fully supported in this case study. Although work-family reconciliation matters on German and EU level developed in parallel, content-related and time-wise according to the Nordic reconciliation approach, the findings show that for the most part the domestic policy legacies and issues presented previously brought about the recent German reconciliation-related policy-makings.

### 5.1 Soft Europeanisation of German Work-Family Reconciliation Policy-Making? Social, Policy and Political Learning among German MPs through European Union Soft Law

In order to substantiate these allegations, the interviews are analysed according to the three soft Europeanisation learning mechanisms. It should be emphasised that the respondents' answers are generally similar with only few minor differences. The major finding from the interviews conducted is that there are significantly limited learning mechanisms among German MPs regarding the *Elterngeld* policy-makings. In sum, the individual MP's personal stake is the most determining factor to interact with relevant corresponding actors, chiefly from other socioeconomically similar MSs possessing effective reconciliation policies and rarely on EU level.

An occupational background or personal connections to the EU bodies or colleagues from other MSs are pivotal aspects for considering EU soft law strategies in domestic policy-making.

It can be extrapolated from the interviews that the EU soft law strategies “[...] do not have a great influence on the German reconciliation discourse and therefore also not on the policy-making of the *Elterngeld* reforms” (Interview 13). Although the strategies are “[...] generally kept in mind and conceived as important, they do not constitute a visible component part in the committee’s debate on reconciliation matters” (Interview 12). The focus of the *Elterngeld* policy-making was “[...] primarily based on the German socioeconomic context” (Interview 1). Basically, the strategies did not present any pressing need to modernise and transform the domestic reconciliation policies (Interview 1-13).

Consequently, the Europeanisation fit-misfit model cannot be fully supported. Although there is a misfit among German conservatively-shaped policy structures and the EU-ideal Nordic reconciliation approach, German policymakers do not feel any pressure for policy adaptation from EU level. Yet, there is a development towards an ‘ideational fit’ since both levels target the above-mentioned Nordic reconciliation approach. Albeit, the policy shift on German level was not impelled by horizontal framing processes in line with EU soft law strategies but mainly domestic reasons according to the respondents.

A surprising amount of the respondents did not have a clear notion of the contents, objectives and workings of the three EU soft strategies (Interview 3, 6, 10, 11). This aspect is interesting since there are reporting secretaries and intermediaries within the committee informing about EU activities. The intermediaries establish an interaction with the EU level serving as intra-party connecting links between German MPs and their respective fraction in the EP (Spreitzer, p. 6). However, “[...] it depends on the interest of the respective MP to use these mediators as an information source” (Interview 6).

Next to this peculiar finding, “[...] it is mostly MPs in the opposition parties or MPs having responsibilities in committees dealing with policy fields related to foreign or EU affairs that take account for EU soft law strategies” (Interview 5). Moreover, “[...] conferences among domestic MPs on EU level constitute an exception since social matters are primarily nationally shaped” (Interview 7). The option to meet “[...] in a large forum with other MSs’, MPs and EU officials on EU level every other year does not lead to closer cooperation” (Interview 2). Basically, there is only an international discourse in the field of reconciliation based on the particular willingness of individual actors. Hence, there is sheer voluntary non-institutionalised inter-state cooperation among some MSs outside of the EU strategies and the OMC framework (Interview 1-13).

In general, the majority of the respondents state that they keep themselves up to date regarding reconciliation policies in other countries. They “[...] compare Germany to other MSs but peer pressure is not existent at all” (Interview 3). Before the actual domestic policy-making, MPs admittedly collect ideas on policy options, solutions and practices from other countries. In turn, these are “[...] analysed with regards to how these could be applied to the German socioeconomic context” (Interview 12). However, this is “[...] solely based on personal interest and primarily happens through unofficial channels” (Interview 9). Thereby, the main objective is to become inspired on how to make efficient policies from other countries practicable in Germany (Interview 2, 4, 7, 12, 13). Overall, international experiences seem important as an orientation and inspiration for future policy-making (Interview 6, 8, 9, 12, 13). Yet only a minority of the MPs regard the EU objectives as benchmarks for domestic policy-making (Interview 2, 4, 13).

For around three legislative periods, it is primarily the Nordic model in the German discourse from which best practices are borrowed (Interview 1, 2, 3, 6, 12, 13). Sweden and Denmark especially appear as “[...] thought-provoking impulses and role models [...]” (Interview 7) for the recent German reconciliation policy-makings. Other interviewees referred to the Dutch and Austrian reconciliation model as an orientation as well as the French, especially due to “the more similar economic conditions” (Interview 5). However, it is argued that “[...] because a certain policy develops successful in one country does not mean that it will be as successful in another” (Interview 4). Therefore, MPs behave fairly cautiously and critically towards other reconciliation models asking themselves what they can learn from others conscious that MSs are highly different from each other (Interview 2).

With regards to MPs in the opposition or those with an interest or background in EU matters, it is noticeable that the EU strategies are generally used as a resource to reinforce and validate policy ideas, objectives and convictions. However, it is a matter of “[...] cherry-picking whereby specific aspects of the strategies are gathered according to the party line” (Interview 6). Further, “[...] inter-state collective action, if ever, takes place on the lowest common denominator” (ibid.). However, in the area of equal treatment, annual bilateral conventions take place particularly with Austrian and Nordic colleagues (Interview 2, 5, 8, 13). Thereby, “[...] the Europe 2020 strategy was relevant for the debate on the proportion of females and equal payment” (Interview 12).

Hence, it can be argued that there is indeed some kind of horizontal two-way interaction process in reconciliation-related policy areas. Notwithstanding, the interview results show that cross-country cooperation only occurs among national politicians from carefully selected,

socioeconomically similar MSs with efficient work-family reconciliation policies, outside of the OMC framework and merely if individual MPs are motivated and interested.

Except for those German MPs who have a personal connection to and interest in EU matters, most MPs do not perceive themselves as mediators between national and EU level (Interview 1-13). Few MPs are aware and interested in EU soft law strategies aim at “[...] bridging domestic and EU issues as well as bringing EU policies and strategies into the political and societal German discourse” (Interview 2).

Therefore, the majority of MPs argue that policy convergence or a common EU trend in terms of reconciliation policy is rather impossible (Interview 1-13). “[A] joint Europeanisation trend in family policy only occurs extremely slow compared to other domains” (Interview 13). There are joint letters of intent among the MSs, but “[...] the more compulsory these could become the lower the possibility of collective action due to the enormous differences among MSs” (Interview 4). Further, the respondents question the reasonableness of a convergence of EU MS family policies since they see no official need for cooperation (Interview 1-13).

The main reason for this position is the MPs’ reluctance of evermore EU influence in further policy domains which would in turn mean “[...] further loss of control” (Interview 10) for the MS. As such, the EU’s democratic deficit is a concomitant decisive factor not to give further competences to the EU (Interview 8). It is argued that even in economic and financial policy where convergence is aimed to be achieved for a while “[...] cooperation appears questionable” (Interview 7). Furthermore, German MPs do not want to be “[...] put under pressure or dictated to any external provisions from the EU” (Interview 10).

There is a general fear of a potential decline in domestic values and instead higher costs and insufficient appreciation for domestic peculiarities (Interview 1-13). The EU MSs’ path dependency and concomitant scope of action in terms of their welfare regimes regarding their domestic family, economic, employment and fiscal policy structures seem to be the major issue. “Long-established national sociocultural family portraits and mentalities appear too diverse to develop collective EU objectives which again complicate an eventual Europeanisation development” (Interview 13).

The different domestic approaches and complexities of reconciling social and economic policies are considered as too intertwined to compare and adapt to each other (Interview 5). Work-family reconciliation matters also depend on business cultures which in turn appear distinct and complex in the different EU MSs (Interview 1-13). In this context, some MPs argue that even the internal German differences among Eastern and Western Federal States are still difficult

to harmonise which is in turn interpreted as a “[...] sinister omen for a Europeanisation in this policy area” (Interview 11).

During the interviews it appeared that the EU is far away from German parliamentary debates regarding work-family reconciliation policies. Several MPs reasoned that “[...] it is highly difficult to actually know the reference person on EU level due to the vast amount of EU actors in these numerous committees” (Interview 8). EU strategies are often perceived as “[...] additional inconvenient work, only necessary if there is no domestic solution possible” (Interview 9).

Some MPs appreciate the EU’s support through the ESF (Interview 1, 2, 7, 13). Others are generally resistant against EU soft law since they feel that “[...] the EU’s ultimate goal is to establish a customary right in almost all possible policy domains” (Interview 1). Thereby, soft law strategies are sometimes regarded as “[...] hot air and an occupational therapy for EU officials in numerous newly established committees that produce immense paperwork and eventually waste tax money” (Interview 9). Notwithstanding, some MPs expressed their interest for further exchange with other MPs as well as representatives and experts from other MSs, yet simultaneously pursuing their own domestic agenda (Interview 2, 6, 7, 10, 12, 13).

Overall, it seems that it is primarily the BMFSFJ actually working with the EU soft law strategies (Interview 1, 3, 7, 12, 13). On ministerial level the parliamentary undersecretaries realise the OMC requirements in contact with responsible EU officials (Interview 5, 9). The committee “[...] simply takes note of these workings in its meetings” (Interview 1). Since there is no legal obligation for MPs to deal with EU soft law strategies, the respondents do not feel the need or pressure to deal with these at all. Nevertheless, the formal recognition of soft law strategies on the ministry level does not guarantee that EU objectives are reflected in domestic policy-making (López-Santana, 2007, p. 28).

In sum, it seems that the German discourse on reconciliation is first based on national conditions and not conducted by the EU soft law strategies or other international factors (Interview 1-13). There is primarily bottom-up learning since there is mainly a discourse on MP level with national actors, stakeholders and experts on reconciliation matters (ibid.). In terms of top-down learning, there is fairly limited acceptance of OMC processes “[...] since the NRPs are regarded as mere reports to the European level rather than policy planning tools” (Radaelli, 2008, p. 249). It is for the most part individual MPs that have personal stake or a political motive that concern themselves with EU soft law strategies (Interview 2, 4, 7, 9, 11, 13). Overall, MPs “[...] first look through the political-party-glasses, then through the national-matters-glasses and lastly through the EU-glasses” (Interview 6).

Europeanisation subject literature argues that domestic policy paradigm shifts are political processes occurring in spheres of learning channels. Yet this statement cannot be fully approved of according to the respondents' answers. Although traditional German family policy structures shift, "[...] path dependency strongly remains" (Interview 10). Indeed, there is policy change in line with the *Elterngeld* reforms. However, it cannot be argued that there is a policy transfer but rather an attempted rapprochement to reconciliation policy models from similar and successful MSs. Despite theoretically claimed, EU soft law does not create a common basis or transfer platform in reconciliation matters. Learning mechanisms do not appear as fruitful socialisation and soft Europeanisation channels in the case at hand. Instead, there are fragmented and nuanced policy convergence processes among MSs with MPs willing to policy learning.

Referring back to Radaelli's (2003) conceptualisation of Europeanisation, it can be argued that there is no visible impact of the EU on domestic policy, politics or policies in this research case. There is no process of construction, diffusion or institutionalisation of any consolidated rules, procedures, policy paradigms, styles, practices, shared beliefs and norms on domestic level. Hence, there is no strong evidence of soft Europeanisation processes among MSs on EU level.

Further, theoretically soft law strategies in line with the OMC are determined as bypasses of EU hard law trying to influence and frame domestic policy-making by means of soft coercion. In the case of work-family reconciliation and according to the interview results, this statement cannot be supported. Reason being is the strong domestic reluctance against EU influence regarding reconciliation matters which lead to the concurrent lack of the MPs' engagement in EU strategies and therefore their insignificance on German MP-level. Since work-family reconciliation is almost entirely according to national issues, German MPs place themselves somewhat outside of the EU framework. This is most probably the case in other MSs, which would explain the absence of clearly defined EU soft law reconciliation-related policy objectives, norms or practices within the strategies that could serve as potential learning tools or resources. Neither can it be argued that there are any political and moral obligations or peer pressures resulting from OMC instruments or EU soft law objectives which could induce adaptational pressures for learning dynamics. Clearly, the OMC is not used as a forum of discussion or platform for exchange of national policymakers in the case of family policies. Thereby, it cannot be argued that the OMC strengthens the cooperation and participation of domestic actors on EU-level. Further, except for the financial support from the ESF, the EU's potential legal, cognitive, political and institutional resources are disregarded by domestic policy-makers. Consequently, it cannot be claimed that soft Europeanisation is occurring since the majority of the German MPs do not use the EU strategies as a toolbox.



Concerning the three learning mechanisms, cognitive socialisation, normative internalisation, ideational framing or even convergence processes leading to domestic policy changes of transfers cannot be entirely derived from the interview results. Collective ideational learning or persuasion processes among MSs in the range of EU soft law strategies are non-existent for the respondents. Instead, if at all, voluntary cooperation takes place with consciously selected MSs possessing a comparable political socioeconomic background. Thereby, it is only few MPs interested in an individually chosen information pool of different reconciliation models that are willing to learn. Hence, clustered and uneven learning mechanisms can certainly be found.

According to the interview findings, “[...] a rather low degree of cognitive socialisation process of social learning exists” (Interview 7). It is exclusively among some German MPs who are indeed motivated to interact with MPs and experts from other MSs to become inspired and collect ideas. Therefore, there exists some social learning among within an elite ideational discourse among peers about reconciliation policy knowledge, ideas, interests and goals. Yet, it would be going too far to argue that there is a joint, normative and behavioural redefinition, institutionalisation, internalisation or assimilation of perceptions or even a sense of collective identity among domestic policymakers. From there, policy learning among the interested MPs is most probably merely partially likely to occur. There is no more than an exchange of best practices among MPs and experts that are willing to cooperate. This is because the individual domestic intertwining of complex policy frameworks affecting reconciliation policies highly complicates joint policy designs. Moreover, the different welfare traditions, path dependencies and the strong volition of independent reconciliation policy-making substantively hinders collective social and policy learning even amongst most MPs interested in cooperation.

Therefore, political learning is rather unlikely to occur as MPs are neither users, nor mediators or filters of EU soft law strategies. Again, if at all, it is individual MPs, who primarily refer to the efficient work-family reconciliation policies from other MSs and extremely rarely to EU strategies. However, it cannot be referred to as reflexive learning because in the case at hand it is rather one-sided interest in other successful policies. In fact, this unilateral cooperation possibly brings about bilateral learning mechanisms among MSs whose policymakers target similar policy goals and are willing to learn norms and practices. This individual voluntary collaboration could lead to fragmented Europeanisation effects even without any EU influence. Hence, the EU soft law and the OMC appear rather irrelevant to establish or strengthen cooperation among domestic actors.

Regarding thick and thin learning, it can be argued that thin learning can be partially found among those MPs interacting with peers from other MSs. This is because of the existing discourse among MPs interested in other reconciliation policy models. Although the *Elterngehd* reforms appear as decisive policy changes towards their Nordic role models, it was to a lesser extent other MSs' as inspirational sources that led to changing policy preferences, but primarily domestic conditions according to the respondents. Consequently, the existence of thick learning cannot be confirmed. There is neither a change in preferences resulting from interactions nor active convergence of policies, neither in inter-state cooperation nor through the OMC.

Contradictory to the theoretical model, soft Europeanisation via EU soft law cannot be declared as a catalyst for policy change and transfers on domestic level in the research case at hand. Hence, the theoretical claim of policy convergence cannot be underpinned by means of the interview results. Although success stories from other MSs are partially used as inspiration, it cannot be argued that these serve as preconditions for domestic policy change, transfers and convergence among EU MSs. Mutual learning as well as sharing of experiences and best policy practices exclusively take place among MSs who are interested and motivated in inter-state cooperation and promising foreign reconciliation models. Nevertheless, the socioeconomic background among interacting MSs needs to be similar (Brooks, p. 97). Some of these MPs use other MSs for benchmarking purposes, yet peer reviews among the MSs is not happening according to the respondents. Once again, this low degree of cooperation among certain MSs does not seem to hold potential for creating adaptational pressures leading to domestic policy changes and transfers also since cognitive or normative framing is inexistent. In terms of work-family reconciliation policy-making, EU soft law does not serve as a convincing domestic policy framing factor.

In fact, the *Elterngehd* reforms are fairly comparable to the Nordic reconciliation model. In terms of effectiveness, it is too early to determine whether the *Elterngehd* reforms deliver what they promise. However, all respondents including those who interacted with foreign politicians and experts conformably argued that it was chiefly domestic factors shaping the policy-making. Therefore, it could be argued that MPs aim at putting themselves in a flattering position. They strategically take advantage of using other actors' strategies to justify, legitimise and reach their own domestic policy aims. Thus, they sell their policy efforts as own achievements although these policies are imitated from other MSs. Consequently, similar policies are created without the actual intention of any kind of Europeanisation or policy convergence.

It can be claimed that there is fragmented, nuanced, individual learning through cherry-picking of effective reconciliation policy models. In turn, this can be carefully interpreted as a

kind of policy convergence process among MSs with comparable political socioeconomic structures. A general tendency of a more similar reconciliation direction recently developed among the Scandinavian MSs, France, the Netherlands and now Germany. Additionally, “[...] Italy and Japan are interested in the German model” (Interview 5).

Consequently, some of the aforementioned Europeanisation pitfalls seem to prove well-founded. The linear, causal relationship between domestic policy change or transfer and the EU strategies based on the OMC is certainly simplified and cannot be empirically manifested through this study. National contexts, path dependency, pre-existing domestic policy conditions, political interests and individual willingness play the most important roles in the field of work-family reconciliation policy-making. Hence, even if some MPs and experts from MSs agree on policy ideas and objectives it does not portend that they create identical policies.

Therefore, domestic policy changes, transfers and convergences through soft Europeanisation learning mechanism seem most occurring in clustered, asymmetric long term processes. Thereby, those responsible must feel the need for cooperation and thus some adaptational pressures. At the same time, they need to be motivated to learn and internalise shared preferences and practices which in turn need to be compatible with pre-existing domestic conditions. Generally, since the three strategies and the OMC are not used as an information tool, resources or communication channels, they do not serve as soft Europeanisation learning mechanisms according to the interview findings.

As this empirical research shows, national factors appear to be the most relevant reasons for developing work-family reconciliation policies. This study contributes to the subject literature as the analysis reinforces the argument that soft Europeanisation is most likely to occur if there is domestic support for conformance with EU efforts. Obviously, the EU’s soft law impact on domestic level varies substantially across policy dimensions within and among MSs, which is again pivotal for the EU’s actual impact on domestic level. Particular Europeanisation mechanisms and dynamics need to be treated individually and sensitively according to the respective contexts. Therefore, generalisations appear rather impossible to draw from this research due to the particular nature and sensitive context of work-family reconciliation matters. This study certainly joins Europeanisation subject literature arguing that there are perhaps unintended, distinct, fragmented and nuanced soft Europeanisation processes that contingently might lead to a rather slow and clustered convergence among MSs in the field of work-family reconciliation.

## 5.2 Issues of the Open Method of Coordination, Soft Law Strategies, Soft Europeanisation, Corresponding Learning Mechanisms and German Work-Family Reconciliation Policies

Generally, this actor-centred research study aimed at connecting the variety of interactive internal and external motives, processes and practices as well as the underlying learning mechanisms between EU and MS level. Yet, generalisations cannot be concluded from this case study due to the variety of factors influencing work-family reconciliation matters. Referring to the research intention of this study scrutinising the extent to which German MPs were influenced by the three EU soft law strategies throughout the policy-making of the two *Elterngeld* reforms, the prior analysis shows that there is very limited influence from EU level on German work-family reconciliation policy-making. Although it seems that the EU's and the German policy efforts concerning work-family reconciliation matters appear to have developed similarly and there are numerous EU channels to strategically influence national MPs' preferences and behaviour, German work-family reconciliation policy-making cannot be called Europeanised. The EU became an important actor supporting domestic work-family reconciliation policy-making in line with some legal provisions and soft law working through the OMC, yet these channels apparently did not mobilise domestic policymakers (Morgan, 2008, p. 55). According to the interviews, EU soft law strategies do not prove to be fully influential in the case at hand, since national MPs act somewhat individually in this policy field according to domestic concerns, not adapting to or socialised by the EU but rather relying on specific success stories from socioeconomically similar MSs.

However, the question is how much is observable at all in policy-making processes? As with the postpositivist worldview, it is impossible to perfectly grasp the reality in work-family reconciliation policy-makings. There are multiple perspectives, interactions and diverse interpretations that need to be considered. The variety of EU strategies, domestic issues, peculiarities of policy-makers and further actors that may be involved make it difficult to detect which variables have had what kind of impact on the recent German reconciliation policy changes. Therefore, the major issues of the OMC, EU soft law, the German reconciliation policies as well as soft Europeanisation and its learning mechanisms are discussed as follows. As many factors as possible can be covered in order to further scrutinise the extent to which German MPs were influenced by the three EU soft law strategies throughout the policy-making of the two *Elterngeld* reforms.

Clearly, soft law is more effective in some policy domains than in others and spillover effects cannot be guaranteed. It seems insufficient for the entire Europeanisation of a certain policy area since some supplementary element of hard law is almost always necessary (Brooks, p. 97). The existing Directives and charter provisions either only established minimum standards or lacked effectiveness due to their vague formulations and absence of effective sanction mechanisms. The few existing market-driven hard law provisions, labour market policies and fairly weak soft law strategies certainly hamper the achievement of the overarching EU objectives of balancing economic pressures, employment targets and social security.

A major problem of the OMC is its basis on solely voluntary cooperation and its non-legally binding character which facilitates MSs to escape from cooperation in sensitive policy domains outside of full EU competence. It is unsurprising that a fully effective EU work-family reconciliation policy is not feasible to develop, let alone as an individual soft law strategy since this is not entirely appreciated by the MSs. Basically, the EU's powers in social and therefore work-family reconciliation matters are applied to economic objectives and are fairly restricted (Goetschy, p. 295).

The vague formulation of major policy goals in soft law policy domains leaves much scope of policy-making for the MSs. EU work-family reconciliation provisions are a patchwork of incomplete ideas and improvement suggestions primarily economically-led related to other issue areas (Caracciolo di Torella & Masselot, p. 155). The mixture of policy targets in economic, employment and social domains appear not entirely geared to one another, and equally lack specificity to the individual MSs. The absence of clear policy guidelines and procedures on the achievement of the EU work-family reconciliation-related objectives is a critical obstacle (Lindén, 2007, p. 16). Moreover, the EU soft law's goal of policy convergence and simultaneous individuality certainly contradicts (Brooks, p. 98).

As this research study shows, these soft law instruments fail to influence or Europeanise MSs in work-family reconciliation-related policy-makings. It appears that the NRPs are quickly handled behind closed doors by the BMFSFJ without involving other actors involved in policy-making processes. EU guidelines and recommendations seem inadequate learning tools. Their top-down character is fairly unpopular among domestic policymakers in sensitive policy domains affecting social and employment policies. Peer reviewing appears to have little impact since MSs are extremely difficult to compare with each other due to their individual policy mixtures and their preference to act independently in sensitive policy areas (Hartlapp, p. 6-10). Thus, peer pressure and concomitant naming-and-shaming-manners do not occur. As there is almost no awareness of EU soft law on domestic political and public level, public pressure on domestic

policymakers is fairly non-existent since national actors are not engaged in soft law workings (Fleckenstein, p. 286). However, benchmarking and comparison methods are slightly existent in the case at hand. German MPs reflect on domestic policies and use MSs with an efficient work-family reconciliation policy mix as inspiration.

Furthermore, the OMC's untransparent nature allowing only limited participation of a small number of domestic and EU government officials is another crucial issue (Radaelli, 2004, p. 13). The exclusion of national actors prevents a discourse of EU soft law on domestic level which in turn hampers effective Europeanisation processes. As the previous analysis stresses, there are only fragmented learning processes among few policy-making elites outside of the OMC framework. Yet, even potentially Europeanised transnational elite networks are unlikely to be powerful enough to create domestic policy changes without a like-minded domestic sphere that is in favour of further European integration. "[A]chieving policy changes requires that domestic-level actors take advantage of the EU targets to push reform from below" (Morgan, 2008, p. 49). Further, this study shows that even national MPs are not strongly involved in the OMC process which appears to be a major obstacle.

As the 2004 Kok report initiating the Lisbon strategy's reform already argued, the OMC mechanisms are overall fairly ineffective. There is limited acceptance of the OMC procedures among domestic policymakers (Radaelli, 2008, p. 249). MSs fulfil their concomitant duties but do not use EU soft law as policy planning tools. Additionally, the enormous amount of actors involved appearing rather obscure to domestic MPs is another issue of the questionable effectiveness of the OMC.

As this research shows, EU soft law and the OMC can certainly be characterised as rather symbolic and inefficient instruments concerning domestic work-family reconciliation policy-makings. The OMC fails to create monitoring and mutual cooperation among MSs. Hence, the existing EU soft law targets cannot lead to the realisation of successful soft Europeanisation learning mechanisms (van Vliet, p. 137).

By means of applying the theoretical framework of Europeanisation to the case at hand, the causal relationships between EU soft law efforts and domestic policy change regarding work-family reconciliation could be largely disconfirmed. Thus, the five aforementioned kinds of resources the EU offers to its MSs appear certainly irrelevant in the case of work-family reconciliation policy-making. As shown in the prior interview analysis, cognitive, normative and institutional EU efforts do not concern work-family reconciliation matters. If at all, the funding options seem to be utilised to support the financing of the *Elterngeld* reforms. Further, the political dimension is availed by few MPs in order to reinforce their policy aims. Yet, it seems

that MPs might prefer to claim credit for the reforms, perhaps because they do not want to admit that EU objectives actually played a role.

The effectiveness of EU soft law and concomitant domestic policy paradigm shifts are highly dependent on individual MS policymakers' political interests and willingness to change as well as pre-existing policy instruments, political climate and societal discourse (Preunkert & Zirra, 2009, p. 208-9). Nevertheless, as the interview analysis has shown, the willingness to learn of single domestic actors is not a sufficient precondition for policy changes or transfers (Fleckenstein, p. 286). German work-family reconciliation policy processes are still driven by domestic policymakers, stakeholders, issues and political motives (Radaelli, 2004, p. 15).

Overall, EU soft law strategies should not be interpreted as too influential on domestic level in terms of reconciliation matters. At most, soft law seems to be used rarely, selectively, legitimising political motives and interpreted according to domestic circumstances and priorities (Bulmer & Radaelli., p. 15). Thus, soft law strategies cannot create complete policy convergences in terms of work-family reconciliation policies since various national socioeconomic, fiscal and institutional circumstances need to be adapted (Heidenreich & Bischoff, p. 518-21). In this case study, soft Europeanisation learning mechanisms and concomitant adaptational pressures of soft coercion appear irrelevant for domestic policy change (Risse, Cowles & Caporaso, p. 2). Cognitive, normative, ideational socialisation in line with social, policy and political learning mechanisms leading to adaptational pressures for policy change and transfer are fairly non-existent in the case at hand. Further, the non-coercive measures of peer pressure and naming-and-shaming practices appear ineffective.

Instead, as predicted by the Europeanisation subject literature, MSs possessing effective work-family reconciliation models seem to be most influential for others. Clustered, horizontal, unilateral cooperation possibly brings about bilateral policy learning among MSs whose policymakers target similar policy goals and are willing to learn norms and practices. These individual, voluntary, unofficial collaborations could eventually lead to unintended, fragmented EU-wide convergence effects without any EU influence.

Yet, it could be interpreted that there were some kind of domestic-level party-political learning processes. The German social-democrats initiated the policy paradigm shift which was further pursued by the German conservatives (Henninger, Wimbauer & Dombrowski, p. 307). Next to the fact that the social-democratic party was a strong coalition partner of the conservatives, during the last years general policy orientations seemed to merge. This development might occur amongst others due to the aforementioned multifaceted domestic

issues regarding work-family reconciliation, but also because the other international institutions promote the Nordic reconciliation model (Kettunen & Wolff, 2010, p. 156).

Convergence of work-family policies is further hampered by the unsolved debate of whether a European social model should exist at all and if so, precisely what it should look like (Radaelli, 2008, p. 251). Another reason for the insignificance of family policy on EU level are the decisively different welfare regime traditions and concomitant policy mixtures influencing family and occupational issues among the MSs, which prevent the agreement on a stronger common EU work-family reconciliation policy strategy (Obinger, Gindulis & Leibfried, p. 47-8). MSs have different perceptions of ideal work-family reconciliation measures and since the EU soft law reconciliation targets are vague, there is much room for interpretation for the MSs to certainly ignore EU soft law objectives (Morgan, 2008, p. 49).

Hence, another cause for EU soft law dismissal is the general domestic reluctance for EU influence in family-related policies and other sensitive policy domains. Again, contradictory to the Europeanisation approach, policy misfits do not necessarily lead to policy convergences through EU soft law. It is decisive to stress that “[...] the Europeanisation of social policies is a process of path-dependent adjustment” (Kettunen & Wolff, p. 152). As presented in this empirical study, EU hard and soft law alone cannot as such change domestic stereotypes and traditions (Lewis et al., p. 263). Whether these recent reconciliation reforms accomplished their purpose is not the objective of this research and cannot be fully analysed since the long-term effects of the *Elterngeld* reforms cannot be yet determined. However, it appears that the traditional corporatist-conservative sociocultural structures are largely enduring in Germany.

Unsurprisingly, there is no single reference in the coalition agreements or documents on the *Elterngeld* reforms to any of the EU strategies. Although Germany is known for being a MS favourable of EU integration, most politicians disapprove of EU influence in this area (Auel & Benz, p. 385). As mentioned, German policies improving work-family reconciliation developed in the late 1990s, during the same period when the EU developed strategies in this field. Until today, policy objectives on both levels move in the same direction. However, the German policy path-shift in the field of work-family reconciliation could be viewed as part of a common European reform trend due to similar EU-wide political, socioeconomic and policy developments (Obinger, Gindulis & Leibfried, p. 44).



In comparison to the EU MSs<sup>22</sup> with fairly effective work-family reconciliation frameworks, Germany still lags behind in terms of policies that facilitate the balance of private and professional life (Morgan, 2013, p. 99). The one-and-a-half-earner-model continues to be gridlocked. It is still common for women to take parental leave and work part-time often in low-paid jobs (Honekamp, p. 453). Indeed, as demanded by the soft law strategies, female employment increased during the last decades from 57% in 1991 to 66% in 2010. There are drastic gender differences with 70% of working mothers employed part-time in 2010 and only 5,6% fathers working part time (Eurofound, 2015). Compared to international standards, it appears that in Germany childbirth still has negative consequences for female occupation, especially with regards to highly qualified women (Morgan, 2013, 105). Although Germany slightly renounced its traditional conservative policy traditions, the existing taxation system of income splitting among spouses still disadvantages mothers' employment. Further, the TAG is still not highly effective due to the insufficient availability of childcare facilities and the *Betreuungsgeld* certainly opposing the idea of working mothers.

Therefore, a comprehensive reformation of welfare policies concerning work-family reconciliation towards fully equal gender relations regarding occupational and family responsibilities has not yet happen in Germany. To achieve the work-family reconciliation model according to the Nordic definition, there is a need to further deconstruct gender stereotypes, extend institutionalised childcare services and encourage flexible working arrangements in business culture. In Germany especially there needs to be a cultural rethink away from traditional family structures (Caracciolo di Torella & Masselot, p. 157-8). Full-time childcare needs to be perceived as a beneficial gain for all parties involved. Further, full-time working mothers and part-time working fathers need to be well-esteemed (Honekamp, p. 461). Notwithstanding, both *Elterngeld* reforms, supported by the TAG, appear as a step in the right direction in order to reach the EU-ideal dual-carer-earner-reconciliation model and eventually help to counteract the problematic aging of the German welfare state.

Generally, the question is whether these reforms would have also passed without EU soft law strategies? According to the interview results, the *Elterngeld* reforms most probably would have been created without the soft law strategies due to their inefficiency and various aforementioned domestic policy legacies, issues and objectives (De la Porte & Pochet, p. 343). There are numerous reasons for the over- or understatement of EU soft law impacts to justify or blame domestic reforms. Depending on the policy domain and the domestic political and

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<sup>22</sup> The Nordic countries, the UK, France, Austria and the Netherlands

socioeconomic climate, Europe sometimes matters more or less in domestic policy-making (Börzel & Risse, 2003, p. 75). Thus, it can be concluded that domestic conditions ultimately determine soft Europeanisation processes (Annesley, p. 196).

According to these findings, it is likely that EU hard law provisions will not develop soon in the field of work-family reconciliation. This is a process that needs considerable time to change *inter alia* sensitive economic, fiscal, gender-related, employment and familial domestic structures. If the EU wants to achieve the objectives declared in the soft law strategies, there is the “[...] need for cultural change” (EIRO, 2006, p. 66) in the MSs. It is only if a more supportive domestic mentality towards Europeanisation of similar work-family reconciliation objectives develops. The acceptance of mutual cooperation would give learning mechanisms the chance to occur effectively and eventually lead to a stronger EU competence in social policies giving rise to potential policy convergences. The domestic fear of losing control to the EU needs to be turned into appreciation of new policy ideas, models, objectives and practices.

Further, the EU soft law intentions of modernising the EU MSs welfare systems prove fairly necessary since economic prosperity and growth depends on a well-functioning society. Yet, if the EU wants to be efficiently influential on MS level, several changes need to be made within the EU soft law and OMC system. Amongst others, the OMC needs to become better structured involving fewer EU actors. Further, it should become more transparent and democratic, thus more open to domestic non-state actors in order to receive more attention in public and media discourses. Yet, as this research case presents, firstly domestic MPs in particular should be given stronger involvement with the OMC processes. Additionally, there is a need for better incentives and constraints for national policymakers to cooperate on EU level. From there, more clearly formulated recommendations for the MSs have a greater potential to develop. In order to promote work-family reconciliation policies on MS level, an individual OMC only for work-family reconciliation matters separate from economic ideals needs to be created. Therein, concomitant precise IGs might potentially attain stronger EU influence leading to domestic policy changes targeting the Nordic work-family reconciliation model. If these conditions were fulfilled and unilateral cooperation continues, Europeanisation processes could develop leading to policy learning, domestic policy changes and transfers and thus convergences among the MSs.

## 6 Conclusions

Based on the content-related and time-wise similar developments of work-family reconciliation policies on German and EU level, this research work developed a narrative about the soft Europeanisation of the recent German policy-makings through EU soft law in the field of work-family reconciliation. Building on subject literature combined with an empirical, single case, actor-centred research approach, this study scrutinised the extent to which German MPs were influenced by the three EU soft law strategies throughout the policy-makings of the *Elterngeld* reforms. Thereto, the theoretical framework of soft Europeanisation and its concomitant social, policy and political learning mechanisms were applied to the interview results with German MPs responsible for the *Elterngeld* policy-makings.

Against all odds, it is questionable whether domestic family policies change due to EU objectives. This study demonstrated that primarily domestic circumstances were largely determining the recent German work-family reconciliation policy-makings. Work-family reconciliation is a highly sensitive policy field depending on various factors. EU MSs face very similar socioeconomic issues, domestic path dependence, old-established welfare traditions, policy legacies and the reluctance against evermore EU influence in social matters preventing effective EU influence. Only if individual domestic policymakers are willing to cooperate unilaterally with actors from other MSs, actual learning processes will occur. There is indeed evidence for clustered, asymmetric and rather unintended individual learning processes through cherry-picking of effective work-family reconciliation policy models from MSs with comparable political socioeconomic structures.

Yet, the EU's soft law strategies and the OMC framework are fairly overestimated in their influence on domestic work-family reconciliation-related policy-makings. Although the recent German policy development in the field of work-family reconciliation certainly coincides with the EU soft law strategies similarly targeting the Nordic reconciliation model, the interview results show that these strategies were not relevant for the *Elterngeld* policy-makings. Therefore, the theoretical model of soft Europeanisation and its concomitant learning mechanisms can be claimed to be rather inoperative in the case at hand. Cognitive, normative, ideational socialisation through social, policy and political learning mechanisms leading to adaptational pressures for policy change and transfer are non-existent in the case at hand. Thus, it cannot be interpreted that the EU is a pivotal factor influencing domestic work-family reconciliation policy-making.

Based on these various sensitive aspects, it seems a rocky road for a single OMC and clearly formulated policies to develop in work-family reconciliation matters.

Overall, this research has shown that Europeanisation mechanisms and dynamics need to be carefully, individually and sensitively treated according to the respective context which is in turn determining for the EU's potential impact on domestic level policy-makings. Generalisations cannot be developed from this research study. Instead, the results present rather unique features of a complex phenomenon and might not be assumed for other MSs and different policy domains. Therefore, this study is in accordance with subject literature arguing that there are rather gradual, uneven, fragmented and nuanced soft Europeanisation processes contingently leading to clustered convergence among individual MSs within a specific policy area.

Still, there is certainly room for future research in this area of study and it is worthwhile to follow the long-term development of this policy domain. Work-family reconciliation remains a crucial issue for welfare states. In the case of Germany, it appears essential to interview persons responsible from the BMFSFJ who are apparently practitioners, translators and mediators of EU soft law strategies in the field of work-family reconciliation. Additionally, in future it would be interesting to conduct a study analysing the effects of the *Elterngeld* reforms and further work-family reconciliation-related policies.

For further research, it would be worthwhile creating a cross-sectional, comparative large N-study interviewing MPs and ministries responsible for family issues from other EU MSs that also recently developed policies to improve the reconciliation of work and family. Thereby, it would be thought provoking to analyse which work-family reconciliation policies appear most effective to borrow for which MSs. From there it could be more thoroughly scrutinised whether the development towards the Nordic reconciliation model is in fact a trend among EU MSs. Moreover, it appears interesting to examine the EU's perspective regarding its efforts in work-family reconciliation matters by means of interviews with EU officials from respective committees responsible. Another research angle could be developed analysing the influence of other international actors active in work-family reconciliation policies.

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## 8 Appendix 1 Interview Questions

### German version

#### Partei/National:

1. Welche nationalen politischen und/oder sozio-ökonomischen Faktoren waren für Sie bzw. Ihre Partei ausschlaggebend für die Reformgestaltung?

#### Inter-EU-Mitgliedsstaatliche Beziehungen:

2. In welcher Form und auf welcher Ebene gibt es einen Austausch zwischen den EU Mitgliedsstaaten im Bereich Familien-/Arbeitsmarktpolitik?
  - 2.1. Wer hat wie regelmäßig Kontakt mit welchen Ländern?
  - 2.2. Gibt es ein gemeinsames Netzwerk?
  - 2.3. Ist der Austausch eher zwischenstaatlich und/oder auf EU Ebene wobei die EU als Austauschplattform dient?
3. Hat der Austausch mit Politikern anderer Mitgliedstaaten die Reformgestaltung auf deutscher Ebene beeinflusst hat? Wenn ja, inwiefern?
  - 3.1. Gibt es einen gemeinsamen Diskurs im Bereich Familien-/Arbeitsmarktpolitik?
  - 3.2. Entwickelt man gemeinsam politische Instrumente, Reformmodelle, -lösungen und/oder-ziele?
4. Hatten familien-/arbeitsmarktpolitische Modelle/Politiken anderer EU Mitgliedsstaaten einen Einfluss auf die deutsche Reformgestaltung? Wenn ja, welche und warum?

#### EU Einfluss/Europäisierung:

5. In welcher Form und auf welcher Ebene gibt es einen Austausch mit entsprechenden EU Institutionen oder Funktionären, die sich mit Familien-/Arbeitsmarktpolitik beschäftigen?
  - 5.1. Wer hat wie regelmäßig Kontakt mit welchen Institutionen?
  - 5.2. Gibt es ein Netzwerk auf EU Ebene mit EU Funktionären und entsprechenden Politikern anderer Mitgliedsstaaten?
6. Sind Sie sich den folgenden Strategien des EU soft law (faktisches Recht) bewusst?
  - 6.1. Europäische Beschäftigungsstrategie (EES)
  - 6.2. Lissabon Strategie

### 6.3. Europa2020 Strategie

### 6.4. Andere?

7. Haben Sie diese EU Strategien in der deutschen Reformgestaltung bewusst berücksichtigt? Wenn ja, warum und inwiefern?
8. Waren diese Strategien präsent im deutschen Diskurs bei der Reformgestaltung?
9. Gab es innerhalb dieser Strategien einen gemeinsamen Diskurs auf EU Ebene mit EU Funktionären und/oder entsprechenden Politikern anderer Mitgliedsstaaten?
10. Hat man gemeinsam mit EU Funktionären und entsprechenden Politikern anderer Mitgliedsstaaten politische Instrumente, Reformmodelle, -lösungen oder-ziele entwickelt bezüglich der Vereinbarkeit von Familie und Beruf? Wenn ja, welche?
11. Wurde gemeinsam eine optimale Vorgehensweise (best practices) entwickelt im Bereich der Familien-/Arbeitsmarktpolitik bezüglich der Vereinbarkeit von Familie und Beruf? Wenn ja, welche?
12. Hat man gemeinsam auf EU Ebene mit EU Funktionären und entsprechenden Politikern anderer Mitgliedsstaaten einen europäischen Trend in diesem Politikbereich entwickelt? Wenn ja, wie sieht dieser aus?
13. Wurden dabei die verschiedenen Elemente der Offenen Methode der Koordinierung angewendet?
  - 13.1. z.B. unverbindliche Vorgaben, Prinzipien, Nationale Maßnahmenpläne/ -programme, Leistungsvergleich zwischen den Mitgliedsstaaten, gemeinsame Evaluationsberichte, Peer-Review; Beurteilungen, Empfehlungen oder Feedback von EU Ministerrat und/oder Kommission?
14. Haben diese Elemente der Offenen Methode der Koordinierung die deutsche Reformgestaltung geprägt? Wenn ja, inwiefern?
15. Wie war das Klima zwischen EU und mitgliedstaatlicher Ebene? Gab es eine Art Konformitätsdruck oder eher freiwillige Kooperation?
16. In welchem Schritt der Reformgestaltung hatten diese Strategien einen Einfluss?
17. Welche dieser Strategien war besonders entscheidend für die deutsche Reformgestaltung? Warum?
18. Warum wurden andere Strategien nicht oder weniger beachtet in der deutschen Reformgestaltung?
19. Grundsätzlich, sind eher nationale Gegebenheiten oder EU Strategien eine ausschlaggebende Kraft für die deutsche Reformgestaltung? Was sind dir Gründe dafür?

20. Sehen Sie sich in der Rolle eines Vertreters, Vermittlers oder Verantwortlicher familien-/arbeitsmarktpolitische Ideen der EU oder anderer Mitgliedsstaaten auf nationaler Ebene zu bringen und umgekehrt?
21. Was für Auswirkungen hatte die Kooperation auf EU Ebene für Ihre bzw. die parteiliche Position bezüglich der deutschen Reformgestaltung? Wurden Sie bestärkt, überzeugt oder anderes?
22. Haben EU Strategien in diesem Politikbereich grundsätzlich einen konstanten und ausschlaggebenden Einfluss auf Ihre Arbeit im Ausschuss bei der Gestaltung von nationalen Reformen?
23. Fand oder findet eine Art Konvergenz an EU Strategien innerhalb der Familien-/Arbeitsmarktpolitik statt? Wenn ja, inwiefern?
24. Wie schätzen Sie die zukünftige Entwicklung dieses Politikbereiches auf nationaler Ebene ein, im Hinblick auf den Einfluss der EU und die zwischenstaatliche Kooperation?

### **English version**

#### Party-political, national factors:

1. Which national political and/or socioeconomic factors were determining for you and your party for the policy-making?

#### Inter-EU-Member State relations:

2. In which form and on what level is there an exchange between EU Member States in the field of family-labour-market policies?
  1. With which countries and how regularly?
  2. Is there a joint network?
  3. Is the exchange rather on interstate and/or EU level, whereby the EU serves as a platform?
3. Did the exchange with corresponding politicians from other Member States influence the German policy-making? If so, in what way?
  1. Is there a common discourse in the field of family-labour-market policies?
  2. Is there a process of collective development of policy instruments, models, solutions and/or targets?
4. Did family-labour-market policy models from other Member States have an influence on the German policy-making? If so, which and why?

EU influence/Europeanisation:

5. In which form and on what level is there an exchange with corresponding EU institutions that deal with family-labour-market policies?
  1. Who has contact with which institutions and how regularly?
  2. Is there a network on EU level of EU officials and corresponding politicians from other Member States?
6. Are you aware of the following EU soft law strategies?
  1. EES
  2. Lisbon Strategy
  3. Europe 2020
  4. Other?
7. Did you consciously consider these strategies in the German policy-making? If so, in what way?
8. Were these strategies present in the German discourse of the policy-making?
9. Within these strategies, was there a common discourse on EU level with EU officials and/or corresponding politicians from other Member States?
10. Was there a collective development of policy instruments, models, solutions and/or targets with EU officials and corresponding politicians from other Member States concerning the reconciliation of work and family life? If so, what sort of?
11. Were collectively best practices developed in the field of family-labour-market policies concerning the reconciliation of work and family life? If so, what sort of?
12. Was there a collective creation of a European trend in the field of family-labour-market policies with EU officials and corresponding politicians from other Member States? If so, what sort of?
13. Were the different elements of the Open Method of Coordination used and applied?
  1. e.g. common non-binding guidelines, principles, codes of conduct, National Action Plans (NAPs), National Reform Plans (NRPs) and programmes, benchmarking, joint evaluation reports, peer review, opinions and recommendations, feedback from CoM and/or EC
14. Did these Elements of the Open Method of Coordination shape the German policy-making? If so, in how far?
15. How was the climate between the EU and Member State level? Was there some kind of peer pressure or rather voluntary cooperation?

16. In which stage of the policy-making process were the strategies determining?
17. Which strategies were most determining for the German policy-making? Why?
18. Why were other strategies not or to a lesser extent incorporated in the German policy-making?
19. Generally, do you rather perceive national factors or EU strategies as determining forces for the German policy-making? What are the reasons?
20. Do you perceive yourself as a representative, mediator or person in charge to bring family-labour-market policy approaches from the EU or other Member States on national level and vice versa?
21. What consequences did the cooperation between EU level for your and/or your parties' position towards the German policy-making? Was the position supported or convinced or other?
22. Do EU strategies in this policy domain generally have a constant and determining influence on your work in the committee when it comes to policy-making?
23. Was or is there some kind of convergence to EU strategies in the field of family-labour-market policies? If so, in what way?
24. How do you evaluate the potential future development of this policy domain on national level concerning the influence of the EU and interstate cooperation?

## 9 Appendix 2 Informed Consent

### **Working Title of the Study/Arbeitstitel der Forschungsstudie**

Soft Europeanisation of Work-Family Reconciliation Policy-Making?

### **Principal Investigator/Hauptwissenschaftlerin**

Alisa Gühlstorf

Lund University, Faculty of Social Sciences, Department of Political Sciences

Fjellievägen 31, 22736 Lund, Sweden

+46 76 782 0570 / +49 174 9311448

alisa.guehlstorf@gmail.com

### **Purpose of the Study/Zielsetzung der Forschungsstudie**

*You are being asked to take part in a research study. Before you decide to participate in this study, it is important that you understand why the research is being done and what it will involve. Please read the following information carefully. Please ask the researcher if there is anything that is not clear or if you need more information.*

*The purpose of this study is to analyse the influence of European Union soft law strategies on the German policy-making process of the two Elterngeld reforms.*

Sie sind gebeten an einer Forschungsstudie teilzunehmen. Bevor Sie sich dafür entscheiden an dieser Forschungsstudie teilzunehmen, ist es wichtig, dass Sie verstehen, warum diese Studie durchgeführt wird und was diese beinhaltet. Bitte lesen Sie die folgenden Informationen sorgfältig durch. Bitte fragen Sie die Wissenschaftlerin falls etwas nicht klar sein sollte oder falls Sie mehr Informationen benötigen.

Gegenstand dieser Forschungsstudie ist die Analyse des Einflusses des faktischen Rechts der Europäischen Union auf die deutsche Reformgestaltung der beiden Elterngeldreformen.



### **Study Procedures/Vorgehensweise der Forschungsstudie**

*Next to qualitative research in the field of work-family reconciliation policies, elite interviews are conducted with corresponding German MPs who were involved in the policy-making of the two Elterngeld reforms. These interviews require around 30 minutes for each participant. The total duration of the study lasts around five months.*

*The interviews are audio taped.*

Neben qualitativer Recherche im Bereich von Politiken bezüglich der Vereinbarkeit von Familie und Beruf, werden Eliteinterviews mit entsprechenden deutschen Bundestagsabgeordneten durchgeführt, die in die Reformgestaltung der beiden Elterngeld Reformen involviert waren. Die Interviews dauern ungefähr 30 Minuten pro Teilnehmer. Die gesamte Dauer der Forschungsstudie beträgt ungefähr fünf Monate.

Die Interviews werden aufgenommen.

### **Risks/Risiken**

*In fact, there are no risks for the participant caused by this study since the questions solely target the participant's occupation in the Committee for Family Affairs, Senior Citizens, Women and Youth. You may decline to answer any or all questions and you may terminate your involvement at any time if you choose.*

Im Grunde werden keine Risiken für den Teilnehmer durch diese Forschungsstudie hervorgerufen, da die Interviewfragen ausschließlich die Tätigkeit des Teilnehmers innerhalb des Bundesministeriums für Familie, Senioren, Frauen und Jugend betreffen. Sie können entscheiden, ob Sie Antworten auf einzelne oder alle Fragen ablehnen und Sie können Ihre Teilnahme jederzeit beenden.

### **Benefits/Vorteile**

*There will be no direct benefit to you for your participation in this study. However, we hope that the information obtained from this study may help to fill some gaps in the subject literature regarding the impact of European Union soft law efforts on domestic level in the field of work-family reconciliation policy-making.*

Es gibt keinen direkten Vorteil für Sie durch Ihre Teilnahme an dieser Forschungsstudie. Trotzdem hoffen wir, dass die erhaltenen Informationen dieser Studie Lücken in der Fachliteratur füllen können bezüglich des Einflusses des faktischen Rechts der Europäischen Union auf die Reformgestaltung auf nationaler Ebene im Bereich der Vereinbarkeit von Familie und Beruf.

### **Confidentiality/Verschwiegenheitspflicht**

*Your responses to this interview will be anonymous. Every effort will be made by the researcher to preserve your confidentiality including the following:*

- *Assigning code names/ numbers for participants that will be used on all research notes and documents*
- *Keeping notes, interview transcriptions, and any other identifying participant information in a locked file cabinet in the personal possession of the researcher.*

*Participant data will be kept confidential except in cases where the researcher is legally obligated to report specific incidents. These incidents include, but may not be limited to, incidents of abuse and suicide risk.*

Ihre Äußerungen innerhalb dieses Interviews werden anonym sein. Die Wissenschaftlerin wird die höchsten Bemühungen machen Ihre Vertraulichkeit zu bewahren inklusive folgendes:

- Die Zuordnung von Kurzzeichen für die Namen der Teilnehmer, die in den Notizen und Dokumenten der Wissenschaftlerin genutzt werden
- Die Aufbewahrung von Notizen, Interviewabschriften und jede anderen Information, die den Teilnehmer bestimmen lassen, befindet sich in einer Datei, die ausschließlich in dem persönlichen Besitz der Wissenschaftlerin liegt.

Die Daten der Teilnehmer werden vertraulich aufbewahrt mit Ausnahme von Fällen in denen die Wissenschaftlerin rechtlich verpflichtet ist konkrete Begebenheiten zu melden. Diese Begebenheiten beinhalten, müssen jedoch nicht beschränkt sein auf, Missbrauch und das Risiko von Suizid.

### **Contact Information/Kontaktinformationen**

*If you have questions at any time about this study, or you experience adverse effects as the result of participating in this study, you may contact the researcher whose contact information is provided on the first page. If you have questions regarding your rights as a research participant, or if problems arise which you do not feel you can discuss with the Primary Investigator, please contact Lund University's Regional Ethical Review Board.*

Falls Sie an einer bestimmten Stelle des Interviews Fragen haben oder Sie negative Auswirkungen als Teilnehmer dieser Forschungsstudie wahrnehmen, können Sie die Wissenschaftlerin unter den Kontaktinformationen auf der ersten Seite kontaktieren. Falls Sie Fragen bezüglich Ihrer Rechte als Forschungsteilnehmer haben oder falls Probleme auftreten, die Sie Ihrer Meinung nach nicht mit der Hauptwissenschaftlerin besprechen können, kontaktieren Sie bitte das Regional Ethical Review Board der Universität Lund.

### **Voluntary Participation/Freiwillige Teilnahme**

*Your participation in this study is voluntary. It is up to you to decide whether or not to take part in this study. If you decide to take part in this study, you will be asked to sign a consent form. After you sign the consent form, you are still free to withdraw at any time and without giving a reason. Withdrawing from this study will not affect the relationship you have, if any, with the researcher. If you withdraw from the study before data collection is completed, your data will be returned to you or destroyed.*

Ihre Teilnahme bei dieser Forschungsstudie ist freiwillig. Es liegt bei Ihnen zu entscheiden an dieser Forschungsstudie teilzunehmen. Falls Sie sich dazu entscheiden teilzunehmen, werden Sie gebeten eine Einverständniserklärung zu unterschreiben. Nachdem Sie diese Einverständniserklärung unterschrieben haben,

können Sie trotzdem zu jeder Zeit davon zurücktreten ohne Gründe dafür anzugeben. Der Rücktritt von dieser Forschungsstudie wird Ihre Beziehung zu der Wissenschaftlerin, falls vorhanden, nicht beeinflussen. Falls Sie von der Forschungsstudie zurücktreten bevor die Datenerhebung abgeschlossen ist, werden Ihre Daten zu Ihnen zurückgesendet oder gelöscht.

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### **Consent/Einwilligung**

*I have read and I understand the provided information and have had the opportunity to ask questions. I understand that my participation is voluntary and that I am free to withdraw at any time, without giving a reason and without cost. I understand that I will be given a copy of this consent form. I voluntarily agree to take part in this study.*

Ich habe die vorliegenden Informationen gelesen und verstanden und hatte die Gelegenheit Fragen zu stellen. Ich verstehe, dass meine Teilnahme freiwillig ist und, dass ich jederzeit ohne die Angabe von Gründen und ohne Aufwand von der Forschungsstudie zurücktreten kann. Ich verstehe, dass ich eine Kopie dieser Einverständniserklärung erhalte. Ich nehme freiwillig an dieser Forschungsstudie teil.

Participant's signature/Unterschrift Teilnehmer/in:

\_\_\_\_\_ Date/Datum \_\_\_\_\_

Investigator's signature/Unterschrift Wissenschaftlerin:

\_\_\_\_\_ Date/Datum \_\_\_\_\_