

**The future of the welfare state: paths of social policy
innovation between constraints and opportunities**

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**Family law and family policy reforms in Italy and the
Netherlands: different timings, increasingly different focuses**

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Abstract

This article comparatively analyses how family policy issues have been framed and addressed in Italy and the Netherlands – two countries that at the beginning of the seventies were characterized by very traditional family laws and family arrangements, but also differentiated with regard to maternity and parental leave policies and attention for early child education. . The analysis focuses in particular on changes in these fields of policies. It argues that in Italy changes were first driven by a meeting of interests between the women's movement, trade unions and parties of the left in a period of social unrest and social change. Changes however left substantially untouched a subsidiarity approach to family policy, not only because the principle of subsidiarity has remained inscribed in family law, but because interests of core workers and pensioners remained the central ones in defining social expenditure. In the Netherlands, family policies were very minimal until the 1990s. But when changes took place, they were more radical than in Italy both in family law and in family policies. Following liberal cultural and political developments in the 1990s, which favoured individualisation and freedom of choice, changes systematically pointed towards an increasing mixture of individual, family and market responsibility via commodification supported by tax expenditures.

1. Introduction

This article comparatively analyses how family policy issues have been framed and addressed in Italy and the Netherlands. In both countries, traditional expectations concerning family responsibilities and the gender division of labour have for a long time inspired both policies and behaviours. Confronted with similar equal opportunity demands, changing women's behaviours, and EU recommendations, since the second half of the twentieth century the two countries have followed different and sometimes divergent paths in changing their legal regulations and their policy measures addressing family relations and responsibilities. These differences are the outcome of differences in the institutional framework at the beginning of the process, in the role played by the women's movement, trade unions, as well as in the alliances formed between these actors and specific parties at given points in time and by the overall political culture.

In Italy, the most important changes – in family law and in childcare provisions - occurred in the seventies, when the women's movement demands could be integrated and reframed in a broader demand for modernization of civil law and for greater social justice. But changes stopped short of a radical redefinition of family boundaries, of family solidarity as the main means of redistribution, and of priorities in social expenditure. The cultural and political influence of Catholicism and of the Catholic Church as an institution, together with the low priority that family policies have had for the left parties and trade unions, reduced the possibility to change not only the legal definition of the family, but the system of social protection focused on core (mostly male) workers, particularly in the face of tight budget constraints. Consequently, notwithstanding increasing women's labour force participation, changes in family policies in Italy have been minimal and mostly incremental (as in the case of parental leaves), of the first or second order in Hall's (1993) conceptualization. In the Netherlands, familialistic policies lasted till the 1990s in spite of women's claims for individual and equal rights and childcare facilities. Among the population at large, political parties as well as the trade unions' concern for the male breadwinner family model dominated. At the same time, the 1982 social agreement on protecting part-time work as a way of contrasting unemployment (the 'Wassenaar agreement') offered an unintended basis for

'the Dutch solution' for reconciling work and family life; the one-and-half-earner family. Only in the 1990s, when changes in family life could no longer be denied and women's employment became an economic necessity family, policy changes were initiated. By that time, liberal political approaches dominated all political parties, including the social democrats, changes, therefore, have been driven mainly by a concern with individual choice and individual responsibility. This has eventually brought about one of the most individualized regulations of family arrangements, as well as a policy framework where, in order to incentive freedom of choice, direct public provisions are reduced to a minimum, particularly in the case of early child care. Redistribution directed to support individual costs (be it of taking parental leave or of paying for a service) is mostly dealt with through tax expenditures. Although both in civil law and in family policies changes have followed an incremental path, they eventually resulted in second and third order changes in Hall's definition.

For different reasons and pathways, therefore, these two countries seem to defy the hypothesis of a convergence in family policies in Europe in recent decades. In Italy, after the late sixties and seventies, there has been little change in instruments, in expenditure and in goals, although the work-family conciliation and the gender equality discourses have been increasingly used to argue for pre-existing policies. In the Netherlands, important innovations have been introduced both in goals and in instruments.

Adopting Peter Hall's (1993) distinction of first, second and third order changes, the article looks at changes in family policies which in the two countries have reframed the needs and goals to be fulfilled and the instruments towards this end. Our dependent variables and indicators are therefore not statistical, rather conceptual (Clasen & Siegel 2007). The areas of change we focus upon are family law and childcare arrangements (including parental leaves). The first has been a major area of third order change in both countries, thus changing the legal framework of the gender and intergenerational obligations, which are in the background of many family and social policies (Kaufmann 2002). The second is the area in which most countries in the past twenty years have witnessed a redefinition of public and private, as well as maternal and paternal responsibilities with regard to child care. Other items of the family policy package will be

mentioned only in passing, either because – as in the case of child benefits – although based on different principles, they are relatively marginal in both countries and with no substantial change, or because they have a high relevance in one country, but none in the other. It is the case of elderly care policies, relevant in the Netherlands, very marginal and underdeveloped in Italy (Da Roit 2005; Saraceno 2003; Naldini & Saraceno 2008). Our time frame spans the second half of the twentieth century up to the present.

2. Legal reforms: a short window of opportunity in Italy, a long incremental process in the Netherlands

Both Italy and the Netherlands at the end of the 1960s had a family law still premised on inequality between husbands and wives and between children born in and out of wedlock. In both countries, abortion was illegal. In Italy, divorce was also not allowed and any form of contraception was banned. In both countries, these legal regulations of gender and family relationships, of sexuality and of reproductive rights came under attack from the social movements of the time, particularly the students and the women's movement. And in both countries, they were changed, reshaping both the contours of the "legal" family, and gender and intergenerational family obligations, in ways that had a direct and indirect bearing also for the development of social and family policies. Changes were at first more radical in Italy, also given the starting point. But over time they were more radical in the Netherlands.

In Italy, a window of opportunity for change opened in the late 1960s and 1970s, when the political alliances of the post-war years were reshuffled. The Socialist and Communist parties, until then at the opposition together, broke their alliance and the former allied instead with the Christian Democrats in centre-left government coalitions, competing with the Communists in the representation of "minority" interests and of civil and social rights. In the late 1960s, this new political framework was confronted not only with the women's and the students' movements, but also the new season of industrial conflict started with the 1969 *autunno caldo* (hot fall) and the emerging of explicit and organized dissent groups within the Catholic church, following the Vatican II Council. These different movements became a driving force in social and cultural change, forcing

political parties, particularly on the left, to include in their platforms reforms in legal regulations concerning the family and reproductive rights. After over a century of debates and bill proposals, a law allowing divorce was approved in 1970. This law, which represented a third order change in marriage regulations, since it defined marriage as a reversible contract, was later confirmed by a referendum. Following this, in 1975, a new family law substituted the one introduced by the Fascist regime in 1941. Fulfilling with a thirty years delay the constitutional mandate, it eliminated the asymmetry in authority between husbands and wives, fathers and mothers, and strengthened children's rights. It equated the rights of legitimate and illegitimate (now redefined "natural") children, allowing also a married parent to acknowledge a child born out of wedlock. This new family law radically overturned the perspective of the previous norms that was centred on the rights and power of the husband/father and on the protection of the "legitimate" family.¹ It had consequences also on the system of taxation, which became individualised, and on survivors' pensions, which now could be derived (to a spouse or children) from each spouse/parent and not only from the husband/father. At the same time, the law kept in place the pre-existing extended family obligations with regard to financial support in case of need. In particular, parents remained financially liable ("obliged kin") for their adult children and adult children for their parents. This in turn legitimizes the subsidiarity approach in social and family policies.

The trend towards a widening of individual rights within the family and with regard to the family stopped and to some degree inverted its direction from the late 1980s onwards. In a political context where traditional parties, including the Christian Democratic one, disappeared due to corruption scandals, the Communist Party underwent radical changes, and totally new political parties emerged, the Catholic Church entered increasingly the debate as an explicit political actor, with all political parties competing for its support. In spite of the increasing number of unmarried couples and the visibility of the homosexual movement, cohabiting couples still do not get even limited rights. Article 29 of the Italian constitution - which stipulates that "the Italian Republic acknowledges the rights of the family as a natural society based on marriage" - is taken as

¹ A similar, third order change occurred with the removal of the ban against contraception in 1971 and the legalization of abortion in 1978.

a barrier to the acknowledgement of a legal status to any form of partnership not based on marriage. The only change in family legislation occurred in this period has been a second order change, with the introduction, in 2004, of shared custody in case of marital separation as the norm and not the exception, thus strengthening the rights of fathers in the name of gender equality and of the rights of children.

Reforms in the Dutch family law initially followed the same pattern. A renewed Civil Code, including a new family law, was approved in 1970, stipulating equality between husband and wives and eliminating the fault rule for divorce. Full equality between fathers and mothers and between children born in and out of wedlock was however achieved only in a new Family Law approved in 1998. Under this law, also a further shift in the meaning of family and marriage was implemented, in so far (heterosexual) cohabiting couples obtained the same rights (and duties) as married couples; divorced women and men got half of the pension rights cumulated during their legalised relationship as members of a married or cohabiting couple. Furthermore, parenthood became formally distinguished from partnership and shared custody was introduced as the norm, *de facto* strengthening the rights of fathers. This change was welcomed by fathers rights activists and youth care workers, but objected by some feminist law scholars (Holtrust & De Hondt 1997). The incremental changes continued also in the following years.² After 2000, the rights of same-sex partners were progressively acknowledged, until, in 2005, marriage was opened also to them – a real third order change initiated by the homo and lesbian movement and supported by both the social democratic and right-wing liberal parties. This individualisation trend, with its focus on individual rights, has become contested with the installation of the current Dutch coalition dominated by Christian parties (Social Democrats are a minority coalition member) and the Christian minister of Family and Youth in 2006. Moral and social family policies are now high on the political agenda, shifting the liberal notion of individual responsibility into a more normative direction than just freedom of choice.

Another important, third order, change in family arrangements in the Netherlands was introduced not through civil law, but through the 1996 Social Assistance Law. In the

² After a period of *de facto* de-penalization abortion was legalized in 1984 and good healthcare facilities (abortion clinics and regular hospital services) are available since then (Knijn 2008).

name of gender equality, individual responsibility and “activation”, this law lowered from 18 to 5 years old the age of the youngest child which allowed lone mothers on social assistance to be exempted from the requirement to be available for paid work.. Motivated by the increasing number of divorced mothers on social assistance, as well as by the gradual acceptance of employed mothers, caring for a child was no longer enough to be “deserving”; and lone mothers were re-defined as mainly breadwinners (Bussemaker, Van Drenth, Knijn & Plantenga 1997).

What was the impact on family policies of these changes at the legal level? Legal reforms of family arrangements in Italy supported an only partial diversification of family forms and a limited individualisation of social rights. The family continues to be assumed as the first “welfare net” not only for young children, but also for adult children and the frail old – financially, but also with regard to care needs. Furthermore, expectations of family solidarity still cross household boundaries, involving close kin. Consequently, social provisions remain largely means-tested: on the basis of income, as in the case of child benefits, but sometime also on the basis of household composition and family networks, as in the case of care services for the frail elderly or for children under three. Particularly, assumptions concerning the availability of family support have reduced the pressure for a stronger development of social care services. In the case of the Netherlands, legal reforms have diversified family forms to a greater degree than in Italy. This, together with a higher consensus on individual freedom and individual rights, has legitimized policies based on the concept of individual choice and responsibility. This development, however, in many cases hides the persistent asymmetry between men and women as well social class differences. It also to some degree underplays small children’s rights and needs.

3. Modes of dealing with child care: the Dutch innovation and the Italian familialistic solution.

Childcare policies respond to at least three different goals: supporting the welfare and development of children, helping mothers to combine paid work and care and supporting gender equality at home and in the work place. The traditional policy instruments to deal with these goals are maternity and parental leaves, child care services and working time

schedules. In Italy, the first goal has been traditionally in the forefront: in arguing for long maternity leaves, in presenting services for children under three years old as second best compared to mother's (or grandmother's) care, and in arguing in favour of the educational dimension of childcare services. This explains why, until the early eighties, Italy was one of the European countries with the comparatively longer maternity and optional (later parental) leave, a high kindergartens coverage for children 3 to school age, but a very low coverage of services for the under three. Equal opportunities and gender equality as a motivation for policies in this field had a secondary place and never really motivated important reforms in this field, except for the extension of entitlement to parental leave to fathers in 2001. In the Netherlands, the comparatively late (1990s) policy initiative in this field appears to be instead explicitly motivated by women's employment and equal opportunity discourses, coupled with a focus on choice and individual responsibility. Policies of time (mainly working time arrangements) dominate almost all initiatives, together with financial incentives for services and leaves. As a consequence, all change observed since the 1980s is mainly of the second and third order in the Netherlands, mainly of the first order, if at all, in Italy.

Away from the breadwinner/female carer model? The Dutch combination scenario and the Italian piecemeal changes

In the Netherlands, a major policy change took place in the 1990s, when for the first time in the Dutch political history Christian-democrats were excluded from government. The so-called 'Purple Coalition' of Social-Democrats and right-wing Liberals presented the 'combination scenario' as the major solution to keep together the goal of gender equality and work-family life conciliation with that of providing adequate care for children (Ministerie van Sociale Zaken en Werkgelegenheid, 1997). This scenario was based on the report 'Unpaid work Equally Divided' prepared by an ad hoc advisory committee, *Commissie Toekomstscenario's Herverdeling Onbetaalde Arbeid*, comprising representatives of employers, employees, several political parties and feminist academics. The committee had concluded that neither outsourcing of family tasks (such as childcare or housekeeping), nor supporting full-time motherhood would be an appropriate and

acceptable option for the Dutch population. The underlying view was that future work and care policies should be based upon three principles:

- a) The combination of work and care by every individual adult, expected to work an average of 32 hours a week
- b) The sharing of work and care responsibilities in individual households
- c) The outsourcing of a small part of care to collective provisions (Commissie Toekomstscenario's Herverdeling Onbetaalde Arbeid, 1995).

This scenario was intended to promote the growth of women's labour market participation in a way that best fitted a culture of care founded on a preference for family care for at least part of the week. Among the proposed incentives, were a legal right for both women and men to reduce their working hours and, for the first time in Dutch history, to paid parental leave following the already existing compulsory 16 weeks of maternity leave, individualisation of taxation and social assistance, extension of childcare facilities, and lower taxation of personal services such as housekeeping and childminding.

The Combination Scenario became law in the 2001 Work and Care Act (Ministerie van Sociale Zaken en Werkgelegenheid 2001), by which the Purple Coalition accentuated '*time policies*' as a means to facilitate a re-division of work, giving mothers and fathers equal legal means to negotiate their own preferred arrangements. In this perspective, it can be interpreted as a third order change, since it involved both a change in goals and the setting in place of new instruments. The law, however, did not include all the incentives suggested by the advisory committee. In particular, parental leave (thirteen weeks following the fully compensated maternity leave, for both fathers and mothers until the child turns 8, which can be used on a flexible basis) was financially compensated only for public sector employees. This, at least partly, explains why it is mainly women who take it, as well as it is mainly women who work part time. Although the Netherlands has also the highest percentage of men working part time in Europe, this only concerns young (students) and older (partly retired employees) men, much less fathers of young children. Given the lack of compensation for parental leave and the still inadequate offer of child care services, the 2001 law left the main bulk of conciliation problems on the shoulders of women, while granting them one of the shortest maternity leave in Europe.

Payments for parental leaves remained high on the political agenda. Given the reluctance of Dutch political parties to appear as supporting, through public resources, one specific family model (i.e. the dual earner one), and the ideological shift towards the neo-liberalistic individual responsibility approach that was also supported by the Social-Democrats in the 1990s, however, the social insurance or flat rate benefit solution adopted in most EU countries was not taken into consideration. After a number of failed experimentations with market responsibility by way of collective labour agreements and later the privately funded Life Course Saving Scheme, the current coalition of Social-democrats and Christian-democrats took parental leave out of the Life Course Saving Scheme, extended the leave period from 13 to 26 weeks and introduced tax deductions to compensate unpaid parental leave. From January 2009, employees who take unpaid parental leave can deduce their taxable income by 50% of the minimum wage per hour leave. This mechanism is argued as fitting three goals; gender equality (each parent can take the leave on an individual basis), shared public and private responsibility, and supporting caring parents's labour market attachment (by combining care with a reduced working week). Given the persistent asymmetry in men's and women's labour force participation and wages, and the low compensation such a mechanism allows, it is arguable that the first two goals are actually achieved. It is most likely that the lower earner parent will take most of the leave. The third goal is more realistic; empirical evidence suggests that when both mothers and fathers take some leave (a minority of cases), they opt for a reduction of working time that is partly compensated for by tax deductions (Portegijs, Hermans & Lalta 2006).

Italy has an overall more generous system of both maternity and parental leave than the Dutch one. Its legal framework has even a constitutional basis, in so far article 37 of the Constitution stipulates both gender equality in the work place and that "work conditions must grant women their crucial family responsibilities and grant mothers and their children adequate protection". Since 1971, working mothers were entitled to two periods of leave: one compulsory and the other optional. The former consisted of five months, paid at 80% of wage. The optional leave consisted of additional nine months – i. e. until the child reached its first birthday - and was paid only at 30% of wage and only for the first six months. While the optional leave was reserved to all dependent employees,

maternity leave was progressively extended to the self employed, the professionals, and to all those holding some kind of atypical work contract. Since 1977, also fathers could take the optional leave, but only if the mother was entitled and renounced to it. Finally, Law 53/2000 on parental leave acknowledged an individual entitlement to parental leave for fathers. It represented Italy's implementation of the European directive on maternity leaves. But it was also the outcome of a long campaign, initiated in the 1990s by sections of the women's movement near to the former Communist Party and also to trade unions, for the approval of a very ambitious people's initiative bill. This bill aimed at a different regulation of life and social time, within a perspective that echoes later discussions on time accounts and even transitional labour markets and flexisecurity. Law 53/2000 is much more modest in scope, dealing mainly with leaves linked to the presence of children. Working fathers of newborn children are now individually entitled to a portion of the parental leave: 10 months in total for the couple, until the child reaches the age of 8 years, of which neither parent may take more than 6 months, also in a flexible way.³ All 10 months are compensated at 30% of lost wages if they are taken within the child's third birthday; afterwards, they are unpaid. And if the father takes at least 3 months of leave, he is entitled to an additional month. In this case, therefore, gender equality has been promoted by rendering men's responsibilities and rights more similar to those of women. It represents a third order change at the level of goals, but not of instruments.

This policy shift, however, did not really gain momentum in the public discourse for three main reasons: 1) the change in government in 2001 (the new centre-right government did not particularly support the new law, although it did not oppose it); 2) the resistance from employers, coupled with the low compensation rate; 3) changes in the labour market due to the increase, particularly for the young, in non-standard employment contracts, which do not give entitlement to the new parental leave. While the number of workers not covered by the new policy increased, so did also the feeling of insecurity among young adults. Together with persistent traditional gender models, these changes in the labour market contributed to a low uptake (estimated around 4 per cent, and for an average of one month, in 2006, according to Social security data) of parental leave by eligible fathers.

³ Single mothers may take the full 10 months if the father does not acknowledge the child.

When the center-left coalition returned to government in 2006, budget constraints were tighter and the coalition was also more fragmented. In addition to the very short time this government lasted, these factors did not allow to strengthen at the practical level the cultural shift represented by the law, through an increase of the level of compensation of parental leave. Since any increase in social expenditure in this field would require a rebalancing of expenditure in other fields, and particularly in the pension sector, also trade unions were not particularly keen to push for a change.⁴ The strength of what Ferrera (1996) has called the pensioners' welfare state has remained untouched, notwithstanding the important pension reforms of the mid-1990s. Thus, a change which in principle might appear of the third order, in so far it has radically changed the image of the working father, seems to rest on an instrument which, with regard to gender divisions, has remained substantially the same.

Overall, both in the Netherlands and in Italy changes in leave policy have rested more on important symbolic shifts, which call for a renegotiation between fathers and mothers, and are based on their relative strength in the labour market, than on changes in the effort made by the state in compensating the time to care for young children. Even if the duration of leaves has been lengthened, as in other countries, its financial cost remains mostly on parents – more so in the Netherlands than in Italy. In both countries, gender equality and supporting women to remain in the labour market while having children have been among the main rationales for recent changes. But the meagreness of financial support, which in the Netherlands is coupled with administrative complexity and delayed benefits, greatly reduces their efficacy

Childcare Provisions

In the Netherlands, childcare policy entered the political agenda for the first time only in the early 1990s, configuring a third order change in so far both a new goal and new instruments were introduced. The main policy goal was and still is, in line with the Combination Scenario, defined as the conciliation of work and care for parents. Children's education till now has not been an important goal in stimulating early

⁴ For the same reason, together with the preference for means-tested benefits, it has so far been impossible to reform in a more universalistic direction child allowances, which are both categorical and income tested.

childcare in the Netherlands, with the exception of some small scale programs for pre-school education for ethnic minority children. Overall, Dutch governments have described their role only as that of 'a stimulator' of childcare services, defined as a 'shared responsibility' of the state, employers, and parents.

At first, in the early 1990s, the state made a strong financial investment for the creation of childcare centres, provided by the municipalities (Ministerie van Volksgezondheid, Welzijn en Sport 1997). State contributions to the overall costs of childcare, however, rapidly shrank from 58% in 1990 to 29% in 1999. Over the same period, also parents' share in the costs of childcare decreased from 26% (1990) to 19% (1999), while that of employers increased from 14% (1990) to 49% (1999). Coverage rates for the under four years old went from 3 per cent in 1990 to 14,5 per cent in 2004 (Portegijs, Boelens & Keuzenkamp, 2002). Since most children attend a childcare centre part-time or for a few days per week, about 25 per cent of all pre-school children attend a childcare centre at least some day a week (Portegijs, Hermans & Lalta, 2006). Lone parents have special access to childcare via a so-called premium from the Ministry of Social Affairs and Employment (*SZW-plaatsen*) as long as they do not earn a wage over 130% of the minimum wage. The still relatively low coverage for children under 4, compared to the occupation rate of their mothers, is not perceived as dramatically inadequate as it might seem. Demand is comparatively low. Many mothers work part-time. For cultural or other reasons, minority children have a very low attendance (Ministerie van Volksgezondheid, Welzijn en Sport 1997). And many parents, including higher educated ones, prefer only part-time childcare, low scale informal childcare, family based childcare (by grandparents), or a childminder in the family home. These preferences may also be strengthened by the fact that the education dimension of collective child care services has never been on the foreground.

In January 2005, the Dutch Childcare Law (Ministerie van Sociale Zaken en Werkgelegenheid 2005) introduced a major second order change - in instruments.. The law forbids municipalities to provide childcare. Only private, for profit or not-for-profit, childcare centres are allowed. Municipalities have only the responsibility to control the quality of childcare. From January 1, 2007, employers are statutorily obliged to pay a sixth part of the cost of child care per parent. Services, therefore, are organized privately

and funded by parents, the state (via income based tax transfers) and employers. This law confirms the steady shift towards marketisation and a preference for tax deduction rather than direct provision of services, without actually guaranteeing a right to childcare. Parents, assumed as having free choice, are redefined as consumers in a childcare market where private child care providers compete. The assumption is that private providers (profit and non-profit) will work more efficiently and take better notice of the demands of parents. This market-driven, demand oriented, approach, while constituting an important change in the form taken by public responsibility for child care, is in line with the individualisation and shared responsibilities approach of the Combination Scenario.⁵

The complicated procedure for applying for tax deductions may however limit access to childcare subsidies for the low income and low educated parents, rhetoric of “freedom of choice” notwithstanding. In addition, developmental psychologists, parents and childcare workers worry about the decreasing quality of childcare following its marketisation. Evaluation studies of the Dutch Consortium on Childcare Research (*Nederlands Consortium Kinderopvang Onderzoek*) indicate that the quality of childcare has decreased as the supply of childcare places has increased in the period from 1995 to 2005, and again in the period from 2005 to 2009. It is in many aspects below international standards (Vermeer et al., 2005; De Kruijf et al. 2009).

The debate on early child care in Italy started in the late 1960s, first with regard to kindergartens for children three-to school age (which starts at 6 years in Italy), then also with regard to the under three. With regard to kindergarten, the debate was first and foremost framed as an issue of education and of giving an equal start to children coming from different social backgrounds, irrespective of the mother’s working status. Already in the late 1970s, public or publicly financed kindergartens covered about 70 per cent of three to five years old children, reaching over 80% in 2007. More complex is the history of services for the under three. First developed to cater to children of poor working mothers, they were partly financed by the employers’ contributions, based on the number of female employees (therefore resulting in a disincentive from employing women). After

⁵ In the case of the frail elderly receiving care a similar goal has been achieved through a less drastic change. Since the end of the 1990s the option is given between receiving services provided directly by the home care offices or receiving an individual budget out of which to hire a carer of own choice (Knijn & Verhagen 2007)

a long battle promoted by the women's movement, in 1971, a law was approved according to which crèches had to be financed by the state and the municipality, in addition to parents' fees. Workers in these services asked for a better professionalisation, thus upgrading their work and stressing the educational, not only custodial and health part of it. This contributed to a redefinition of these services from social assistance to education ones, although not as clearly and universally as in the case of kindergartens. Given the direct assumption of a public responsibility in providing early child care, this law may be read as a third order change. But crèches were also defined as a second best compared to mother's care, thus reducing the impact of this change, while keeping the focus on "needy children", rather than on the needs of children.

Since the 1980s, changes in child care policies in Italy have been only of the incremental type (a slow increase in provision), with no substantial innovation. At the symbolic level, work-family reconciliation arguments have been increasingly in the forefront in policy debates, also due to the influence of EU recommendations and the Barcelona targets. Yet, budget reasons, a tepid interest by trade unions, a persistent ambivalence concerning proper child care arrangements for the under three, testified also by national and international opinion surveys, the availability of family (grandparental) care – all these have kept the demand for childcare services for the under three at a comparatively lower level than one would expect given the labour force participation rates of mothers of very young children. To these, a new institutional constrain should be added. A constitutional reform in 2001 gave local governments prevalent responsibility and authority on social services, without setting minimum standards and coverage thresholds (Naldini & Saraceno 2008). The only practical innovation is a growing market of child care services for the under three,⁶ given the very limited coverage by the municipal ones. These offer only a 11 per cent coverage at the national level, with a range of variation from 24 per cent in Emilia Romagna to less than 5% in Sardegna and Basilicata (ISTAT 2008). It is estimated that the private offer redoubles the coverage, with similar regional differences. These differences to a large degree correspond to differences in women's employment

⁶ The same has happened in the area of frail elderly care, which is much more underdeveloped than child care. Here the development of market of services has been helped by the explosion of immigration (Gori 2002, Da Roit 2007; Bettio, Simonazzi, Villa, 2006)

rates, thus indicating that local administrators are sensitive to their citizens' demands. But, even in the regions where coverage is higher, it is much below the number of children having a working mother (over 51% of mothers of children under three are in employment at the national level, mostly full time). Furthermore, since it is a rationed resource, childcare for children under three is often transformed in a social assistance measure, in line with much of Italian social policy and with the subsidiarity view of state intervention. Access is regulated by, locally defined, hierarchies of "need". A substantial quota of working mothers and dual working parents, therefore, must either recourse to the market, or rely on grandmothers. Overall, 27% of working mothers send their child to a center, while 51% rely on grandparents and 9% on babysitters. Relying on grandparents is often the result of a preference (ISTAT 2005). But waiting lists are longer where services are more abundant and of a generally acknowledged good quality, suggesting that preferences change when the offer is greater and therefore use also more common. In both countries, therefore, marketisation is increasing in early childcare, but through different ways. In the Netherlands, it is an explicit policy solutions, financially supported through tax expenditures, in the name of choice and of public-private shared responsibilities. In Italy, it is rather a de facto outcome, with no public financial support or incentive.

4. Conclusions

In both countries, since the 1970s, third order changes have occurred in family law. The Netherlands initiated the process later than Italy, but then pushed it farther, strengthening the degree of individualization and progressively enlarging the perspective of equal rights and equal opportunities from the married couple and children born within or out of wedlock, to the heterosexual cohabitant couples and then to the homosexual individuals and couples. It also developed more explicitly the separation between relationships of marriage and relationships of parenthood. Changing cultural practices in family composition and family life, less in gender-equality, have been backed up by the social-democrats (for reasons of equality) and the right-wing liberals (for reasons of freedom of choice) and at least been tolerated by the Christian-democrats. Given the always fragile balance between the governing coalition partners, this resulted in gradual and incremental

family policy reforms which eventually added up to radical changes. This was not so easily possible in the Italian context, where Church-state competition over the regulation of family matters is acute. The window of opportunity opened in the 1970s was unique. Parties on the left, trade unions and social movements converged, albeit from different perspectives and interests, in pushing for changes in the political equilibrium and towards a modernization of gender and intergenerational relationships within the family. Change, however, occurred more in the direction of power and obligations within the family than with regard to the variability of family forms and the boundaries between family and state responsibilities. The reformed family law, in particular, confirmed extended family obligations, thus legitimizing a residual role of public policies.

These two different processes in the reform of family law are mirrored to some degree also in what happened in family policies at the turn of the century. The Netherlands appears to have focused on issues – work family conciliation and gender equality - that were already present in the Italian policy context in the seventies. But, compared to Italy, it has introduced more radical changes: a redefinition of mothers, particularly lone mothers, as breadwinners, a discursive reshaping of the male breadwinner/female caregiver model in a part-time dual worker/caregiver model through the combination scenario, a strong individualization of choices with regard to how to combine work and care and what kind of care to have and a tripartite – state, employers, employee - responsibility in supporting the costs of care. Coherently with this approach, tax expenditures rather than direct transfers in money and in kind have become the main policy instrument with regard to early child care, both in the field of parental leaves and in that of childcare services. Supported commodification - or de-familization via market incentives - seems to be the privileged instrument in this field, although a large space is left to what Leitner (2003) calls ‘implicit familialism’ and would be better defined familialism by default. It seems to accord with a shared culture in which individual choices are mainly framed as family, or couple’s, choices, based on negotiations within the couple.

In Italy, the important role of trade unions and of the Communist party, together with the traditional concern of the Christian-democrats and of the Catholic Church for motherhood, has allowed an early development of fairly generous maternity and parental

leaves. The women's movement has found in this tradition an important stepping stone and a relatively easily shared approach, even if not fully attuned to recent developments in the labour market. At the same time, the concern not only for those mothers who "had" to work, but for building a shared linguistic, educational, relational basis in a still strongly differentiated country, has historically assigned to early education an important role. This concern to some degree has trickled down also to services for the under three. But the persistent ambivalence with regard to very early child care, an abundant offer of family care in the form of grandmothers, together with the marginality of the gender equality discourse in the political arena since the 1990s, have not helped to create a strong pressure towards a greater public intervention. Work-family conciliation seems to remain not only a women's, but a family affair: to be dealt with by mothers, grandmothers, or by the market on the basis of the family resources. In this perspective, we might say that, notwithstanding important changes in women's behaviour and the weakening of the male breadwinner model (less so of the female caregiver one), coherently with the subsidiarity approach inscribed in the family law, the crucial pillar of the Italian welfare state remains what Naldini (2003) has defined the extended family solidarity model – an extended form of familialism by default.

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