

Cornelius Grebe

# Reconciliation Policy in Germany 1998–2008

Construing the 'Problem'  
of the Incompatibility of Paid  
Employment and Care Work

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**VS** RESEARCH

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Bibliographic information published by the Deutsche Nationalbibliothek  
The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie;  
detailed bibliographic data are available in the Internet at <http://dnb.d-nb.de>.

Dissertation University of Nottingham, 2008

1st Edition 2009

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Editorial Office: Dorothee Koch

VS Verlag für Sozialwissenschaften is part of the specialist publishing group  
Springer Science+Business Media.

[www.vs-verlag.de](http://www.vs-verlag.de)



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Cover design: KünkelLopka Medienentwicklung, Heidelberg

Printed on acid-free paper

Printed in Germany

ISBN 978-3-531-16915-6



## Acknowledgements

I am grateful for the advice and guidance from my PhD supervisors at the University of Nottingham, Gillian Pascall and Nick Manning. And while both were important, Jill Pascall had to bear the brunt of my wobbles and periodical rants about my First-Year charges' antics. I consider myself fortunate to have worked with you.

The Senior Common Room at Ancaster Hall has been both, a place of light-hearted banter and meaningful interdisciplinary exchange. To my fellow Resident Tutors, Chris Hill, George Kuk, Kristen Sipper, Anna Sidorovitch, Satinder Chettra, Vasilis Zervos, Iulian Marinescu, Emmanouela Terlektsi and my Warden Svenja Adolphs I would like to extend my thanks for being there when the road seemed endless.

The support of the administrative staff and colleagues in the School of Sociology and Social Policy, the Hamburger WeltWirtschafts Institut and the Gender Studies library at Hamburg University is also gratefully acknowledged. In particular, I would like to thank Alison Haigh for administrative support, and Christian Karner and Sonali Shah for their friendship.

Most of all, I would like to express my deep gratitude towards my mother Ulla whose support made this book possible and to my wife Sheila who shared me with my thesis and yet never lost her sense of humour. This book is dedicated to you.

Cornelius Grebe





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# 1 Introduction

‘In all research, the choice of object is primary and decisive. This refers to the set of concepts which determines the delimitation among the totality of phenomena of those selected as objects of analysis’ (Topalov 1979: 446).

In this quote Topalov addresses the ‘fundamental illusion’ of empiricist research approaches: that objects of inquiry are self-evident givens. The rejection of this empiricist ‘illusion’ constitutes the foundation of this thesis. This thesis modifies a contextual social constructionist paradigm of inquiry and combines it with a feminist standpoint in the analysis of policies claimed to be aimed at reconciling paid employment and care work in Germany from 1998 to 2005.

## 1.1 Genesis of the study

The present study developed out of three interrelated strands of our intellectual curiosity which evolved, triggered by an engagement with a discipline unique to the UK in its approach, Social Policy. First, in what can be described as a fruitful intellectual adaptation process to a new discipline, an initial interest in welfare state transformation in Eastern Europe developed into a keen interest in family policies. Early on, this led to the idea of conducting a comparative study of family policies in Germany and the UK. A broad reading into family policies then led to the focussing of our interest on the question of the reconciliation of paid employment and care work. We can never be sure about what triggers our academic interests. However, it appears that our own experience of the differences between the UK and Germany in work-family reconciliation as well as of having been brought up by a full-time-employed mother worked as a catalyst. Further, in our political consciousness the German general elections of 1998 stood as a major turning point. Our whole conscious political socialisation took place during the chancellorship of Helmut Kohl. His conservative government was a given. When Kohl was voted out in 1998 and Schröder took over as leader of a red-green coalition it was experienced by many as momentous event and associated with high hopes for policy reform, particularly because the green party had been advocating gender equality stronger than any other party.

Second, from the beginning of the PhD programme a theoretical interest in epistemology led us to read into social constructionist epistemologies. Having been trained an Historian and Political Scientist in Germany we were not familiar with non-realist social science epistemologies. The German Political Science tradition – which, on a side note, includes social policy – has a very strong normative element and has thus been very sceptical towards social constructionism. This scepticism is reflected by the fact that up to and including Masters level we were never exposed to social constructionism even though the schools at Heidelberg and Hamburg universities are among the best in the country. Therefore, reading authors such as Berger and Luckmann (1967) and Spector and Kitsuse (1974) amounted to something close to an intellectual epiphany. It was clear that our study had to engage with social constructionist thinking about social problems and social policies.

Third, from early on in our research we had engaged with feminist theories and research epistemologies. After initial scepticism, it became clear to us that using alternative feminist approaches to Social Policy and using different points of view could contribute significantly to existing knowledge in the field.

From this point on we tried to bring together in one study our interest in reconciliation policy, social constructionism and feminism. In our search for the right methodological tools we surveyed the wide field of discourse analysis but in the end settled for Bacchi's (1999) 'what is the problem? represented to be' approach. This choice also profoundly influenced our research questions. At this point, the contours of the emerging study led us to dropping the intercountry comparison for practical reasons in favour of an in-depth study of Germany's reconciliation policy.

## 1.2 Research Questions

Reconciliation policy is a comparatively recent phenomenon (cf. Mazur 2002). In Germany, the launch of such a policy was first pledged during the 1998 general election campaign by the oppositional Social Democratic Party<sup>1</sup> (henceforth: SDP) and the Green Party<sup>2</sup> which went on to form a new government. In 1999, the coalition framed the incompatibility of paid employment and care work as a major policy 'problem', announcing a packet of reconciliation legislation in the action programme '*Frau und Beruf*'<sup>3</sup>; and in its second legislative period, it continued to pres-

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<sup>1</sup> Sozialdemokratische Partei Deutschlands, German abbreviation: SPD.

<sup>2</sup> Bündnis 90/Die Grünen, German abbreviation: Die Grünen.

<sup>3</sup> The title of the action programme can be translated as 'women and employment'.

ent reconciliation policy as one of their central reform projects (Bündnis 90/Die Grünen and Sozialdemokratische Partei Deutschlands 2002: 25). Between 1999 and 2005, reconciliation legislation was proposed and enacted in four areas highlighted in the 1999 action programme: anti-discrimination, childcare, parental leave, and working time.

In spite of its recent emergence, how care work and paid employment can be reconciled has in recent years become a prominent policy issue in Germany, the European Union, and beyond. Increasing national and international political discussion, legislation, and a rapidly growing body of academic research (cf. Arthur 2002; Amend-Wegmann 2003; Bird 2004; Lewis and Campbell 2007) all bear witness to the high profile nature of the issue.

However, although social constructionist approaches have increasingly been demonstrated to engender fascinating new insights in social policy research (cf. Atkinson 2002; Scourfield and Drakeford 2002; Jacobs and Manzi 2000), research into reconciliation policy is firmly based upon empiricist social problems theory, which conceptualises social problems as preexisting givens, external to the policy process.

Although, some scholars have shown sensitivity to the moulding and shaping of the policy concept of reconciliation, mostly on an EU level (cf. Duncan 2002; Hantrais 2000; Junter-Loiseau and Tobler 1999; Stratigaki 2004), their research remains based upon empiricist social problems theory. Individual studies have applied a social constructionist paradigm of inquiry, but concentrate either on individual meaning making (cf. Repo 2004; Salles 2002) or on general discourse rather than governmental claims in legislation about the ‘problem’ (cf. Runté and Mills 2004). There is no study on German or UK reconciliation policy which applies social constructionist social problems theory in order to fundamentally investigate what government policy construes the ‘problem’ of incompatibility to be.

Conceptualising policies as attempted ‘solutions’ to objectively existing social ‘problems’ external to the policy process, research based upon realist social problems theory understands reconciliation policies as political reaction to extensive social change in recent decades: the increased labour market participation of women, value change, increased divorce rates, and a change in family structure, to name but a few, are argued to have changed Western societies fundamentally, causing a new social ‘problem’, incompatibility of care work and paid employment.

Such an understanding of policy is based upon the empiricist ‘illusion’ criticised above by Topalov, and ignores insights from the sociology of knowledge (cf. Berger and Luckmann 1967) and social constructionist social problems theory building

upon it (cf. Spector and Kitsuse 1967). Drawing on, among others, Berger and Luckmann (1967) and Spector and Kitsuse (1974, 1977), strict constructionist approaches conceptualise social ‘problems’ not as objective conditions, but as a process in which claims are made about a condition, construing the ‘problem’ in the process of making claims about it.

The two opposing ontological and epistemological positions could be characterised in a simplified way as follows. While a strict social constructionist approach asserts no objective ‘problems’ exist outside discourse, realist approaches maintain the existence of a non-discursive, ‘real world out there’.

Building on recent contributions to social constructionist social problems theory (cf. Hacking 1999) and a growing body of feminist research into the construing of policy ‘problems’ concerning women (cf. Bacchi 1999 and 2004, Marshall 2000), this thesis begins from a contextual constructionist starting point, adopting a careful middle position. While the study does not deny that incompatibility, encountered as a phenomenon by women, is ‘real’, it converges with Hacking’s (1999) argument that it is ideas about incompatibility which are discursively construed, not the ‘object’ itself. However, at the same time the study holds that it is impossible to think about incompatibility independently of claims made about it – that is independent of problem representation (cf. Bacchi 1999). While acknowledging Hacking’s (1999) contribution, who distinguishes in his critique of social constructionism between objects and ideas about objects, this thesis also questions the universal validity of such a distinction. In some respects Hacking’s distinction it is problematic. In our case legislative texts, for instance, are both objects and ideas. On the one hand they are published material documents, which libraries make accessible in thick leather volumes. But, they consist of words which are part of discourses and which constitute discursive constructions of social problems, such as incompatibility. Therefore, we cannot look at incompatibility independently of its discursive constructions. The study conceptualises German policies claiming to be aimed at the reconciliation of care work and paid employment as discursive construing of the ‘problem’ of incompatibility rather than as ‘solutions’ to an external problem, as those policies, in the guise of proposed and enacted legislation, discursively shape the ideas about incompatibility by ‘pretending’ to be ‘solutions’ to the ‘problem’; framing it and making assumptions about it.

In order to analyse the construing through reconciliation policy of our understanding of the policy ‘problem’ of incompatibility, this thesis critically utilises Bacchi’s (1999) *‘What’s the problem (represented to be)? approach’*. Central to this approach is the notion that ‘how we perceive or think about something will affect what we think ought to be done about it’ (Bacchi 1999: 1).

Starting from the assumption that the ‘problem’ of incompatibility of paid employment and family care work cannot be accessed independently of representations of it, it is therefore these problem representations we have to turn to. The study will mainly ask questions about problem representations. The central aim of the study is to find out what exactly government policy construed the ‘problem’ of incompatibility of care work and paid employment to be. This is highly relevant because it makes visible the underlying assumptions and presuppositions upon which our understanding of the incompatibility ‘problem’ rests. In line with the thinking expressed in the above quote from Bacchi’s (1999), this is crucial because it affects what we think ought to be done about the ‘problem’ of incompatibility of paid employment and family care work. Further, it will demonstrate how proposed ‘solutions’ are affected by the existing understanding of the ‘problem’.

Finding out what incompatibility has been represented to be will be achieved by systematically taking apart problem representations of incompatibility in legislative texts. In order to do this, the study will apply the methodical framework developed by Bacchi (1999). Further, the study will contrast problem representations of the mainstream legislative discourse with previous problem representations in the same policy areas and with alternative feminist problem representations, thus doubly harnessing the power of comparison.

The focus on using policy and legislative texts is particularly supported by Atkinson (2000) and Marshall (2000). Both conceptualise and use legislative texts as prime sources for their analysis of social policies. The governmental discourse, which is manifest in legislative texts, can be seen as the discourse of power. Because of its privileged position in the public domain and immediate consequences it is arguably the most powerful discourse.

The main question of this thesis is, thus, about the construing of the incompatibility ‘problem’ in four policy areas represented to constitute reconciliation policy: What is the ‘problem’ of incompatibility of paid employment and care work represented to be in government reconciliation policy, more precisely in the discourse in reconciliation legislation from 1998 to 2005? The main question aims at uncovering what the ‘problem’ ‘addressed’ by reconciliation policy is represented to be. Proposing a ‘solution’ to incompatibility in the form reconciliation policy is understood as construing our understanding of the incompatibility ‘problem’ through a representation of it. And, because we ultimately have no access to the policy ‘problem’ independent of representations such as reconciliation policy, we have to turn our attention to representations.

The study will investigate the main question across four policy areas identified as the core of reconciliation policy. Taking its departure from the most recent policy



area, it will begin with anti-discrimination policy and move on to childcare policy, parental leave policy, and working time policy. The main question has to be broken down into several questions to be able to answer it. Therefore, the study investigates several important aspects of the construing of the incompatibility ‘problem’ as conceptualised by Bacchi (1999).

First, the study will ask what the four key policies have been represented to be about. This first step is based upon the notion that every ‘solution’, such as a new piece of legislation, is part of the representation of the policy ‘problem’ ‘addressed by it. As such, every ‘solution’ contains implicit assumptions about the nature of the ‘problem’ to be addressed by it. The first question therefore asks what the four key policies have historically been about in Germany and how their concern has changed over time. Here, particular emphasis is placed on the analysis of the policies of the conservative Kohl Government (1982–1998), which preceded Schröder’s red-green coalition. This is intended to provide a comparison of problem representations, which facilitates their analysis.

The second question is grounded in the notion propounded by Bacchi (1999) and others that all policy ‘solutions’ contain an implicit ‘diagnosis’ of the cause of the ‘problem’. Any rational proposition of measures to remedy a perceived ill is necessarily based upon, at least, implied notions about its root cause, otherwise it would not be rational. This question therefore is about what problem representations in the four policies which are part of reconciliation policy tell us about the assumed causes of the incompatibility ‘problem’: What is the cause of incompatibility represented to be in the respective social policies? Through this question, the study will try to make apparent some of the important implicit assumptions underlying problem representations. This step is of particular importance because it provides the study with important insights which it will draw on at various later points. From our feminist perspective an analysis of what is represented to be the cause of incompatibility is crucial because if the perception of the cause of incompatibility changes, policy ‘solutions’ are more likely to change also.

Drawing on Bacchi (1999), the study argues that the analysis of incompatibility of paid employment and family care work should focus on the likely effects of different problem representations. It assumes that competing representations in reconciliation policy can be assessed by their likely outcomes. The third question asks for these likely effects. It consists of three subquestions. First, the study will analyse how subjects and subjectivities are constituted through and within legislative reconciliation discourse. The fact that people, in our case mostly women, are constituted as policy ‘targets’ has consequences. How they are characterised as policy ‘targets’ is

likely to affect the way the ‘problem’ of incompatibility is perceived by them. Second, it will try to uncover the effects of limits imposed by discourse on what can be said. By addressing certain things but not others the legislative discourse implicitly configures what falls within it and what does not. It determines what belongs to the nexus of reconciliation and the associated policies and what falls outside. Thus, limits are imposed by discourse on what can be perceived as contributing to it. This is highly relevant because it limits possible other ‘solutions’. Third, the study will ask for the ‘lived effects’ of discourse. Here, the study asks for likely real effects of legislative discourse. This question is based upon the assumption that although policy ‘problems’ are socially construed in discourse, the discursively construed ‘problem’ is real in people’s perception. As part of these three questions, the study will also ask, what is likely to change in policy and society if incompatibility is construed in such a way, and what is likely to remain unchanged. Furthermore, it will ask who is likely to benefit most from particular problem representations.

Fourth, the study will deepen its analysis of the importance of what remains unexpressed in problem representations begun with the previous set of questions. One of the central tenets of social constructionism, emphasised our by method, is that what is not said – not part of problem representations (Bacchi 1999) – is as important as what is included (cf. Best 1995; Gergen 1999). The fourth question will therefore focus on this aspect of problem representations. In order to be able to see what is not there, the study will use feminist research applying feminist standpoint theory. Standpoint theory holds that because of their specific social location women can have a potentially superior access to certain knowledge, such as about the inequality of women, which is one of the overarching themes of this thesis. The fourth question is thus: what is omitted or left unproblematic in existing problem representations of the incompatibility ‘problem’? For example, what is assigned to the private sphere and therefore defined as not part of the ‘problem’?

Fifth, the study will continue to draw on feminist research into reconciliation policy and associated policies. Utilising feminist standpoint theory, the study will identify alternatives to the legislative reconciliation discourse. The study will introduce alternative, feminist representations of incompatibility, which are not part of the mainstream legislative discourse. It will analyse in a similar way to that chosen for legislative problem representations, asking for implicit assumptions about the concern and cause of incompatibility. Therefore, the fifth question will be: how do alternative, feminist representations construe the incompatibility ‘problem’ differently, and how would policy ‘responses’ be likely to differ if the ‘problem’ were represented accordingly?

Finally, the study will investigate how far the incompatibility ‘problem’ is represented to be an expression of the ‘problem’ of women’s inequality. As reconciliation is currently the most influential way in which equal opportunities issues are framed in German policy discourse (cf. RÜling et al. 2004: 11), how influential is women’s inequality in problem representations of incompatibility?

In order to be able to understand problem representations better and to be able to take them apart, the method of choice has to incorporate a historical element. The study will try to describe the construing of the incompatibility ‘problem’ through problem representations over time. This comparative approach will help detect problem representations and help to see them more clearly. Foucault’s (1972) thinking about the historiography of systems of thought seems helpful here. He developed the method of genealogy to improve that of archaeology itself intended to compare discursive formations of different periods. The aim of genealogy is to demonstrate how a system of thought is the result of contingent historical events rather than the logical culmination of rational trends. It aims to show why one way of thinking replaced another. The aim of this thesis is different and humbler in that it uses a historical approach mainly to show how problem representations have changed over time and to bring problem representations into sharp relief for analysis. Therefore, the adequate method to begin analysis is a slimmed historical version of Bacchi’s *‘What is the problem (represented to be)? approach’* that owes to Foucault’s genealogy an awareness of the fallacy of assuming the rational evolution of policy discourses without being dependent upon Foucault’s argument or post-structuralism in general.

The analytical timeframe has to capture the development of the policies represented to be part of reconciliation policy in Germany to allow for such a comparison of problem representations. Analysis therefore takes its departure in postwar or even prewar social policy, depending on the traditions in the respective area of policy. Analysis of childcare policy begins in the 19<sup>th</sup> century while that of anti-discrimination policy begins after the Second World War. However, detailed analysis begins with the policies of the preceding Kohl Government. That is in the early 1980s.

Consistent with Bacchi’s approach, though adapting it to our different focus, the study will concentrate on proposed and particularly enacted legislation as the place to look for ‘constructions’ of social problems. Legislation is a particularly influential kind of claim about a social condition. It has been conceptualised as such and used in constructionist social policy research, such as Atkinson (2000) and Marshall (2000). Every piece of legislation, presented as a ‘solution’ to a social ‘problem’, contains a diagnosis of the respective ‘problem’. It contains implicit assumptions about what is part of the ‘problem’ and what is not, and about the causes of the ‘problem’. German

legislative texts are particularly well suited to this kind of analysis because they contain dedicated sections outlining the ‘problem’ addressed and the aims of the legislation. Bacchi refers to this way of framing, of construing a policy ‘problem’ in legislation problem representation.

In the following sections, three basic concepts of our research will be outlined: reconciliation policy, problem representation, and policy as discourse. In an academic field characterised by endemic terminological ambiguities, we deem this necessary. We do not claim, however, that the definitions provided here are universally valid, or even better than others. They are, however, appropriate for this particular piece of research.

### **1.3 Reconciliation policy**

As indicated above, the term reconciliation policy is in need of some clarification. Interestingly – and providing further evidence for the construed nature of the incompatibility ‘problem’ – no internationally consistent name exists for policies claiming to address the issue of combining care work and paid employment. Even within the English-speaking world, different terms are used. In the United Kingdom and Ireland, they are usually called ‘work-life balance policies’, but sometimes also ‘reconciliation of work and family life policies’. The latter term is mostly used by academics in their research (cf. Mazur 2002). In Germany, respective policies are usually called ‘Politik zur Vereinbarkeit von Familie und Beruf’, which literally translates into ‘compatibility of family life and employment policy’. In recent times, however, the terminology seems to have undergone a change and policies are increasingly called ‘Politik zur Balance von Familie und Arbeitswelt’ which translates into ‘work-family life balance policies’. In this, ‘family life’ is represented to be care/domestic work (henceforth: care work). In the following, we will use the term ‘reconciliation policy’, although it has to be borne in mind that ‘Vereinbarkeit’ (lit. compatibility) has different connotations from ‘reconciliation’, lacking for instance its religious dimension.

### **1.4 Problem representations**

The concept of problem representations is intrinsically tied to the constructionist epistemology and methodology in the social sciences. It has been developed in the