Nonprofits for the youngest

The social economy of child care services in the German Third sector and its evolution

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Abstract:

Social sciences in general, Third sector studies in particular, so far have not given much attention to the institutional fundamentals and societal dynamics of organized child care. But as questions like educational pluralism, civil participation and women's integration in the labour market have become major issues of the public debate, the analysis of child care systems is of increasing interest. Nonprofit organizations play an important role in these systems. This especially holds true for the case of Germany. Nonwithstanding a tight political regulation by the state, the field is marked by institutional diversity and a mixed economy of service provision. This configuration can be depicted by studying the historical background as well as contemporary institutional frameworks. It also mirrors in statistical data about the service provision structure. By relating these elements to one major cultural evolution of western society, that is its changing gender model, we also can retrace some tendencies of transformation.

Our endeavour is also of interest if more general questions are addressed, as why a Third sector does exist and which factors do influence its development. It will be argued that the case of child care is emblematic for a general evolutionary logic of the Third sector in Europe: Many social spheres have been shaped by nonprofit organizations and covered by public regulations afterwards, thus ending up in kind of public-private partnerships. Today, the shaping of the Third sector depends on a complex interplay of cultural forces and institutional structures.

Why does a Third sector exist? And how can we understand its development? These are major questions of the research on nonprofit organizations and fields. Our paper will address these general questions by investigating a special case, that is organized nonprofit care for young children and children to be sheltered after school days. Child care certainly has not been a big issue of Third sector research until now. From a European point of view, this may appear strange as education outside family and school frequently lies in the hands of associations that are formally independent, free from economic interest, and with democratic routines in their management structure. One reason for this lacuna may be the importance of public regulation in this field. In continental western Europe at least, child care seems to be very close to the public sector. In our paper, however, we will argue that while public regulations have indeed much impact on the way child care is provided for, the role of the Third sector has remained a very critical one concerning its design and development. Moreover, in our view, child care is a quite typical example of the public-private partnerships that shape the role of nonprofit organizations in Europe. Thus, it may be an interesting case for understanding the way Third sector activities develop in a tension field between nonprofit private initiative and political regulation.

To make our point clear, we draw on results stemming from an international comparative project funded by the European commission. We will only refer to the German case, but our argument may hold true for other countries in continental western Europe, too. It will be shown that child care in Germany has a plural civil society fundament. It is a field where moral ideas matter. They are translated in educational concepts and lead to a

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1 The project was managed by CRIDA/LSCI (Paris) and conducted for the European Commission, GD V. Its title is: „Le fonctionnement socio-économique du troisième système. Mise en oeuvre de l’action pilote „Troisième système et emploi“. The German Report (written by the two authors of this paper) is presenting general features of the system of child care and of its public regulation.
pillarization of child care services. The state remains in a passive, supervisor and refunder role. This has been an important precondition for the persistence of a high diversity of service supply, but also made possible new experiments of nonprofit child care. In our view, the development of the entire child care system (that includes public providers as well) interrelates with the evolution of the gender model in our society. For a long time, this model was based on a breadwinner logic of family work division, but it has entered into a stage of transformation. Thus, cultural evolutions are critical for what is going on in the public-private partnerships of our field.

The case of child care makes us understand the dynamics of the Third sector on a more general level, too. In continental West European societies, human service provision by nonprofit organizations can be conceptualized as a social economy under public regulation, in which forces of civil society continuously try to have a grip on how social services are designed and carried out. Public-private partnerships come into being in which civil society inputs are negotiated with political actors (see Zimmer 1997). It is the interplay between cultural evolutions on the society level and institutional frameworks that makes change these partnerships in quite different directions.

We will spell out our argument in several steps. First, we show the place Third sector organizations empirically have in the German child care system. Some remarks on the history of child care will be useful here, too. Second, we trace the logic of the above mentioned public-private partnerships. It will be argued that while public norms are important in our field, nonprofit organizations have considerable independance regarding the offer and design of child care. Third, we investigate recent changes in this partnership, referring to two different developments in the field, that is legislation on „kindergartens“ and the coming up of a new generation of child care associations. This chapter will give an idea about how public-private partnerships are evolving in the shadow of changing cultural conditions, concerning the gender model in German society in our case. Finally, we will briefly discuss our findings in more theoretical terms.

1. The Third Sector in the German Child Care System

1.1 Historical Developments

The existence of institutions which cared for small children (especially during their mother’s working hours) can be dated back to the turn from 18th to 19th century (Erning 1987a). This holds true for different German kingdoms and provinces. But in 1827, the government of Prussia recommended to set up establishments for working class children not old enough to attend (compulsory) schools in order to „protect children and society from demoralization“. Hence, an important impulse for elementary care and education in

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2 Deviating from the English terminology which often uses the term „elementary education“ for the first level of compulsory schooling, we will use it here to designate the education of pre-school children because this comes close to the corresponding German expression (Elementarpädagogik). For the first level of schooling the expression „primary education“ will be employed.
Germany is to be dated in the 1830s. This decade saw the first systematic attempts of institutionalized child care and its pedagogics for pre-school children.\footnote{From the very beginning, „pre-school children” in Germany meant those aged (approximately) three to six years. Children under the age of three seem to have been perceived as a marginal problem.}

But initiatives from civil society played a central role in this process. Two persons at least have to be mentioned in this context, as they influenced theory and practice of pre-elementary child care enduringly. One of them is Th. Fliedner, who established the first „infant-school” in the city of Düsseldorf-Kaiserswerth in 1835. As a protestant preacher, his pedagogics were strictly religious, aimed at „saving children’s souls”. Fliedner was the first to set up a school for infant-school teachers in order to create a kind of professional education for young middle-class women. Whereas Fliedner’s concept was basically one of Christian philanthropy and welfare, the work of his counterpart F. Fröbel was genuinely pedagogic. From 1836 on Fröbel published his theories on elementary education, and from 1840 on the first „Kindergärten” were established. This led to a division of child care institutions in Germany into those which cared for working class children on a philanthropic welfare background and those which gave additional educational support to middle-class children. The Fröbel-Kindergarten was prohibited in Prussia because it was seen as an atheist and socialist institution (the latter it was certainly not) between 1851 and 1860. We see here civil society in an opposition to government forces. However this ban just supported its growing popularity (Erning 1987a). The adherents of Fröbel’s pedagogics formed an association which established and ran child care services in 1863, the protestant movement in Fliedner’s tradition followed in 1871. Thus, there are civil society origins of child care in Germany, and these associational roots grew into routes of a Third sector based service provision. A catholic association for child care was organized 1917, after the formation of catholic organizations had been for a long time obstructed, especially by the Prussian state. In general, considerable pedagogical controversies remained between the two Christian denominations on the one hand and the Fröbel-movement on the other hand.\footnote{This controversy could be settled only when the Kindergärten accepted children of different social classes (the so-called „Volkskindergarten”).}

Regarding absolute numbers the Christian child-care services turned out to be the most important by 1912/13 (cf. Table 1). The table shows that public child care only played a marginal role. The majority of child care services was offered by associations. Public authorities did not (yet) play an active part by offering or financing child care, they only acted as supervisory body. Since 1908 the state of Prussia also regulated the education of infant-school teachers. World war I led to a massive integration of women into armament industries and, as a political consequence, to increasing public subsidies to child care. Some municipalities opened child care services or payed subsidies to existing institutions from that time on (Erning 1987b).
Table 1: Child care services in Prussia, subdivided by supporting organization in 1912/1913

<table>
<thead>
<tr>
<th>Supporting Organization</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protestant associations</td>
<td>1.371</td>
<td>28,1</td>
</tr>
<tr>
<td>Roman-catholic associations</td>
<td>1.513</td>
<td>31</td>
</tr>
<tr>
<td>Jewish associations</td>
<td>10</td>
<td>0,2</td>
</tr>
<tr>
<td>State</td>
<td>12</td>
<td>0,3</td>
</tr>
<tr>
<td>Municipalities</td>
<td>230</td>
<td>4,7</td>
</tr>
<tr>
<td>Industrial enterprises</td>
<td>207</td>
<td>4,2</td>
</tr>
<tr>
<td>(Noble) estates</td>
<td>228</td>
<td>4,7</td>
</tr>
<tr>
<td>Free associations*, foundations</td>
<td>1.102</td>
<td>22,6</td>
</tr>
<tr>
<td>Empirical foundations</td>
<td>3</td>
<td>0,1</td>
</tr>
<tr>
<td>Private institutions</td>
<td>207</td>
<td>4,2</td>
</tr>
<tr>
<td></td>
<td>4.883</td>
<td>100</td>
</tr>
</tbody>
</table>

*Among them: Deutscher Fröbelverband

Source: Reyer 1987b, S. 42

After World war I, the relationship between the state and the associations changed. The latter had organized themselves in large federations, whereas the German welfare state began to take care of social services, too. In 1992, the ‘law on the welfare of youth’ (Reichsjugendwohlfahrtsgesetz - RWG) was passed. This law conferred an institutional fundament to what was called the principle of subsidiarity. This principle is twofold: First, the family is seen as the first and foremost the adequate place for the education of a child under the age of compulsory schooling. Only when there were good reasons a young child should be taken care of by a child care service. But ‘subsidiarity’ had also a second meaning: It states that third sector associations and organizations have priority over public authorities initiatives. Thus, municipalities had to take a back seat behind welfare associations. Yet the law also stated that public authorities (the municipalities) had to provide for own facilities of child care in case of scarcity. If no association was found willing to establish and run a child care service, municipalities were supposed to act on their own. They also had to supervise and acknowledge any activity of this kind in terms of adequate rooms and personnel. These rules are valid until today.

5 During the Weimar Republic (1919 to 1933) the already existing protestant and roman-catholic associations consolidated by joining together in central federations for every province and the whole Reich. Besides, new associations with local as well as central organizational levels were called into being, as for example a social-democratic welfare federation (nowadays called „AWO - Arbeiterwohlfahrt“), an explicitly laical organization (nowadays the „DPWV - Deutscher Paritätischer Wohlfahrtsverband“) or the German Red Cross. We will come back to these organizations later on.

6 It is worth noting that the RWG – as the first law regulating public intervention in the field of child care – gave considerable responsibilities for the German Länder (regional units of the federal state). We will come back to this point later on.
In the 1920ties, public authorities began to subsidize parts of the expenses of child care services. They did so in order to help associations meet all requirements now imposed, and to provide for services that otherwise could not be run. These subsidies took various forms, differing from one municipality to another, often decided with respect to the individual case. However differentiated financial subsidies by public authorities were at that time, their share grew slowly (Erning 1987b, Reyer 1987b). In some cases, municipalities run child care services on their own, too. Within the time of the Nazi-dictatorship (1933-1945) the state tried to gain control over child care institutions and their educational work as well as over the professional education of infant-school teachers. Welfare associations were forced to liquidation or integrated into the central welfare organization („Nationalsozialistische Volkswohlfahrt - NSV”). The NSV itself established quite a large number of child care institutions as women’s work was needed in agriculture and armament industries.7

But after World War II, the public-private partnership of child care was rebuilt on the institutional pillars of the RWG, except in East Germany (The German Democratic Republic) where a universal public system of child care was installed for almost all children under compulsory school age. In the western part (the Federal Republic of Germany), the RWG was re-established under the name of Jugendwohlfähltgesetz - JWG. The relevant sections concerning child care remained basically as they had been before. Priority was given to Third sector organizations as it had been the case in 1922. The state shaped the general settings, each Land could enact detailed laws.

Yet it took until the 1970s before the federal states respectively Länder began making laws in this field. Until then child care services remained a kind of voluntary offer which was subsidized individually. This means that the above mentioned rule forcing public bodies to provide for services in case of scarcity had not been really imperative for local political actors: How much subsidy for a child care service a Third sector organization could receive from a municipality depended on local politics. With the new Länder laws, the enactment of relevant laws gave way to uniform regulations for child care subsidies to Third sector organizations. Each Land also laid down rules for parent’s financial contributions to child care. Furthermore, it fixed regulations for the education of personnel, for the teacher-to-child-ratios within the classes or for the necessary equipment of buildings. One example of these regulations (for the Land of Nordrhein-Westfalen) will be discussed in detail in the second chapter.

1.2 Structures of Child Care in Contemporary Germany

The historical developments we have sketched so far laid the ground for a pluralistic service structure in the field of child care. This welfare pluralism is perfectly mirrored in

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7 Nonwithstanding Nazi-state politics that aimed at taking over all Christian child care services, a considerable number of institutions still remained under roman-catholic or protestant auspices (Reyer 1987a).
8 Elementary and pre-elementary care became an integral part of educational policy. Crèches and day-care centres should serve to support women’s work and to educate members according to socialist values. The GDR’s heritage for nowadays Germany was a narrowly tied net of child care institutions.
statistical data, on the national as well as on the Länder level. To go into details, we have to distinguish between different types of child care services: „Crèches“, „Kindergartens“, „Mixed day care centers“ and „Horts“.

Different types of child care services in Germany

- „Crèches”: child care services for children aged 0 to 3 years (part-time or full-time). The notion is coming from the French system in which care centres for very small children are widespread and have got an institutional character. As we will see later on, these structures are minioric in the German case.

- The most important variant of child care is the „Kindergarten“. The Kindergarten takes care of children from their third birthday until the beginning of compulsory school at the age of six. This kind of service can be opened part-time or full-time - the latter sub-variant is called „(Kinder-)Tagesstätte“ i.e. day-care service. ‘Part-time’ usually means that the Kindergarten is opened for about five hours in the morning (for example from 7.30 a.m. to 12.30), closes during lunch time and re-opens for about two hours in the afternoon (for example between 14.00 p.m. and 16.00 p.m.). ‘Full-time’ means that the service is offered throughout the day (for example between 7.30 a.m. until 16.00 p.m.), lunch has to be served and there must be a place for siesta. Exact opening hours are to be set up by each Kindergarten on its own. A part-time-class is formed by 25 children, a full-time-class by 20 children. For each class there have to be at least two infant-school teachers.

- Another type ist the „Hort“. It takes care of older children (until the age of 14) in the morning hours before school and - as German schools are as a principle organized as part-time schools with varying length of school days - after school in the afternoon. A Hort can either be part of a larger child care centre which also offers Kindergarten-services, or it can belong to a primary school. 20 children with two infant-school teachers form one class in a Hort.

- The last type of child care are „classes of different ages“ [altersgemischte Gruppen], called mixed day care centres in the following paragraphs. These take care for up to 15 children between four months and six years (occasionally also between six and fourteen years) at the same time. These groups require three teachers (one of them with a para-medical degree). Usually these type of service is part of a larger child care centre which also has Kindergarten-services and has full-time opening hours. In some regions, the mixed centres are going to replace the few existing crèches. The family-like surrounding in these classes is assumed to better meet the needs of the very young.

Table 2 shows the percentages of all types of child care services for children up to the age of 14 years (part-time and full-time) which are established and run by Third sector organizations in Germany. The data gives a clear picture of the division between the five

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9 Note that all data documented in this chapter are coming from official statistics thus showing officially registered child care services. There might as well be some non-registered child care activities beyond, but as it is illegal to run a child care service without permission, no data exist. Thus those activities cannot be documented here. What is more important than the probably only very small number of non-registered child care services is the lack of data concerning child-minding. As a child-minder („Tagesmutter“) does not need a permission to care for a child in her own house and usually does not have an employment contract, no official data or even estimations on the subject exist.

10 This distinctions draw on public regulations in the biggest federal (regional) state in Germany, that is Nordrhein-Westfalen. We will take this region as reference for most of this paper.
But as far as the shares of public and non-public child care services are concerned, quite large differences exist also between the eleven western Länder. For example in the Land of Hessen, 54 per cent of the Kindergärten are run by „free supporting organizations” whereas in the Land of Bremen they sum up to 90 per cent. These differences reflect local traditions and policies as well as the deeply federalized structure of this field of public policy in Germany.

Table 2: Percentages of child care services run by Third sector organizations in Germany (Dec. 1994)

<table>
<thead>
<tr>
<th></th>
<th>former GDR</th>
<th>former FRG</th>
<th>Germany</th>
</tr>
</thead>
<tbody>
<tr>
<td>crèches</td>
<td>4,7 %</td>
<td>77,3 %</td>
<td>53,7 %</td>
</tr>
<tr>
<td>Kindergarten</td>
<td>15,0 %</td>
<td>68,1 %</td>
<td>64,0 %</td>
</tr>
<tr>
<td>mixed day care centres</td>
<td>20,6 %</td>
<td>46,2 %</td>
<td>31,7 %</td>
</tr>
<tr>
<td>„Hort“</td>
<td>3,1 %</td>
<td>29,3 %</td>
<td>19,2 %</td>
</tr>
<tr>
<td>All types</td>
<td>16,2 %</td>
<td>64,6 %</td>
<td>52,6 %</td>
</tr>
</tbody>
</table>

Source: Own calculations according to StaBA, FS13, R. 6.3.1, 1994

Concerning the capacity of the whole system, we can easily see that organized child care in Germany does not cover the whole (young) population (cf. table 3). Rather, many children stay at home before entering into the school system, especially if they are very young. Moreover, there are not many places for older children to be sheltered after school days. This still mirrors a traditional family work arrangement, but – as we will see later on – also produces tensions with respect to the labour market participation of young women. Though public authorities as well as non-public organizations have taken considerable efforts to establish child care services, the demand of organized child care is much bigger than the existing offer. Thus, we can state an enormous shortage of child care places within the former FRG.

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In the former German Democratic Republic most of the child care services are held by public authorities, whereas in the former Federal Republic of Germany publicly run child care plays a much less important role. In the former FRG Third sector organizations run 77 resp. 68 per cent of pre-school care and almost 65 per cent of all types of child care. Their less important role in the former GDR Federal states can be explained by the heritage of the GDR child care system. Municipalities ‘inherited’ child care services previously run by state-owned enterprises as well as those established and run by public authorities at all times.
Table 3: Ratio of children to child care places, former FRG

<table>
<thead>
<tr>
<th>Age</th>
<th>1994</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age 0-3</td>
<td>2.2%</td>
</tr>
<tr>
<td>Age 3-6</td>
<td>85.2%</td>
</tr>
<tr>
<td>Age 6-8</td>
<td>9.9%</td>
</tr>
<tr>
<td>Age 6-14</td>
<td>2.6%</td>
</tr>
</tbody>
</table>

Reading example: In the former FRG-Länder 2.2 per cent of all children aged 0-3 could potentially be cared for by child care services in 1994.


Child care services in one region

Before giving some more details concerning the structure of organized child care in Germany, we must take into account that considerable regional differences exist in this country. In this paper, however, we cannot analyse the situations of each of the sixteen Länder. Moreover, it is regional data that allow to draw a more detailed picture of the role of the different Third sector organizations. Therefore we will limit further informations to the biggest among them, that is the land of Nordrhein-Westfalen (NRW). There are similarities with other Länder but details should not be generalized without caution.

Table 4: Child care services in Nordrhein-Westfalen (Dec. 1994)

<table>
<thead>
<tr>
<th>Child care</th>
<th>non-public</th>
<th>% non-public</th>
</tr>
</thead>
<tbody>
<tr>
<td>services in 1994</td>
<td>(number)</td>
<td>(percentage)</td>
</tr>
<tr>
<td>crèches</td>
<td>12</td>
<td>100%</td>
</tr>
<tr>
<td>Kindergarten</td>
<td>5.985</td>
<td>79.8%</td>
</tr>
<tr>
<td>mixed day care centres</td>
<td>1.597</td>
<td>58.3%</td>
</tr>
<tr>
<td>„Hort“</td>
<td>221</td>
<td>56.6%</td>
</tr>
<tr>
<td>All types</td>
<td>7.815</td>
<td>74.8%</td>
</tr>
</tbody>
</table>

Source: Own calculations according to LDS-NRW (1996)

Table 4 presents the shares of public and nonprofit private service structures in NRW. We present figures for 1994 because these are the most recent data. Three quarters of all

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12 Nordrhein-Westfalen has been chosen here, because it has the largest number of inhabitants of all Länder (about 15 million). It includes the densely populated regions around the Rhine and the Ruhr rivers with large metropolitan areas as well as some more rural regions in its periphery.

13 Unfortunately, official data on the subject of child care are collected only every four years. Those mentioned here date back to December 1994 and were published in 1996. Accordingly the next
institutions are run by Third sector organizations. Almost 74 per cent of all employees in the field of child care in NRW work for Third sector organizations (cf. table 5). Almost 80 per cent of all child care employees have got a full-time contract.

Table 5: Child care personnel in Nordrhei-Westfalen

<table>
<thead>
<tr>
<th></th>
<th>Number of employees</th>
<th>percentage of personnel working full-time</th>
<th>percentage of personnel employed by Third sector organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>crèches</td>
<td>63</td>
<td>90,5 %</td>
<td>100 %</td>
</tr>
<tr>
<td>Kindergarten</td>
<td>42.718</td>
<td>78,4 %</td>
<td>80,8 %</td>
</tr>
<tr>
<td>mixed day care centres</td>
<td>16.073</td>
<td>83,9 %</td>
<td>55,5 %</td>
</tr>
<tr>
<td>„Hort“</td>
<td>965</td>
<td>73,9 %</td>
<td>62,7 %</td>
</tr>
<tr>
<td>All types</td>
<td>59.819</td>
<td>79,8 %</td>
<td>73,7 %</td>
</tr>
</tbody>
</table>

Source: Own calculations according to LDS-NRW (1996)

Table 6 shows how child care services are distributed among different supporting organizations in NRW. With regard to all types of services it appears that roman-catholic parishes (resp. the catholic welfare associations called „Caritas“) are the most important supporting organizations for child care. Roman-catholic parishes run more than a third (35 per cent) of all child care services, and 47 per cent of all non-public child care services. Public authorities hold only one fourth of all child care institutions, followed by protestant parishes with 20 per cent of all services.

official publications concerning the 1998 data on child care services are expected to be published during 2001.
Table 6: Child care services in NRW, subdivided by supporting organizations (Dec. 1994)

<table>
<thead>
<tr>
<th></th>
<th>crèches</th>
<th>Kindergarten</th>
<th>mixed day care centres</th>
<th>Hort</th>
<th>All types of services</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>% of all services</td>
<td>% of all non-public services</td>
<td>% of all services</td>
<td>% of all non-public services</td>
<td>% of all services</td>
</tr>
<tr>
<td>Catholic parishes resp. Caritas</td>
<td>8 %</td>
<td>8 %</td>
<td>41 %</td>
<td>51 %</td>
<td>19 %</td>
</tr>
<tr>
<td>Protestant parishes resp. Diakon. Werk</td>
<td>42 %</td>
<td>42 %</td>
<td>23 %</td>
<td>28 %</td>
<td>12 %</td>
</tr>
<tr>
<td>Other non-profit organizations</td>
<td>17 %</td>
<td>17 %</td>
<td>5 %</td>
<td>7 %</td>
<td>12 %</td>
</tr>
<tr>
<td>Arbeiterwohlfahrt</td>
<td></td>
<td></td>
<td>5 %</td>
<td>6 %</td>
<td>6 %</td>
</tr>
<tr>
<td>DPWV*</td>
<td>33 %</td>
<td>33 %</td>
<td>4 %</td>
<td>5 %</td>
<td>7 %</td>
</tr>
<tr>
<td>Various**</td>
<td>3 %</td>
<td>3 %</td>
<td>3 %</td>
<td>5 %</td>
<td>3 %</td>
</tr>
<tr>
<td>Public authorities</td>
<td>20 %</td>
<td>--</td>
<td>42 %</td>
<td>--</td>
<td>43 %</td>
</tr>
</tbody>
</table>

*Deutscher Partitütscher Wohlfahrtsverband  **German Red Cross, other religious communities, private business enterprises, youth organizations

Reading examples: In NRW 41 % of all Kindergarten-services are run by roman-catholic parishes; 51 % of all non-public Kindergarten-services are run by roman-catholic parishes.

Source: Own calculations according to LDS-NRW (1996)
A view on the four sub-variants of child care services sheds more light on the structures of the system: In the field of crèches catholic parishes do play a less important role, whereas the protestant church and the laical DPWV do engage more in this field. In contrast to this, 64 per cent of the most important child care service type, the Kindergarten, are managed by either roman-catholic or protestant parishes, 20 per cent are run by public authorities and 17 per cent are run by other „free” supporting organizations. Public authorities dominate as supporting organization for mixed day care centres and for the Hort. With regard to the former, the outstanding position of roman-catholic parishes diminishes in favour of other and especially of non-christian organizations. Concerning to the latter, the Arbeiterwohlfahrt shows up as the most important non-public organization to run this type of child care service for school children (Hort), followed by roman-catholic parishes and the DPWV.

Table 7 shows a different perspective on child care in NRW, as it distinguishes the existing child care places for children of different ages (i.e. it re-distributes those places „hidden” within the mixed day care centres according to the age of the children).

Table 7: Number and percentages of places offered for children of different age groups subdivided by supporting organizations (Dec. 1994)

<table>
<thead>
<tr>
<th></th>
<th>Age 0-3</th>
<th>Age 3-6</th>
<th>Age 6-14</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>number</td>
<td>%</td>
<td>number</td>
</tr>
<tr>
<td>Catholic parishes resp. Caritas</td>
<td>1.322</td>
<td>15 %</td>
<td>186.736</td>
</tr>
<tr>
<td>Protestant parishes resp. Diakon. Werk</td>
<td>1.001</td>
<td>11 %</td>
<td>95.877</td>
</tr>
<tr>
<td>Other non-profit organizations</td>
<td>1.221</td>
<td>14 %</td>
<td>15.971</td>
</tr>
<tr>
<td>Arbeiterwohlfahrt</td>
<td>474</td>
<td>5 %</td>
<td>21.093</td>
</tr>
<tr>
<td>DPWV</td>
<td>911</td>
<td>10 %</td>
<td>11.218</td>
</tr>
<tr>
<td>Various*</td>
<td>525</td>
<td>6 %</td>
<td>10.540</td>
</tr>
<tr>
<td>Public authorities</td>
<td>3.430</td>
<td>39 %</td>
<td>109.180</td>
</tr>
<tr>
<td><strong>Sum</strong></td>
<td><strong>8.884</strong></td>
<td><strong>450.615</strong></td>
<td><strong>29.950</strong></td>
</tr>
</tbody>
</table>

*German Red Cross, other religious communities, private business enterprises, youth organizations
Reading example: In NRW there are 1.322 places for children aged 0 to 3 offered by roman-catholic parishes, this constitutes 15 per cent of all places for children aged 0 to 3 in NRW.
Source: Own calculations according to LDS-NRW, 1996

Public child care plays a quite important role for children under three and over six years of age, but less than a quarter of places for the three to six year old is offered by public authorities. This reflects a lower „universalist ambition” of traditional providers whereas municipal social policy operates kind of targeting in favour of social groups with particular needs (lone mothers etc.). In absolute numbers, the vast majority of all places is offered for children between three and six years of age. This leads to the conclusion that for the education of this age group, the two christian communities play a leading role as they offer 62 per cent of all child care places.

Another aspect of child care policies are the opening hours of child care services. As mentioned above, we can identify those institutions opened full-time, lunch inclusive, and those opened part-time, i.e. some hours in the morning and some in the afternoon without lunch. There is a small number of child care services which open either in the morning, either in the afternoon for some hours. Table 8 shows opening time of child care services for children of different ages and compares non-public and public child care services.
Table 8: Child care places in NRW subdivided by opening time for children of different ages and by type of supporting organization (Dec. 1994)

<table>
<thead>
<tr>
<th>Age</th>
<th>non-public</th>
<th>full-time</th>
<th>part-time (morning and afternoon without lunch)</th>
<th>only mornings or only afternoons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age 0-3</td>
<td></td>
<td>80 %</td>
<td>17 %</td>
<td>3 %</td>
</tr>
<tr>
<td></td>
<td>public</td>
<td>89 %</td>
<td>7 %</td>
<td>4 %</td>
</tr>
<tr>
<td></td>
<td>Both</td>
<td>83 %</td>
<td>13 %</td>
<td>4 %</td>
</tr>
<tr>
<td>Age 3-6</td>
<td>non-public</td>
<td>15 %</td>
<td>82 %</td>
<td>3 %</td>
</tr>
<tr>
<td></td>
<td>Public</td>
<td>28 %</td>
<td>68 %</td>
<td>4 %</td>
</tr>
<tr>
<td></td>
<td>Both</td>
<td>18 %</td>
<td>79 %</td>
<td>3 %</td>
</tr>
<tr>
<td>Age 6-14</td>
<td>non-public</td>
<td>88 %</td>
<td>9 %</td>
<td>4 %</td>
</tr>
<tr>
<td></td>
<td>Public</td>
<td>93 %</td>
<td>3 %</td>
<td>4 %</td>
</tr>
<tr>
<td></td>
<td>Both</td>
<td>90 %</td>
<td>6 %</td>
<td>3 %</td>
</tr>
</tbody>
</table>

Reading example: In NRW 80 per cent of child care places for children aged 0 to 3 years of age run by non-public Third sector organizations are offered as full-time care.

Source: Own calculations according to LDS-NRW 1996

For children under three and for children older than six years, the great majority of all places is offered full-time, but for three to six year old children, less than 20 per cent of all child care places are offered as full-time care. It can be seen that within all age groups the percentage of full-time child care is smaller among those places offered by Third sector organizations than among public child care. Again, we see a conceptual difference between nonprofit and public providers. This indicates that non-public child care services implement a more traditional concept of child care which sees itself as a supplement to family education, designed to complete the upbringing of children with elements that are best taught within a group of children (e.g. social behaviour) - in contrast to a concept of child care designed to enable mothers to work.

Let us conclude this first chapter with some remarks concerning the distributive logic of the pluralistic structure of organized child care in Germany. Remember the following results:

- Child care for very small children is minoric, and among those few services that exist traditional providers like the catholic parishes do not have a big share.
- Care centres that shelter very young children and pupils after school days are managed by public authorities for a large part or – concerning the Hort – by non-christian organizations, among which welfare associations close to the worker movement (local units of the Arbeiterwohlfahrt) shows up as the most important provider.
- The percentage of full-time child care is smaller among those places offered by Third sector organizations than among public child care.

These results first show that Third sector child care seems to be pluralistic but strongly influenced by a traditional service model which consists in offering part time care in both respects: age and opening hours. We can note secondly that some nonprofit providers have engaged in sheltering pupils after school days, for they have a service approach of their own (e.g. support for female workers). We will see later on that conceptual differences among nonprofit providers account for considerable dynamics in the field of organized child care. Third, it is public providers that seem to have a more „universalist ambition” as they
frequently offer full time services as well as shelter for very young children. Thus, the role of public administration may be critical if this ambition is more strongly requested by society.

2. The Public-private Partnership in Organized Child Care

2.1 The Public Part of the Story

Child care in Germany is subject to tight state regulations so that public policies have a strong impact on the quantity and quality of child care services. In this area, however, public regulation is a quite complicated matter for three different levels of political authorities intervene in the field of child care and family policy in Germany. First there is federal law for Germany as a whole. Whereas in the field of family policy, e.g. with respect to children’s allowances, taxation rules or parental leave arrangements, state law is responsible for guaranteeing uniform living conditions all over Germany, it only sketches some general settings for organized child care. In this latter field, there is a second and much more important level of legislation: that of the Federal states (Länder) which set up independently many legal norms. The third part is assured by the municipalities which have to put legislation into practice according to the respective local circumstances.

**Federal Law**

On the federal level, basic legislation on child care institutions in Germany can be found in the „Law on the support of youth and children“ [KJHG, ‘Kinder- und Jugendhilfegesetz’], which is the follow-up of the above mentioned JWG [14]. The entire law, the KJHG, was passed in 1990 and was put into force in 1991 (including the five new eastern Länder); some important amendments regarding child care were added in 1992 and became valid until December 1995 (see chapter 3). Of utmost importance for understanding the organizational structure of German child care institutions are several sections of the KJHG concerning the „supporting institutions“ (Träger) of children’s and youth welfare. Art. 3 for example states that all benefits are to be implemented by private or so-called „free“ supporting organizations in the first line. Public authorities (i.e. usually the municipality) shall appear only in the second line. Thus a pre-eminent role in every field of children’s and youth welfare is granted to Third sector organizations. The law explicitly wants to guarantee a variety of different institutions committed to different ideologies and philosophies. This is the legal realization of the above mentioned principle of subsidiarity. Or, to put it into other words: the state only has to intervene if no one else can be found to act.

In addition to these regulations, child care in particular is treated in the second chapter of the KJHG. It has to be mentioned first that each Federal State is responsible for its own detailed legislation on child care institutions. This leads to sixteen quite different regional laws on child care and explains why there are only very rough sketches drawn by the KJHG on this subject. Probably the most important article of the KJHG is art. 24, since it fixes that every child has a legal claim to attend a child care institution (Kindergarten) from its third birthday until the beginning of compulsory education at the age of six.

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14 In correct legal terminology the KJHG is „Book VIII of the Books on Social Legislation“ [SGB VIII]. The following text uses the more widespread expression ‘KJHG’. Its second chapter (art. 22-26) treats child care institutions and sketches some general rules for regional legislation in each Federal State [Bundesland]. Its fifth chapter treats responsibilities and institutions in the field of children’s and youth welfare.

15 For children under the age of three and for children older than six years the law does not assign a legal claim. For these age groups the KJHG states that child care services shall be provided „on demand“ (art. 24).
Together with the organizational structures based on the principle of subsidiarity and the pre-eminent role of Third sector organizations described above, the granting of a legal claim for child care leads to a complex structure of rights and subsidies, which is best described as a triangle of childrens’ and youth welfare: The child (resp. the parents) may assert a legal claim for child care against the municipality i.e. the local office for youth welfare [Jugendamt]. The municipality either offers child care institutions itself or it pays subsidies, covering parts of the charges of Third sector organizations. These are the very often ones which provide child care and enable the fulfillment of the child’s (the parent’s) claim. They do so by passing a private contract with the parents by which they guarantee to take care of their children (illustration 1).

Illustration 1: The „triangle“ of children’s and youth welfare

<table>
<thead>
<tr>
<th>legal claims</th>
<th>municipality</th>
<th>subsidies</th>
<th>Organizational resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>child/parents</td>
<td>child care service</td>
<td>Third sector organization</td>
<td></td>
</tr>
</tbody>
</table>

Regional Law: The example of Nordrhein-Westfalen

Beyond the general settings of the federal legislation, each of the sixteen federal states (Länder) has its own detailed regulations on child care institutions, their funding and organization. As those sixteen different settings cannot be discussed in detail here, the legislation on child care in the state of NRW will be presented as an example. Most other regional laws, however, are not far from the NRW case. In NRW, the ‘law on child care services’ [GTK - Gesetz über Tageseinrichtungen für Kinder] sets rules for different forms and opening times of child care services as well as it treats the general settings for Third sector organizations. It lays down the rules for public funding of child care institutions as well as the schedule of fees parents have to pay for child care. It is the above mentioned principle of subsidiarity that is the guiding concept of the NRW law on child care institutions. To provide for child care services, municipalities have to look for a Third sector organization first of all before thinking about own initiatives (art. 11 (3) GTK). This is the background for extensive public subsidies for private, Third sector organizations (cf. illustration 1).

Yet, this does not mean that all of the costs of building and running a child care service are to be covered by public funding. The law also lays down that each Third sector organization has to finance a certain part of its expenses on its own account (art. 11 (2) GTK). Concerning the funding of child care services run by „free“ supporting organizations the law differentiates between investment costs and running costs. According to art. 13 GTK, 75 per cent of the investment costs (construction costs, initial equipment etc.) for building up a child care service must be subsidized by the respective municipality. These subsidies can be raised in three different cases (art. 13 (4) GTK) (cf. Illustration 3).

- If a child care service is established within an ‘area of social priority’ („sozialer Brennpunkt“) subsidies can amount to 90 per cent of the investment costs.

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16 The municipality itself is refunded by the Land for 50 per cent of the subsidies it pays.
- If a child care service is set up by a Third sector organization not disposing of much capital (a so-called ‘poor’ organization), and if the service otherwise could not be installed, subsidies can be increased to 90 per cent of the investment costs.

- If the supporting organization wishing to establish a child care service is an association of parents and meets the requirements mentioned in no. 2, subsidies can be raised to 95 per cent of the investment costs.17

What we can see here is the paradox that the more independent an association seems to be, the higher is public funding.

Illustration 2: Investment costs subsidies for child care services in Nordrhein-Westfalen in 1998

![Illustration of investment costs subsidies](image)

Especially the clause about ‘poor organizations’ and the clause regarding parents’s associations are regional peculiarities. They privilege non-religious organizations as the roman-catholic and protestant churches regularly are supposed to be able to run child care services without additional resources beyond the statutory 75 per cent subsidy (Papier 1985; Kämper 1991, 1999). This is due to the fact that in Germany both Christian denominations receive considerable incomes by the church tax (an addition on the income tax which is collected on behalf of the established religious bodies). Note however that churches cannot be forced to use their money to special purposes, e.g. support for child care associations. Furthermore, it is important to know that this source of income decreases for many years as church adherents withdraw and baptisms becomes less frequent.

For the running costs of a child care service, which includes expenses for personnel and maintenance as well as costs for materials, the GTK for Nordrhein-Westfalen lays down similar rules as for the investment costs: the respective municipality subsidizes the supporting organization of a child care service for at least 73 per cent18 of the running costs19. Child care services run within ‘areas of social priority’ and those held by ‘poor’ supporting organizations may receive subsidies up to 90 per cent of their running cost expenses. Child care services held by associations of parents are to be subsidized for up to 95 per cent of their running cost expenses.

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17 We will come back to this point later on. The higher rates are arithmetic percentages for the individual child care service, as their calculation is based on average costs for the respective administration district.
18 The amount of costs a supporting organization has to pay on its own account varies largely between the German Federal states. Kämper (1999:8) documents a range from 10 per cent share in Saxonia up to 50 per cent in Bremen.
19 As in the case of investment cost, the municipality is refunded by the federal state for part of the subsidies it pays.
expenses\textsuperscript{20} (art. 18 GTK). A prerequisite for receiving public subsidies is that the municipality acknowledged the respective child care service as being ‘necessary’ to meet the needs of the local population. Illustration 3 shows the different elements which add together to finance the running costs of child care services, including the part of statutory parents’ contributions explained in detail in the next paragraph.

**Illustration 3: Running costs subsidies for child care services in Nordrhein-Westfalen in 1998**

Concerning financial user participation, there is a special regulation that takes into account the family income of those who want to give their children to care centres. But note that associations are free to demand complementary fees for special services offered (this is often done by so-called free associations, see below). The GTK for NRW specifies in detail at which level of income parents have to pay what amount of fees (cf. Table 9). If there is more than one child in a family attending a child care service, these fees only must be paid once. Fees have to be paid to the local municipality - irrespective of what type of child care service (public or non-public) is used. The municipality then reimburses the respective supporting organizations. This way of collecting fees via the municipality again illustrates the relationship between public intervention and private institutions as a kind of public-private-partnership where the state cares for those aspects an independent organization would have difficulties to handle. The fees are supposed to *sum up for about 19 per cent of the total running costs* of a child care service.

\textsuperscript{20} Again, the increased subsidies are arithmetic percentages for the individual institution, as their calculation is based on averages for administration districts.

\textsuperscript{21} Within the context of decreasing church tax resources plus the above mentioned amendment of the federal KJHG-law, which guaranteed a legal claim for child care, the percentages mentioned here will certainly increase. The percentages mentioned here are those valid until December 1998. An amendment of the GTK raised these percentage up to 79 resp. 91 resp. 96 per cent in 1999. In 2000 the respective percentages will probably be raised again up to 80/94/98 per cent.
Table 9: Schedule of fees for child care in NRW (valid for 1993-1999)

<table>
<thead>
<tr>
<th>household annual income</th>
<th>monthly fees to pay for child care services</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>part-time Kindergarten</td>
</tr>
<tr>
<td>up to 24 000 DM</td>
<td>0 DM</td>
</tr>
<tr>
<td>up to 48 000 DM</td>
<td>50 DM</td>
</tr>
<tr>
<td>up to 72 000 DM</td>
<td>85 DM</td>
</tr>
<tr>
<td>up to 96 000 DM</td>
<td>140 DM</td>
</tr>
<tr>
<td>up to 120 000 DM</td>
<td>220 DM</td>
</tr>
<tr>
<td>over 120 000 DM</td>
<td>290 DM</td>
</tr>
</tbody>
</table>

The NRW law also fixes rules concerning the personnel employed by child care centres. Infant-school teachers - including those who are employed by Third sector organizations - are paid according to wage agreements for personnel of public child care services. The law states that only „adequate” personnel expenses will be included in the respective subsidies for each institution. This implies that only a defined ratio of children to teachers and a certain level of professional qualifications will be reimbursed. Any additional personnel or additional qualifications of staff a child care service may possibly want to provide for, must be financed on its own account. Regarding professional qualifications the law states that within each class there has to be one employee with a relevant diploma, i.e. in general a diploma as an „infant-school teacher” (Erzieherin), plus one „additional employee” who may or may not have a diploma either as an infant-school teacher, or as an „infant-school teacher’s helper” (Kinderpflegerin). For the rest, nonprofit providers are free to hire their personnel.

2.2 The Place and Role of Nonprofit Partners

Nonprofit organizations have a firm place within the regulation framework we have presented so far. The federal law (fifth chapter of the KJHG) fixes in detail the procedure of admission of Third sector organizations in the field of children’s and youth welfare. It also gives rules concerning the cooperation between public and free institutions. Two different kinds of Third sector organizations are distinguished: those which are mentioned explicitly by the law and those which can be licenced by local authorities (cf. Table 10). Churches and religious communities as well as the most important welfare federations [„Spitzenverbände der freien Wohlfahrtspflege”] belong to the first category. These federations (called in short: „Wohlfahrtsverbände”) are nation-wide organized entities having usually as their members local and regional service providing organizations, and in some cases individual members, too. In 1996, more than one million people - about three percent of all employed people - worked in organizations and enterprises of this type. In addition to this, official statistics estimate the number of volunteers working in these associations for about 2.5 to 3 million people. One of the services offered is child care (see the statistical data above). Concerning the churches, it is usually the local parish as smallest organizational unit which offers a child care service (cf. Table 10, case Aa). The Roman-catholic Caritas or the protestant

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22 If a lunch is served, this has to be paid separately.
23 The scope of activities of „Wohlfahrtsverbände” is far reaching and diverse: They make up for nearly two thirds of all homes for elderly persons and persons with disability, for about nearly 50 percent of all services in the sector of youth help and for about 40 percent of all hospitals. Thus, they are kind of „multifunctional welfare agencies” with strong political influence.
Diakonisches Werk rarely appear as supporting organizations for child care services (cf. Table 10, case Ab). But they serve as a central supervising institution for a certain number of parochial child care services.

The second category of Third sector organizations mentioned by the KJHG groups together associations and initiatives which meet some requirements, as being involved in youth welfare for a proven period of three years, being a non-profit association and working within the meaning of constitutional law (cf. Table 10). For any association or institution wishing to become involved in children’s and youth welfare activities it is important to belong to either one or the other legal category of „free“ supporting organizations, because this is the prerequisite to be eligible for financial subsidies and for representation in the political bodies responsible for children’s and youth welfare.

Table 10: Categories of Third sector organizations in the field of children’s and youth welfare according to art. 75 KJHG

<table>
<thead>
<tr>
<th>A) By virtue of law</th>
<th>a) Churches and religious communities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>b) Federations of welfare work</td>
</tr>
<tr>
<td></td>
<td>• Roman-catholic (Caritasverband)</td>
</tr>
<tr>
<td></td>
<td>• Protestant (Diakonisches Werk)</td>
</tr>
<tr>
<td></td>
<td>• Jewish (Zentralstelle der Juden)</td>
</tr>
<tr>
<td></td>
<td>• German Red Cross (Deutsches Rotes Kreuz)</td>
</tr>
<tr>
<td></td>
<td>• Workmen’s Welfare (Arbeiterwohlfahrt)</td>
</tr>
<tr>
<td></td>
<td>• DPWV (Deutscher Paritätischer Wohlfahrtsverband)</td>
</tr>
</tbody>
</table>

| B) Licenced by local authority | Other non-profit associations and initiatives |

In the field of child care, the above-sketched triangular structure does not imply that Third sector organizations act by order of any public authority or that they get bound by directives. They remain „free“ in the sense that they work in their own interest, and decide on their own responsibility when or where to offer a child care service of what kind. They especially are independent concerning their pedagogical philosophies (Neumann 1991: 285; Kämper 1999: 4). Regarding churches and religious communities in their capacity as „free“ supporting organization, the right to offer child care services is part of their right to free religious practice.

With respect to financial questions, we have seen so far that nonprofit providers have to bear some share of the costs involved by running a care centre. Support often comes from the churches, but local centres also can ask the parents for additional fees. Moreover, they profit from voluntary inputs of the parents or the parochial community (in the case of religious organizations). The latter form of input is quite frequent, e.g. in the course of local events (festivals, bazaars etc.). Voluntary support also comes from parents that participate in care work or in improving the equipment of a centre. Recently, there have also been attempts to make use of social sponsoring (see Zeller 1999).

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24 Each municipality has to set up a board for youth welfare [Jugendhilfeausschuß] with one third of its members delegated by the local Third sector organizations of children’s and youth welfare (art. 71 KJHG).

25 We cannot give figures for this part of finance but we know about these activities from a couple of local case studies conducted within the framework of the above mentioned research project.
It is left to the individual child care service’s discretion on how to dispose of their resources, if all public norms have been respected. Care centres may employ additional personnel on their own, as for example kitchen or cleaning staff. This has to be paid from the running cost budget. One possible and probably widespread version is to employ personnel on the basis of a so-called „insignificant contract“ (geringfügige Beschäftigung). This (recently reformed) type of employment contract implied that for jobs salaried up to 630,- DM a month there had to be paid only a small overall tax but no social insurance contributions - accordingly employees under those contracts had not been covered by old age or health insurance resulting from that „insignificant contract“. Another variant of hiring additional personnel could be to apply for the assignment of a „job-creating measure“ (ABM -Arbeitsbeschaffungsmaßnahme) i.e. to receive wage cost subsidies (approx. 50-75 per cent) for the employed person, who had to be a long-term unemployed just before. Another possibility of hiring additional personnel may be to apply for the assignment to a programm called „work-instead-of-social-assistance“ (ASS-Arbeit statt Sozialhilfe) under which 50-100 per cent of wage costs are subsidized for the employment of a person having received social assistance benefits. Thus, there are some hidden forms of public support, but only if nonprofit providers take their own effort.

Illustration 2: Parental associations and steps to establish a child care service

Source: Graph similar to BMFSFJ 1996, S. 32

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26 From 1999 on it will be kind of ‘the other way round’: the tax will be replaced by old age insurance contributions and health insurance contributions, to be paid by the employer. As these contributions do not imply a personal health insurance coverage, the employee may voluntarily add own contributions to old age insurance in order to profit from its coverage.
In the field of child care, the role of Third sector actors has remained a quite dynamic one. For grass root initiatives are frequent. Since the 1970ties, a number of parental associations have been founded that intend to organize a new child care service on their own (see Pettinger 1993; Nullmeier 1997; Fromm 2000). In the long run, few parental associations stay alone (cf. Table 10, case B), most of them sooner or later join a welfare federation which can act as a guide through bureaucracy, supervise and exert lobbyism functions. They often chose the DPWV, a federation which groups together many different welfare association under one roof (cf. Table 10, case Ab). Which steps an association of parents has to take in order to establish a child care service can be seen in illustration 4.

3. New Balances in the partnership and their cultural background

The public-private partnership we have analysed in the chapters before has proved to be a stable arrangement between civil society and the state. The dualistic structure of a majority of child care services run by Third sector organizations and a minority run by public authorities remained characteristic at least for the eleven Länder of the former FRG. Nonetheless, we can identify some change in the balance of this partnership and relate it to cultural evolutions in German society. These evolutions concern the gender model underlying family role sets and the patterns of labour market participation. The most striking element is the increase in female employment. More than 60% of the women between the age of 25 and 39 have been working in 1995 whereas this had been the case of less than 50% in 1975 (for more details see Becker 2000, 265ff). The old breadwinner model in which men were expected to earn money on the labour market whereas women should stay at home is overcome. This goes along with new attitudes concerning family building. Women expect child care facilities to be publically offered much more than they did in former times. Even if labour market participation is lower than elsewhere (e.g. in France), there cannot be any doubt in a profound evolution of the German gender model. (Beck 1992; Schnack/Gesterkamp 1998)

This development mirrors in the longitudinal perspective on the structures of child care (that only concerns the former FRG). Table 11 illustrates that for children of all ages there were much more places in 1994 than in 1982. But the largest increase in absolute numbers happened for those aged 0-3 years, followed by school children’s care. In comparison, the increase for children of Kindergarten-age was lower. By the way, within the field of crèches the share of places offered by Third sector organizations rose considerably from 27 to 47 per cent. All in all, one could interpret this evolution as empirical expression of the (albeit slow)

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27 They have various reasons to do this: Some just want to fill a lack in the existing child care infrastructure, others act on behalf of a special pedagogical philosophy, wishing to have their children educated according to one or the other pedagogical idea. One example are the so-called „Waldorfschulen“. These have a long tradition of child care services according to the pedagogical ideas of R. Steiner, formulated at the beginning of the century, the latest pedagogical movement is the so-called kindergarten in the forest [„Waldkindergarten“], which does not have a permanent building but rather goes out to play in the forest every day. We will consider more broadly this conceptual role of nonprofit actors in the next chapter.

28 We only compare stages of the development in Western Germany. It is sure that we find a totally different „gender model“ in the former GDR where labour market participation of women was the rule. Thus, the reunification of Germany has in a way reinforced the cultural tendency we state for the Western part of Germany.

29 Two third of these places are located in the cities of Hamburg and Berlin. Statistics for 1994 cannot be subdivided by West- and East-Berlin any more. A relevant part of the increase may therefore be due to the addition of former East-Berlin crèches. What changed considerably is the inner distribution of types of child care services in favour of the „mixed day care centres“. It is for this reason that the number of crèches and Horte decreased.
transformation of the „gender model”. As young women increasingly try to enter into the labour market, younger children as well as pupils after school visit child care centres much more than in the past. There are clear signs, however, that there is still a lack of child care facilities in Germany. But it has become accepted what was widely perceived as scandalous one or two decades ago that very young children are cared for by people who are not related to them. As organized child care does not offer enough places, many parents today use child-minding as an alternative.30 It is extremely difficult to quantify the dimensions of this practice as these arrangements usually work on a private-to-private-basis but without any doubt is has increased since one or two decades.

Table 11: Evolution of child care places between 1982 and 1994, former FRG

<table>
<thead>
<tr>
<th>Age</th>
<th>Places in 1982</th>
<th>non-public</th>
<th>% non-public</th>
<th>Places in 1994</th>
<th>non-public</th>
<th>% non-public</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3</td>
<td>26.245</td>
<td>7.107</td>
<td>27 %</td>
<td>47.064</td>
<td>(+ 79 %)</td>
<td>47 %</td>
</tr>
<tr>
<td>3-6</td>
<td>1.334.997</td>
<td>924.270</td>
<td>69 %</td>
<td>1.918.823</td>
<td>(+ 44 %)</td>
<td>66 %</td>
</tr>
<tr>
<td>6-14</td>
<td>86.831</td>
<td>34.466</td>
<td>40 %</td>
<td>145.775</td>
<td>(+ 68 %)</td>
<td>44 %</td>
</tr>
<tr>
<td>all types</td>
<td>1.448.073</td>
<td>965.843</td>
<td>67 %</td>
<td>2.111.662</td>
<td>(+ 46 %)</td>
<td>64 %</td>
</tr>
</tbody>
</table>

Sources: Own calculations according to StaBA (1982), FS 13, R. 6.3; StaBA (1996), FS 13, R. 6.3.1

Another sign of change is the development of the political discussion and of federal legislation in this field. Since the 1970s public interest in child care grew, and vivid debates occured on the German educational system in general. The question of whether the Kindergarten should be a part of the school system or not turned out to be a central issue. The debate ended with an acknowledgment of the Kindergarten as an important element of education which is not fully integrated into the (compulsory) educational system. Accordingly, elementary education was submitted under the authorities of the respective regional ministries of welfare and not under the authority of the ministries of school affairs. It was seen as being desirable that children visit an institution of elementary education at least for one year before school, but this is not compulsory. Elementary education was to offer additional educational facilities for families. Full-time care should be offered for the children of working mothers only by exception. Even though public authorities enlarged their share of child care institutions as well as their financial contributions to Third sector child care – thus allowing for an increase of Kindergärten since the mid-1970s –, it was the old gender model that remained predominant.

With the beginning of the nineties, things changed radically. In 1991, a new version of the youth welfare act (KJHG) was passed. Historically, this went along with the German

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30 Child-minding means the placement of a working mothers’ child at another mothers’ home against pay. The first attempts to introduce child-minding facilities from 1974 on („Modellprojekt Tagesmütter”) had been debated vividly. Although the project showed that no harm was done to children by being cared for by another person than their own mother the idea has spread quite slowly.

31 The only exemption is the Land of Bavaria where the ministry of school affairs is responsible for the Kindergarten.
reunification. Suddenly, the old logic was called into question. The wording of the law – may it be the RJWG or lateron the JWG – had not changed for a long time. It had remained nearly untouched between 1922 and 1961, and only slight modifications had occured until 1990 (Münder 1996). In 1990, an act had been passed which had generally confirmed the public-private partnership in child care. But it was in 1991, with the latest amendment of the KJHG (put into force until 1996) that a crucial innovation was brought into the system (by force of Art. 24): For it changed the rule of the games concerning the role of public and nonprofit actors. From now on, municipalities came under pressure because they were forced by law to guarantee child care facilities. Nonprofit agencies remained free to offer or to retreat from services, but public authorities had to provide for sufficient capacities. Organized child care became a legal norm.

This step of system transformation must certainly be seen in the light of a changing „gender model“. This becomes still more evident if we see the context of the law: The amendment of 1991 owes its existence to the ‘unification’ of east and west German abortion laws. The institutionalization of a legal claim for child care should influence pregnant women’s decisions whether to have an abortion or not. The age limit for children was set at three years, because on one hand the Kindergarten traditionally starts at this age, on the other hand this marks the end of the statutory parental leave period where parents staying at home might get a special child care allowance. We can suppose today that these new rules of the game were one of the reasons why already in 1994, the share of non-public care for three to six year old children had decreased in comparison to the eighties (see our table above). We have to wait for new data to confirm this tendancy but following the public discussion in Germany (as well as within the landscape of nonprofit providers) we face a new constellation: The example of NRW shows that nonprofit providers reflect on retreating from offering child care facilities because non public income is decreasing for the providers linked to the church, and public support is going to be retrenched. Note that while the 1991 state law forced municipalities to provide for more care facilities, the Land of NRW decided that the number of children to be cared for by one infant-school teacher is to be raised slightly, full-time employment contracts for teachers have to be changed into part-time contracts and child care services should find ways to cut their expenses. The aim was to compensate public charges caused by the efforts to be taken for the kindergartens. Hence, the above mentioned legal constraint on municipalities leads to an increase of public child care facilities and nonprofit provider loose ground. Thus, the institutionalization of a new gender model by the state is going to rebalance the public-private partnership at the cost of Third sector structures.

Moreover, the new gender model has also had some influences of the inner structure of nonprofit child care. We are dealing here with those parental associations which belong to the second provider group in the federal law (KJHG). As we already said in chapter two, groups of parents have founded their own child care services to be run autonomously and independant from traditional welfare associations. Mainly in the 1970ties, these free associations gave

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32 The supervisor role of the state was clarified, the local level became the centre of regulation. The amendment of 1990 set in a legal text for what had changed in practice and philosophy of social work and pedagogics since decades. The KJHG documented the disappearance of repressive measures and highlighted supportive and preventive actions - of which child care institutions are an integral part. It also transferred all political activities concerning this field to the level of municipalities and local communities (Münder 1996: 15).

33 The year 1979 saw the introduction of a right to a six-months maternal leave and a maternal benefit for salaried women. Seven years later, in 1986, this right was tranformed into a parental leave (Erziehungsurlaub) which (theoretically) could be taken by the father as well as the mother. The lenght of the parental leave period was increased in several steps up to three years. The means-tested parental benefit (Erziehungs geld) may be obtained for the first two years following birth.
expression to an alternative philosophy seeing child care services as an infrastructure of a
“gender-neutral” work society. We can see here again the role of (new) moral ideas shaping
the provision structures. Sure, the gender question was only one of several motives at work. A
growing number of parents (often with an academic background) refused the conservative
philosophy of traditional child care. They opposed against what they thought to be an
authoritarian education. Many of them tried to ran child care services on a more or less
experimental basis. Moreover, while these movements gave a fresh impulse to the politics of
child care in Germany, a lot of the first initiatives did not survive for a long time. But the idea
of associating parents to establish child care services according to personal needs became
more and more popular (see Fromm 2000:93). We suppose that today – after an „end of
ideology“ in this field – one of the strongest reason to participate in free associations of child
care remains that these may be more easily influenced concerning opening hours and full-time
care, in order to facilitate the life of working mothers. One sign for this development may be a
10% increase of child care initiatives within only two years (between 1995 and 1997) reported
by the DPWV, which acts as central welfare federation for most parental associations (cf. Ill.
2) (DPWV 1997). Another figure is given by Fromm (2000:91) who says that the number of
places offered by parental associations has more than doubled between the end of the 80ties
and the midst of the 90ties. Thus, the new gender model may lead, at the long run, to the
 expansion of nonprofit child care for certain segments, that is the youngest and those who
need shelter after the end of the school day.

4. Lessons from the Field of Nonprofit Child Care

Our analysis of organized nonprofit child care in Germany has demonstrated its civil society
fundament as well as the existence of a supervisor function of the state. What we could see is
a complex interplay between Third sector entrepreneurs on the one hand and political
ambitions to regulate the child care system on the other. This dualism gave way to a welfare
pluralism with high institutional backing, but also considerable space for local - and also
regional (see below) – particularities. The latter went along with some economic
responsibility in the hand of the providing organizations, too. We also saw that recent
developments in the field, and within the public-private partnership at work, interrelate with
the (albeit slow) transformation of cultural attitudes, concerning the role of men and women in
society.

Today, there are different types of providers in the Third sector: Traditional organizations
have a big share but new associations emerged which – at least in part – search for new
pedagogics and more influence on the centres’ management. But there are some dynamics in
this sector that modify its structure as well as the way it is linked with public administration.
These dynamics relate to cultural movements that have two contradictory consequences
concerning the distributive logic in the German child care system:

• First, we see a new generation of free initiatives run by activists close to alternative
  political movements. The transformation of the latter into nonprofit service providers is a
typical trait of the recent development of the German Third sector (see Bode, 2000). This
evolution favours the role of nonprofit organizations in the field of child care and will
concern only some segments of it.

34  He mainly draws on data published by the „Deutsches Jugendinstitut“. At the end of 1994, there were
approximately 85000 places as against to 38000 five years before. In the same period, the total number
of child care facilities was much less increasing (+30%).
On the other hand, however, the same cultural movement is prone to lead to a more state-centered child care system: If public law aims to generalize the local offer of child care facilities, free nonprofit providers may not be able or willing to fill the existing gaps, at least under conditions of a decrease in public funding as this is the case in Germany today. Thus, for some segments of organized child care, nonprofit providers may become less important in the future.

If we take a more general and theoretical stance, we can see the child care field as being representative of the European Third sector. Its character is that of a social economy under public regulation, dependant on cultural movements in civil society and the fit of these movements to institutional structures. It is a social economy because service provision is directly related to moral ideas and actors from civil society. These actors instill social sense in service work. Concerning its development, market forces do not intervene in this economy until now – in difference to other fields of welfare. It seems that rearing children does not (yet) fit morally to the idea of making profits. Rather, it comes under public regulation. The result is an institutional framework that has some impact of the way things change. Hence, the example of child care shows that the future of Third sector organizations depends on cultural movements (values) and their interplay with institutional frameworks arround them. On the hand, there will be some space for new initiatives and alternative designs of service provision, but in other segments, this interplay will give a growing role to the state (as in our case) or to the market (as in many others).

To judge finally about this evolution from a public good point of view is not easy. On the one hand, civil society activities are fundamental for human development both on the individual as well as the collective level. Democracy would suffer if they disappeared. On the other hand, if it is limited to certain segments of a field, we face the risk of voluntary failure (Salamon 1995). Concerning the case of child care, there is indeed some tension between universalist social policy that provides for equal living conditions in favour of all women – and not only for those of academic middle classes –, and ideas about how to locally improve child care services for particular purposes. The preexisting, traditional public-private partnership was not entirely in harmony with the republican principle of egalitarian education. Whether the future partnership will be better, remains an open question.

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