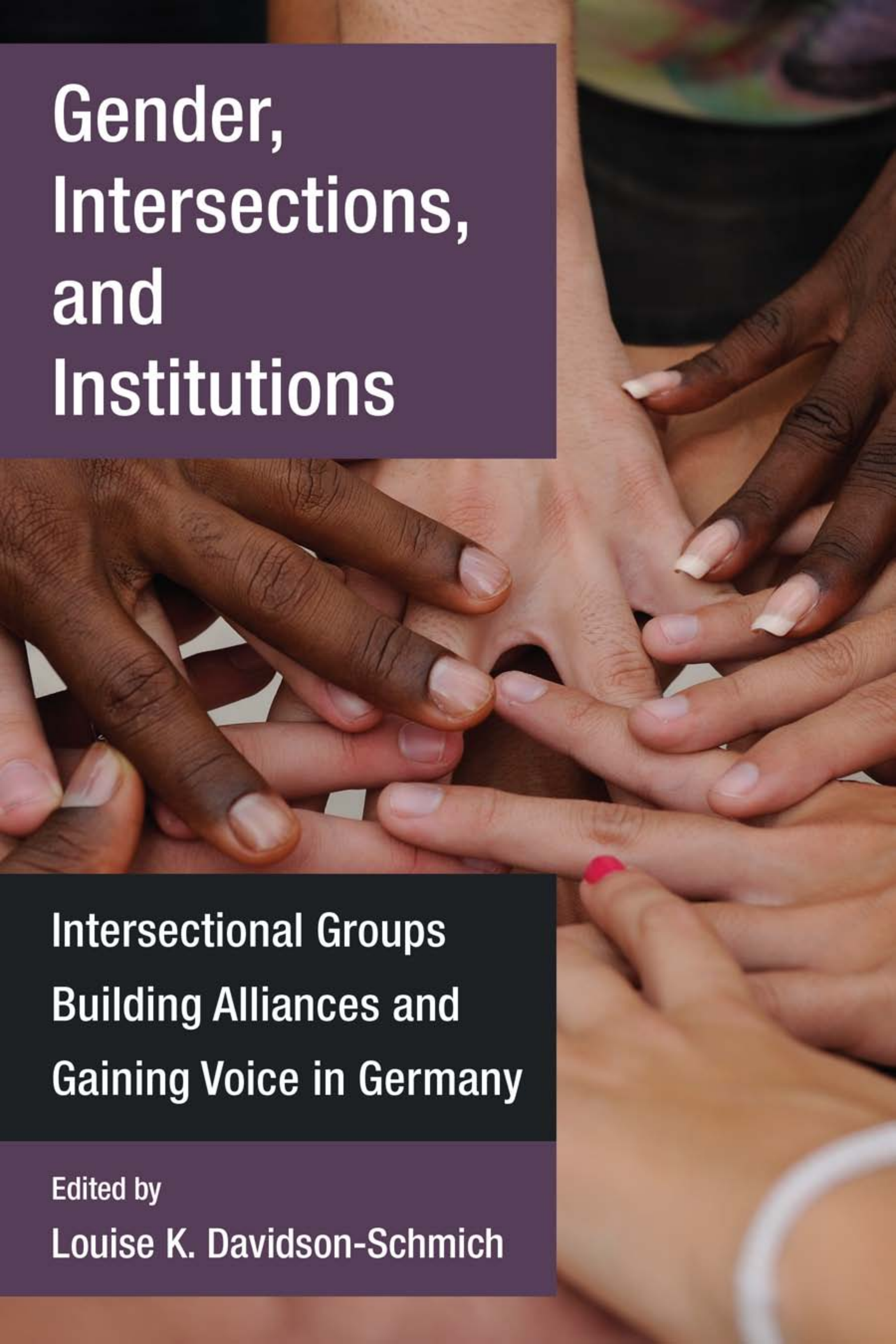

Gender, Intersections, and Institutions

Intersectional Groups Building Alliances and Gaining Voice in Germany

Edited by

Louise K. Davidson-Schmich

Gender, Intersections, and Institutions

Germany serves as a case study of when and how members of intersectional groups—individuals belonging to two or more disadvantaged social categories—capture the attention of policymakers and what happens when this phenomenon occurs. This edited volume identifies three venues through which intersectional groups form alliances and generate policy discussions regarding their concerns. Original empirical case studies focus on a wide range of timely subjects, including the intersexed, gender and disability rights, lesbian parenting, women working in STEM fields, workers' rights in feminized sectors, women in combat, and Muslim women and girls.

Louise Davidson-Schmich is Professor of Political Science at the University of Miami.

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Intersectional Groups Building Alliances and Gaining Voice in Germany

EDITED BY
LOUISE K. DAVIDSON-SCHMICH

UNIVERSITY OF MICHIGAN PRESS

ANN ARBOR

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Our organization came about because we were motivated to give women like us a voice and to demonstrate [our point of view] in politics. . . . We didn't see ourselves represented in previous debates.

Wir sind aus der Motivation heraus entstanden, Frauen wie uns eine Stimme zu geben und gegenüber der Politik zu demonstrieren. . . . Wir haben uns in der Debatte vorher nicht wiedergefunden.

—Gönül Halat-Mec, Frankfurt Progressive Women's Initiative, 2012

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A Note on German Government Documents

Many contributors to this volume cite debates held in and documents discussed by the two houses of the German parliament, the Bundestag and Bundesrat. All of these documents are available at http://pdok.bundestag.de/ (Bundestag) and http://www.bundesrat.de/DE/dokumente/dokumente-node.html (Bundesrat). Documents are cited here using abbreviations for the particular chamber of the parliament (BT for Bundestag, BR for Bundesrat), the type of document referenced, the document's number, and its date. Transcripts of plenary sessions are called *Plenarprotokolle*, and written reports tabled in the legislature are referred to as *Drucksachen*. Each document is numbered first according to the electoral period in which it was produced (for example, the 2013–16 legislative period is no. 18) and second according to the order that the debate was held, or the paperwork submitted, during that legislative session. Finally, the date of each transcript or report is included in the reference in the day.month.year format. Thus, the transcript of the first meeting of the Bundestag following the 2013 election would be referred to here as BT-Plenarprotokoll, 18/1, 22.10.13.

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Gender, Intersections, and Institutions

Introduction

Louise K. Davidson-Schmich

On November 1, 2013, Germany became one of the first countries in the world to offer parents of intersex newborns the freedom to avoid hasty surgeries and leave their baby's sex "unspecified" on the birth certificate and other identity documents. In 2007, a national debate broke out in the Federal Republic about the perceived problems of forced marriages in the migrant community and of immigrant women's linguistic isolation; the country's immigration law was revised to address these concerns. And in 2015, after a decade of political debate, Germany introduced a minimum wage law, lifting the earnings of the lowest-paid employees in the country—two-thirds of them women.

In all of these examples, national-level political debates focused on the (perceived) concerns of people belonging to more than one disempowered group—poor women, migrant women, and intersex individuals who can claim membership in neither category of the sex binary. While these developments are consistent with normative expectations about how democracy should work (elected officials represent the concerns of the governed), and while such public attention to a group's concerns is a commonplace occurrence for individuals belonging to multiply empowered groups (such as businessmen or well-to-do white families), elite discussion of and legislation regarding the needs of individuals at the intersections of *dis*empowered groups is unusual.

Instead, extensive research on intersectionality, or the study of overlapping social identities and systems of oppression, has consistently found that citizens belonging to intersectional groups are often overlooked by or invisible to policymakers. For example, Kimberlé Williams Crenshaw's (2005 [1989]) pioneering work on African American women's experiences with employment discrimination found that the U.S. women's movement focused primarily on rectifying the concerns of white women, while civil rights organizations championed the needs of male African American workers, with both overlooking the problems faced by individuals discriminated against on the basis of their race *and* their sex. Public policy, in turn, failed to adequately address women of color's workplace discrimination. Similar oversights have been found when studying the needs of immigrant women in Western Europe (e.g., Verloo 2006; Weldon 2006; Krizsan, Skjeie, and Squires 2012; Siim and Mokre 2012; Agustín 2013; Bassel and Emejulu 2014; Lepinard 2014), poor women in Latin America (Blofield 2012), and lesbians and transgender citizens worldwide (Wilson 2014).

This volume examines cases when state- and national-level political leaders *have* addressed the (perceived) concerns of people from intersectional groups. We seek to explain how and why this unexpected attention is achieved.[1] Because such citizens often have few resources at their disposal and at times are limited in number, intersectional groups must gain the support of allies beyond the group itself to bring their concerns to the attention of top policymakers. Drawing on broader literature regarding interest groups and lobbying, we recognize that there are multiple institutional venues in which intersectional groups *may* gain allies and, with these allies' assistance, articulate their concerns. The scholarship on "venue shopping," developed in the United States (i.e., Holyoke 2003; Constantelos 2010) focuses on powerful interests such as the banking, insurance, and investment industries. It argues that these interest groups strategically choose their battlegrounds, deciding whether to expend resources on, for example, lobbying Congress, targeting members of legislative committees, or filing suit in the Supreme Court. These interest organizations are expected to deploy the most effort in venues where they have the highest probability of success. Like intersectionality, the concept of venue shopping has also been applied beyond its original context. In this case, the literature has been used in studying Europe (e.g., Guiraudon 2000) and extended to nonbusiness interests. Research on gender as a category of difference, for example, finds that women's movement organizations engage in "limited forms of venue shopping" (Celis, Mackay, and Meier 2012, 44).

On its face, the venue shopping literature would seem to be of little use in a study of intersectional groups such as minority women, as citizens belonging to more than one disempowered category generally have few resources to deploy and little room for strategic maneuvering. The concept of venue shopping does, however, call our attention to the fact that there are more and less promising venues through which various interest groups—including intersectional groups—can pursue their goals. Here we consider various channels through which intersectional groups may find allies who can, in turn, help amplify claims. Depending on the social categories with which their sex intersects, women may (or may not) be able to take advantage of various aspects of a given political opportunity structure.

Our research identifies three possible venues in which citizens from more than one marginalized group can gain critical allies and pressure governments to respond to their concerns: the *top-down* venue, acquiring an international organization as an ally; *convergence with policymakers' interests*, gaining the governing party/parties or administrative agencies as allies; and finally the *bottom-up* venue, forging alliances with domestic interest groups. These three venues are not mutually exclusive (or exhaustive), and the most successful intersectional groups access allies within all of these areas—for example, working with domestic interest groups to win the support of an international organization, which can, in turn, pressure the governing party to act. Conversely, some multiply disadvantaged citizens will not be able to locate allies in of any of these venues and are thus likely to remain invisible to policymakers.

The *top-down* venue involves intersectional group members working through international organizations to pressure domestic policymakers to address concerns. For example, the law allowing an "unspecified" option on German birth certificates was passed after intersex advocacy groups, in conjunction with the United Nations, framed the unnecessary, nonconsensual surgeries on infants resulting from the status quo as violations of the Right to Health clause of the UN Convention to Eliminate Discrimination against Women, of the UN Convention against Torture, and of the UN Convention on the Rights of the Child. The subsequent concerns expressed by the UN shamed the German government into passing the "third gender" law.

This "boomerang approach" (Keck and Sikkink 1998), whereby feminists and other activists use transnational political networks to force domestic-level change, is not new and not unique to intersectional groups. Keck and Sikkink's "activists beyond borders" are networks that coalesce and operate across national frontiers to pressure international organizations. If those supranational bodies then adopt activists' preferred positions, the activists, in turn, can use the (hard or soft) power of international organizations to pressure individual states for policy change. Woodward (2004) has similarly documented the presence of "velvet triangles" linking academics, domestic social movement activists, and EU bureaucrats seeking to maximize their own agencies' power and prestige (see also Abels and Mushaben 2012). Eurocrats' support in turn allows academics and activists to further press their claims at the domestic level. While business interests have long used the European Court of Justice's support of a single market to obtain domestic policies that increase their profit margins, the strong support for human rights exhibited by the United Nations, the European Union, and other European bodies make them particularly important potential allies for intersectional groups (see Abels and Mushaben 2012; Ayoub and Paternotte, 2014). Courts of law, such as the European Court of Justice, where citizens experiencing personal hardships can speak directly to judges about their negative experiences, have also been a useful vehicle for social change at the domestic level in areas such as sexual harassment (Zippel 2006; see also Blofield 2012; Fuchs 2013). Finally, international organizations are less motivated by electoral considerations than are domestic politicians, who tend to prefer to focus on large groups of powerful social actors rather than disempowered minorities.

However, bringing cases to international courts and networking with international organizations requires considerable resources and expertise not available to all intersectional groups. Germany's intersex advocates, for example, prompted the UN to pressure the German government only by filing an extensive, professionally prepared report with the United Nations. The intersex condition cuts across class lines, ensuring that some members of this group were not economically marginalized. In addition, international organizations tend to privilege liberal concerns such as negative freedoms (i.e., freedom *from* nonconsensual surgeries) and thus may have been more receptive to these activists' claims than to demands for government financial assistance to a particular group.

A second venue through which intersectional groups may achieve a place at the forefront of a country's political agenda is through *convergence with policymaker interests*. However rare, there are occasions when governing parties and/or leading bureaucrats *do* see utility to championing an intersectional group. Group members may thus find that their (purported) interests overlap with political or administrative leaders' preexisting agendas; these policymakers, in turn, find self-serving reasons to take up that intersectional group's banner. The 2007 debate over forced marriages, for example, emerged when conservative Christian Democrats instrumentalized immigrant women's (perceived) problems with arranged nuptials as a reason to make family unification more difficult, limiting immigration to Germany. This instrumentalization and the creation of corporatist bodies in which immigrant concerns could be discussed at the national level subsequently spurred immigrant women to mobilize to articulate their own concerns, including improved access to vocational training and employment rather than forced marriage.

As with working through international organizations, achieving convergence with policymaker interests is a strategy open to groups of nonintersectional citizens as well. Strategic (re)framing of an issue to achieve such convergence can help any political issue gain attention. However, this example and others included in this volume are distinct because policymakers initially spoke on behalf of migrant women rather than with them—presupposing their needs without actually consulting with them. Migrant women and girls became hypervisible in political discourse without any organizing on their own behalf—a stark contrast to the strategic venue shopping behavior of more powerful interests. The most marginalized members of a polity (often noncitizens) commonly are weakly organized as a consequence of lack of resources and thus are less able to speak for themselves than are multiply advantaged groups such as affluent men. Therefore, they are more vulnerable to such political appropriation than are more resourced and organized citizens, including those with intersections cutting across class or racial/ethnic lines.

A third venue through which intersectional groups may gain allies is through collaboration with domestic interest groups to pressure national governments from the *bottom up*. Intersectional groups can at times obtain support for their causes from interest organizations in their own country representing the broader social categories to which their members belong—in the case of female low-wage workers, for example, women's groups or labor unions. These allies can in turn deploy their strength in the domestic arena to press the national government to adopt policies favoring the intersectional group.[2] This is indeed what happened with the minimum wage law in Germany. Labor unions, Germany's largest women's organization, and the women's auxiliary organizations of the Social Democratic and Green Parties spent years trying to convince the governing coalition to pass a minimum wage law. Alliances with domestic interest groups are not guaranteed, however, and such alliances tend to form only when intersectional citizens' needs overlap with the preferences of the broader group and/or when policymakers have already addressed the problems faced by the dominant members of potentially allied groups. For example, Germany's most powerful labor unions were not receptive to low-wage women's initial demand for a minimum wage until their male members were negatively affected by foreign competition. When unions and political parties as a whole (rather than the women's auxiliary organizations) began a push for a minimum wage—almost a decade after low-wage women had first called for one—they did so by portraying the law as a solution to problems of male workers facing foreign competitors, although the main beneficiaries of the law were women working in feminized sectors, who had long experienced wage discrimination. Forging alliances with domestic interest groups thus runs the risk of delay or invisibility and only functions when relevant interest organizations exist and are receptive to intersectional groups' concerns. Our research finds that the most marginalized members of the polity—such as immigrant women of color—are the least likely to obtain such effective allies.

The eight substantive chapters in this volume explore these three venues through which intersectional groups can gain allies. Each author focuses on an intersectional group and its experiences in twenty-first-century German politics. Before turning to these case studies, however, we explain how we came to ask our research question, how we selected empirical cases to study, and the methods through which we explored them. We also outline the shape of the volume.

Intersectional Groups and Politics: What Do We Know?

Our research contributes to the existing literature on intersectionality and politics in two ways. First, in a single institutional setting (contemporary Germany), we explore a broad range of intersections—including the intersexed, disabled women, immigrant women and girls, female soldiers, women who work for low wages, lesbians, and East German women. Other volumes, in contrast, focus either on a single intersection across political contexts (e.g., Blofield's 2012 study of domestic workers across Latin America) or multiple intersections across several countries (e.g., Wilson's 2013 volume including pieces on trans* citizens in Chile, Kurdish feminists in Turkey, and lesbians in the UK). Second, rather than focus solely on exclusion, we investigate ways in which intersectional groups' voices come to be included in political discourse. This research design allows us to investigate how individuals at the intersections of various social categories are (or are not) able to take advantage of various aspects of a given political opportunity structure.

The intersectional approach to political science was born in the 1980s out of African American women's experiences with the (non)responsiveness of the U.S. political system (e.g., hooks 1981; Crenshaw 2005 [1989]) and continues to call our attention to the invisibility of African American women in U.S. political discourse (e.g., Strolovitch 2007; Crenshaw 2014).[3] Over time, this approach has expanded both geographically (to settings beyond the United States) and conceptually, focusing not only on race and gender but on other intersecting axes of disempowerment. There is a scholarly consensus that intersectionality can "travel" beyond the United States (Lutz, Vivar, and Supik 2011). Much of this work has empirically examined Western Europe and focused not on female racial minorities but on women immigrants whose ethnic and religious background differs from the native population, often mutually intersecting with class difference as well (e.g., Verloo 2006; Weldon 2006; Krizsan, Skjeie, and Squires 2012; Siim and Mokre 2012; Agustín 2013; , Bassel and Emejulu 2014; Lepinard 2014).[4] These studies highlight many ways in which migrant women are excluded from full democratic participation.

Despite this excellent research on gender and race/ethnicity, gaps in our understanding remain. As Yuval-Davis points out, while these two categories "tend to shape most people's lives in most social locations," they are not the only politically significant intersections of dis/advantage. Instead, she cautions, "the construction of social categories of signification is, in the last instance, a product of human creative freedom" (2006, 203). While it is important not to lose sight of intersectionality's original focus on racial disadvantage (Smooth 2013), the concept also cautions us to be sensitive to other lines of division that may render additional groups of women invisible or marginalized in political discourse.[5] This tendency can be witnessed in some of the systematic cross-national research on intersectional groups in Western Europe, which has largely ignored women. For example, only one of the fifteen articles in a Council for European Studies report, *Over the European Rainbow: Sexual and Gender Minorities in Europe* (2014), mentioned lesbian-specific concerns (such as access to reproductive technology, discrimination on the basis of sex and sexual orientation, and lesbian invisibility in popular culture) in any depth.[6]

Other important work in comparative politics has indeed focused on the intersections of gender and class (Blofield 2012), gender and sexuality, gender and illness, and gender and gender variance (Wilson 2013; see also Lutz, Vivar, and Supik 2011). This research highlights some similarities and differences among various intersectional groups of women and their experiences with policymakers. For example, Angelia R. Wilson notes that "some [intersectional] voices may be heard while others are not" (2013, 6). Although these authors make excellent contributions by discussing multiple social intersections and highlighting the ability of some to gain political influence, their case studies differ from one another in their geographic focus, making it impossible to draw systematic conclusions about how various intersections differentially shape access to a given political system. Are lesbians, disabled women, and immigrant girls, for example, equally able to gain allies and hear their interests articulated in national political discourse in a given country? If not, why not? If so, are the allies they gain and the venues through which they gain these allies similar or different?

As Wendy Smooth admonishes,

> Intersectionality requires that we pay close attention to the particulars of categories of social identity[,] that we recognize that systems of oppression and hierarchy are neither interchangeable nor are they identical; therefore, much is made of understanding the ways that these categories function. These social categories have differing organizing logics in that race works differently than gender, class, or sexuality. Power associated with these categories is neither configured in the same ways nor do they share the same histories therefore they cannot be treated identically. (2013, 22)

This volume begins to address these questions and takes up Smooth's challenge by systematically examining a range of social intersections while holding the national institutional setting constant. Our research design allows us to go beyond the well-established focus on gender and race or ethnoreligious minorities (although we do include case studies on this subject) and broaden our empirical scope to study a range of intersections. Limiting our study to a single country allows us to compare the ability of, and methods used by, citizens from a range of social groups to make their voices heard in a particular institutional context. The advantage of this research design is that it possesses a high degree of internal validity. We recognize that its external validity is limited and therefore seek to inspire other scholars to undertake studies in this vein elsewhere to allow the field of political science to draw additional, generalizable conclusions about the venues through which various intersectional groups may find allies and a voice in political decision making across polities.

Case Selection: Why Contemporary Germany?

Investigating the different venues through which intersectional groups obtained allies and influenced a country's political agenda required us to identify a democratic[7] polity in which (1) various intersectional groups were present and (2) state- or national-level policymakers had spoken or acted on behalf of at least some of these groups. Moreover, we sought a country with many institutional channels through which marginalized citizens could gain allies, so that we could identify as many routes to political inclusion as possible. In short, we desired a crucial case. Crucial cases are the most likely to exhibit a given outcome, allowing researchers to conduct (dis) confirmatory hypothesis testing (Gerring, 2002, 89–90). Such a case would feature many opportunities for the phenomenon we seek to explain—intersectional groups' gaining allies and their (perceived) concerns being articulated by political elites—allowing us to investigate whether various intersectional groups worked with international organizations, state or national policymakers, domestic interest groups, or other allies to make their voices heard. If these venues are open to intersectional groups in a crucial case, they are worth investigating in other contexts as well; if, in another context, a given group cannot access one of these paths to gaining allies and pressuring policymakers, we may be able to explain why a given group's interests have been overlooked in that case. If intersectional groups are unable to form alliances in the venues we study in this most likely case, they will probably not succeed elsewhere. In other words, we do not expect intersectional groups to be as successful at gaining allies in all cases as they are in a crucial case, but the crucial case allows us to understand what can help minority women overcome invisibility in certain settings.

The Federal Republic of Germany provides just such a crucial case. Over the twenty-first century, state or national policymakers have articulated intersectional groups' concerns in a number of instances. Moreover, Germany's decentralized political institutions feature a high degree of integration into international organizations, strong state capacity, several ideologically diverse political parties, a federal system, a vibrant civil society, and corporatist policymaking structures, all of which offer multiple points of access where intersectional groups and their allies can influence state and national policymakers from the top down, through interest convergence, and/or via the bottom up.

German policymakers have articulated intersectional groups' (perceived) concerns in a number of instances in recent years. In addition to the examples mentioned earlier, Germany's social security code has been reformed in ways helpful to disabled women, combat positions have been opened to female soldiers, school reforms beneficial to migrant children have been proposed, lesbians have received growing opportunities to adopt children, and state-funded initiatives have promoted eastern German women's access to employment in science, technology, engineering, and math (STEM) related fields.

Germany's decentralized political institutions represent a most likely case for intersectional groups to be able to locate allies in international organizations, among parties in power or within government agencies, or via domestic interest groups. History—specifically, two world wars and the Holocaust—casts a long shadow over much of German politics. To prevent the rise of another Hitler, German political institutions were deliberately crafted in a way to disperse political power. These institutions have been described as creating a "semisovereign" state with many checks added to a parliamentary system (Katzenstein 1987). These multiple veto points include a bicameral legislature in which the upper house has a say over many domestic policies; a federal system containing sixteen states (*Länder*) that have sole discretion over many policies; the Constitutional Court, to which aggrieved individuals may take their cases directly should they believe their civil liberties have been violated; and membership in the broader European Union. In addition, while the Basic Law does not permit national-level referenda, they are available at the state level. The public policymaking process in Germany is highly corporatist and consensus-driven, granting interest organizations a high degree of influence over decision making (Streeck 2009). The country also has a rich civil society (Conradt and Langenbacher 2013) and history of feminist organizing (Ferree 2012). Thus the Federal Republic's political institutions and its embeddedness in the EU and other international organizations offer multiple access points that provide intersectional groups many opportunities to seek allies. Moreover, Germany has high state capacity with a professionalized, multilevel bureaucracy and its personalized proportional electoral system creates multiparty competition among a range of ideologically distinct parties. These conditions offer many opportunities for intersectional groups to experience (or endeavor to achieve) convergence with policymakers' interests.

Germany and International Organizations

To overcome Germany's troubled past with its neighbors, the preamble to the country's Basic Law, installed by the Western allies after World War II, requires it to be a peace-seeking member of a united Europe, and the country has a good record of complying with European regulations (Falkner and Treib 2008) as well as other international agreements. Indeed, some have classified it as a European "norm taker," particularly eager to adopt what are considered European human rights standards (Kollman 2014). The Allied powers also ensured that the Federal Republic has a strong system of judicial review; citizens who feel their human rights, spelled out in international agreements, have been violated can take their cases directly to the country's Constitutional Court. These aspects of the German political opportunity structure offer top-down venues through which intersectional groups can obtain international allies and endeavor to pressure the national government to take up their concerns.

Political Parties in Germany

Germany also offers many possibilities for multiply marginalized groups to find sympathetic political parties or bureaucrats within state or federal governments. The key actors in the German political system are political parties. They wield such strong influence that contemporary Germany has been called a "party state" (Conradt and Langebacher 2013). German parties are required by law to act in an internally democratic manner, and all the major parties have internal organizations of members with common interests; these groups work to develop public policies in a given area. Much of the bill-drafting work done by congressional staffers, special interests, or think tanks in the United States is performed in Germany by either these intraparty organizations, policy advisers employed by the parties, or by the parties' publicly supported research foundations. These parties are present in the executive and legislative branches at the state and federal levels and at times are involved with state-level referenda.

Germany's party system features five salient parties—two large and three smaller organizations—with a range of positions on gender-related issues (see table I.1). All the major German parties include intraparty organizations for women. Some, but not all, parties have intraparty groups for disabled people, those of immigrant background, working-class members, LGBT citizens, and Eastern Germans. The strength and status of

TABLE I.1. Main German Political Parties

Party	Popular Vote in 2013 (%)	Years in Governing Coalition between 2000 and 2017	(Gender) Ideology	Name of Women's Auxiliary Organization	Contains Intraparty Organizations for:[a]
Christian Democratic Union / Christian Social Union (CDU/CSU)	41	2005–17	Christian Democratic; views women in their traditional roles as wives and mothers	Women's Union (Frauen Union [FU])	- Turks - Working Class - LGBT - East Germans
German Social Democratic Party (SPD)	26	2000–2009 2013–17	Social Democratic; views gender through an economic lens, stresses equality of opportunity	Working Group for Social Democratic Women (Arbeitsgemeinschaft Sozialdemokratische Frauen [ASF])	- Disabled - Immigrants - Muslims - Working Class - LGBT - East Germans
Left Party	9	Never	Far left; views gender through a Marxist feminist lens; stresses equality of outcome rather than equality of opportunity	LISA	- Disabled - Peace - Immigrants - Working Class - LGBT
Alliance 90/ Greens	8	2000–2005	Progressive/ postmaterialist; stresses equality of outcome rather than equality of opportunity	Federal Women's Council (Bundesfrauenrat)	- Disabled - Peace - Immigrants - Working Class - LGBT
Free Democratic Party (FDP)	5	2009–13	Libertarian; views gender through a liberal feminist lens	Liberal Women[b] (Liberalen Frauen [LF])	*Unofficial groupings for:* - Immigrants - LGBT

[a] See individual chapters for more details about these groups, including their names, organization, and status within the party.

[b] In contrast to the other women's auxiliaries, the LF is a voluntary association outside the formal party structures.

these intraparty organizations varies from party to party along ideological lines, as the chapters in this volume discuss. No parties have intraparty groups specifically for the intersexed or members of the military (although two parties have groups devoted to pacifism), placing these interests at an organizational disadvantage within parties. When marginalized women's concerns can be framed as or perceived as aligning with these parties' gender ideologies, intersectional groups are more likely to be able to forge an alliance with a given party.

The oldest party in Germany, and the largest on the left side of the political spectrum, is the Social Democratic Party (SPD). The party's platform expresses support for gender equality and views gender primarily through an economic lens, stressing the need for state intervention to assure job and educational opportunities for women along with state-sponsored measures to reconcile home and family responsibilities (Xydias 2013, 8), rendering it a particularly likely ally for class-based concerns.

Its counterweight to the right is the Christian Democratic Union / Christian Social Union (CDU/CSU); the CDU contests elections in fifteen of Germany's sixteen states, while the CSU is present only in the state of Bavaria. At the federal level, these two parties combine to form a single parliamentary party group. The CDU/CSU has historically held very traditional views regarding women's roles in German society, although under the influence of the women's auxiliary organization, the Frauen Union, and the leadership of Angela Merkel, these views have modernized somewhat (Wiliarty 2010). The Christian Democrats' platform continues to view women primarily through the lens of their role as mothers and family members, however (Xydias 2013, 8). The party's traditional Christian views make it an unlikely ally for lesbians or Muslim women. The SPD, the CDU/CSU, or both have been present in every state and federal cabinet since the founding of the Federal Republic; a CDU/CSU/SPD "Grand Coalition" governed Germany from 2005 to 2009 and has done so again since 2013.

Founded with the creation of the Federal Republic, the libertarian Free Democratic Party (FDP) served as a kingmaker between these two larger parties in the latter half of the twentieth century, forming national coalitions with the CDU (on economic issues) and the SPD (on social issues). It governed in a coalition with the CDU/CSU between 2009 and 2013; in 2013, the party suffered an unprecedented electoral loss and left the Bundestag. The FDP's libertarian platform expresses support for gender equality, but, in contrast to the SPD's position, rejects state-driven measures to achieve this goal, instead preferring to rely on private sector solutions or an end to gendered state regulations (Xydias 2013, 9), such as bans on women serving in combat.

The Green Party emerged from 1970s social movements, including the peace, multicultural, and feminist movements, and entered the national stage in 1983. After merging with some eastern German citizen movements after German unification in 1990, the party changed its name to Alliance 90/Greens. It governed Germany in coalition with the SPD from 1998 to 2005. In keeping with its activist origins, the party assumes feminist stances on a range of gendered issues, including lesbians' and migrant women's concerns as well as issues of sex discrimination in employment. In contrast to the parties discussed previously, the Greens' platform views women not just as family members or workers but also as individuals whose life chances are circumscribed by unequal gender roles in society. They focus on equality of outcome, not simply equality of opportunity (Xydias 2013, 7).

The newest party to enter the national parliament is the Left, which resulted from a merger of the heir to the East German Communist Party, the Party of Democratic Socialism (PDS), western German communists, and dissident elements from the SPD. The Left has been extremely successful in eastern German state and local elections (Green, Hough, and Miskimmon, 2008, 88)—essentially replacing the SPD as the largest party on the left in eastern *Länder*; however, it is a newcomer to state-level politics in western Germany and has yet to serve in government at the federal level. The Left Party's view of gender issues reflects its Marxist heritage; its platform stresses how neoliberal economic policies and patriarchy create unequal gender roles, to the detriment of women, and prescribes extensive state intervention to achieve both equality of opportunity and equality of outcome (Xydias 2013, 6). It is particularly sensitive to the needs of East Germans and those with low incomes.

These socialist, Christian Democratic, libertarian, Green, and Marxist ideologies relate not only to gender issues but to a host of other policy questions involving the female citizens we study in this volume: How should new immigrants to Germany be educated and incorporated into society? How can the poorest citizens, or residents of economically depressed regions, access well-paid, meaningful work? Should lesbians and gays be allowed to marry or adopt? Who should be allowed to take part in combat? Should a third gender option be available for official documents? How can disability best be accommodated? As the chapters that follow demonstrate, when certain women's intersections fruitfully fit into these ongoing ideological narratives (or can be portrayed as coinciding with these preexisting views), finding allies among policymakers becomes more likely.

The literature on gender and political representation (e.g., Mansbridge 1999; Celis 2006) suggests that the elected officials from these political parties most likely to take up intersectional groups' concerns are the members of parliament who themselves belong to intersectional groups. While Germany's electoral and party systems have created many opportunities for women to enter politics, the women who ascend to power are not often minority women. The Federal Republic's mixed electoral system contains a proportional representation component compatible with the use of gender quotas, and all parties currently represented in the Bundestag employ quotas for women at the national level (Davidson-Schmich 2016). The Inter-parliamentary Union ranks the Federal Republic twenty-first in the world in terms of women in the lower house of parliament (36.5% parliament) and the cabinet contains 37.5 percent women—including Chancellor Angela Merkel. Among these elected women, however, are few immigrants (Donovan 2012),[8] eastern Germans (Kintz 2011), or lesbians (Davidson-Schmich, this vol.). One study found no disabled women, female combat veterans, or intersexed individuals in the Bundestag (Davidson-Schmich 2011). In Germany, therefore, many intersectional groups have no (or very few descriptive) representatives to serve as allies among policymakers.

The German State

In addition to any descriptive representatives who may be present, members of the bureaucracy are also potential allies for intersectional groups. The nature and mission of women's policy agencies vary greatly across countries (Rai 2003), as do welfare states (Esping-Andersen 1999) and equal employment regimes (von Wahl 1999), shaping the receptivity of state actors to various women's demands. One group's liberal call for the removal of state regulations, for example, may meet with greater sympathy than another organization's call for social welfare protection in a liberal market economy such as the United States, whereas the reverse would likely be true in a conservative welfare state such as Germany's. In many countries, state feminists, also referred to as femocrats, interested in expanding their policy competency may prove critical allies for multiply marginalized women.

However, this outcome is unlikely in Germany as a consequence of its weak tradition of state feminism at the national level. The executive branch has a Ministry for Families, Seniors, Women, and Youth; the focus and strength of this office varies with the partisanship of government and the individual minister but is generally seen as a relatively soft portfolio. Leading ministry officials rarely have ties to the women's movement and possess comparatively few implementation powers (McBride and Mazur 2010, 65). Since 2006, when forced to implement an EU directive, the country has also possessed a federal antidiscrimination office. However, this office is weak and underfunded (von Wahl 2011). There are thus unlikely to be many powerful national-level "critical actors" (Childs and Krook 2006) advocating on behalf of minority (or any) women in the Federal Republic.

At the state and local levels, in contrast, women's policy agencies in Germany are quite well institutionalized and—in conjunction with left-wing state and local governments—can exert a powerful influence on local or state-level policy (Lang and Sauer 2012). Thus, where women in a given region can agree on priorities, femocrats may prove an important ally; however, this influence is unlikely to extend to the national level. In sum, there are mixed opportunities for minority women to achieve convergence with policymakers in the state apparatus but multiple opportunities for convergence with partisan political actors' interests.

The Women's Movement and Intersectional Groups in Germany

In addition to political parties, descriptive representatives, and femocrats, interest groups also play an important role in Germany's strongly corporatist policymaking institutions, which promote consensus decision making involving all relevant stakeholders. This is due to another effort by the framers of the Basic Law to weaken central authority. Thus, intersectional groups can also search for allies in the domestic, extraparliamentary arena or *bottom-up* venue.

Women's movements differ from country to country in terms of both ideology and organization (Weldon 2002, 2011; McBride and Mazur 2010; Ferree 2012; Htun and Weldon 2012;) and as a result may be more or less open to advocating for certain females from minority groups. For example, a Marxist feminist movement would be more prone to take up the cause of poor women than a middle-class movement; similarly, church-based women's organizations might embrace disabled women's concerns while eschewing those of lesbians. Radical feminists devoted to dismantling patriarchal structures may prove reliable allies for minority women hoping to do the same but be less open to a group of women with more mainstream goals (for example, joining the military). Only where a subgroup of women's concerns are framed, or perceived, as compatible with "women's" interests more generally is the broader women's movement likely to emerge as an ally.

Germany has a long history of various women's movements (Ferree 2012). Historically, women's organizing followed class and religious lines, with traditions of both socialist feminism and church-linked bourgeois women's organizations. During the second wave of feminism in the 1970s, West Germany experienced a wave of radical feminism where activists opposed patriarchal state institutions in favor of alternative, women-only spaces. Issues important to the women's movement included pacifism, combating sexual violence, and lesbian rights. However, because these activists rejected engagement with the state, no autonomous women's organization along the lines of the National Organization for Women in the United States emerged to pressure elected officials. Instead, feminist scholars took up work in universities and in party-affiliated think tanks, and women interested in engaging with the state organized within the political parties to gain influence both in the parties themselves and as elected officials (Kolinsky 1989; Kittilson 2006; McBride and Mazur 2010, 54). These developments continued the influence of class and religious divisions among women and added in broader ideological divisions. Unification brought further regional divisions among women as well (Rohnstock 1994).

Today, the largest nonpartisan, extraparliamentary umbrella organization claiming to represent women's interests in the Federal Republic is the German Council of Women (Deutscher Frauenrat [DF]), which is composed of more than fifty women's organizations from across the country, including the women's groups from all political parties, all major religions, a wide range of economic and professional groups from both ends of the class spectrum, Germany's largest lesbian organization, a network of disabled women's advocates, and a group devoted to cooperation between eastern and western German women.[9] The wide-ranging coalition of interests in the DF means that it is divided on a number of key issues, including, for example, whether lesbians make suitable parents, whether serving in the military is desirable, and whether aborting disabled fetuses is acceptable. Moreover, the DF includes no groups organized around the intersex condition or women in the military. These divisions and exclusions suggest that the Deutsche Frauenrat will be an unreliable ally in most instances; however, where most members can agree, the DF is a potential ally to pressure decision makers from the bottom up.

Just as variation exists in the ability of different intersectional groups to harness the support of the women's movement, the same holds true for their likelihood of gaining other interest groups' backing. Previous work on intersectionality has demonstrated that obtaining allies from broader minority groups can prove particularly difficult for women (e.g., Crenshaw 2005 [1989]; Strolovitch 2007; Weldon 2011; Lepinard 2014). For such citizens to gain a domestic interest group ally, (at least) two conditions must be met. First, an interest group for their particular axis of disadvantage must exist, which for the most marginalized is not always the case. Second, if this broader group is dominated by men, these male leaders must be convinced of the merits of taking up female members' concerns. This convergence may occur if men's and women's concerns overlap, if attention to women's issues would aid men in their own struggle, or if men's primary objectives have already been met.[10] The groups considered in this volume have a variety of potential allies.

Intersex citizens—neither male nor female—are particularly unlikely to find affinities with either the women's movement or other interest organizations. Under the Nazis, intersex citizens were either hidden or killed, and after World War II, they were "fixed" by involuntary surgical "adjustments" performed by doctors without input from either them or their families, even though 95 percent of intersex newborns are not in need of immediate medical attention (von Wahl, this vol.). The medicalization of the intersex condition has caused individuals to experience physical and psychological trauma, disability, depression, and a loss of sexual sensitivity/drive/ability. "Correcting" intersex bodies was in part motivated by the need to register babies as male or female on identity documents in the Federal Republic. Indeed, only with the passage of the 2013 law allowing parents to identify newborns as having an "unspecified" sex did intersex citizens officially come to exist in Germany. Intersex organizing in Germany did not begin until the mid- to late 1990s, and some of the movements in the intersex network were led by individuals who self-identified as women. Because the intersex condition cuts across class and ethnic lines and includes affluent German citizens, the intersex movement has had access to resources that allowed it to capture the attention of international actors.

Disabled citizens also have been similarly marginalized in German society but began to organize earlier than intersex people. Few disabled citizens—male or female—escaped the Nazi genocide alive. After World

War II, those who did were often institutionalized or dependent on their families. The 1970s brought about the rise of a disabled citizens movement advocating for broader access to mainstream society; disabled women, however, were invisible within this movement led by men. As a result, disabled women remained at risk for (sexual) violence from family members and caregivers, shut out of employment opportunities, and excluded from broader participation in education, health care, and social life. Recent decades have seen the emergence of disabled German women as political actors on their own behalf, seeking to overcome these obstacles to full citizenship and gain the attention of the male-dominated disability rights movement.

Immigrant women and girls are another economically and politically disempowered group in the Federal Republic. In Germany, 20 percent of the population is identified as "migrants"—about fifteen million individuals.[11] Approximately half of them presumably are women. Of these women, only approximately four million are German citizens with voting rights (Die Beauftragte der Bundesregierung 2012, 27; see also Wüst 2011, 256). One of the most pressing questions in German politics has been how best to incorporate this growing immigrant population into German society. Individuals with migrant background are significantly more likely than native Germans to live in poverty and to possess lower educational attainment (Die Beauftragte der Bundesregierung 2012, 38). Relations between immigrants and ethnic Germans are often fraught with tension, and incidents of violence or discrimination against migrants are commonplace ("Verbände fördern" 2014; Schurman and Kurt 2015). These differences in status, cultural background, and language between native-born and immigrant women often make it difficult for migrant women to form alliances with ethnically European women's groups (Rottmann and Ferree 2008; Predelli and Halsaa 2012; but see Mushaben 2008).

However, migrant women and girls also have difficulty finding allies among migrant men. First, Germany's migrant population is far from homogeneous, making any kind of organization difficult. Many immigrants are ethnic Germans from Eastern Europe who moved to Germany in the early 1990s with the fall of the Iron Curtain. Another large group includes Turks who came to western Germany as "guest workers" as well as their descendants. While Eastern European ethnic Germans automatically received German citizenship, Turks have faced high barriers to becoming German citizens. Iranians are the second-largest non-ethnic-German group among naturalized citizens (Donovan 2007, 459–60). Other migrants come from affluent areas of Western Europe or North America. A final, more recent group of arrivals are asylum seekers from the Balkans, Middle East, and Africa fleeing civil wars and poverty in their countries of origin. Among Muslim migrants, there are marked differences in interpretations of Islam and appropriate gender roles for women. Many such organizations are often heavily dominated by men with traditional views about gender roles, making them unlikely to champion female immigrants' (feminist) concerns. Moreover, until recently, broader immigrant associations often focused on homeland rather than German politics (Ögelman 2003)—perhaps because many of their members are not German citizens (but see Arkilic 2016). Thus, migrant women and girls are likely to have difficulties finding domestic interest group allies.

Women wishing to serve in top military positions have also been excluded in the Federal Republic and found allies within the military only recently. Many German feminists' close connection to the peace movement as well as the mainstream women's movement's radical rather than liberal tendencies make most feminist groups unsympathetic to the concerns of women wishing to pursue military careers. Instead, militarism and war are often viewed as patriarchal pathologies. Moreover, the German population as a whole views the use of military force in a very negative light. Germans often consider the aftermath of World War II a "zero hour," when the country completely broke from its militaristic past. The Basic Law allows troops to be used only for defensive purposes or in international peacekeeping missions, and contemporary Germany has been described as a "civilian state" where the public has little stomach for military action (Sheehan 2008). The German armed forces (Bundeswehr) employ only approximately 170,500 full time soldiers, or less than .5 percent of the total German workforce (Bundeswehr 2008). The army's participation even in peacekeeping missions is highly controversial: for example, in 2013 only 37 percent of Germans favored involvement in state-building operations in Afghanistan (Alessi 2013). Since women were prohibited from serving in combat—even in the very limited circumstances allowed by the Basic Law—no military women's group ever formed. The main interest group representing male soldiers, the Deutscher Bundeswehrverband (DBwV), ultimately took up women's concerns but did not do so until forty years after the founding of the Bundeswehr.

A similar pattern of delayed alliance with a male-dominated group can be observed in terms of women who work for low wages. Compared to the United States or Latin America, Germany has a relatively equitable distribution of income and a strong labor movement. However, the gains made by unions are strongly oriented toward protecting a male breadwinner's ability to support his family, and unions long ignored the concerns of low-skilled women needing to make ends meet. Germany's corporatist system has also been slow to embrace concerns relevant to working women that are not commonly faced by their male peers, such as sexual harassment (Zippel 2006). Germany has traditionally had a conservative (Christian Democratic) welfare state organized around a male-breadwinner model (Esping-Andersen 1999) and a conservative equal employment regime (von Wahl 1999);[12] wage agreements have often included lower wages for occupations that are typically held by women rather than men. For example cleaning women earn lower wages than (male) janitors. The country's taxation system continues to provide considerable incentives for single-earner couples (European Commission 2013), and one-third of German women aged between fifteen and sixty-four are not in the paid labor force—about 10 percentage points below men's employment rates. Of these women, almost half are in part-time positions, and the gender wage gap in Germany is higher than in almost all of the other OECD countries (European Commission 2013). Only as neoliberal globalization has driven down male wages have German unions begun to address economic concerns long held by working-class women.

Lesbians, too, have gained male allies only over time. All of Germany's multiple forms of national government—the monarchy in imperial Germany, the failed Weimar Democracy, the communist system of the German Democratic Republic, and the democratic Federal Republic—(initially) outlawed sodomy and restricted the sexual expression of lesbian and gay citizens via Paragraph 175 of the civil code. This provision was repealed only in the late 1960s, and as was the case cross-nationally, LGBT rights groups were slow to form, emerging out of other New Left movements beginning in the 1970s (D'Emilio 2015). Germany's largest lesbian organization, the Lesbenring e.V., was founded in 1982. Today, the Federal Republic's largest homophile advocacy group is the Lesbian and Gay Union in Germany (Lesben und Schwulenverband in Deutschland [LSVD]); it originated as the Gay Union in Germany. Lesbians joined first in 1999 and still make up only a minority of the group's members. Since its inception, the LSVD's priorities have tended to focus on gay men's concerns, such as reparations for gay male victims of the Holocaust, violent homophobia, and partner benefits for tenured civil servants. The group has only recently taken up some key lesbian concerns, such as adoption rights and access to reproductive medicine.

The final intersectional group on which we focus is a regional minority, East German women. Since the 1990 unification of the German Democratic Republic (East Germany) and the Federal Republic (West Germany), the eastern part of the country has been plagued by poor economic performance and large-scale out-migration. Women, who had an extremely high labor force participation rate under communism, were the first fired and last hired as state-owned enterprises collapsed and West Germany's male-breadwinner form of capitalism spread eastward (Rueschemeyer 1993). Many of the women previously employed in STEM fields have struggled to find meaningful employment and to keep their skills up-to-date. Easterners are a numerical minority in the united country, and as Eastern German Heinrich Bortfeldt wrote on the eve of the twenty-fifth anniversary of unification, "a majority of East Germans still feel like strangers in their new home. That surely also has to do with the fact that twenty years after unification the East is barely represented in the political, economic, intellectual, and media elite of Germany. . . . East Germans are absent wherever power is concerned" (2013, 57). The only specific eastern German interest group with which Eastern German women seeking high-tech employment could ally is the Left Party, which has always been in opposition in national-level politics.[13] Similarly, there are no broader feminist interest groups calling for an increase in STEM employment or training: western German women have lower labor force participation rates than do easterners and are rarely employed in STEM fields.

In sum, all of the groups we study (with the exception of the intersexed) features an interaction of gender and another axis of social difference, while intersex individuals fall at the intersection of binary sex categories. These groups have varying possibilities for gaining domestic interest group or women's movement allies with whom to pressure policymakers from below through domestic channels.

How We Researched Our Topics: Process Tracing

All of our authors employ qualitative analysis of primary documents, including reports and statements put out by interest groups, political parties and their foundations, the German government, courts, international organizations, and the Federal Republic's news media. We also draw on German-language scholarly research, parliamentary transcripts, policy documents, and other official records of proceedings. We utilized the rich empirical details gleaned from these sources to engage in careful process tracing, following how a particular issue emerged onto the public agenda and wended its way through the policy process. We asked who spoke on behalf a particular intersectional group, what they claimed the interests of that group were, and how these claims were received by members of the group itself, by the women's movement, by other interest groups, by international organizations, and by German political parties and bureaucracies. We trace how certain claims were embraced, ignored, or altered over the passage of time, who spoke on behalf of the group, and in what venue this representation occurred.

Our research experience highlights several methodological challenges to doing intersectional enquiry. First, one of the primary issues was how to determine what exactly the concerns of intersectional groups are. Given marginalized women's hurdles to organizing and the need for consideration of multiple perspectives before group interests can be accurately identified (Weldon 2002), locating actors able to reliably speak on behalf of intersectional groups of women was at times difficult. Moreover, sometimes those claiming to speak for a given group were not actually representative of its members—or even members of the group at all, as was the case when "interests" were appropriated by political parties pursuing their own electoral agendas. All of our authors were sensitive to this possibility and discuss how they determined what to identify as group preferences. Moreover, our process-tracing approach to case study allows us to document how depictions of a group's needs evolve over time. In many instances, this proves to be an interactive process in which some spoke on behalf of certain citizens and others subsequently organized to complete or correct the initial claims. Process tracing also enabled us to hear multiple voices in a public debate in cases where there were differing perceptions within a certain group or different people speaking on behalf of the group.

Ideally, one way to supplement self-definitions of interests would have been to gather reliable empirical data about the objective situation of a particular intersectional group. For example, when discussing how educational policies differentially impact the school performance of immigrant boys and immigrant girls, a scholar would benefit from official data about these children's educational outcomes. Unfortunately, because people belonging to more than one disempowered group are frequently overlooked by both scholars and policymakers, the data necessary to document these problems may never have been collected, complicating the determination not only of group interests but also of what policies may help mitigate group members' problems. For example, in Germany educational data is released disaggregated by sex and by national origin but not both (see Bale, this vol.). Where they could, our authors endeavored to gather such original data; where relevant sources were simply unavailable, we depicted what information would be useful for future scholars or government bodies to collect or disseminate.

An additional challenge to our project was to empirically document silence or inaction on behalf of certain actors. In some cases women's groups, minority organizations, or particular political parties or leaders did not take up the concerns of marginalized women even after they articulated their political preferences. When such actors spoke out against these women's positions, it was easy to quote such statements. Most of the time, however, intersectional groups are not opposed but are ignored. Our work attempts to demonstrate this inattention through various methods, including depicting what potential allies are prioritizing instead and what alternative frames are being employed, noting the amount of time that passes before an issue is addressed, and documenting other political actors' observations of nonresponses.

A final challenge our authors faced was distinguishing between word and deed—while some actors claimed to (want to) act on behalf of a group or implied that they were doing so, we also had to determine whether their actions followed their rhetoric. Conversely, at other times, certain actors promoted policies without mentioning that they benefited minority women, and our authors had to detect this pattern as well.

Plan of the Book

Eight empirical case studies follow. Each employs process tracing to study how intersectional groups of women or girls in early twenty-first-century Germany found allies and managed to have items of concern to them emerge in public policy debates. Our authors discuss how particular groups were (or were not) able to gain allies to articulate their concerns in various venues.

We begin with case studies highlighting how intersectional groups worked through international venues to gain allies to pressure national governments from the top down. In chapter 1, Angelika von Wahl describes how intersex advocates worked with the United Nations to pressure the government into adopting an "unspecified" sex option for newborns. Lisa Pfahl and Swantje Köbsell's chapter 2 investigates disabled women and disability policy, another arena in which the United Nations proved a key ally. Christina Xydias's chapter 3 demonstrates how women seeking access to combat positions in the armed forces successfully used the European Court of Justice to pressure the Bundestag to take up these concerns. In all of these cases, the axis of intersection cut across class lines, giving groups the resources and skills needed to access international organizations; their demands were also consistent with prevailing liberal international norms.

The next chapters examine cases in which political parties appropriated the (perceived) concerns of intersectional groups, often without them having organized or articulated demands. In chapter 4, Barbara Donovan explores the Christian Democratic–initiated policy debate surrounding immigrant women and the adoption of policies to "integrate" these migrants into German society. Jeff Bale's chapter 5 discusses the Hamburg state government's failed attempt to promote school reforms conducive to migrant children's educational attainment. These two chapters involve the most marginalized of the groups discussed in this volume—largely noncitizen women and girls, often Muslims of color, many with low levels of educational achievement and/or income.

The book's final cases depict bottom-up pressure by domestic interest groups pushing concerns expressed by minority women. In chapter 6, Annette Henninger traces how female low-wage workers ultimately obtained allies within the women's and union movements to achieve minimum-wage legislation, although the gendered framing of this economic reform was lost over the course of the debate. Louise K. Davidson-Schmich's chapter 7 follows the debate over marriage and parenting rights from a lesbian perspective, documenting how Germany's largest gay organization gradually took up concerns about alternatives to marriage, access to reproductive technologies, and adoption. Finally, in chapter 8, Katja M. Guenther examines how eastern German women working in STEM fields allied with state-level women's groups to obtain discretionary funding for programs designed to increase women's access to tech employment. The intersections studied in these cases—gender and class, gender and sexuality, and gender and region—usually involved German citizens, and the members of these groups were less likely than those in more marginalized groups to see their concerns appropriated by policymakers without their input. However, in contrast to the groups discussed in the first section, these women did not want protection from discriminatory state action but rather sought protection from market forces or government funding for programs of interest, causes less often embraced by the European Union or international human rights agreements. These intersectional groups' alliances with domestic interest groups were often slow in coming (or failed to materialize), only emerging when men's concerns had been addressed or when they overlapped with women's.

Finally, the conclusion compares the power of the various intersectional groups we study to shape public policy in the Federal Republic, evaluates Germany's political institutions in terms of their openness to intersectional groups, and offers suggestions for future intersectional research in Germany and beyond.

NOTES

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1. In some of the cases we studied, members of intersectional groups eventually saw their policy preferences adopted, whereas in other cases their (purported) concerns were debated but ultimately not acted on. Explaining variance in legislative success is an important avenue for future research but is beyond the scope of this volume. We concentrate here on the question of how usually overlooked groups initially become visible to policymakers.

2. Here we focus on efforts by intersectional groups' interest association allies to pressure governments via domestic channels. However, such allies could also pursue policy change from above by working through international organizations—as was the case when Germany's largest LGBT interest association worked through the European Court of Justice to improve lesbians' property rights. In other words, the top-down and bottom-up venues are mutually compatible rather than mutually exclusive. In practice, however, not all intersectional groups enjoy access to multiple venues through which to press their claims.

3. For excellent reviews of the development of the intersectionality literature, see Hancock 2007; Zack 2007.

4. See also work on race and gender in Latin America (Townsend-Bell 2014).

5. Our points here also apply to men and other (nongendered) axes of intersection as well. This volume privileges gender as an intersectional category primarily because of the contributors' preexisting research agendas. We encourage other scholars to take up different intersections in future research, focusing, for example, on such topics as how disability (as opposed to gender) intersects with race/ethnicity, class, region, (inter)sex, and sexual orientation.

6. An additional contributor pointed out that he was specifically focusing on gay men and noted the absence of research on lesbians in the context he studied.

7. We exclude nondemocracies from consideration here because in such polities there is little theoretical reason to expect leaders to represent *any* citizens' concerns, let alone those of the most marginalized individuals.

8. Only the Social Democrats have quotas for migrants, and only in one state (Reiser 2014).

9. The DF also has state-level branches active in politics in each of Germany's sixteen *Länder*.

10. Some broader minority groups may at times be led by women, but these women may still face pressure to give primacy to men's concerns.

11. These are people who (1) were not born in Germany, (2) are not German citizens, or (3) had a parent who fell into one of the first two categories (Die Beauftragte der Bundesregierung 2012).

12. Recent changes have begun to address problems faced by working women, and the country has now begun offering paid maternity and paternity leave and promised universal day care, but these reforms have benefited professional women more than working-class women (von Wahl 2011).

13. Moreover, the Left Party has increasingly moved away from its eastern roots and gained ground in the West.

REFERENCES

Abels, Gabriele, and Joyce Marie Mushaben. 2012. *Gendering the European Union*. New York: Palgrave Macmillan.

Agustín, Lise Rolandsen. 2013. *Gender Equality, Intersectionality, and Diversity in Europe*. New York: Palgrave Macmillan.

Alessi, Christopher. 2013. "How Afghanistan Changed the German Military." *Spiegel-Online*. 15 October. Available at http://www.spiegel.de/international/germany/how-afghanistan-has-changed-the-bundeswehr-german-military-a-927891.html

Arkilic, Z. Acye. 2016. "Between the Homeland and Host States: Turkey's Diaspora Policies and Immigrant Political Participation in France and Germany." PhD diss., University of Texas, Austin.

Ayoub, Phillip M., and David Paternotte. 2014. *LGBT Rights and the Making of Europe—A Rainbow Europe?* London: Palgrave Macmillan.

Bassel, Leah, and Akwugo Emejulu. 2014. "Solidarity under Austerity: Intersectionality in France and the United Kingdom." *Politics and Gender* 10.1: 130–37.

Blofield, Merike. 2012. *Care, Work, and Class: Domestic Workers' Struggle for Equal Rights in Latin America*. University Park: Pennsylvania State University Press.

Bortfeldt, Heinrich. 2013. "United, Yet Separate: A View from the East." In Konrad H. Jarausch, ed., *United Germany: Debating Processes and Prospects*. New York: Berghahn.

Bundeswehr. 2008. "Starke Truppe—Immer mehr Frauen entscheiden sich für die Bundeswehr." 22 April. Available at https://web.archive.org/web/20080927120037/http://www.bundeswehr.de/portal/a/bwde/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_QjzKLd443cTQCSYGYxgEh-pEwsaCU-VH1fj_zcVH1v_QD9gtyIckdHRUUATi3qcg!!/delta/base64xml/L2dJQSEvUUt3QS80SVVFLzZfQ180QTc!?yw_contentURL=%2FC1256EF4002AED30%2FW27DXCZE807INFODE%2Fcontent.jsp

Celis, Karen, Fiona Mackay, and Petra Meier. 2013. "Social Movement Organizations and Changing State Architectures: Comparing Women's Movement Organizing in Flanders and Scotland." *Publius* 43.1: 44–67.

Childs, Sarah, and Mona Lena Krook. 2006. "Should Feminists Give Up on Critical Mass? A Contingent Yes." *Politics and Gender* 2.4: 522–30.

Conradt, David P., and Eric Langenbacher. 2013. *The German Polity*, 10th ed. Lanham, MD: Rowman and Littlefield.

Constantelos, John. 2010. "Playing the Field: Federalism and the Politics of Venue Shopping in the United States and Canada." *Publius* 40.3: 460–83.

Council for European Studies. 2014. *Over the European Rainbow: Sexual and Gender Minorities in Europe*. http://councilforeuropeanstudies.org/critcom/over-the-european-rainbow/

Crenshaw, Kimberlé Williams. 2005 [1989]. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color." In Raquel Kennedy Bergen, Jeffrey L. Edleson, and Claire M. Renzetti, eds., *Violence against Women: Classic Papers*. Boston: Pearson.

Crenshaw, Kimberlé Williams. 2014. "The Girls Obama Forgot: My Brother's Keeper Ignores Young Black Women." *New York Times*, 29 July. Available at http://www.nytimes.com/2014/07/30/opinion/Kimberl-Williams-Crenshaw-My-Brothers-Keeper-Ignores-Young-Black-Women.html?module=Search&mabReward=relbias%3Ar%2C%7B%222%22%3A%22RI%3A15%22%7D

Davidson-Schmich, Louise K. 2011. "Intersectionality and the Descriptive and Substantive Representation of 'Women' in Germany." Paper Presented at the Annual Meeting of the German Studies Association, Louisville, KY, 22–25 September.

Davidson-Schmich, Louise K. 2016. *Gender Quotas and Democratic Participation: Recruiting Candidates for Elective Offices in Germany*. Ann Arbor: University of Michigan Press.

D'Emilio, John. 2015. "The Gay Liberation Movement." In Jeff Godwin and James M. Jasper, eds., *The Social Movements Reader*, 3rd ed. New York: Wiley.

Die Beauftragte der Bundesregierung für Migration, Flüchtlinge, und Integration. 2012. "9. Bericht der Beauftragten der Bundesregierung Migration, Flüchtlinge, und Integration über die Lage der AusländerInnen und Ausländer in Deutschland." December. Available at http://www.bundesregierung.de/Content/DE/_Anlagen/IB/2012-06-27-neunter-lagebericht.pdf?__blob=publicationFile

Donovan, Barbara. 2007. "'Minority' Representation in Germany." *German Politics* 16.4: 455–80.

Donovan, Barbara. 2012. "Intersectionality and the Substantive Representation of Migrant Interests in Germany." *German Politics and Society* 30.4: 23–44.

Esping-Andersen, Gøsta. 1999. *The Social Foundations of Post-Industrial Economies*. Oxford: Oxford University Press.

European Commission. 2013. *Europe 2020: Labor Market Participation of Women*. Available at http://ec.europa.eu/europe2020/pdf/themes/23_labour_market_participation_of_women.pdf

Falkner, Gerda, and Oliver Treib. 2008. "Three Worlds of Compliance or Four? The EU-15 compared with New Member States." *Journal of Common Market Studies* 46.2: 293–313.

Ferree, Myra Marx. 2012. *Varieties of Feminism: German Gender Politics in Global Perspective*. Palo Alto, CA: Stanford University Press.

Fuchs, G. 2013. “Strategic Litigation for Gender Equality in the Workplace and Legal Opportunity Structures in Four European Countries.” *Canadian Journal of Law and Society/Revue Canadienne Droit et Société* 28.2: 189–208.

Gerring, John. 2002. *Case Study Research: Principles and Practices*. New York: Cambridge University Press.

Green, Simon, Dan Hough and Alister Miskimmon. 2008. *The Politics of the New Germany*. New York: Routledge.

Hancock, Ange-Marie. 2007. “When Multiplication Doesn’t Equal Quick Addition: Examining Intersectionality as a Research Paradigm.” *Perspectives on Politics* 5.1: 63–79.

hooks, bell. 1981. *Ain’t I a Woman: Black Women and Feminism*. Boston: South End.

Holyoke, Thomas T. 2003. “Choosing Battlegrounds: Interest Group Lobbying across Multiple Venues.” *Political Research Quarterly* 56.3: 325–36.

Htun, Mala, and S. Laurel Weldon. 2012. “Civic Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective.” *American Political Science Review* 106.3: 548–69.

Interparliamentary Union. 2014. *Women in Politics Database*. Available at ipu.org

Katzenstein, Peter J. 1987. *Policy and Politics in West Germany: The Growth of a Semi-Sovereign State*. Philadelphia: Temple University Press.

Keck, Margaret E., and Kathryn Sikkink. 1998. *Activists beyond Borders: Advocacy Networks in International Politics*. Ithaca: Cornell University Press.

Kintz, Melanie. 2011. “Intersectionality and Bundestag Leadership Selection.” *German Politics* 20.3: 410–27.

Kittilson, Miki Caul. 2006. *Challenging Parties, Changing Parliaments*. Columbus: Ohio State University Press.

Kolinsky, Eva. 1989. *Women in West Germany*. Oxford: Berg.

Kollman, Kelly. “Deploying Europe: The Creation of Discursive Imperatives for Same-Sex Unions.” In Phillip M. Ayoub and David Paternotte, eds., *LGBT Activism and the Making of Europe*. Basingstoke: Macmillan.

Krizsan, Andrea, Hege Skjeie, and Judith Squires, eds. 2012. *Institutionalizing Intersectionality: The Changing Nature of European Equality Regimes*. New York: Palgrave.

Lang, Sabine, and Birgit Sauer. 2012. “Does Federalism Impact Gender Architectures? The Case of Women’s Policy Agencies in Germany and Austria.” *Publius: The Journal of Federalism* 43.1: 68–89.

Lepinard, Eleonore. 2014. “Impossible Intersectionality? French Feminists and the Struggle for Inclusion.” *Politics and Gender* 10.1: 124–30.

Lutz, Helma, Maria Teresa Herrera Vivar, and Linda Supik, eds. 2011. *Framing Intersectionality: Debates on a Multi-Faceted Concept in Gender Studies*. Burlington, VT: Ashgate.

McBride, Dorothy, and Amy Mazur. 2010. *The Politics of State Feminism: Innovation in Comparative Research*. Philadelphia: Temple University Press.

Mushaben, Joyce M. 2008. *The Changing Faces of Citizenship*. New York: Berghahn.

Ögelman, Nedim. 2003. “Documenting and Explaining the Persistence of Homeland Politics among Germany’s Turks.” *International Migration Review* 37.1: 163–93.

Predelli, L. N., and B. Halsaa. 2012. *Majority-Minority Relations in Contemporary Women’s Movements: Strategic Sisterhood*. Basingstoke: Palgrave.

Rai, Sharin. 2003. *Mainstreaming Gender, Democratizing the State? Institutional Mechanisms for the Advancement of Women*. New York: United Nations.

Reiser, Marion. 2014. "The Universe of Group Representation in Germany: Analysing Formal and Informal Party Rules and Quotas in the Process of Candidate Selection." *International Political Science Review* 35.1: 55–66.

Rohnstock, Katrin. 1994. *Stiefschwestern: Was Ost-Frauen und West-Frauen voneinander denken*. Frankfurt a.M.: Fischer.

Rottmann, Sabine, and Myra Marx Ferree. 2008. "Citizenship and Intersectionality: Feminist Debates about Headscarf and Anti-Discrimination Laws." *Social Politics* 15.4: 481–513.

Rueschemeyer, Marilyn. 1993. "Women in East Germany: From State Socialism to Capitalist Welfare State." In *Democratic Reform and the Position of Women in Transitional Economies*, ed. Valentine M. Moghadam. Oxford: Clarendon.

Schurman, Sara, and Christopher Kurt. 2015. "Hetzer, Schläger, Brandstifter." *Spiegel-Online*, 10 April. Available at http://www.spiegel.de/politik/deutschland/gewalt-gegen-fluechtlinge-in-diesen-orten-gibt-es-uebergriffe-a-1027854.html

Sheehan, James J. 2008. *Where Have All the Soldiers Gone? The Transformation of Modern Europe*. Boston: Houghton Mifflin.

Siim, Birte, and Monika Mokre, eds. 2012. *Negotiating Gender and Diversity in an Emergent European Public Sphere*. New York: Palgrave.

Smooth, Wendy. 2013. "Intersectionality from Theoretical Framework to Policy Intervention." In Angelia R. Wilson, ed., *Situating Intersectionality: Politics, Policy, and Power*. New York: Palgrave.

Streeck, Wolfgang. 2009. *Re-Forming Capitalism: Institutional Change in the German Political Economy*. New York: Oxford University Press.

Strolovitch, Dara. 2007. *Affirmative Advocacy: Race, Class, and Gender in Interest Group Politics*. Chicago: University of Chicago Press.

Townsend-Bell, Erica. 2014. "Ambivalent Intersectionality." *Politics and Gender* 10.1: 137–43.

"Verbände fördern anonyme Bewerbungen." 2014. *N-TV*, 1 December. Available at http://www.n-tv.de/politik/Verbaende-fordern-anonyme-Bewerbungen-article14066581.html

Verloo, Mieke. 2006. "Multiple Inequalities, Intersectionality, and the European Union." *European Journal of Women's Studies* 15.3: 211–28.

von Wahl, Angelika. 1999. *Gleichstellungsregime: Berufliche Gleichstellung von Frauen in den USA und in der Bundesrepublik Deutschland*. Opladen: Leske und Budrich.

von Wahl, Angelika. 2011. "A 'Women's Revolution from Above'?: Female Leadership, Intersectionality, and Public Policy under the Merkel Government." *German Politics* 20.3: 392–409.

Weldon, S. Laurel. 2002. "Beyond Bodies: Institutional Sources of Representation for Women in Democratic Policymaking." *Journal of Politics* 64.4: 1153–74.

Weldon , S. Laurel. 2006. "The Structure of Intersectionality: A Comparative Politics of Gender." *Politics and Gender* 2.2: 235–48.

Weldon, S. Laurel. 2011. *When Protest Makes Policy: How Social Movements Represent Disadvantaged Groups*. Ann Arbor: University of Michigan Press.

Wiliarty, Sarah E. 2010. *The CDU and the Politics of Gender in Germany: Bringing Women to the Party*. New York: Cambridge University Press.

Wilson, Angelia R., ed. 2013. *Situating Intersectionality: Politics, Policy, and Power*. New York: Palgrave.

Woodward, Angela E. 2004. "Building Velvet Triangles: Gender and Informal Governance." In T. Christiansen and S. Piattoni, eds., *Informal Governance in the European Union*. Northampton, MA: Elgar.

Wüst, Andreas. 2011. "Migrants as Parliamentary Actors in Germany." In Karen Bird, Thomas Saalfeld, and Andreas M. Wüst, eds., *The Political Representation of Immigrants and Minorities*. New York: Routledge.

Xydias, Christina. 2013. "Mapping the Language of Women's Interests: Sex and Party Affiliation in the Bundestag." *Political Studies* 61.2. Available at http://dx.doi.org/10.1111/j.1467-9248.2012.00970.x

Yuval-Davis, Nira. 2006. "Intersectionality and Feminist Politics." *European Journal of Women's Studies* 13.3: 193–209.

Zack, Naomi. 2007. "Can Third Wave Feminism Be Inclusive? Intersectionality, Its Problems, and New Directions." In Linda Martin Alcoff and Eva Feder Kittay, eds., *The Blackwell Guide to Feminist Philosophy*. Malden, MA: Blackwell.

Zippel, Kathrin S. 2006. *The Politics of Sexual Harassment: A Comparative Study of the United States, the European Union, and Germany*. New York: Cambridge University Press.

CHAPTER 1

Throwing the Boomerang

Intersex Mobilization and Policy Change in Germany

Angelika von Wahl

On 1 November 2013, a reform of the Civil Status Law came into effect in Germany, replacing the either/or male/female dichotomy with an additional choice. International media outlets from the United States to New Zealand reported on the new policy as Germany became the first European state to breach the legal gender binary and allow citizens to be registered as an "unspecified" gender. As a result, Germany was catapulted into the forefront of the list of states that legally acknowledge the existence of intersex individuals (citizens with physically intersecting male and female characteristics) as a distinguishable category of citizens. How can this surprising reform be explained?

There is general agreement that (West) German politics has been marked by incrementalism regarding the extent of possible reform since 1949. Incrementalism has historically dominated German politics as a result of a number of crucial institutional factors, particularly the consensus-oriented multiparty system, well-established federalism, corporatism, and the conservative welfare state (Katzenstein 1987; Scharpf 1988; Esping-Andersen 1999; Kitschelt and Streeck 2004). In addition, in terms of political content, Germany has not had either a strong liberal party or particularly progressive or innovative gender policies. Indeed, many observers have categorized Germany as a conservative gender regime and a "laggard" when dealing with equality and inclusion in the arena of civil and social

BOX 1. **Intersex People**

INTERSECTION STUDIED	Male + Female Sex (Intersex)
TIME PERIOD STUDIED	2008–13
POLICY ISSUE STUDIED	Reform of Civil Status Law (Personenstandsgesetz)
INTERNATIONAL ALLY	United Nations Covenant to Eliminate All Forms of Discrimination against Women (CEDAW)
DOMESTIC INTEREST GROUP ALLIES	German Institute for Human Rights (Deutsches Institut für Menschenrechte [DIM]) National Council of German Women's Organizations (Deutscher Frauenrat [DF])

rights for women and sexual minorities (Kolinsky 1993; Esping-Anderson 1999; von Wahl 1999; Kolbe 2009).

As a consequence of the historic legacies and institutional factors leading to a cautious and incremental approach to policy reform, the question arises as to how and why German parties would pass a law introducing the possibility of a "third gender"? What can we learn from this case about the representation or "voice" of intersex individuals (see box 1)? What does the reform tell us more generally about gender, women's interests, and intersectionality? By tracing the emergence and passage of the reform, this chapter identifies core supporters and opponents of the legal recognition of gender-variant people as a category of citizen, the arguments and claims made by both sides of the debate, and the institutions that were utilized to achieve the unlikely outcome. This chapter also describes and analyzes the mutually constitutive articulation of a new policy among local, national, and transnational advocacy networks and domestic political institutions leading to what is arguably the first instance of political visibility of intersex issues in Europe. This important reform represents the beginning of the global diffusion of challenges to the paradigm of sex dichotomy. The reform of the Civil Status Law did not result from demands by intersex advocates that worked their way up from the bottom through domestic parties and institutions, but rather represented the outcome of a transnational "boomerang pattern" and pressure from the outside and the top down.

This chapter delineates specifically how intersex issues became politicized in Germany after the turn of the twenty-first century and why established political parties began to listen to demands by the small intersex community. What incentives or costs could have moved political parties in the direction of such engagement? The implausibility of the reform is further heightened by the fact that the policy change was discussed and passed under the leadership of a Christian Democratic government. Christian Democratic parties are oriented along traditional models of family, gender, and society, of which the male/female binary is a foundational bedrock.

The chapter begins with a brief review of the Civil Status Law, an overview of potential explanations for policy change, and an analysis of the specific pressures mobilized in this case. It analyzes how a marginal social movement built connections, garnered allies, framed demands, and brought pressure to bear from the top down. And, finally, it illustrates how domestic institutions and parties positioned themselves toward the demands of intersex groups and international organizations, especially the UN.

In this case, go-to explanations for why political parties adopt certain issues, such as party ideology and rational vote seeking, are largely unconvincing in regard to the revised Civil Status Law. Instead, we need to study transnational mobilization of advocacy networks and multilevel governance to explain how a marginal social movement successfully utilized UN covenants and set in motion an international boomerang pattern to pressure the German government from the top down (Keck and Sikkink 1998). Intersex social advocacy groups were crucial in reframing the physical intersection of male and female attributes from a discourse of medical correction to a human rights discourse of protection from bodily harm. With this powerful framing in hand, activists gained first access and then attention at the United Nations despite the disadvantages of the initial lack of influential allies in parliament or popular support as well as of operating under the global predominance of the gender binary.

Theoretical Considerations at the Intersection of Male and Female Sex

Intersex individuals experience the intersection of a physical male and female sex in one body. This situation can be distinguished from intersectional positions of (female) gender and race or (female) gender and class as discussed in other chapters in this volume. Indeed, the intersex experience is not obviously intersectional in the common use of the term originally developed in reference to African American women (Crenshaw 1989). Intersex is certainly an extremely marginal and often overlooked identity and existence, especially considering that intersex individuals have always been present physically but have not—at least in twentieth-century European societies—existed as a social or legal category of citizens. Their physiological intersection is to a large extent invisible. Recent arguments claim, however, that the intersection of male/female gender with "health practices" could work as a useful intersectional lens (Combs 2013). This perspective opens constructive venues to consider the medicalization of intersex as the core problem and complements my argument about the "correction" paradigm. But are health practices alone the base of an intersectional identity of intersex people? Recent coalitions with LGBT and women's groups indicate the possibility of other identity-related intersections.

The descriptive category *intersex* includes many individuals who self-identify or are legally identified as women as a consequence of their outward appearance and/or the effects of modern surgical interventions. I focus on these political activists in this chapter. Intersex existence and advocacy profoundly challenges our notion of who counts as "women" and "men" because it contradicts deeply ingrained binary thinking about sex/gender. Using Foucault's idea of the power of regulation, Butler (2004) explains that the "conditions of intelligibility" and "recognizability of the human" set the stage for the medical argument that intersex bodies are in need of treatment. This dynamic has provided the basis for the correction paradigm against which intersex individuals protest. The study of the political mobilization of intersex individuals against the correction paradigm contributes valuable descriptive and theoretical insight to emerging discussions on gender variance and intersectionality by productively complicating and expanding the definition and theoretical grasp of intersectionality as an analytical tool.

Stepping back from gender theory and turning our attention to actual political processes, we ask how and why this legal reform occurred. Several traditional explanations for policy reforms in advanced democracies exist. Most studies of democratic states agree that political parties have influence on policymaking. They identify issues, articulate demands, aggregate voters' preferences, mobilize support for changes, communicate information, and attempt to put pressure on the levers of power (Ware 1996; Dalton 2006). Research has long debated the question of what issues are taken up by political parties and why. Some of the main explanations focus on party ideology and how it fits with the specific demands for issues that are being incorporated into party platforms. Another key explanation focuses on calculations by officeholders or office seekers to maximize votes. While the first explanation emphasizes the importance of ideas for party platforms, the second underlines political self-interest and the impact of rational decision making to maximize the chances for re/election. Both of these explanations fall flat in the case of the "third gender" law, however.

Briefly, from the perspective of party ideology, everything in this case points toward ignoring or actively opposing demands for gender variance: the governing Christian Democratic Union and the Christian Social Union have always been strong supporters of traditionally organized gender relations in all social relations. Interest in adding flexibility to the definition of gender or in the availability of other gender options cannot be discerned with Christian Democratic ideology. Considering the ongoing opposition to the rights of gays and lesbians to marry and the unforgiving law on transsexuality (Transsexuellengesetz, 1980), which until 2011 required the sterilization for those who wanted to transition, the Christian Democrats have continually worked to enforce an exclusively binary system. They have shown a firm adherence to the legal division of the population into two functionally defined sexes since the founding of the party and the West German state in 1949. Acknowledging any position in between (or beyond) the traditional gender/sex binary, for either transgender or intersex individuals, stands in stark contradiction to a conservative and Christian Democratic *Weltanschauung*.

Rational choice approaches argue that reforms occur when they maximize votes for the ruling party or parties (Downs 1957). However, it seems unlikely that many votes can be won for parties relative to the concerns of intersex people. First, the group affected constitutes such a numerically miniscule constituency that their votes and even those of their supporters, would not have a measureable impact on overall electoral results or for specific parties. Second, intersex people do not form a powerful minority—economic, political, or social—or otherwise wield power in a corporatist manner. Third, there is no visible or widespread public support (or even knowledge) for expanding the Civil Status Law to recognize intersex individuals. Indeed, voters might even reject parties supporting a misunderstood and often stigmatized constituency. In short, Christian Democratic support for intersex activists would seem highly unlikely as the party is still welded in many programmatic and political ways to a gender binary that is grounded in lingering discourses of separate spheres, expressed structurally in the male breadwinner model, and religiously justified in its support of heteronormativity.

At the time of the reform of the Civil Status Law, the small liberal Free Democratic Party (FDP) was still in the governing coalition as the junior partner. The FDP generally has a more positive and modern perspective on individual liberties and choice. The party's head, Guido Westerwelle, was gay, and the FDP supported the limited extension of gay and lesbian rights. However, the FDP was also committed to neoliberal resistance against state intervention, implying a minimalist approach to antidiscrimination, affirmative action, or compensation measures. Among the other small opposition parties, both the Social Democrats and former East German Communist Party, the Left, would likely be less interested in such issues as a result of their dominant focus on class, although the Left has also taken on demands from other marginalized citizens such as LGBT groups. The Greens could be seen as potential supporters in light of their established legacy of working with various social movements to advance postmaterialist and progressive environmental causes (Inglehart 1997, 2004). However, even if opposition parties had an interest in the issue of intersex rights, they would have faced an uphill battle in bringing the topic to the floor and would have run the risk of incurring electoral costs from a disinterested or even hostile public. Thus, a strong instrumental and ideological fit between any of the parties and a reform for gender variance cannot be discerned or expected.

It seems clear that neither electoral gains nor party ideologies can explain the surprising passage of the revised Civil Status Law, so another explanation is needed. Such an explanation can be found in the concept of the boomerang pattern implying pressure from the top down. This pressure was achieved by circumventing the closed national opportunity structure through the effective social mobilization of intersex individuals into national, transnational, and internationally linked advocacy groups that pressured the government from the outside and above. These groups have become part of larger transnational advocacy networks and developed alternative *diagnostic* (identifying social problems) and *prognostic* (identifying solutions) frames to shift and magnify the perception of the issue itself. The intersex advocacy network has specifically sought to reframe the issue from one of physical correction through medical intervention to one of social and legal protection, emphasizing foremost the need for safeguards against discrimination and bodily harm.

Framing processes—a concept coined by Goffman (1974), further developed by Snow and Benford (1988), and widely used in the social movement literature—are intentional strategies undertaken by social actors to construct new shared understandings of the social environment to legitimize collective action for change (McAdam 1982, 1988; Kriesi 1996; McCarthy 1996; Ferree et al. 2002). A reframing strategy would not have been politically effective, however, if intersex advocacy groups had not also taken advantage of the existing political opportunity structure of international multilevel governance structure and institutions, in particular the United Nations (for the political opportunity structure, see Kitschelt 1986; Kriesi 1995; for the UN and women, see Joachim 2003, 2007; Della Porta and Tarrow 2005; Zwingel 2005; Caglar, Prügl, and Zwingel 2013). Since 2008, intersex advocacy networks have focused their reframing efforts to establish explicit linkages between their demands and specific legal protections spelled out in five UN treaties:

1. CEDAW (Covenant to Eliminate All Forms of Discrimination against Women)
2. CAT (Covenant against Torture)
3. CRC (Covenant on the Rights of the Child)
4. ICCPR (International Covenant on Civil and Political Rights)
5. ICESCR (International Covenant on Economic, Social, and Cultural Rights)

This chapter focuses on CEDAW, which provided the gateway toward the recognition and inclusion of the intersex in further international negotiations.

Germany is deeply embedded in the international human rights regime and is a signatory to all five UN treaties. German advocacy networks have sought to use this membership to put broad pressure on the national government in a trans- and international dynamic for which Keck and Sikkink (1998) coined the widely used concept of the boomerang pattern. The fact that pressure by a group as small and marginal as intersex people has had an actual policy effect tells us at least two important things. First, the international human rights framework and discourse can offer political opportunities even to extreme outsiders. Second, the Federal Republic of Germany is quite sensitive regarding international pressure and shaming on the subject of perceived human rights violations.

Sources of Evidence

One goal of this project is to trace backward how the reformed Civil Status Law began to acknowledge the existence of gender variance in Germany and how the intersex community gained political voice and visibility. It is a case study not only of policy reform but also of the social mobilization of the intersex community and their inspired use of multilevel governance to bring attention to their situation. The revised Civil Status Law can be traced back from its passage on 1 November 2013 through parliamentary debates among the political parties (spring 2013), to input provided by the chamber of states, to the work of the Ethics Council (2010–12), to official criticism from the UN in 2009, to the alternative report (Intersexuelle Menschen 2008) provided by an intersex advocacy group to the CEDAW, and finally to the social mobilization and networking in the 2000s.

I have focused on tracking down all available primary sources, specifically official documents, party proposals, debates, decisions by the German parliament, reports by the Ethics Council and its hearings, and assessments from legal and medical experts. I have also obtained newsletters and publications from intersex associations and individual accounts of survivors of nonconsensual surgeries. In addition, I have conducted interviews with policymakers, activists, and medical and legal experts.[1] The empirical section of this chapter reconstructs the frames and the strategic usage of the political opportunity structure by activists on the bases of written materials. Reconstructing the frames and their uses is aimed at understanding actors' preferences, perceptions, and strategies (Bates et al. 1998) as well as the timing and sequencing of the pressures placed on the German government. By tracing the political and legislative process, this project sheds light on how even an extremely marginalized group can gain political voice and visibility. Although UN conventions have emerged as a tool in human rights claims globally since World War II and especially since the 1970s, in this case they are utilized for the first time to address the mis/treatment of intersex individuals. The ineffectiveness of the UN human rights regime is often lamented, but in this case, it prompted a national government to react to critique and engage with the issue.

The Reform of the Civil Status Law

Problems Facing Intersex Individuals and Their Parents

Before we turn to the political process itself, it is crucial to briefly explain important terms concerning intersex as a category of people. The changing and competing terminology around intersex issues perfectly reflects the complexity of discourses and problems facing intersex individuals, their families, advocacy groups, policymakers, and clinicians as well as sheds light on deeper matters regarding gender, power, and the role of the state in Western culture. In the past, intersex individuals were described (and pathologized) in law and medicine as hermaphrodites. Originally from the Greek, hermaphrodite marks a biological state and describes individuals who do not follow the expected physical differentiation between the sexes. The German term, *Zwitter*, comes from the word *zwei*, meaning "two" or "both." These terms are no longer used in law and medicine as a consequence of their negative and unscientific connotations, although some radical activists appropriated *hermaphrodite* and *Zwitter* for themselves, owning the derogatory terms used against them much as the gay movement and others have done.

Today, activists, policymakers, and legal and medical experts in Germany and beyond commonly use the term *intersex*. Some parents, patients, and nonactivist intersex adults do not embrace this descriptor because they believe it connotes either a non-normative sexuality or a third or in-between gender and wish to avoid those connotations. The term *intersex* is often abbreviated by activists as *inter** where the asterisk connotes a broad and inclusive meaning of the ending, thus promoting unity among gender variant communities (a strategy also employed with *trans**).

Another term widely used, especially in the United States, is *DSD*, an acronym for "Disorder of Sex Development" that originated from a 2005 meeting of international medical experts in Chicago. It has become the nomenclature for professionals in many countries, replacing *intersex* and *hermaphrodite*. Some intersex activist groups (e.g., the Intersex Society of North America, founded in 1993) have supported this change, while others oppose it because *disorder* continues to pathologize intersex people. DSD also does not lend itself to function as an identity or a base of social mobilization (Davidson 2009, 76). According to the clinical understanding of the issue, extensive and routine medicalization of intersex individuals is and still should be the norm.

But disagreements about what *DSD* should stand for have emerged among activists and clinicians over the past decade, however, because some intersex advocates see the term *disorder* as discriminatory. Most significantly for this project, the meanings of all of these terms are contested and in flux, and all present specific social and medical perspectives with dis/advantages.

Intersex does not describe a sexual orientation (such as gay or lesbian), nor does it delineate the conditions of transsexuality or transgenderism (where individuals feel that their physical body does not reflect their internal sense). Identifying a simple unified category of what intersexuality is has not been possible: there are as many as four thousand chromosomal, hormonal, gonadal, and/or genital variations and combinations that could be described as intersex. For example, some infants are born with XXY chromosomes (Klinefelter syndrome), some male XY chromosomes can coexist with female genitals, and some females have unusually high testosterone levels (identified mostly through testing associated with participation in athletic competitions), which has also been categorized as a condition of intersex by some. Intersex individuals have a very large number of biological and physical variations, and opinions on who counts as intersex are extremely diverse. The exact boundaries of the category *intersex* are difficult to define and remain contested, even within the intersex community itself. Some people try to distance themselves from any of these terms and prefer to see their physical situation as a manageable and private challenge caused by a very specific disease (e.g., Turner syndrome, congenital adrenal hyperplasia, androgen insensitivity syndrome), while others claim *intersex* or *inter** as a social and political identity.

Many physical variations associated with intersex are harmless, some are unnoticeable, and many are never identified. Other conditions can be debilitating and in very rare cases fatal. However, about 95 percent of infants identified as intersex do not require immediate medical attention. Nevertheless, in Germany, by age twelve, about 87 percent of children born with visible intersex characteristics have been operated on and “corrected” (German Ethics Council 2012). Similar numbers may exist in other Western states that follow similar medical regimens.

As a consequence of the difficulties of clearly defining who qualifies as intersex, it is unclear how many children are born with intersex characteristics. The estimates vary remarkably and wildly. Some observers assert that the United States has about 1.7 intersex children per 100 newborns (Blackless et al. 2000, 159; Fausto-Sterling 2000). According to both medical researchers and the government, Germany has between eight thousand and ten thousand intersex people. Activist groups, however, put the number at as much as ten times higher (Intersexuelle Menschen 2008, 5). The wide variation of measures clearly reflects the complex and contested construction of the category.

Throughout the second half of the twentieth century, intersex individuals faced a number of severe social, medical, and legal problems. The practice of early surgical intervention that emerged in the 1950 under the leadership of John Money, a psychologist at Johns Hopkins University in the United States, became the new medical standard in the global North. Starting in the 1960s, physical correction began to subsume intersex newborns in Germany under one or the other gender, and infants routinely experienced operations, often without their parents' consent. The powerful normalizing discourse of the sex/gender binary rendered intersex individuals legally invisible as the medical establishment developed new treatment protocols. Only since the mid-1990s have inter* individuals in Germany, the United States, and a few other states begun to step out of the shadows and organize against many odds into small self-help and advocacy groups. These groups began to protest the treatment of intersex individuals through a new political discourse (see also Pfahl and Köbsell, this vol.). Their critique was directed primarily against the practice of hormonal and surgical "adjustments"—often including the removal of internal organs and castrations—without consent. According to German intersex patients, the medicalization of their condition and resulting operations often led to lasting physical and psychological trauma, disability, reliance on lifelong hormone therapies, depression, loss of sexual sensitivity and/or drive, and the inability to connect to others or to hold a steady job (Intersexuelle Menschen 2008). Although the first intersex activist in Germany, Michel Reiter, sued unsuccessfully in court after being categorized as *Zwitter* in 2000, demands for a reform of the Civil Status Law to introduce a legal third gender were not at the forefront of activists' goals. Instead, issues related to bodily harm—involuntary sterilizations, the removal of reproductive organs, and other forms of interventionist "normalization"—were of the greatest concern.

The medical establishment plays a significant and often disturbing role in this story of diagnostics, treatment, "correction," and medicalization of nonpathological conditions and ultimately patient resistance (see Foucault 1970; Reis 2009). While political parties, international institutions, and social advocacy networks comprise the core actors of this chapter, clinical practitioners and experts are another important factor. They often resisted many of the new demands made by activists. The entanglement between legal and medical discourses is so close and the authoritative power of the latter so deep that Kolbe commented in 2009, "As long as the law refers to medicine in questions of sex and intersexuality and as long as medicine does not alter its stance, no change of the legal system will be accomplished" (162). In 2013, however, the law shifted because policymakers began listening to intersex patients and activists. The cause of this shift can be located in the reframing of the issue and in the creation of broader domestic and transnational coalitions that provided intersex activists with institutional venues in which their concerns could be heard. Taking advantage of this window of opportunity, the intersex advocacy network boldly employed the institutional mechanisms and discursive frames of current international politics to their advantage.

The Reform Process

Germany's introduction of gender variance is part of the Civil Status Law (Personenstandsgesetz). The Civil Status Law originated in 1876, when the newly formed secular nation-state asserted its prerogative vis-à-vis the church. The law has been amended several times, most recently to allow new parents and hospitals to decline to designate a newborn as either male or female and to leave those sections blank on official identity forms. The revised paragraph 22, section 3, states, "If the child cannot be categorized as of either male or female gender, then no entry of civil status must be made into the birth registry."[2] The law also allows an indefinite delay in the official registration of a gender (although there is some legal disagreement on this point). These provisions apply exclusively to intersex newborns—that is, infants who, based on visible physical particularity (*Besonderheiten*) cannot be clearly designated either male or female. In that sense, a new group of citizens has officially emerged.

Official documents produced by the German federal government, the Ethics Board, courts, and various expert panels use now the term *intersexuality*. Strictly speaking, intersexuality as it is introduced here is not a third gender; rather, it implies that the gender has not yet been decided on and may not be. The new option should be more correctly described as an unspecified gender, since the law did not create an explicit third category. In any case, and regardless of how use of this designation plays out in the future, its existence represents the first legal and thus political acknowledgment of intersexuality and gender variance in modern Europe. The unspecified gender category breaks open the established and totalizing gender binary, allowing for the emergence of a new intersectional gender/sex category with significant social, legal, and political implications.

Gender Variance Activism, 2008–2013

Beginning in the mid- to late 1990s, previously isolated intersex individuals and their families in Germany built a small community and limited networks of activist groups and organizations (Arbeitsgemeinschaft gegen Gewalt in Pädiatrie und Gynäkologie [AGGPG], 1996–2004). Aided by the rise of the Internet, communication became easier while privacy remained relatively protected. Although the AGGPG's early attempts to affect political institutional reform failed, multiple successor intersex groups had more success.[3] Although these groups have not always pursued complementary strategies, they have developed a baseline of claims that governments should address. Certain demands were also articulated in an intersectional manner, resonating with other civil society groups and nongovernmental organizations (NGOs) in the disability, human rights, and trans* community (e.g., Behindertenrechtskonvention Allianz, Forum Menschrechte, TransMann eV). My interviews identify two of the intellectual launching pads for the reframing of intersex issues: the German Institute for Human Rights (Deutsches Institut für Menschenrechte [DIM]) and legal scholars at the Humboldt University. At the DIM, experts and legal scholars identified specific international treaty conventions as a potential political access point that could be used to push for more visibility for intersex issues. They also advised activists from XY-Frauen (XY Women) on how to take advantage of these international access points.

Crucial for access to the United Nations was a newly established connection between intersex activists and the German women's movement, specifically the national umbrella organization Deutscher Frauenrat (DF), a well-established NGO. The DF has repeatedly used the regular CEDAW reporting cycle, in which governments report to the United Nations about the actions they have taken to fulfill treaty commitments. Civil society organizations are encouraged to submit their own (often more critical) "alternative reports" (previously known as shadow reports or parallel reports). Several German women's civil society groups submitted alternative reports assessing the German government's implementation of international treaties: a broader report from the DF, a report from a trans* group, and a report from the Association of Intersex People, a small group founded in 2004 (Intersexuelle Menschen 2008). These groups thus made themselves heard on the supranational UN stage.

On 2 July 2008, under the leadership of three (self-identified) inter* women, the advocacy groups Intersexuelle Menschen e.V. and the XY-Frauen submitted a report to the UN on the situation of intersex individuals in Germany. The report was officially received by the CEDAW committee on 10 February 2009. The information from XY-Frauen was professional and well put together and more than 130 pages long. It was clearly a product of considerable time, effort, and skill and represented to some extent the outcome of networking with the DIM and the larger German women's movement through the DF (Intersexuelle Menschen 2008, 6). The alternative report included a summary, a set of hard-hitting questions for the German government, extensive discussion of linkages between the concerns of intersex individuals and specific articles of the convention, recommendations, and an addendum with case studies of biographical narratives from intersex individuals, medical-ethical considerations, and more. Simultaneously, the UN received the sixth official CEDAW report from the German government, which did not even mention intersexuality.

The alternative report intentionally and directly linked the concerns of intersexual individuals and families regarding physical protection and well-being to CEDAW. Articles 1–5 of the convention cover basic principles on equality, nondiscrimination, and the obligations of states; Article 12 covers the right to health; and Article 16 addresses marriage and family and special mechanisms. The advocacy groups intentionally and convincingly linked the concerns of intersex individuals for physical protection and well-being to the articles of the existing CEDAW treaty. Ironically, of course, the treaty is designed to address the situation of women and is therefore based precisely on the sex/gender binary that has produced many of the problems. By claiming coverage as women, intersex advocates identified themselves politically as women at the same time that they highlighted their intersecting male and female physiognomy. This approach replicates a theme familiar from trans* debates: Who counts as and can speak as a woman in terms of CEDAW? While the question remains unanswered, the representatives from XY-Frauen brought the case of intersex people to the attention of the CEDAW committee.

Issues at the forefront of intersex concerns link up credibly with CEDAW's articles on equality, nondiscrimination, and right to health. In this context, the advocacy groups' main concerns were unnecessary surgeries, genital amputations, sterilizations and castrations, off-label use of medication, lack of access to health care for lifelong hormone therapy, and "medical experimentation" (Intersexuelle Menschen 2008, 11–16). From the activists' perspective, these routine, state-sanctioned attempts to "correct" an "anomaly" become gruesome and severe violations of basic human rights (if not exactly women's rights). My interviews found descriptions of the routine medical treatment of intersex newborns and children that were both eye-opening and quite convincing as serious violations of CEDAW.

The XY-Frauen report includes information about the historical development and use of such medical treatments, since so little is generally known on this issue. The active re/framing process is particularly apparent here, as the description of the emergence of medical standards provides an important recontextualization. Another particularly powerful reframing moment occurs when the document points out that no information is available on intersex people born before 1945 because virtually none of them survived the Nazis' "racial hygiene" policies.

Reframing the Issue

The diagnostic frames utilized by the German advocacy groups identify widely accepted theories developed in the 1950s and 1960s by Johns Hopkins University sexologist Dr. John Money (1921–2006) (Reis 2009). Money was the main proponent of the idea of correction, meaning that the upbringing and identity of an intersex child should conform to the external sex organs (ignoring chromosomes, hormones, or gonads). Surgeries to "normalize" external sex organs thus became standard procedure throughout much of the global North. Harvard-educated, highly respected, and extensively published, Money proposed the still-practiced "time window theory," which holds that children between the age of six months and two years can be socialized into any gender role. Keeping intersex identity (or, for Money, pathology) a secret was intended to spare patients the crushing experience of gender ambiguity and improve their lives. Money and his medical team demonstrated the theory that gender was learned rather than innate with the sex reassignment of David Reimer, an identical twin who lost his penis in a hospital accident at the age of one (Preves 2002). Reimer's case became famous and led to global acceptance of sex reassignment surgery as the dominant treatment for intersex individuals. But in 1997 it was revealed that the surgery had been a failure: Reimer tried to return to his former male sex and later committed suicide, undermining Money's claim that people could be "operated into" and socialized into any gender at a very young age. The alternative report argued that such surgeries were inhumane and constituted a form of "genital mutilation" and "torture" (Intersexuelle Menschen 2008, 14).

In terms of finding alternatives to surgically invasive treatments of intersex individuals, the alternative report provided sensible prognostic frames—a list of seventeen demands by survivors that provides as basis from which to assess movement goals and achievements. Foremost is the demand for the cessation of irreversible surgical and medical treatments on intersex people as long as the sex variations are not life-threatening. Other major concerns include consent, access to health care and one's own medical files, clarification of risks, and better education of medical personnel regarding intersex issues. The request for the "inclusion of the term intersexuality in the law" appears far down the list, at point 14 (Intersexuelle Menschen 2008, 19). The alternative report also included seven separate social-political demands, such as compensation payments and truth commissions (modeled on a Canadian approach to claims by indigenous people); increased social security payments; the creation of specialty health care centers; and access to better health insurance, disability payments, and job retraining (19–20).

The alternative report explicitly expressed the hope that CEDAW would pressure the German government to reform its law and regulations concerning intersex people. In addition, the report connected activists' concerns to several other UN conventions: "It is our hope that CEDAW will bring pressure [*darauf hinwirken*] on the federal government in such a way that the human rights of intersex individuals covered in CEDAW, and connected to Article 3 of CEDAW, will also be applied and instituted through other human rights treaties of the United Nations in Germany" (6). The report's demand for horizontal dissemination among other UN conventions specifically refers to (and includes copies of) the CAT, the CRC, and the ICCPR and ICESCR, all of which Germany has signed. Through the invocation of multiple human-rights-related UN treaties, political pressure was spread, multiplied, and networked for maximum impact.

CEDAW's official response to the German government, issued on 10 February 2009, addressed the concerns raised by the XY-Frauen. The CEDAW committee was especially critical of the fact that the German government had not responded to the demand for a dialogue with inter- and transsexual groups. The German government received a public reprimand and a formal request to improve the protection of the rights of intersex individuals and to provide a prompt response to this specific issue. This result surprised even the most optimistic of the activists.

On 18 August 2011 the German government declared that the national antidiscrimination office, a minor office of the Ministry for Family, Seniors, Women, and Youth, had conducted a number of activities to support the rights of *trans*sexuals (see Deutscher Ethikrat 2012, 10n2). This weak reply failed to even address the *inter*sex issues raised by CEDAW. In addition, the antidiscrimination office has little political or legal clout (von Wahl 2011). But the announcement indicated that the government was sensitive to CEDAW's critique and had responded to address its concerns. In December 2010, the government had asked the high-ranking German Ethics Council (via the federal Ministry for Education and Research and the Ministry of Health) to consider the case of intersex individuals and to begin a conversation with intersex representatives and their self-help groups.

The parliamentary Ethics Council consisted of twenty-six highly regarded individuals (among them legal and medical scholars, administrators, politicians, theologians, and philosophers) and spent two years conducting extensive research on intersex conditions. The Council produced a seventy-four-page report that included discussions of medical indications, diagnosis and therapy, and national and international law as well as specific recommendations. As CEDAW requested, the Council held a public hearing, reaching out to intersex individuals and advocacy groups. It also started the first online survey and web blog to expand its outreach to affected groups (BT-Drucksache 17/9088, 5). Two years later, on 14 February 2012, the Ethics Council sent its report to the German parliament (BT-Drucksache 17/9088, 14.02.12); on 23 February, the Council presented its findings to the public.

The Ethics Council medical recommendations included the establishment of qualified and interdisciplinary centers of excellence for intersex conditions and independent consultation and underscored that decisions about irreversible surgeries had to be made by the affected person, not by medical personnel. In many instances, the report reflected the interests articulated by the alternative report and the intersex community, but it did not recommend outlawing medical correction, a top priority for inter* activists.

The legal recommendations were geared toward allowing intersex individuals (but in practical terms, their parents) to opt out of registering as either male or female at birth, thus removing some of the immediate pressure to select a sex for the child. In addition, the recommendations emphasized that intersex persons should be able to decide when to report their gender and allowed to change their gender designation. Furthermore, the Council asked the government to address the possibility of marriage and/or civil unions for persons with no officially designated gender.

The matter subsequently moved to the German parliament. On 6 June 2012, the Bundesrat (the upper and less powerful state chamber) issued recommendations in line with those of the Ethics Council's (BR-Drucksache 304/12, 25.05.12) and thus with the demands of the intersex activists. The representatives of the *Länder* (states) requested that the parliament examine the extent to which the suggested changes could be considered in the current draft bill of the Civil Status Law. On 25 June, parliament held its first public hearing involving intersex representatives; according to my interviews, their testimony profoundly impressed lawmakers.

So, to return to my original question, did the unlikely passage of the new gender option result from party ideology, decision makers' interest in obtaining votes, or transnational social movement activism? Primary sources and interviews illustrate that this social movement gained traction through transnational mobilization but also that the influence of transnational actors receded after the boomerang returned. At this point, the dynamics of the legislative process took over, and active interparty negotiation and competition began, triggering processes that are deeply connected to the political opportunity structure of a proportional and multiparty system. As we would expect, intersex advocacy groups were less present in the final stages of the policy cycle, although at this juncture their concerns had gained engaged allies and supporters in several parties on the left. At this stage, the explanation for the reform centered on activism weakens and traditional arguments about party competition and ideology gain strength.

One of the many proposals to be discussed at the parliamentary debate on 17 January 2013 included the first reading of the revised Civil Status Law, which was not prominently featured on the agenda (BT-Plenarprotokoll, 17/217, 17.01.13). In this first reading, the ruling Christian Democratic/FDP coalition put forward a number of mostly technical changes and updates but did not include the provision for intersex newborns. The opposition parties responded quite critically to what they perceived as the government's avoidance of the Ethics Council's recommendation. At precisely this moment, the political jockeying among the parties intensified. Gabriele Fograscher from the Social Democrats, for example, criticized the conservative government on the floor of the parliament:

> Unfortunately this draft bill is limiting itself to technical and formal questions and ignores the people who have problems with the Civil Status registration. The German Ethics Council provided an assessment in February 2012 on the topic of "Intersexuality." . . . The governing coalition declares, "A solution to the complex problems, especially in light of the medical aspects, cannot be found quickly at such a late stage." This statement is a disappointment for those affected [*Betroffenen*]. . . . The government obviously is not taking seriously

> the problems and concerns of the affected. ((BT-Plenarprotokoll, 17/217, 17.01.13, 26940–41)

The smaller opposition parties, the Greens and the Left, also criticized the ruling coalition for omitting the Ethics Council's recommendations. In fact, the Greens had already produced a separate document that supported the Ethics Council's recommendations (BT-Drucksache, 17/5528, 13.04.11). The Left also supported the inclusion of the Ethics Council's recommendations in the revised Civil Status Law.[4] But the ruling coalition resisted these jabs.

On 31 January 2013, however, the revised Civil Status Law, now including a provision to break the gender binary, suddenly passed the Bundestag with unanimous support, a rare occurrence (BT-Drucksache 17/12192, 31.01.2013). What caused this dramatic shift by a conservative government? A closer reading of the parliamentary debate reveals (1) that parties on the left strongly supported the reform; (2) that FDP members of parliament claimed that they had already privately considered accepting the recommendations; (3) that even Christian Democrats spoke in support of the law (BT-Plenarprotokoll 17/219, 31.01.13, 27221); and (4) that a surprising and possibly strategic bundling of unrelated topics occurred that seems to have helped parties on both the right and on the left. When the legislators summarized the core aspects of the new law before the final vote, they cited adding gender variance for intersex individuals (less prominent), changing the rules for adoption (medium relevance), and, most prominently allowing miscarriages of newborns weighing under 500 grams (*Sternenkinder*, or "Children of the stars") to officially be registered as children (BT-Plenarprotokoll 17/219, 31.01.13). Thus, the unexpected and last minute inclusion of gender variance may have been achieved by linking a broadly supported and largely symbolic pro-life issue to the addition of revised gender categories affecting only a small number of people. The debates featured several competing topics involving social questions and family issues; all parties wanted to capitalize on those issues.

Between March and April 2013, the reform received several other amendments by the various opposition parties and individual legislators, most of which sought to improve the situation of intersex individuals and pressure the government to act. The amendments that came from parties on the left reflected the demands that surfaced in intersex activists' report to the UN and referred explicitly to CEDAW, the CAT, and ICESCR. The opposition parties therefore linked the unusual demand for gender variance to their own agenda, thereby upstaging the government and underscoring the influence of international pressure on the issue of human rights on German politics.

The reform of the Civil Status Law unanimously passed parliament on 7 May 2013 and went into effect on 1 November2013 as Paragraph 22 of the Personenstandsgesetz (PStG). The process formally introduced the option of being neither male nor female under German law.

Conclusion

This study presents one of the first analyses from the field of political science on the issue of intersex identity and mobilization. It also demonstrates that Keck and Sikkink's theoretical work can be applied beyond the gender binary. The marginal intersex network and its allies have been effective advocates for change. They have begun to reframe existing perspectives on the medicalization of intersexuality and have utilized a multilevel governance approach to promote their national agenda. Devising an unlikely but valuable international boomerang pattern, social advocacy groups have shifted the discourse from one of medical correction to one of human rights protection. With the support of civil society allies, German advocacy groups have called on various UN institutions and mechanisms to achieve domestic goals and pressure the government from above. The German government's assessment of the issue supported many of the social movement's claims, and opposition political parties then joined the bandwagon. Such a seismic shift is possible in a state with a multiparty system that is keenly aware of its past crimes against humanity and accustomed to a long political discourse on reparations.

Can the reform be described as a paradigm shift—away from a practice and paradigm of correction to one of protection? Does the reform move the deeply entrenched gender binary toward something more fluid or even queer? Will gender variance for intersex people become accepted as many LGBT demands have been? Or is the opposite true—is the change in fact rather limited, has the media overstated its implications, and does it even address activists' main concerns? Advocacy groups have responded with a wide range of reactions, from outright rejection of a mere symbolic act with no material effect to optimism this is the first step in a process of recognizing the voices and needs of intersex people, including an identity and existence beyond the simple male/female binary. Regardless, there can be no doubt that the intersex community has gained a political voice and visibility through the astute use of a multilevel governance approach. By actively building alliances and brilliantly reframing and using various political opportunities, the intersex have politicized their concerns in constructive ways and brought them into a public sphere that is generally receptive to human rights arguments. Nevertheless, no moves toward an official third gender category have occurred, and in 2016, the Bundesgerichtshof (the highest civil court) rejected *inter* or *divers* as a new category, arguing that *unspecified* suffices for describing intersex. Activists have now moved the case to the supreme court.

Activists' most critical concern remains unaddressed: bringing to an end the continuing interventionist surgeries, involuntary sterilizations, and lifelong treatments of intersex people. The government has not addressed this concern, and activists have been disappointed by the lack of action to rein in the practices and power of the medical field.

What can this case teach us more generally about the empowerment of intersectional and/or marginalized groups in Germany and beyond? The legislative achievement of intersex advocacy points to the rising availability of and opportunity to conduct domestic politics in a multilevel system of governance, even for severely stigmatized groups. If movements' demands can connect transnationally and concerns can be framed in terms of internationally binding treaties through powerful discourses such as human rights, a boomerang pattern can be employed to exert top-down pressure. However, as many other examples demonstrate, where allies are lacking or weak and political parties disinterested, where shaming does not work, and where networks fade, mobilization by marginal groups cannot be sustained.

What makes the Germany a more susceptible target? Germany is not only a signatory to most human rights treaties but also more susceptible to international pressure on human rights issues than other states. As a perpetrator of enormous human rights violations during the Nazi regime, Germany is more easily shamed than other countries and is more responsive to calls for measures of transitional justice and the recognition of offenses. As a general rule, Germany avoids the glare of international attention mostly through norm compliance. The country has a vibrant domestic civil society, and intersex advocacy groups have recently developed supportive networks with the women's movement and with lesbian, gay, and queer groups (although not with transgender groups). The proportional multiparty system that prevails in many parliamentary states produces competitive pressures that can also help bring marginalized issues to the decision-making table.

Democracies in Europe and elsewhere where intersex people are marginalized and the practice of corrective surgery is widespread share many of these characteristics. Intersex advocates and their allies will likely employ the strategy pioneered by the XY-Frauen, using transnational social mobilization and discursive tactics to gain voice and visibility. Intersex activists will attempt to exert a completely new degree of influence that may challenge the broadly established gender binary and propel debates regarding gender variance from the margin toward the center.

NOTES

Earlier versions or sections of this chapter were presented between 2014 and 2016 at the American Political Science Association, the German Studies Association, and the European Consortium for Political Research. I am grateful for the comments of the anonymous reviewers, conference participants, and the editor.

1. The extensive interview material garnered between the summer of 2015 and 2016 is not presented here but is part of a larger ongoing project on transnational intersex mobilization.

2. "Kann das Kind weder dem weiblichen noch dem männlichen Geschlecht zugeordnet werden, so ist der Personenstandsfall ohne eine solche Angabe in das Geburtenregister einzutragen" (all translations by the author).

3. In the 1990s individual connections were established between with the American organization ISNA (Intersex Society of North America, founded in 1993) and the AGGPG. In the meantime ISNA has distanced itself from its earlier radicalism and criticism of medicalization and the AGPG dissolved.

4. The Left's precursor, the Party of Democratic Socialism, was the first to pick up on the activist critique.

PARLIAMENTARY AND OTHER GOVERNMENTAL RECORDS

Transsexuellengesetz—TSG, Bundesgesetzblatt, Teil I. 56, 10.09.1980.
BT-Drucksache, 17/5528, 13.04.11.
Deutscher Ethikrat, Intersexualität, Stellungnahme, 23.02.12.
BT-Drucksache 17/9088, 14.02.12.
BR-Drucksache 304/12, 25.05.12.
BT-Plenarprotokoll, 17/217, 17.01.13.
BT-Plenarprotokoll 17/219, 31.01.13.
BT-Drucksache 17/12192, 31.01.2013.

WEBSITE

OII Deutschland, 2013: Pressemitteilung der Internationalen Vereinigung Intergeschlechtlicher Menschen (IVIM)—Deutschland, 7.2.2013. http://intersexualite.de/pm-mogelpackung-fur-inter-offener-geschlechtseintrag-keine-option/

REFERENCES

Bates, Robert, Avner Greif, Margaret Levy, Jean-Laurent Rosenthal, and Barry R. Weingast. 1998. *Analytic Narratives*. Princeton: Princeton University Press.

Benford, Robert D., and David A. Snow. 2000. "Framing Processes and Social Movements: An Overview and Assessment." *Annual Review of Sociology* 26:611–39.

Bennett, Andrew, and Jeffrey T. Checkel. 2012. *Process Tracing: From Philosophical Roots to Best Practices*. Vancouver: School for International Studies, Simon Fraser University.

Blackless, Melanie, Anthony Charuvastra, Amanda Derryck, Anne Fausto-Sterling, Karl Lauzanne, Ellen Lee. 2000. "How Sexually Dimorphic Are We? Review and Synthesis." *American Journal of Human Biology* 12.2: 151–66.

Caglar, Gülay, Elisabeth Prügl, and Susanne Zwingel, eds. 2013. *Feminist Strategies in International Governance*. London: Routledge.

Crenshaw, Kimberlé Williams. 1989. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine." *University of Chicago Legal Forum* 1989. 1: 139–67.

Combs, Ryan. 2013. "Gender Variance: The Intersection of Understandings Held in Medical and Social Sciences." In Angelia Wilson, ed., *Politics of Intersectionality: Situating Intersectionality: Politics, Policy, and Power*. New York: Palgrave Macmillan.

Davidson, Robert J. 2009. "DSD Debates: Social Movement Organizations' Framing Disputes Surrounding the Term 'Disorders of Sex Development.'" *Liminalis* 2009.3: 60–80.

Della Porta, Donatella. 2007. *The Global Justice Movement: Cross-National and Transnational Perspectives*. Boulder, CO: Paradigm.

Della Porta, Donatella, and Sidney Tarrow. 2004. "Transnational Processes and Social Activism: An Introduction." In Donatella Della Porta and Sidney Tarrow, eds., *Transnational Protest and Global Activism*. New York: Rowman and Littlefield.

Downs, Anthony. 1957. *An Economic Theory of Democracy*. Chicago: University of Chicago Press.

Esping-Andersen, Gøsta. 1999. *Social Foundations of Postindustrial Economies*. Oxford: Oxford University Press.

Fausto-Sterling, Ann. 2000. *Sexing the Body: Gender Politics and the Construction of Sexuality*. New York: Basic Books.

Ferree, Myra Marx, William A. Gamson, Jürgen Gerhards, and Dieter Rucht. 2002. *Shaping Abortion Discourse: Democracy and the Public Sphere in Germany and the United States*. Cambridge: Cambridge University Press.

Foucault, Michel. 1990. *The History of Sexuality*. Vol. 2, *The Use of Pleasure*. New York: Knopf Doubleday.

Goffman, Erving. 1974. *Frame Analysis: An Essay on the Organization of Experience*. Cambridge: Harvard University Press.

Inglehart, Ronald F. 1977. *The Silent Revolution*. Princeton: Princeton University Press.

Inglehart, Ronald F. 2008. "Changing Values among Western Publics from 1970 to 2006." *West European Politics* 31.1–2: 130–46.

Intersexuelle Menschen e.V./XY-Frauen. 2008. "Parallelbericht zum 6. Staatenbericht der Bundesrepublik Deutschland zum Uebereinkommen der Vereinten Nationen zur Beseitigung jeder Form der Diskrimierung der Frau (CEDAW)," Lucie G. Veith, Sarah Hassel-Reusing, and Claudia J. Kreuzer. See http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Pakte_Konventionen/CEDAW/cedaw_state_report_germany_6_2007_parallel_2_de.pdf

Joachim, Jutta. 2003. "Framing Issues and Seizing Opportunities: The UN, NGO's, and Women's Rights." *International Studies Quarterly* 47.2: 247–74.

Joachim, Jutta. 2007. *Agenda Setting, the UN, and NGOs: Gender Violence and Reproductive Rights*. Washington, DC: Georgetown University Press.

Karkazis, Katrina. 2008. *Fixing Sex, Intersex, Medical Authority, and Lived Experience*. Durham, NC: Duke University Press.

Katzenstein, Peter. 1987. *Politics and Policy in Germany: The Growth of a Semisovereign State*. Philadelphia: Temple University Press.

Keck, Margaret E., and Kathryn Sikkink. 1998. *Activists beyond Borders: Advocacy Networks in International Politics*. Ithaca: Cornell University Press.

Kitschelt, Herbert P. 1989. "Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies." *British Journal of Political Science* 16.1: 57–85.

Kitschelt, Herbert P., and Wolfgang Streeck. 2004. "From Stability to Stagnation: Germany at the Beginning of the 21st Century." In Herbert P. Kitschelt and Wolfgang Streeck, eds. *Germany: Beyond the Stable State*. London: Cass.

Kriesi, Hanspeter. 1995. *New Social Movements in Western Europe: A Comparative Analysis*. Minneapolis: University of Minnesota Press.

Kriesi, Hanspeter. 1996. "The Organizational Structure of New Social Movements in a Political Context." In Doug McAdam, John D. McCarthy, and Mayer N. Zald, eds. *Comparative Perspectives on Social Movements*, Cambridge: Cambridge University Press.

Kolbe, Angela. 2009. "Intersex, A Blank Space in German Law." In Morgan Holmes ed., *Critical Intersex*. Farnham: Ashgate.

Kolinsky, Eva. 1993. *Women in Contemporary Germany: Life, Work, and Politics*. Rev. ed. Providence, RI: Berg.

March, James G., and Johan P. Olsen. 1983. "The New Institutionalism: Organizational Factors in Political Life." *American Political Science Review* 78.3: 734–49.

McAdam, Doug. 1982. *Political Process and the Development of Black Insurgency, 1930–1970*. Chicago: University of Chicago Press.

McAdam, Doug. 1998. "On the International Origins of Domestic Political Opportunities." In Anne N. Costain and Andrew S. McFarland, eds., *Social Movements and American Political Institutions*. Lanham, MD: Rowman and Littlefield.

McAdam, Doug, John D. McCarthy, and Mayer N. Zald, eds. 1996. *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*. Cambridge: Cambridge University Press.

Pierson, Paul. 2000. "Increasing Returns, Path Dependence, and the Study of Politics." *American Political Science Review* 94.2: 251–67.

Pierson, Paul. 2004. *Politics in Time: History, Institutions, and Social Analysis*. Princeton: Princeton University Press.

Preves, Sharon E. 2002. "Sexing the Intersexed: An Analysis of Sociocultural Responses to Intersexuality." *Signs* 27.2: 523–56.

Reis, Elizabeth. 2009. *Bodies in Doubt: An American History of Intersex*. Baltimore: Johns Hopkins University Press.

Scharpf, Fritz. 1988. "The Joint Decision Trap: Lessons from German Federalism and European Integration." *Public Administration* 66.3: 239–78.

Tarrow, Sidney. 1988. "National Politics and Collective Action: Recent Theory and Research in Western Europe and the United States." *Annual Review of Sociology* 14:421–40.

Tarrow, Sidney. 2010. "Outsiders Inside and Insiders Outside: Linking Transnational and Domestic Public Action for Human Rights." *Human Rights Review* 11.2: 171–82.

von Wahl, Angelika. 1999. *Gleichstellunsgregime: Die berufliche Gleichstellung von Frauen in den USA und Deutschland*. Opladen: Leske und Budrich.

von Wahl, Angelika. 2011."A 'Women's Revolution from Above'? Female Leadership, Intersectionality, and Public Policy under the Merkel Government." *German Politics* 20.3: 392–409.

von Wahl, Angelika. 2014. "Das 'dritte Geschlecht' und die Reform des Personenstandsgesetzes—1 Jahr danach." *Femina Politica* 24.1: 106–12.

Ware, Alan. 1996. *Political Parties and Party Systems*. Oxford: Oxford University Press.

Zwingel, Susanne. 2005. "From Intergovernmental Negotiations to (Sub)National Change," *International Feminist Journal of Politics* 7.3: 400–424.

CHAPTER 2

Disabled Women Fighting for Equality

Lisa Pfahl and Swantje Köbsell

For a long time, disability was regarded as an individual or medical problem, a stroke of fate that had to be endured. “The disabled” were perceived as a needy, asexual, and genderless mass of people who were expected only to express occasional gratitude for the benefits granted to them. Over a considerable amount of time, however, a disability rights movement developed. The disabled women’s movement subsequently became a movement within that larger movement.[1] While the German women’s movement was influential in this process, the women’s movement itself was not concerned with disabled women’s interests. This chapter outlines the development of the German disability movement since the 1980s before focusing on the challenges that disabled women in Germany were and are facing (see box 2). Moreover, the gendered perspective on disability,[2] which was initiated by disabled women from the movement, also has great potential to enrich the field of gender studies in Germany, as it has in the Anglo-American context (see Garland-Thomson 2004; Hall 2011; Kafer 2011). The chapter explores the accomplishments recorded by German disabled women and their organizations as well as notes their shortcomings, failures, and prospective challenges.

The fact that disabled women no longer are only the object of scientific research but are actively involved might be their most important and hardest-won success. Their experiences and knowledge have become a research subject within the emerging German field of disability studies in such areas as their life courses and sexuality and reproduction. Such studies

BOX 2. **Disabled Women**

INTERSECTION STUDIED	Gender + Disability (Disabled Women)
TIME PERIOD STUDIED	1980s–
POLICY ISSUES STUDIED	Amending Basic Law (1994) Reform of the Social Security Code (2000–2002) State-Level Equal Opportunities for People with Disabilities Acts (1999–2007) Reform of the Law on Sexual Crime (2004, 2016)
INTERNATIONAL ALLIES	International Disability Alliance United Nations International Convention on the Rights of People with Disabilities (UN-CRPD)
DOMESTIC INTEREST GROUP ALLIES	German Disability Council (Deutscher Behindertenrat) UN-CRPD-Alliance (BRK-Allianz) German Institute for Human Rights (Deutsches Institut für Menschenrechte [DIM]) Network Article 3 National Council of German Women's Organizations (Deutscher Frauenrat [DF]) *These alliances emerged after disabled women organized on their own in response to being overlooked by others.*

have highlighted the importance of researching the intersection of gender and disability. The research on women's biographies (Bruner 2005; Freitag 2005) as well as on sexuality, self-determination, and reproduction (Waldschmidt 1996; Köbsell 2006a, 2006b) has provided important support for the movement's agenda and demands. In addition, disabled women themselves increasingly act as researchers (Pfahl and Powell 2014). Furthermore, the newcomer in the German social sciences and the humanities, disability studies, pushed gender studies toward the question of how disability, gender, and class intersect and cause inequality among women and marginalize disabled women's interests.

This chapter describes and analyzes processes of extraparliamentary policymaking by disabled women, who use their own organizations to pressure the government from the "bottom up". German disabled women were also instrumental in challenging the United Nations to include women's issues into the Convention on the Rights of Persons with Disabilities (UN-CRPD). Against the backdrop of the history of the disability rights movement and the women's movement of the twentieth century, we describe disabled women's involvement in the policymaking processes of nongovernmental organizations (NGOs), disabled persons organizations (DPOs), and other associations in Germany. Disabled women have been involved in public policymaking processes by contributing to the amendment of (constitutional) law, other crucial interventions in German sociopolitical culture, and the twin track approach in the UN-CRPD to make disabled women visible within the convention. Nevertheless, disabled men and women have not been equally represented in the German disability (rights) movement or disabled people's organizations, leading to the development of the Weibernetz e.V., an umbrella group for German disabled women's associations, to engage in political lobbying. The examination of the agenda-setting activities of NGOs, DPOs, and other associations reveals that the interests of women with learning difficulties or mental health problems and of disabled women of color are still widely ignored, a situation that not only diminishes their stake in political interventions but renders them invisible.

Theoretical Perspectives

In 2006, the United Nations passed the UN-CRPD, and by the beginning of 2017, 172 states had ratified the convention (UN OHCHR 2017). Disability activists from many countries have leveraged the convention for political and social change, although deliberations continue about its legal aspects, standards, and fundamental principles as well as their interpretation and implementation. In Germany and other countries that have ratified the convention, debates have focused on the quality of inclusion, especially in education and employment, as well as in health, accessibility of public buildings and spaces, and political and social participation. The minority and human rights perspectives that have long been dominant in anglophone disability studies have only recently—via the concerted efforts of those in the disability movement—become common.

The development of the disabled women's movement was also instrumental in creating awareness in Germany of multidimensional discrimination, a concept internationally addressed as intersectionality. Intersectionality originated from gender, queer, and postcolonial studies in the 1990s with a focus on the interaction of dimensions of inequality. Kimberlé Crenshaw (1989), a U.S. lawyer, was one of the first to look at the interwoven nature of categories—in her case, race, class, and gender—and how they strengthen or weaken each other. The attribute of being (non) disabled has not yet been extensively considered, since the intersectional research approach has only just been adapted for disability research. Disability studies researchers have nevertheless analyzed disability as a social phenomenon since the 1980s, when the international disability movement first developed. The medical model of disability was criticized by disability activists and a social model of disability subsequently was formulated. The most often quoted definition of it, developed by the Union of the Physically Impaired Against Segregation in 1976, reads: "Disability is something imposed on top of our impairments, by the way we are unnecessarily isolated and excluded from full participation in society. Disabled people are therefore an oppressed group in society" (quoted in Oliver, 1996, 3). This understanding of disability frames it as a result of social, legal, and cultural facts: "The social model considers disability the result of physical, social, economic, political, and cultural barriers that limit opportunities for people with biological impairments" (Mirza 2014, 421). In the 1980s, feminist disability studies started to analyze the intersection of gender and disability, exploring how heterosexist stereotypes and ability expectations influence—historically as well as presently—the social conceptualization of disabled men and women (Fine and Asch 1988; Garland-Thomson 2004). To look at the intersection of disability and gender means to gender disability—that is, to analyze differences among disabled women as well as to analyze the inequalities between men and women with disabilities and between women with and without impairment (Jacob, Köbsell, and Wollrad 2010).

Our analysis takes an emancipatory social science research approach that understands disability as a question of who can(not) gain agency via social, legal, and cultural circumstances. By describing (social) barriers and facilitators (e.g., legal privileges, rights, and resources) and analyzing disabling stereotypes, people with impairments sought to create a social understanding of disability that included the intersection of gender, sex, race, and class (for examples of debate from English-speaking countries, see Campbell 2009; Kafer 2011).

Sources of Evidence and Data on Women with Disabilities

To trace the growing influence of disabled women, both at the domestic level in Germany and at the international level through the United Nations, we draw on several primary sources of information. First, we look to the statements made by disabled activists themselves, both in personal memoirs and in journals or on websites put out by the disability rights movement. Second, we examine the texts of government and international organizations' documents, including UN conventions and reports issued by the German Parliament (Bundestag) and federal ministries. Third, we draw on German-language disabilities studies publications, much of them written by disabled scholars.

The German government is required to deliver basic data on women and men with disabilities every legislative period. As of 2013, almost ten million persons in Germany lived with some kind of impairment, while another seven million are living with a chronic illness. Accordingly, as much as 25 percent of the population is considered to have disability experiences (BMAS 2013, 44). About twenty million working-age persons struggle to obtain full inclusion in society, and women with impairments face significantly more barriers to social participation than their male peers. For example, women with disabilities are more often unemployed than other women and disabled men (BMAS 2013, 18). Women with impairments also still face more stigmatization and exclusion than disabled men and have more issues with family, domestic violence, and reproductive rights. Disabled women more often live on their own, have fewer children, and have a much higher risk of becoming victims of (sexual) violence at the hands of caregivers, therapists, and partners. The situation of disabled women who immigrated to Germany is more or less a black box but is probably even worse. In addition, women with impairments face additional problems because of heterosexist stereotypes, gender-related social expectations, and a lack of political representation.

Tracing the German Disability Rights Movement

The disability movement in West Germany[3] came into being some time later than the students' and the women's movements. The new movement posed a radical challenge to century-old foundation of the German disability care system. Even though many material structures had been destroyed in World War II and the Nazis had killed many disabled people, no attempt to reform the system had subsequently occurred. In fact, the old segregating structures based on the idea that disabled people had little worth were reconstructed and were even expanded. Thus, disabled people either lived with their families, sometimes even hidden, or in institutions. From the 1950s well into the 1970s, these "total institutions" (Goffman 1968) treated the disabled as inmates whose entire lives were subjected to the logic of the institution, a situation often compared to prisons (Klee 1980b, 53). Moreover, conditions inside the institutions, most of which were built during the nineteenth century, were often degrading, as a 1975 federal report noted. Psychiatric hospitals, where many disabled people were placed, often featured big dorms that lacked privacy, exhibiting poor hygienic conditions, untrained staff, and insufficient therapeutic and medical provisions (BT-Drucksache 7/4200, 25.11.75, 11–12).

In the late 1950s, parents began founding impairment-related associations to provide relief for themselves, to offer support for their disabled children, and to lobby for a better infrastructure for families with disabled children. At that time, concepts of integration and inclusion were not even considered, so special kindergartens, schools, and workshops for the disabled were established. The decade between 1964 and 1975, saw the creation of an extensive system of vocational rehabilitation with specialized institutions in response to a shortage of skilled labor. From the beginning, the rehabilitation system discriminated against women: courses and trainings were offered mostly to men, and the social security system was modeled on a typical male labor biography. The rehabilitation system did produce skilled workers, but they had difficulty finding gainful employment (Heiler 1984, 86).

Until the late 1970s, disabled people could not gain self-determination or participate in society; they had to live their lives within the confines of families and special institutions. Germany lacked an accessible infrastructure that would have allowed for participation: housing, public transportation, and public buildings and cultural venues were not designed for barrier-free access, and assistance with everyday activities was not available. The predominant perception of disability attributed disabled people's exclusion from participation in mainstream society to their personal medical-biological problem, which was equated with suffering (Poore 2007). This medical model of disability locates the problem in "faulty biological equipment," and accordingly the problem must be solved on an individual level by either finding a cure or accepting one's fate (Garland-Thomson 2004).

Disability was defined by individual rather than social factors, with a focus on deficits rather than on rights, competencies, or potential. People with impairments were perceived as inevitably facing barriers, a quasi-natural consequence of their biological "shortcomings." As a consequence of this perception of disability, medical and rehabilitation experts wielded extensive power over people with impairments: "experts" had the skills to "fix" faulty bodies and minds and were presumed to know what was good for the persons concerned (Köbsell 2006a). Special education also focused primarily on biological defects (Pfahl and Powell 2014). Disability overruled other identity positions, especially gender, which was neutralized. "The disabled" were a pathetic group in need of pity and professional support, not a gendered group of people like the rest of society. Only a few voices attributed the phenomenon of "disability" to social factors.

First Steps toward a Movement

In the late 1960s and 1970s, when the disabled children of the parent-association founders reached puberty, West German society was shaken up by the student movement. The women's movement emerged at the same time, as did the self-help movement. Many disabled adolescents were caught up in the general mood of social change and began to distance themselves from the expert-dominated parent organizations. Club 68, founded in 1968, became the model for other "Clubs of Disabled People and Their Friends" that sprang up all over the country in the next few years. Young disabled and nondisabled people met to reduce prejudices through "co-operation in partnership" (Waldschmidt 1984, 31). The clubs emphasized leisure activities but found that physical barriers hampered these activities, leading members to become increasingly involved in local politics as they sought to eliminate these barriers. More and more disabled people began to realize that the reason for their exclusion was not their physical condition but a segregating society and that they had to fight it. One of West Germany's earliest disability activists explained his "awakening":

> I was denied access to buildings by steps and staircases that had been planned and built by others who were in power. I and other disabled people were denied access to public transportation by the way that buses and trains were planned, built, and used. And this had consequences for our self-confidence! We had to go to the places where these conflicts were evident. There, we had to use our creative en-

> ergy to self-confidently draw attention to the problems and change the disabling situation. (Steiner n.d.)[4]

Disabled young people took on the challenge of fighting everyday discrimination and exclusion. Some groups staged public actions to call attention to excluding and discriminatory conditions—for example, building a temporary ramp in front of an inaccessible post office or blocking tram rails—that the general public perceived as outrageous, ungrateful, and provocative. Even though these activities targeted physical barriers, disabled people who challenged the disabling society were an absolute novelty. Beginning in 1978, cripples' groups (*Krüppelgruppen*) took a more political approach to disability. Their "cripples' position" viewed disability as the result of the societal oppression of disabled people and perceived forced conformity to the values, ideals, and aesthetics of nondisabled people as a form of cultural enslavement. The best way to develop a "cripples' consciousness" appeared not to be partnership but opposition to the oppressors (Frehe 1984, 105). The choice of the provocative term *cripple* was part of this opposition:

> Often we are asked why we call ourselves cripples. . . . For us, the term *disability* only masks the real social conditions, whereas the term *cripple* highlights the distance between us and the so-called nondisabled. Through segregation in institutions, special schools, and rehabilitation centers, we are kept utterly dependent and isolated. . . . This shows that we are being not only dis-abled (e.g., by curbs) but systematically destroyed. Consequently, the term *cripple* seems to be more straightforward to us, because nondisabled people with their bogus integration ("disabled people are people too") can't hide behind it. (Mürner and Sierck 2009, 17)[5]

In another provocation, nondisabled people were excluded from the cripples' groups to allow participants to analyze discrimination without the discriminators being present, a situation analogous to the exclusion of men from women's groups. Exclusion also prevented the groups from replicating the well-known power structures that disadvantaged disabled people. The disabled community debated the approach taken by the cripples' groups to disability-related issues, and that viewpoint always remained in the minority. And despite the growing concern regarding the disadvantageous social situation of disabled people, at the end of the 1970s, (West) Germany still had no significant disability movement.

A Movement Is Born

The situation changed dramatically after a historic and controversial 25 February 1980 court decision, the Frankfurt Judgment (Frankfurter Urteil). The Frankfurt District Court agreed that a vacationer should receive a refund of some of her travel expenses because her travels had been marred by the sight of severely disabled persons (Klee 1980a). The decision generated numerous protests, and on 8 May, five thousand demonstrators from all over West Germany, including many disabled persons, converged on Frankfurt. Such a gathering was unprecedented in Germany. The demonstration drew attention not only to the ruling but also to the extensive discrimination against disabled people. Disabled speakers also maintained that they were perfectly able to speak for themselves and to stand up for their rights. This demonstration did not lead to a reversal of the court's decision but nevertheless provided an enormous boost to the fledgling disability rights movement, creating a spirit of fighting together, of common strength. For the first time in German history, the resistance of disabled people made it into the national news.

The United Nations had proclaimed 1981 the International Year of Disabled Persons (IYDP), and the demonstration galvanized preparations for that event. Certain that disability officials would use the platform to sing their own praises without making any actual changes, a coalition of disability activists decided to act. Disabled people traveled from all over (West) Germany to the IYDP opening event on 24 January to disrupt nondisabled politicians' speeches and draw attention to the dismal situation faced by disabled people. Several activists chained themselves to the stage, preventing the West German president from speaking, and demanded "no speeches, no segregation, no violations of human rights" (anon. 1981). The president eventually delivered his address in an adjoining back room, making no mention of rights or self-determination and discussing only interpersonal relationships, neighborly charity, and responsibility (Steiner 1983, 82). The activists staged several other quite spectacular events that received media coverage and that culminated with the "Cripples' Tribunal" (*Krüppeltribunal*) on 13 December. Modeled on Amnesty International's "Russell Tribunals," which drew attention to human rights violations, the Cripples' Tribunal focused on the violation of disabled people's human rights. The organizers challenged government policies that promoted the segregation of disabled people and called for massive and radical resistance (Daniels, Degener, and Jürgens 1983, 9). The Cripples' Tribunal examined living conditions in institutions, arbitrary use of power by authorities, restriction of mobility, sheltered workshops, discrimination against disabled women, psychiatry, and the pharmaceutical industry. By and large, the IYDP proved a very effective midwife for the emerging German disability rights movement.

The year was also important for the networking of disability rights movements around the globe. Founded in 1981 in Singapore, Disabled Peoples' International (DPI) became "the world's first successful cross-disability endeavor to convert the talk about full and equal participation of persons with disabilities into action," and it remains "the world's ONLY cross-disability Global Disabled People's Organization" (DPI n.d.). DPI now represents disabled peoples' organizations from more than 140 countries and has consultative status with the UN. It is headquartered in Canada, with regional offices covering Asia and the Pacific, the Middle East, Europe, Africa, Latin America, North America, and the Caribbean. "DPI's goal is to achieve full participation of ALL persons with disabilities in the mainstream of life, through promotion and protection of their human rights" (DPI n.d.). DPI explicitly seeks to encourage involvement by disabled women, especially those from developing countries.

By the end of the IYDP, several subdivisions had developed in the disability movement, mainly in two directions. The first was basically concerned with the establishment of infrastructure for disabled people, such as assistive services and accessibility of public transportation and public buildings; the other was focused on the political representation of disabled people. Depending on the specific groups and people involved as well as on local conditions, the focus was placed on different issues, and in the process, these different branches of the movement intertwined and inspired each other.

Analyzing the Movement within the Movement: Women with Disabilities

During this era, disabled women and girls were invisible, swallowed up by the amorphous group "the disabled." They were neither mentioned in specialist literature on disability nor present in the literature from the women's movement. Even authors who were already thinking and writing critically about disability referred to "the disabled" as a group—as a male-connoted singular in German. Likewise, the evolving male-dominated disability movement had no interest in dealing with gender issues, having adopted unchallenged mainstream society's male-centered, heterosexist worldview. The women's movement, too, was not open to the issues and concerns of disabled women: disability overruled the identity position *woman*.

Disabled women realized that the intersection of disability and gender meant that their actuality differed in various aspects from those of disabled men as well as from nondisabled women, and since neither movement was available to them, they began founding "women's cripple groups" (*Krüppelfrauengruppen*) in the late 1970s to create a space free of male as well as nondisabled perspectives to enable the open exchange and theorization of disabled women's specific situation (Ehrig 1996, 297). These groups laid the cornerstone for the movement inside the movement, the disabled women's movement. Women's cripple groups sprang up across West Germany, with national meetings held at least once a year from 1982 on. Participants sought not only to discuss and theorize among themselves but also to bring the "double discrimination" of disabled women, as the situation was referred to then, to the attention of the broader public.

On several occasions during the IYPD, the women drew attention to their situation and clarified the aspects in which their experiences differed from those of nondisabled women and disabled men. At the Cripples' Tribunal, issues such as the ideal of beauty, gynecology, rape, and abortion were used to explicate what it meant to be female as well as disabled (Daniels, Degener, and Jürgens 1983). In 1983 the first research on the situation of disabled women in Germany was published, albeit by a nondisabled researcher. The work proved what disabled women had always known: the increase in social oppression that women who deviate from "female normality" face in a patriarchal-capitalist-structured society (Schildmann 1983, 41). Two years later, disabled women published their first book, *Geschlecht: Behindert—Besonderes Merkmal: Frau* (Gender: Disabled—Special Characteristic: Female) (Ewinkel et al. 1985).[6] It not only explored the issues of the Cripples' Tribunal in more depth but also dealt with issues such as motherhood, sterilization, socialization, education, and rehabilitation, illustrating the diversity of disabled women's experiences and the differences in the treatment of disabled women and of disabled men and nondisabled women. The authors declared, "We are women who are disabled, but we are treated as disabled persons who happen to be women" (8). Henceforth, topics related to double discrimination became the leitmotif of the literature, and despite the changes that have occurred over the past three decades, the discussion remains dominated by these issues.

A central issue for disabled women was the denial of their femininity throughout their socialization by being told that they were not “real” women and could not expect or aspire to lead a woman’s life. They were not seen as attractive or desirable and therefore not considered “marriage material.” They could try to compensate for these shortcomings only through performing well in school, but even such achievements could not guarantee gainful employment: at the time (as well as today), disabled women have the highest rate of unemployment and are thus most likely to live in poverty (BMAS 2013, 142). And the denial of femininity led to the denial of sexuality. The assumption of disabled women’s genetic inferiority made them targets for “voluntary” sterilization and abortion (both of which were difficult for able-bodied women to obtain). Instead of facing pressure to procreate, as able-bodied women did, disabled women were effectively banned from giving birth, particularly if they were labeled developmentally disabled (Pixa-Kettner, Bargfrede, and Blanken 1996). And even though they are not perceived as potential sex partners, disabled women experience the highest rates of sexual violence, a fact that was ignored for a long time (BMAS 2012). The activities of disabled women brought this taboo inside a taboo to public attention. The Cripples’ Tribunal had drawn attention to the fact that their presumed helplessness turns disabled women into easy victims. Moreover, disabled victims of sexualized violence had difficulty persuading people that they had been attacked, frequently receiving responses along the lines of “You wish” or “No normal man would touch someone like you,” and were often physically dependent on the perpetrator. As a consequence of such attitudes and such dependence, incidents of sexualized violence against disabled women rarely were reported to the authorities. Further, the law granted reduced sentences when victims were “incapable of resistance” on the grounds that less criminal energy was needed to commit the crime. When charges were filed, offenders usually were acquitted.

Disabled women subsequently began creating local interest groups whose members became involved in local and national women’s issues. The emerging feminist criticism of the new genetic and reproductive technologies led these disabled activists to confront nondisabled critics with the connections between eugenics, genetic counseling, and selective abortion, thus initiating discourse regarding the political nature of personal decisions in the reproductive sector (Degener and Köbsell 1992). Here the conflict arose between members of the women's movement, who upheld freedom of choice as the highest value, and disabled women, who differentiated between the general right to choose to bear a child and the selective abortion of so-called defective fetuses from previously accepted pregnancies. The disabled women's opposition to the latter was strongly inspired by the historical experience of Nazi eugenics (Köbsell 2006b; Poore 2007).

Active, self-confident women became sought-after speakers on the question of eugenics/human genetics. Despite the increasing visibility, their problems persisted: the women's movement had not become more receptive to their issues, while the disability rights movement remained resistant to gender issues. The early 1990s saw an intense battle of the sexes within the disability rights movement. The linchpin was the use of the term *double discrimination* to signify the special situation of disabled women. Male activists denounced it as a strategy for double approval by nondisabled people, thus implying that the women had not grasped the meaning of discrimination (Christoph 1993, 149). The male activists were annoyed by the women's public and political success, viewing them as having stepped out of line by increasingly presenting themselves primarily as *women* rather than as disabled and thus threatening to split the movement. Despite this debate, the term *double discrimination* became the trademark with which many disabled women identified (Hermes 1994, 3). It is still used today to describe the specific situation of disabled women despite the recent development of an intersectional approach to gendering disability.

Shaping Public Policy from Below: The Fight for Equalization and Antidiscrimination

The 1990s were characterized by German unification and the process of reconciling the political objectives of the women's movements in the two parts of the country. As Myra Marx Ferree has pointed out, "Overall, the story of unification is one of disunity, and it theoretically leads to the reflections on what this brief period reveals about the bigger picture of struggles over differences among women in Germany and globally" (2012, 146). In their drive to make the state, women's organizations continued to ignore disabled women's interests. With a very high risk of unemployment on the one hand and numerous problems in balancing work and family life on the other, disabled women in several German states started to build networks. The decade was dominated by the struggle for legal equalization, a process inspired by developments in the United States. A German delegation visited the United States in 1986 and came back highly impressed by the U.S. antidiscrimination legislation. Nevertheless, support for this issue was not forthcoming in Germany. The 1990 passage of the Americans with Disabilities Act reignited the German discussion and led to several initiatives for legal change.

A milestone of political acknowledgment of the aims of the disability movement as such was the 1994 amendment of Article 3 in the German Basic Law (*Grundgesetz*), for which the Association of Disabled Lawyers (Bund behinderter JuristInnen, founded in 1992) had campaigned along with other disability organizations and activists. Created in 1949, the Basic Law initially did not mention people with disabilities as a vulnerable group. The 1994 amendment added the words "No person shall be disfavoured because of disability."[7] Though the public debates on constitutional change did not highlight gender issues, they increased awareness among (female) lawyers inside and outside the disability movement regarding gender-related legal issues concerning disability as well as regarding the continuing social inequality among disabled men and women.

In 1996, almost one hundred disabled women from all parts of Germany gathered in Munich for a conference on disabled women's political interests. The conference demonstrated the need for a national network to represent disabled women's interests. Putting employment, family, and (sexualized) violence against disabled girls and women on the top of their agenda, disabled women started to advocate on their own behalf in state and national politics. Founded in 1998, the Federal Network of Women, Lesbians, and Girls with Impairments (Weibernetz—Bundesnetzwerk von Frauen, Lesben und Mädchen mit Beeinträchtigungen) has become the biggest lobbying organization for disabled women's interests. Moreover, the group's name draws attention to the fact that the disabled women's movement initially had not challenged the heterosexual norm, thus leaving disabled lesbians on the margins.[8] The organization permitted disabled women to involve themselves actively in the debate on equality laws. They formulated their own demands for such laws, which were fed into the equalization debate (see Ruhm 1997, 25).

For the first five years, Weibernetz worked with neither paid staff nor state funding. Between 2000 and 2002, the group intervened in the pending changes to the Social Security Code (Sozialgesetzbuch), which covers regulations on rehabilitation and participation. The reforms to the code took into account various groups, disabled women among them. This involvement and the wording of the new law exemplified the paradigm change from welfare to participation in German disability politics. Disabled people are no longer considered objects of care but subjects of equal rights for participation and independent living. The new Social Security Code includes several mentions of the needs of disabled women, although not all of their demands were met. For example, they still are not permitted to choose the gender of their personal assistants or care providers, and traveling expenses and child care costs for women in medical rehabilitation or participating in work are not covered (Arnade 2005, 2–4).

Aiming for self-determined sexuality, family relations, parenting, and protection from sexual abuse, the disabled women's network then sought to reform the Sexual Crime Legislation (Sexualstrafrecht). Reforms enacted in 2004 by a SPD/Green majority in the Bundestag maintained the reduced penalty for sexual crimes against "nonresistant" or "delicate" persons. However, the reform increased the penalties for sexual crimes involving children or persons with (learning) disabilities.[9] In 2016, the CDU/CSU/SPD government oversaw another reform to the *Sexualstrafrecht* that finally granted disabled women equal treatment with other women, an enormous success for the disabled women's movement. Weibernetz remains the biggest and most influential German disabled women's organization, lobbying for changes in legislation and other regulations that affect the lives of disabled women.

Many of disabled women's other demands have also found their way into the law, which now takes into account the particular needs of disabled women. In addition to triggering the debate over selective abortion, the disabled women's movement has brought attention to the issue of the sexual abuse of disabled girls and women and has obtained measures for preventing such abuse and increased the punishments meted out to the perpetrators. Other successes have been less tangible but nevertheless important. Since 2003, the European Year of Persons with Disabilities, Weibernetz has received government funding to represent disabled women's interests in a variety of forums. It is a member of the German Disability Council as well as the German Women's Council, a genuine sign of growing political and social recognition.

While the implementation of the 2006 German General Equal Treatment Act (Allgemeines Gleichstellungsgesetz) was heavily influenced by the European Commission's mandate to standardize European antidiscrimination regulations,[10] the 2002 German Equal Opportunities for People with Disabilities Act (Behindertengleichstellungsgesetz) constitutes another unequivocal triumph for the German disability movement. Disabled activists have also sought and obtained changes in laws at the state level. Berlin introduced an Equal Opportunity Law for disabled people in 1999, with the rest of the states following by 2007. These laws were passed by governments of varying political orientations: conservative as well as liberal, social democratic, and green (see the Introduction, table I.1). Paralleling these legal changes, German disability politics shifted toward more self-determination and independent living.

Shaping Public Policy from Above: Recent Debates on Women's Issues in the UN-CRPD

The widespread support for legal reform in Germany was driven in part by disabled women acting at the international level, the same strategy pursued by intersex citizens and women seeking inclusion in the military. During this time, the disability movement experienced Europeanization and internationalization. In the German disability movement, as in the women's movement,

> strategies, organizations, alliances, and concerns . . . were being enriched not only by a flow of ideas expressed by non-German authors . . . but also by being drawn into organizational engagement with global institutions. This growing transnational strategic effort was evident not only in formal organizations, networks, and alliances, but in political discourses, strategies and tools. The UN and the EU in particular provided new frameworks of discursive opportunity and key material resources for this work in Germany. (Ferree 2012, 183–84)

Founded in 1999, the International Disability Alliance (IDA) took part in the genesis of the UN International Convention on the Rights of People with Disabilities (UN-CRPD) as part of the UN Commission (Köbsell 2012: 90).[11] The IDA's participation indicates a paradigm shift in disability politics insofar as representatives were directly involved in the regulatory process, resulting in the first globally acknowledged document proposing a broader definition of disability: "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others" (United Nations

2006, 4). This definition is akin to what academics call the social model of disability.

The 2006 passage of the UN-CRPD constitutes the most significant change relating to disability in recent years. Disability activists from all over the world have leveraged the convention for political and social change. Representatives of the Weibernetz as well as Theresia Degener and other individuals from the German and global disability movement played instrumental roles in formulating the UN-CRPD. Degener, the UN-appointed moderator, has been especially instrumental in solidifying legal equality for disabled people all over the world (Quinn and Degener 2002; Degener 2009). Although the German government signed and ratified the UN-CRPD in 2009, deliberations about its implementation continue, especially with regard to legal aspects, standards, and fundamental principles.

Disabled German women played a crucial role in making disabled women visible in the negotiations that led to the UN-CRPD. In 2004, Sigrid Arnade, a Weibernetz representative, asked the UN ambassadors to recognize women's issues in the CRPD. Back in Germany, Network Article 3 started the international campaign "Toward Visibility of Disabled Women in the UN Convention" (Netzwerk Artikel 3 n.d.).[12]

As Arnade has written,

> We worked with a trilingual homepage (German/English/Spanish), collected signatures for our issues, and published them on the website. Within a very short time, the campaign was supported by almost 500 persons and approximately 100 organizations from roughly 30 countries. All organizations of the German Disability Council [Deutscher Behindertenrat] had signed, and also the European Women's Lobby, the association of women's organizations on the European scale, and the German Women's Council [Deutscher Frauenrat] supported the campaign. Furthermore, we came up with amendments to the convention and did public relations work. We received ideological and financial support from the Federal Ministry of Family, Seniors, Women, and Youth, so we could expand our network. (Arnade 2010, 224)

In 2005, DPI appointed Arnade and her colleague, Sabine Häfner, to report on how to deal with the issue of disabled women in the UN convention. They produced *Toward Visibility of Women with Disabilities in the UN-*

CRPD, which consisted of three parts: "First, we discussed the situation of women with disabilities, and second, we checked existing UN documents for their relevance for disabled women. In the third part, we presented proposals for amendments, whereby we partially adopted ideas of other states and partially suggested new formulations" (Arnade 2010, 224–25). The report established that disabled women throughout the world are disadvantaged compared to disabled men and nondisabled women. As consequence, the United Nations took a two-track approach, with separate women's articles and gender references in other important articles. Together with other activists, mostly from East Asia and South America, representatives of Germany's disabled women fought at the UN meetings for the acknowledgment of their situation and for the inclusion of an independent article on disabled women's interests. Initially meant to be a compromise between the interests of disabled women in the global South and the global North, this approach became a strategy. The two-track approach now guarantees not only that women's interests are mainstreamed in the convention but also that their special situation is considered in the CRPD's Article 6:

> 1. States Parties recognize that women and girls with disabilities are subject to multiple discriminations, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms. 2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention. (UN 2006, 7)

Further references to women and gender appear in the preamble as well as in Articles 3 (General Principles), 8 (Raising Awareness), 16 (Freedom from Exploitation, Violence, and Abuse), 25 (Health), 28 (Adequate Standard of Living and Social Protection), and 34 (Committee on the Rights of Persons with Disabilities). However, disabled women's activists also lost fights to include gender references in the articles on education, labor, and employment as well as regarding statistics and data collection.[13] Despite the acute need, these articles do not contain references to women (Arnade 2010, 228). In 2015, the United Nations committee reviewed the German government's first official report on the implementation process. A broad network of German NGO experts and supporters, the UN-CRPD-Alliance (BRK-Allianz), published a parallel report on the implementation of the UN-CRPD.[14] The members of this network of disability organizations collaborated to produce a report on the gaps between political rhetoric and the lived experiences of people with disabilities (BRK-Allianz 2013), resulting in a list of issues for the thirteenth session of the CRPD committee. These international organizations have been enormously influential in providing opportunities for dialogue and coordination of political and social action and in ensuring that issues of disability mainstreaming have entered policymaking debates. The disability movement and the BRK-Alliance have emphasized the gaps between political rhetoric and ratification of the UN-CRPD and the living conditions and situations of disabled people in Germany, especially women.

Avenues for Future Research and Activism

For decades, many different German actors—male and female—have worked to increase the visibility and codification of the rights of disabled people. They have argued for the inclusion of explicit protection against disability discrimination in Germany's Grundgesetz, mainly by organizing. Weibernetz, Netzwerk Artikel 3, the Centers for Independent Living, and the Community of Social Policy Working Groups (Arbeitsgemeinschaft sozialpolitischer Arbeitskreise) have fought to promote and ensure progressive disability policymaking through public discussion, public relations, policy monitoring, lobbying, and occasionally occupations of public buildings and demonstrations. The Forum of Disabled Lawyers (Forum behinderter Juristinnen und Juristen) has been influential in initiating legal protections for the human rights of disabled people on the state and national levels. These committees, associations, and activities combine to constitute the more or less institutionalized result of the earlier disability movement. Despite increases in formalization and institutionalization, many actors in the field still describe themselves as part of this movement, partially through identification, partially as a symbolic strategy.

The network of individual and collective actors that is succeeding the disability movement should be distinguished from organizations in the welfare sector (e.g., ambulant care/assistance service providers and self-help organizations) and the political sector (e.g., parties and lobbying groups), which have been enlisted as dialogue partners and are at least partially motivated by their own public relations strategies or by opportunities to profit from the provision of care and assistance. Welfare organizations and individual contributors have founded, financed, and supported the Institute on Personhood, Ethics, and Science (Institut Mensch, Ethik, und Wissenschaft), which provides a highly public forum for disability studies debates. Monitoring the implementation of the UN-CRPD, the German Institute for Human Rights (Deutsches Institut für Menschenrechte) charts progress.

Since 2002, another organization, Disability Studies in Germany—We Do Research on Our Own (AG Disability Studies in Deutschland—Wir forschen Selbst) has organized workshops for researchers with disabilities (Köbsell and Waldschmidt 2006). The exclusivity of such forums is an important part of retaining a degree of self-representation, although it can hardly be maintained when establishing an academic discipline, which necessarily involves a separation of identity questions from the production of scientific discourse on disability in different fields of studies. The interdisciplinary German academic field of disability studies is growing but mostly still claims a subversive status (Pfahl and Powell 2014) while striving for further institutionalization at institutions of higher learning. Such double strategies entail enormous contradictions and difficulties, including tense discussions about the legitimacy of less or nondisabled people within academia.

Thus far, too few studies explicitly apply theory developed in disability studies to explore and explain the living conditions and lived experiences of people with disabilities in Germany. Yet the contrast of bodily impairment versus disablement as the consequence of social barriers and oppression remains a key debate. The social model has been criticized as essentialist by connecting disability to bodily impairment. Today, differentiated theoretical models help to explain the causes and consequences of disability as a social and cultural construction at the level of the individual life course, at the level of organizations, and at the level of society. Thus, disability studies has the important task of reconstructing subjective experiences and thus complementing—and to a certain extent replacing—“expert” knowledge about disability. However, feminist and queer approaches to difference seem to be farther along the path to academic status. The subversion and decentering that disability studies has begun to accomplish across Europe continues to face a number of barriers, including the artificial (or at least temporary) dichotomy of the “able / nonable divide” (Campbell 2009); the heterogeneity of a multidisciplinary field that includes a diversity of theories, methodologies, levels of analysis, and empirical databases; the relative paucity of data, especially longitudinal, that is not based on individual deficit(s) or clinical principles, and the continued dominance of clinical professions and medical models, exacerbated by the recent growth of the new eugenics (genetics and biomedicine).

Debates that resonate broadly—and accordingly provoke broad resistance—now include the quality of inclusion, especially in education, employment, health, accessibility, and political and social participation. The most encompassing and fierce debates have involved schooling. Disability organizations and scholars have pointed out the lack of equality and excellence in education for disabled children, reflecting the persistent and ongoing segregation of the vast majority of students classified as having special educational needs. Critical disability studies scholarship has used comparative research to formulate far-reaching demands for changes designed to enable the educational and welfare system to meet the UN's objectives and to equalize educational opportunities and life chances. The implementation of these demands is seen as requiring a complete transformation of stratified and highly differentiated educational systems (Powell 2011). These claims are not readily accepted even within academia: competing organizations, professions, and scholars challenge these assumptions and rally against inclusive education and disability politics (Pfahl and Powell 2011).

In the broader public as well as in the academia, the ratification of the UN-CRPD has fostered both academic awareness and debate and policy debates on the topics of inclusion and participation of children in schooling as well as discussions regarding issues of accessibility and antidiscrimination (Pfahl and Powell 2014). The minority and human rights perspectives that have long dominated anglophone disability studies have only recently—via the concerted efforts of those who agree and sometimes identify with the disability movement—become commonplace, while their implementation is burdened by the structural conservatism of professions, entrenched interests, and a general reluctance to give up privilege.

As in other cases depicted in this volume, members of an intersectional group initially found themselves overlooked by the women's movement as well as by their male peers. Organizing at home and abroad and working through the United Nations has given disabled women's organizations leverage to obtain a voice in policymaking, at times cross-party support for legislation, and a seat at the table in Germany's main women's (Deutscher Frauenrat) and disabled (Deutscher Behindertenrat) umbrella organizations.

NOTES

1. For an excellent and detailed English-language overview of German disability culture in the twentieth century, see Poore 2007.

2. In this paper, disability is understood as a social construction: it is not a natural, unchangeable phenomenon, but the result of a social power relation, in which persons with impairments are being disabled by physical, structural and attitudinal barriers. As a consequence of this, disabled people find themselves in marginalized positions with little or no access to rights and social participation.

3. There was no disability movement in the sense of a social movement in the German Democratic Republic, since political organizations other than those run by the state were forbidden.

4. All translations by the authors.

5. From 1979 to 1985 the cripples' groups published *Cripples' Magazine* (*Krüppelzeitung*). See Mürner and Sierck 2009.

6. The title refers to entries in German passports concerning gender and special/distinctive characteristics.

7. BGB, Art. 3, 3, http://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html. The liberal-conservative government allegedly only added the clause after Chancellor Helmut Kohl had approved it. The amendment required a two-thirds majority to pass the Bundestag.

8. In 1997, exclusion from both the disabled women's network and the nondisabled lesbians' network led disabled lesbians to found the Network of Crippled Lesbians. In 2010, another network, Queerhandicap, was founded to include gay, bisexual, and transgender persons with disabilities.

9. The statute also specified that the five-year statute of limitations for crimes such as sexual abuse or rape committed by offenders against victims in residential facilities or ambulant care commences when the victim turns eighteen, irrespective of the date when the offence was committed.

10. For a discussion of the 2006 German antidiscrimination law, see Ferree 2012, 196–99.

11. The IDA is a network of global and regional organizations of disabled people and their families, an umbrella group for other organizations such as DPI and Inclusion International.

12. Netzwerk Artikel 3 is a nationwide association created during the implementation of the 1994 Basic Law amendment and is crucial to disability activism despite lacking a genuine perspective on women. The name relates to the article of the Basic Law that prohibits discrimination because of disability.

13. For a discussion of similar problems obtaining data regarding the needs of another intersectional group, migrant schoolboys and schoolgirls, see Bale, chapter 5, this volume.

14. German intersex advocates followed a similar strategy (see von Wahl, chapter 1, this volume).

REFERENCES

AG Disability Studies in Deutschland—Wir forschen Selbst. n.d. Available at www.disabilitystudies.de

Anonymous. 1981. *Das UNO-Jahr der behinderten Menschen 1981: Bewegungsgeschichte und offizielle Politik*. Available at http://www.behinderte.de/1981/81idx.htm

Arbeitsgemeinschaft sozialpolitischer Arbeitskreise (AG SPAK). n.d. Available at www.agspak.de

Arnade, Sigrid. 2005. "Was sind frauenspezifische Belange im SGB IX? Umsetzung ausgewählter Paragrafen und Beispiele aus der Praxis." *WeiberZEIT*. Kassel: Eigenverlag. http://www.weibernetz.de/weiberzeit.html

Arnade, Sigrid. 2010. "'Wir waren viele und wir waren überall': Ein persönlicher Rückblick zur Einbeziehung von Frauen in die Behindertenrechtskonvention." In Jutta Jacob, Swantje Köbsell, and Eske Wollrad, eds., *Gendering Disability*. Bielefeld: Transcript.

BRK-Allianz. n.d. *UN-Ausschuss veröffentlicht Frageliste*. Available at http://www.brk-allianz.de/

BRK-Allianz/Behindertenrechtskonvention-Allianz. 2013. *Für Selbstbestimmung, gleiche Rechte, Barrierefreiheit, Inklusion! Erster Parallelbericht der Zivilgesellschaft zur Umsetzung der UN-Behindertenrechtskonvention*. Berlin: BRK-Allianz.

Bruner, Claudia Franziska. 2005. *KörperSpuren: Zur Dekonstruktion von Körper und Behinderung in biografischen Erzählungen von Frauen*. Bielefeld: Transcript.

Bundesministerium für Familie, Senioren, Frauen und Jugend (BMAS) 2012. *Lebenssitutation und Belastungen von Frauen mit Behinderungen und Beeinträchtigungen in Deutschland. Ergebnisse der quantitativen Befragung Endbericht*. Berlin: BMAS.

Bundesministerium für Arbeit und Soziales (BMAS). 2013. *Teilhaberbericht der Bundesregierung über Lebenslagen von Menschen mit Beeinträchtigungen*. Berlin.

Campbell, Fiona. 2009. *Contours of Ableism: The Production of Disability and Abledness*. New York: Palgrave Macmillan.

Christoph, Franz. 1993. "Pädagogische Betroffenheit." In Christian Mürner and Susanne Schriber, eds., *Selbstkritik der Sonderpädagogik? Stellvertretung und Selbstbestimmung*. Lucerne: SZH.

Crenshaw, Kimberlé Williams. 1989. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine." *University of Chicago Legal Forum* 1:139–67.

Daniels, Susanne von, Theresia Degener, and Andreas Jürgens. 1983. *Krüppeltribunal: Menschenrechtsverletzungen im Sozialstaat*. Cologne: Pahl-Rugenstein.

Degener, Theresia. 2009. "Die UN-Behindertenrechtskonvention als Inklusionsmotor." *Recht der Jugend und des Bildungswesens* 2: 200–219.

Degener, Theresia, and Swantje Köbsell. 1992. *"Hauptsache, es ist gesund?!": Weibliche Selbstbestimmung unter humangenetischer Kontrolle*. Hamburg: Konkret Literatur.

Deutscher Bundestag. 1975. *Unterrichtung durch die Bundesregierung: Bericht über die Lage der Psychatrie in der Bundesrepublik Deutschland*.

Disabled People's International (DPI). n.d. *Welcome to Disabled People's International*. Available at http://www.dpi.org/

Ewinkel, Carola, Gisela Hermes, Silke Boll, Theresia Degener, Bärbel Kroll, and Sigrid Lübbers. 1985. *Geschlecht: Behindert—Besonderes Merkmal: Frau. Ein Buch von behinderten Frauen*. Munich: AG SPAK.

Ferree, Myra Marx. 2012. *Varieties of Feminism: German Gender Politics in Global Perspective*. Stanford, CA: Stanford University Press.

Fine, Michelle, and Adrienne Asch. 1988. *Women with Disabilities*. Philadelphia: Temple University Press.

Frehe, Horst. 1984. "Konfrontation oder Integration." In Ernst Gerber and Lorenzo Piaggio, eds., *Behinderten-Emanzipation: Körperbehinderte in der Offensive*. Basel: Z-Verlag.

Freitag, Walburga. 2005. *Contergan: Eine genealogische Studie des Zusammenhangs wissenschaftlicher Diskurse und biographischer Erfahrungen*. Münster: Waxmann.

Garland-Thomson, Rosemarie. 2004. "Integrating Disability, Transforming Feminist Theory." In Bonnie G. Smith and Beth Hutchison, eds., *Gendering Disability*. New Brunswick, NJ: Rutgers University Press.

Goffman, Erving. 1968. *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*. Harmondsworth: Penguin.

Hall, Kim Q. 2011. *Feminist Disability Studies*. Bloomington: Indiana University Press.

Hanna, Gabriele. 1995. "Über Gebrauch und Mißbrauch der These von der doppelten Diskriminierung behinderter Frauen." *Die randschau: Zeitschrift für Behindertenpolitik* 10.1: 42–43.

Heiler, Hannes. 1984. "Behindertentinitiativen (bi.)/Behindertenverbände (Bv.)." In Erwin Reichmann, ed., *Handbuch der kritischen und materialistischen Behindertenpädagogik und ihrer Nebenwissenschaften*. Solms-Oberbiel: Jarick Oberbiel.

Hermes, Gisela. 1994. *Mit Recht verschieden sein: Forderungen behinderter Frauen an Gleichstellungsgesetze*. Kassel: bifos.

Jacob, Jutta, Swantje Köbsell, and Eske Wollrad. 2010. *Gendering Disability: Intersektionale Aspekte von Behinderung und Geschlecht*. Bielefeld: Transcript.

Kafer, Alison. 2011. *Feminist, Queer, Crip*. Bloomington: Indiana University Press.

Klee, Ernst. 1980a. *Behinderte im Urlaub? Das Frankfurter Urteil: Eine Dokumentation*. Frankfurt a.M.: Fischer Taschenbuch.

Klee, Ernst. 1980b. *Behindert. Ein kritisches Handbuch*. Frankfurt/ Main: Fischer.

Köbsell, Swantje. 2006a. "Behinderte Menschen und Bioethik." In Gisela Hermes and Eckhard Rohrmann, eds., *Nichts über uns—ohne uns: Disability Studies als neuer Ansatz emanzipatorischer und interdisziplinärer Forschung über Behinderung*. Munich: AG SPAK.

Köbsell, Swantje. 2006b. "Towards Self-Determination and Equalization: A Short History of the German Disability Rights Movement." *Disability Studies Quarterly* 26.2. Available at http://dsq-sds.org/article/view/692/869

Köbsell, Swantje. 2012. *Wegweiser Behindertenbewegung: Neues (Selbst-)Verständnis von Behinderung*. Neu-Ulm: AG SPAK.

Köbsell, Swantje, and Anne Waldschmidt. 2006. "Disability Studies in Austria, Germany, and Switzerland: Introduction." *Disability Studies Quarterly* 26.2. Available at http://dsq-sds.org/article/view/691/868

Mirza, Mansha. 2014. "Disability and Forced Migration." In Elena Fiddian-

Qasmiyeh, Gil Loescher, Katy Long, and Nando Sigona, eds. *The Oxford Handbook on Refugee and Forced Migration Studies*. Oxford: Oxford University Press.

Mürner, Christian, and Udo Sierck. 2009. *Krüppelzeitung: Brisanz der Behindertenbewegung*. Neu-Ulm: AG SPAK.

Netzwerk Artikel 3. n.d. *Behinderte Frauen in der UN-Konvention sichtbar machen*. Available at http://www.netzwerk-artikel-3.de/netzinfo026/

Oliver, Michael. 1996. *Understanding Disability: From Theory to Practice*. Houndmills, Basingstoke: Palgrave Macmillan.

Pfahl, Lisa, and Justin J. W. Powell. 2011. "Legitimating School Segregation: The Special Education Profession and the Discourse of Learning Disability in Germany." *Disability and Society* 26.4: 449–62.

Pfahl, Lisa, and Justin J. W. Powell. 2014. "Subversive Status: Disability Studies in Germany, Austria, and Switzerland." *Disability Studies Quarterly* 34.2. Available at http://dsq-sds.org/article/view/4256

Pixa-Kettner, Ursula, Stefanie Bargfrede, and Ingrid Blanken. 1996. *"Dann waren sie sauer auf mich, daß ich das Kind haben wollte . . .": Eine Untersuchung zur Lebenssituation geistigbehinderter Menschen mit Kindern in der BRD*. Baden-Baden: Nomos.

Poore, Carol. 2007. *Disability in Twentieth-Century German Culture*. Ann Arbor: University of Michigan Press.

Powell, Justin J. W. 2011. *Barriers to Inclusion: Special Education in the United States and Germany*. Boulder, CO: Paradigm.

Ruhm, Kassandra. 1997. "Krüppel-Lesben-Netzwerk." *Die randschau: Zeitschrift für Behindertenpolitik* 12.4: 25.

Schildmann Ulrike. 1983. *Lebensbedingungen behinderter Frauen: Aspekte ihrer gesellschaftlichen Unterdrückung*. Gießen: focus.

Steiner, Gusti. n.d. *Wie alles anfing—Konsequenzen politischer Behindertenselbsthilfe*. Available at http://forsea.de/projekte/20_jahre_assistenz/steiner.shtml

Steiner, Gusti. 1983. "In eigener Sache." In Helga Deppe-Wolfinger, ed., *Behindert und abgeschoben: Zum Verhältnis von Behinderung und Gesellschaft*. Weinheim: Beltz.

United Nations. 2006. *Convention on the Rights of Persons with Disabilities*. New York. http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf

United Nations. Office of the High Commissioner for Human Rights (OHCHR). 2017. *Convention on the Rights of Persons with Disabilities*. http://www.ohchr.org/Documents/HRBodies/CRPD/OHCHR_Map_CRPD.pdf

Waldschmidt, Anne. 1984. "Zu den Strukturen und Wirkungsmöglichkeiten von Selbsthilfezusammenschlüssen im Behindertenbereich." MA Thesis, University of Bremen.

Waldschmidt, Anne. 1996. *Das Subjekt in Der Humangenetik: Expertendiskurse zu Programmatik und Konzeption der genetischen Beratung, 1945–1990*. Münster: Westfälisches Dampfboot.

CHAPTER 3

The Last Occupational Prohibition

Constructing Women's Entrance into the Bundeswehr

Christina Xydias

> "I just wanted a job with the military and to learn new technical skills."
>
> —Tanja Kreil (quoted in Rübsam 1999)[1]

When Germany joined NATO and established the Bundeswehr in 1955, women were banned from all units and all specialties. In the decades that followed, isolated political elites suggested opening more military positions to women, which resulted in women's introduction to medical services in 1975 and in their entrance into the musical corps in 1991. However, an unlikely coalition of German women's and feminist organizations, socially conservative voices, and indeed all political parties but one effectively prevented integration beyond these very limited areas. One interest group alone—the German Military Association (Deutscher Bundeswehrverband [DBwV])—mobilized around this issue, beginning in the 1990s.

Women who demanded access to a wider range of professional opportunities within the Bundeswehr did so from a multiply disadvantaged position as a consequence of gender as well as a lack of leverage within the institution of the military (see box 3). As in military organizations in most countries in the contemporary world, women do not occupy a position of power in the Bundeswehr. Contemporary militaries are highly masculinist in design, ethos, and membership and are referred to in feminist research

BOX 3. **Women in the Military**

INTERSECTION STUDIED	Gender + Employment in the Military
TIME PERIOD STUDIED	1955–2001
POLICY ISSUE STUDIED	Legalizing women's employment in combat positions
INTERNATIONAL ALLY	European Court of Justice (ECJ)
GERMAN POLICYMAKERS AS ALLIES	Free Democratic Party CDU/CSU, SPD, Alliance 90/Greens (*after ECJ ruling*)
DOMESTIC INTEREST GROUP ALLIES	German Military Association (Deutscher Bundeswehrverband [DBwV])

as a site of "hegemonic masculinity" (see Connell and Messerschmidt 2005; Kronsell 2005). Women's inclusion in a wider range of occupations in the Bundeswehr thus was contested in terms of whether they even belonged in a military at all. Efforts at effecting their inclusion were also challenged by women's structural lack of resources in the military. Although we would describe women's gender as a disadvantage in any patriarchal system, women were and remain few in number in the Bundeswehr, posing additional and different challenges their effective advocacy. Prior to the extensive reforms in the early 2000s, women's presence in the German military was among the lowest in Europe. Liebert (2004) cites women's presence in the Bundeswehr in 2000 at 1.3 percent, while women's presence in other European Union states' militaries at that time ranged between 4 and 10 percent (see also Kümmel 2015). Further, until these reforms, women were present only in the medical and musical services, hardly positions of decision-making leverage.

The Bundeswehr does not occupy a position of particular prestige in Germany, as militaries do in many other countries. In the wake of World War II, Germany did not aim to rebuild its military prominence and instead saw the emergence of strong antimilitary sentiment. As Berger (2003) notes in his military history of postwar Germany and Japan, even peacekeeping operations are subject to serious domestic debate. Women seeking to expand their potential roles in the Bundeswehr thus did so in the face of strong opposition from both within and outside the organization in which they worked. They struggled against masculinist norms regarding who ought to be the protected and who the protectors, as well as against institutional inertia, and they did so in order to have the opportunity to join an organization that many Germans did not like much to begin with (Stiehm 1982).

However, demands for women's integration into the Bundeswehr ultimately succeeded by exploiting a pathway from above, bypassing this substantial opposition at the domestic level. Women's integration into the Bundeswehr in 2001 was in many senses the direct consequence of an externality, in the form of an early 2000 European Court of Justice (ECJ) ruling (C-285/98, *Tanja Kreil v. Federal Republic of Germany*). This process is in contrast to the United States, for example, where women's organizations were key to advances in women's opportunities within the military (Katzenstein 1998, 91; Ferree 2012).

In 1998, nineteen-year-old Tanja Kreil brought a discrimination claim to court, arguing that the Bundeswehr's refusal to hire her as a weapons electrician on the grounds that any work with weapons was closed to women, regardless of competency, abrogated European Union laws regarding equal employment rights. Because Kreil was appealing to EU standards, Hannover's Administrative Court, where Kreil initially brought her case, filed for a preliminary ruling with the ECJ ("Reference" 1998). The ECJ's early 2000 ruling in *Tanja Kreil v. Federal Republic of Germany* stated that Germany's categorical ban on women from any position in any unit that would use weapons if engaged in combat was incompatible with the EU's Council Directive 76/207/EEC on Equal Treatment for Men and Women in Employment (9 February 1976) (European Union 1976).

The process of policy change did not end with the ECJ's ruling, however. This ruling precipitated extensive debates within Germany regarding whether its implementation required an amendment to the Basic Law (Grundgesetz). In this subsequent round of debate, political elites' interests appeared to converge with the interests of the group seeking policy change rather than the other way around. Taken together, this case provides an illustration of policy change for an intersectional group in several distinct stages along two of the pathways discussed in the introduction.

Theoretical Perspectives

Many studies of women in the military take a sociological approach, focusing on beliefs, values, and group dynamics. These studies tackle masculinist and other gender discourses in the military (Stanley 1993; Miller and Moskos 1995; Fenner 1998; Woodward and Winter 2004), offer insight into how women's inclusion in combat units might shape organizational dynamics (Rosen et al. 1996), and analyze sources of variation in attitudes toward women's inclusion (Stiehm 1998; Kümmel 2002, 2015).

By contrast, this chapter takes a structural approach to understanding this policy change. It conceptualizes demands and interests in terms of competing constituencies and these constituencies' structural locations. It traces the various voices and orientations toward women in the Bundeswehr over the course of profound social transformation (1955–2001) to illustrate how women who demanded the expansion of military roles available to them failed to overcome substantial and cross-ideological opposition at the national level, succeeding only when this demand was empowered from above via the ECJ's decision. In early 2000, German federal policymakers still had important choices to make regarding the implementation of the ECJ's ruling. The subsequent debate revealed a second round of policymaking, during which political elites in the Bundestag, the Bundeswehr, and the Ministry of Defense reversed positions and constructed constituencies for whom they justified implementing full-scale integration of women into all specialties and units.

A focus on voices and constituencies makes it possible to trace the pathway to policy change when an externality structurally changed the debate. By examining which actors and organizations switched positions (and how) in the wake of the ECJ decision, this analysis shows that minority women potentially find policy success in seemingly nonlinear ways. After 2000, policymakers looked backward, reimagined constituencies, and then switched to defending them, a strategy that seemed to enable elites to soften the blow of being forced to make these reforms. In other words, this second round of policymaking saw an ex post convergence of military women's demands with political elites' interests.

Sources of Evidence

This chapter draws on German news coverage, ECJ documents, texts of proposed laws, and transcripts of Bundestag plenary session debates between 1970 and 2001. The chapter argues first that demands for expanding women's roles in the Bundeswehr found little support across a wide range of German politics and society and second that after the *Kreil* ruling, policymakers created constituencies in their debates about how to implement these inevitable, externally imposed reforms.

Material from German newspapers and newsmagazines provides contemporary snapshots of the evolving debate on women's participation in the Bundeswehr. These snapshots include quotations from prominent voices in the federal government, the Bundeswehr, and the DBwV. This news coverage also confirms when important debates and decisions—such as the 1996 Bundesverwaltungsgericht decision regarding women in the infantry—entered into public awareness and conversation.

Texts of laws and court decisions in turn serve as evidence of the reasoning behind the decisions, which documents the changing legal landscape as well as political actors' orientations. For example, legislative drafts and legal decisions clearly document the transition between using Article 12a of the Basic Law as a justification for women's exclusion to viewing it as a roadblock to achieving policy change. Finally, a growing body of research in political science uses political texts, including parliamentary debate transcripts (for Germany, see Davidson-Schmich 2006; Bernauer and Bräuninger 2009; Xydias 2014).

Despite the fact that women's integration into the Bundeswehr resulted from external forces, German policymakers' implementation of the change quickly acquired familiar contours. The constituencies created by policymakers in these debates reflected very familiar axes of ideological difference in German politics, particularly regarding women and gender. In many cases, political parties and individual actors completely reversed their positions over just a few months.

Tracing Women's Integration into the Bundeswehr

Historical Background

In the aftermath of World War II, the framers of West Germany's Basic Law transparently aimed to uphold traditional family structures. Article 6, for example, explicitly placed "marriage, motherhood, and the family under the 'particular protection' of the state" (Moeller 1993, 41). With the exception of the constitutional clause guaranteeing equality of the sexes, which was included in the Basic Law's original text in 1949, much of the story of advancing women's rights in Germany has consisted of deconstructing highly discriminatory provisions within the Basic Law and the German Civil Code. For example, until the late 1950s, the code explicitly identified household labor and child care as the wife's responsibility: Section 1356 stipulated that wives must look after their families and required that they obtain their husbands' permission to seek employment outside the home;

Section 1360 stipulated that wives must seek paid employment "in addition to [their] regular housework duties" if their husbands' income was not adequate (see Kolinsky 1993, 3–50). Changes to inegalitarian provisions regarding parental and divorce rights did not occur until the late 1970s.

West Germany joined NATO in 1955 and established the Bundeswehr late that year. In line with the contemporary legal landscape, Clause 4 was added to Article 12a of the Basic Law to bar women from any military service involving weapons:

> If, during a state of defense, the need for civilian services in the civilian health system or in stationary military hospitals cannot be met on a voluntary basis, women between the ages of eighteen and fifty-five may be called upon to render such services by or pursuant to a law. *Under no circumstances may they render service involving the use of arms*. (emphasis added)

For the next forty-five years, policymakers and the courts interpreted this clause to mean that women categorically could not be employed in units that were armed. Only very limited positions were open to women, who accounted for a tiny fraction of military personnel. By the 1990s, the extent of women's exclusion from German military was unusual for Europe as well as much of the rest of the world (Goldstein 2001; Liebert 2004; Kümmel 2015).

In the late 1990s, several individual German women pursued legal cases regarding their rejection from specific military posts (i.e., employment prohibited on the basis of sex rather than competency). Bettina Beggerow, for example, was barred from transferring from the medical services to armored division services as a result of her gender and initiated proceedings against the Bundeswehr. The Administrative Bundeswehr Court of the North (Truppendienstgericht Nord) forwarded her complaint onward to the Constitutional Court (Bundesverfassungsgericht), where a paperwork error brought the effort to an end (Gramman 2006; see also Holzer 1997; Preissler 1997; "Frauen und Militär" 2000). In another 1996 case, the Bundesverwaltungsgericht ruled on the basis of Article 12a that women did not have the right to serve in the infantry (Rath and Oestreich 1999).

These failures at the national level are not surprising given (1) the lack of mobilization in favor of women's integration and (2) the extent of mobilization in opposition to it. An alternative route via international institutions was necessary to bring national attention to the concerns expressed by Kreil and other women in the military.

Pre-2000 Preferences

The domestic constituencies that favored women's inclusion in the Bundeswehr were insufficiently mobilized around this issue, weakly positioned to engage in effective advocacy, or absent entirely. At the same time, German civil society organizations that might have been expected to lobby for this policy change mobilized in opposition to it. Further, most national political elites did not favor women's inclusion throughout this period. This resistance extended to the constitutional amendment that would likely need to accompany such reforms.

Throughout the 1990s, newspaper articles identified the DBwV as supporting the broader cause of women's inclusion in the military. The DBwV is a civil society organization that has existed since 1956, immediately after the establishment of the Bundeswehr itself. The organization is broad-based and serves a diverse population of service personnel. It describes itself as follows:

> The DBwV is a nonpartisan and financially independent institution. It represents the interests of its approximately 200,000 members in all issues relating to their service and social and compensation rights. These members include active soldiers and reservists, both former and current service people, and civil as well as associate members.[2]

In Germany's corporatist system, organizations such as the DBwV maintain formal connections to policymakers and play a role in consolidating interests and promoting policies. The DBwV's initiative has produced key federal legislation, such as the Soldatenbeteiligungsgesetz (Section 35, 1991), which further outlined soldiers' rights. The DBwV also has a history of supporting women interested in expanding their access to positions within the Bundeswehr. In 1997, a former head of the DBwV, Bernhard Gertz, stated his belief that the Basic Law forbids only women's compulsory service in armed positions, not voluntary service ("Ich will Soldatin sein!" 1997). In October 1999, Jürgen Meinberg of the DBwV indicated that the organization had been waiting for someone like Kreil to pursue a supranational route to policy change ("Europa-Richter?" 1999).

This support for a legal path to policy change lay with forces internal to the DBwV. On the one hand, the DBwV serves many constituencies, some of which did not favor women's inclusion in armed units. High-profile figures in the Bundeswehr were quoted throughout the 1980s and 1990s as opposing the expansion of women's roles. Conversely, service members supported the expansion of women's roles. April 2000 surveys of male soldiers by the Bundeswehr Institute for Social Research showed that only 15 percent of respondents remained strongly opposed to any expansion of women's roles, while 69 percent of respondents thought that expansion would have a "positive effect on the image of the Bundeswehr within society" and 51 percent thought "there should be no restricted classifications and trades for women" (Kümmel 2002).

Newspaper coverage of and interviews with soldiers and DBwV leaders over the 1990s indicate that a movement of women within the DBwV promoted expansion of women's roles, prompting the association to seek a case to support. This effort provided a galvanizing force behind the 1998 establishment of the DBwV's internal Working Group of Women Soldiers (Arbeitsgruppe Weibliche Soldaten), that advocated on behalf of women on this and other matters (Apelt 2015, 229).

While the DBwV was working to expand roles available to women in the military, women's and feminist organizations outside the DBwV were largely united in opposition to this expansion, especially during the 1970s and 1980s. These organizations not only declined to advance the cause of women's inclusion for much of the period leading up to the Kreil case but also actively resisted it when it arose in debate. According to Ferree, feminist organizations in Germany (both West and East) have consistently opposed women's inclusion in the military (2012, 85–86, 104–5). More generally, German feminists rejected women's inclusion in patriarchal institutions as a route to equality. Brief efforts by the Defense Ministry to open more Bundeswehr positions to women in the late 1970s and early 1980s produced what Ferree describes as an "uproar" by German feminist groups (104). According to Kaplan, the idea of women's compulsory military service in particular was "considered preposterous by most West German women" into the 1990s, and the Defense Ministry's overtures in the 1970s and 1980s precipitated antimilitary protests so extensive that they can be credited with revitalizing the women's movement (1992, 117).

At various points between the 1970s and 1990s, isolated political elites at the federal ministry level raised the possibility of altering Germany's policies on women in the Bundeswehr. Sometimes these suggestions were made in the context of broader commissions on women's rights, though more frequently they were part of longer-term planning for the Bundeswehr. In late 1973, the Social Democratic Party (SPD) and the Free Democratic Party (FDP) established the Women and Society commission to investigate the status of women in Germany. This commission led defense minister Georg Leber (SPD) to open medical services to women in the fall of 1975. Kümmel (2002) and others note that the German military was experiencing substantial recruitment problems at this time.

In the 1980s, ministry-level attention to expanding women's roles was explicitly a pragmatic response to decreasing enlistment rates. For example, the written report for the 1982 Commission for Long-Term Planning for the Bundeswehr (Kommission für Langzeitplanung der Bundeswehr) included the possibility of expanding women's voluntary service as the final bullet point in a list of options for addressing the personnel shortage. The commission identified the Basic Law's language on women's military service as fixed and explicitly stated that women should be allowed into the positions left open by higher rates of retirement (Konrad-Adenauer-Stiftung 1982, 4). However, most political actors at the time did not find this suggestion persuasive. Germany's 1990 reunification brought an influx of soldiers and potential soldiers that solved the problem of recruitment.

Only the FDP, Germany's liberal party, consistently favored women's inclusion and organized efforts to achieve it (see table I.1 in the Introduction).[3] In 1981, long before the individual lawsuits of the 1990s and exactly twenty years before the *Kreil* ruling took effect, the Friedrich-Naumann-Stiftung (the FDP's foundation) held a seminar on the question of Women and the Bundeswehr.[4] The seminar's report includes statements by each political party that held national office at that time: the FDP, the Social Democratic Party (SPD, Germany's large center-left party), the Christian Democratic Union and the Christian Social Union (CDU/CSU, the center-right sister parties), and the Greens (Germany's left-oriented postmaterialist party). The report also includes commentary by several significant unions and interest groups, the Ministry of Defense, and several women's organizations (Friedrich-Naumann-Stiftung 1981). For a summary of political parties' evolving positions on women's integration in the military, see table 3.1.

In the wake of the failed 1996 lawsuit attempting to amend the Basic Law, the FDP repeatedly attempted to use the legislative process to change the law. FDP general secretary Westerwelle declared that the "final sex-specific occupational prohibition [*das letzte geschlechtspezifische Berufsverbot*]" must come to an end (quoted in Rath and Oestreich 1999). Beginning in the thirteenth legislative period (1994–98), the FDP drafted proposals to amend the Basic Law to end this sex-based exclusionary rule. They asked the government to take the helm in November 1996 and again in 1999 (BT-Drucksache 13/6056, 8.11.96, 25–26). None of these efforts

TABLE 3.1. German Political Parties' Shifting Views Regarding Women in the Bundeswehr

Early 1980s	Early 1990s	Immediately pre- and post-EJC Ruling (late 1999/ early 2000)	Late 2000/early 2001
Christian Democratic Union (CDU)			
Opposed	Opposed	Opposed	In favor of women's voluntary service
Christian Social Union (CSU)			
Opposed	Opposed	Opposed	In favor of women's voluntary service
Social Democratic Party (SPD)			
A few elites in favor; most opposed	Opposed	Opposed	In favor of women's voluntary service[b]
Party of Democratic Socialism (PDS)/Left Party			
N/A[a]	Opposed, along with more general anti-militarism	Opposed, along with more general anti-militarism	Opposed, along with more general anti-militarism
Alliance 90/Greens			
Opposed, along with more general antimilitarism	Opposed, along with more general antimilitarism	Opposed, along with more general antimilitarism	In favor of women's (and men's) voluntary service
Free Democratic Party (FDP)			
In favor	In favor	In favor	In favor

[a] The PDS did not join this debate until Germany's reunification in 1990. At that time, the former East German Socialist Unity Party became the PDS. The 2007 merger of the PDS and dissatisfied former members of the SPD created the Left Party.

[b] After the January 2000 ECJ ruling, minister of defense Rudolf Scharping (SPD) became a proponent of women's integration into the Bundeswehr. Other members of the SPD were not as quick to reverse positions, though the final vote on amending the Basic Law's Article 12a was almost unanimous.

succeeded until after ECJ advocate general La Pergola delivered his October 1999 opinion, which clearly indicated that the ECJ was likely to rule in Kreil's favor.

In the 11 November 1999 debate on the FDP-led proposal to amend the Basic Law, FDP legislator Ina Lenke stated, "It is truly shameful that a young woman had to take a case to the ECJ in order to end this last sex-specific job prohibition" (BT-Plenarprotokoll, 14/69, 11.11.99, 6246).

Kreil v. Germany *(2000)*

The ultimately successful route to legal reform led through the European courts. In 1996, Tanja Kreil, who had trained as an electrician, applied for a weapons maintenance position in the Bundeswehr. Although Kreil's training qualified her for the position, her application was rejected as a consequence of the Basic Law's Article 12a. Kreil's first response was to contact Germany's defense minister, Volker Rühe, to contest the rejection. His response was along the lines of "It's not going to happen" (Rübsam 1999). Kreil's boyfriend, himself a *Zeitsoldat* (a noncareer soldier), suggested that she turn to the DBwV (Rübsam 1999).

With the DBwV's support, Kreil brought her case to Hannover's Administrative Court (Verwaltungsgericht Hannover), which in turn requested a preliminary ruling from the ECJ. The preliminary hearing is an EU mechanism by which national courts ask for European courts' assistance in interpreting EU law. The ECJ assembled opinions on the question and issued a ruling. The German government, with supporting documents submitted by Italy and Great Britain, argued that the regulation of member states' armed forces fell outside the jurisdiction of EU law.[5] Nonetheless, La Pergola ruled that Article 12a perpetrated an excessively broad exclusion rule for women and contradicted the 1976 EU Council Directive.

Scholars have focused on understanding this case as part of the ECJ's (and by extension the EU's) consolidation of its jurisdiction above the legal systems of any individual EU member state. According to Alter, the ECJ's "preliminary ruling system was *not* designed to be a 'decentralized' mechanism to facilitate more monitoring of member state compliance with the" Treaty of Rome/Treaty on European Union (1998, 125). Instead, Alter argues that the court's jurisdiction expanded through the development of a doctrine of direct effect that "transformed the preliminary ruling system from a mechanism to allow individuals to question *EC law* into a mechanism to allow individuals to question *national law*" (126). "Decades of ECJ rulings transformed the Treaty of Rome into a de facto constitution for the European Community" (Alter and Helfer 2010, 564). Schwarze argues that the ECJ's ruling in *Kreil v. Germany* amounted to "applying fundamental principles of Community law in those areas which do not lie within the competence of the Community" (2002, 28).

In addition to forming part of the contested expansion of supranational jurisdiction, this ECJ ruling illustrates a pathway that enables intersectional groups to circumvent opposition at the domestic level, particularly regarding cases that appeal to EU-wide antidiscrimination directives. Both the ECJ and the European Court of Human Rights have offered space for cases like Kreil's—for example, Roma communities across Europe have won discrimination claims that have failed in national courts (Barth 2008; for similar cases in supranational courts, see Slagter 2006). Nevertheless, success is not guaranteed at the international level; in *S.A.S. v. France* (2014), for example, a French Muslim woman (multiply disadvantaged by gender and religion) unsuccessfully contested France's ban on face covering (Law of 2010-1192: Act Prohibiting Concealment of the Face in Public Space). However, when success is unavailable under domestic laws or unlikely in national spaces, supranational courts such as the ECJ and the European Court of Human Rights offer additional venues for legal contestation.

Bundeswehr Reforms: Imagining Constituencies

When asked why German policymakers had not acted earlier to implement reforms they then took as inevitable, Ulla Schmidt, vice chair of the SPD, stated, "There wasn't any pressure on us to do so until now" (quoted in Oestreich 1999).

Debates within the Ministry of Defense and within the Bundestag over how to implement the reforms required by *Kreil v. Germany* thus began in 1999 without the kind of bottom-up efforts by constituencies that characterize much policy change (e.g., Henninger, this vol.). There was no clear set of domestic constituencies in competition over how to implement these reforms, because German policymakers had dragged their heels over the question of whether women's integration into the Bundeswehr was appropriate, desirable, or necessary.

The only two parties to maintain consistent preferences throughout these debates were the FDP and the Party of Democratic Socialism (PDS; later the Left/PDS), two small parties that were often in the opposition. The FDP consistently supported both a constitutional amendment and women's integration, while the PDS consistently opposed an expansion of women's roles on the grounds that Bundeswehr reforms ought to take the form of disarmament. The remaining political parties therefore completely reversed their previous positions.

So whose demands were incorporated into the Bundestag's debates over implementing the ECJ's ruling? The text of Bundeswehr reform laws and plenary session transcripts of Bundestag debates on those laws show evidence that policymakers constructed constituents and justified their parties' new positions on behalf of those constituents. Once it became clear that the *Kreil* ruling could not be avoided, debates among German political elites about how to implement these reforms began appealing to sets of constituencies for whom there is little evidence of mobilization. Although the ECJ's ruling cited workplace opportunities and discrimination, these debates rapidly became about gender and gender expectations more broadly. In these debates, speakers frequently made sweeping claims about what women wanted or preferred. (The positions of the speakers' parties at this stage are characterized in the last column of table 3.1.)

For example, in the absence of clear mobilization by actual German constituents with crystallized preferences, some content of these debates in the Bundestag consisted of factual arguments about whether women even wanted to be in the Bundeswehr. On 11 November 1999, before the ECJ issued its formal ruling, representatives Irmingard Schewe-Gerigk (Greens) and Birgit Homburger (FDP) sparred on this point, with Schewe-Gerigk stating that she did not believe that women's interest in the Bundeswehr was as high as people claimed and that even Tanja Kreil was no longer interested (BT-Plenarprotokoll, 14/69, 11.11.99, 6250). Schewe-Gerigk's skepticism reflects the Green Party's close connections with German women's movements and its consequent history of rejecting women's inclusion in the Bundeswehr as the militarization of society and not emancipatory for women.

In line with her party's long-standing position on this question, Brandt-Elsweier interrupted Schewe-Gerigk to clarify that Kreil was still interested in serving. Brandt-Elsweier's FDP colleague, Ina Lenke, had previously justified her support for amending the Basic Law on the grounds that "interest among young women in the Bundeswehr has sharply increased" (BT-Plenarprotokoll, 14/69, 11.11.99, 6246). In the same debate, Petra Bläss from the PDS noted that the Bundestag's sudden interest in these matters "should make women suspicious" because the military "is no field of emancipation" (6253, 6254).

In October and November 2000, following the final ECJ ruling, the debate over fully integrating women into the Bundeswehr became largely absorbed into debates about the modernization of the German military. Speakers who would not have been expected to favor women in combat—for example, the defense minister, who had expressed opposition prior to the *Kreil* ruling—elided references to modernization and improvement with the expansion of military roles for women.

On 12 October, for example, many speakers focused on these broader changes. Referring to efficiency and economy (*Effizienz und Wirtschaftlichkeit*), minister Scharping stated that the Bundeswehr required extensive reform to maintain Germany's obligations to NATO, and only briefly and at the very end of his speech did he indicate that these reforms would include wider roles for women (BT-Plenarprotokoll, 14/124, 12.10.00, 11874). When contributions to this debate referred to women, the speakers were typically female, and they began by expressing incredulity at how little attention was being paid to this momentous policy change. These speakers included members of parties that just one year earlier had emphatically opposed the change. Angelika Beer of the Green Party noted with sarcasm that although the legislators were in the midst of opening all military roles to women, everyone seemed to be ignoring that part of the process (BT-Plenarprotokoll, 14/124, 12.10.00, 11885). Verena Wohlleben of the SPD similarly asked, "How have you gone this entire time without talking about women?!" (BT-Plenarprotokoll, 14/124, 12.10.00, 11891). And all of these speakers avoided referring to the ECJ.

Wolfgang Gehrke and other members of the PDS remained resistant to the frame of the debate at all stages, arguing that the way forward ought to lie with disarmament (see BT-Plenarprotokoll, 14/124, 12.10.00, 11890A). On 10 November, Heidi Lippmann (PDS) stated that the expansion of women's occupational choice in the Bundeswehr had "nothing to do with equality" (BT-Plenarprotokoll, 14/131, 10.11.00, 12671).

News coverage at the time widely acknowledged that the expansion of women's roles also called into question men's compulsory military service (see, e.g., "Bundeswehr-Verband" 2000). The debate over amending Article 12a focused more on the question of whether making service voluntary for women opened the door for discrimination suits by men, who until July 2011 faced compulsory service. Unlike in debates on the logistics of expanding women's military roles, speakers in these debates referred frequently to the ECJ ruling. Both male and female members of the CDU in particular emphasized that the decision regarding Article 12a should not affect compulsory military service for men and that any military service by women must be entirely voluntary. This strategy appears to be a conservative way to manage concerns about social change. At the same time, speakers from the Green Party, such as Volker Beck, heralded the amendment as finally ending an area of workplace discrimination and "achieving greater clarity and stability of rights in the Basic Law" (BT-Plenarprotokoll, 14/128, 27.10.00, 12341).

In the end, both the Bundestag and Bundesrat passed the amendment of the Basic Law with far more support than the change would have had just one year earlier. The opening remarks delivered by Rupert Scholz (CDU/CSU) on 27 October 2000 included the claim that everyone in the chamber agreed on this issue ("Wir sind in diesem Hause in der Sache einig"), but such unanimity represented a very new development, and FDP members raucously expressed incredulity in response to Scholz's assertion (BT-Plenarprotokoll, 14/128, 27.10.00, 12340). As passed, the constitutional change reads, "Women cannot be *forced* to perform armed military service" (emphasis added).

Conclusions

It is productive to analyze the policy change that resulted in the integration of women into the Bundeswehr in intersectional terms. Women hoping to overturn Germany's overarching ban on women's participation in the military were disadvantaged in their efforts not merely by their gender but also by other structural positions: they were few in number and located in an organization that lacked general public favor. Kreil's success points to the possibility that other intersectional groups and their members can voice their grievances via the supranational level. Although success in the ECJ and other EU-level courts is not guaranteed, these venues may allow groups to sidestep entrenched disadvantage in their national settings and leverage more extensive antidiscrimination rulings to their benefit.

Subsequent debates in German government over how to implement the *Kreil* ruling show that policymakers' framing of and advocacy for intersectional groups' interests may be highly contingent on the broader political environment. Most German policymakers did not back women pressing for professional opportunities in the Bundeswehr until top-down pressure forced them to do so. In other words, political elites' expressed preferences were mutable. Further, members of the Bundestag and other German political elites justified changes to Article 12a less in terms of the ECJ ruling and more in terms of both wider policy goals (principally modernizing the German military) and other, sometimes fabricated, constituents. Thus, this case exemplifies both top-down policy change and ultimately policy change via convergence with political elites' interests.

NOTES

1. Unless otherwise indicated, all translations are by the author.

2. See https://www.dbwv.de/

3. The PDS also maintained its opposition to women's inclusion as part of general opposition to militarism; however, the PDS did not exist for the entire period studied here.

4. The Friedrich-Naumann-Stiftung organized this seminar in response to the Defense Ministry's suggestion that introducing women into more roles in the Bundeswehr would alleviate the problem of low numbers of male volunteers.

5. These *schriftliche Erklärungen* are not made public without a freedom of information request. Secondhand descriptions of these arguments appear in numerous sources. See, e.g., Slagter 2006.

REFERENCES

Alter, Karen. 1998. "'Masters of the Treaty?': European Government and the European Court of Justice." *International Organization* 52.1: 121–47.

Alter, Karen, and Laurence Helfer. 2010. "Nature or Nurture?: Judicial Lawmaking in the European Court of Justice and the Andean Tribunal of Justice." *International Organization* 64.4: 563–92.

Apelt, Maja. 2015. "Der Lange Abschied von der männlichen Organisation: Geschlechterverhältnisse zwischen Formalität und Informalität am Beispiel des Militärs." In Victoria von Groddeck and Sylvia Marlene Wilz, eds., *Formalität und Informalität in Organisation*. Wiesbaden: Springer.

Barth, William. 2008. *On Cultural Rights: The Equality of Nations and the Minority Legal Tradition*. Leiden: BRILL.

Berger, Thomas U. 2003. *Cultures of Antimilitarism: National Security in Germany and Japan*. Baltimore: Johns Hopkins University Press.

Bernauer, Julian, and Thomas Bräuninger. 2009. "Intra-Party Preference Heterogeneity and Faction Membership in the 15th German Bundestag: A Computational Text Analysis of Parliamentary Speeches." *German Politics* 18.3: 385–402.

"Bundeswehr-Verband sorgt sich um die Zukunft: Änderungen in der Struktur und Sparauflagen stellen die Sicherheit des öffentlichen Dienstes in Frage." 2000. *Süddeutsche Zeitung*, 17 March.

Connell, R. W., and James W. Messerschmidt. 2005. "Hegemonic Masculinity: Rethinking the Concept." *Gender and Society* 19.6: 829–59.

Davidson-Schmich, Louise. 2006. *Becoming Party Politicians: Eastern German State Legislators in the Decade Following Democratization*. Notre Dame: Notre Dame University Press.

European Union. 1976. *Council Directive 76/207/EEC of 9 February 1976 on the Implementation of the Principle of Equal Treatment for Men and Women as Regards Access to Employment, Vocational Training and Promotion, and Working Conditions*. Available at http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31976L0207

"Europa-Richter?" 1999. *Die Welt*, 27 October.

Fenner, Lorry. 1998. "Either You Need These Women or You Do Not." *Gender Issues* 16.3: 5–32.

Ferree, Myra Marx. 2012. *Varieties of Feminism: German Gender Politics in Global Perspective*. Stanford: Stanford University Press.

"Frauen und Militär: Kreil gegen Deutschland." 2000. *EMMA*, 1 January.

"Frauen und Bundeswehr, eine allgemeine Bürgerpflicht für Männer und Frauen?" 1981. In *Frauen und Bundeswehr: Dokumentation des Seminars der Friedrich-Naumann-Stiftung in der Theodor-Heuss-Akademie*. Sankt Augustin: Liberal.

Goldstein, Joshua S. 2001. *War and Gender: How Gender Shapes the War System and Vice Versa*. Cambridge: Cambridge University Press.

Gramman, Ulrike. 2006. *Konzept Gleichstellung—Fakt Ungleichbehandlung: Frauen und Männer in der Bundeswehr*. Available online at http://www.asfrab.de/fileadmin/user_upload/media/pdf/Gleichstellung_Frauen_Maenner_Bundeswehr.pdf

Holzer, Kerstin. 1997. "Eine Frage der Ehre." *FOCUS Magazin* 41.6.

"Ich will Soldatin sein! Bettina Beggerow klagt als erste Frau gegen das letzte Berufsverbot." 1997. *EMMA*, September–October.

Kaplan, Gisela. 1992. *Contemporary Western European Feminism*. New York: New York University Press.

Katzenstein, Mary Fainsod. 1998. *Faithful and Fearless: Moving Feminist Protest inside the Church and Military*. Princeton: Princeton University Press.

Kolinsky, Eva. 1993. *Women in Contemporary Germany*. Providence, RI: Berg.

Kronsell, Annica. 2005. "Gendered Practices in Institutions of Hegemonic Masculinity: Reflections from Feminist Standpoint Theory." *International Feminist Journal of Politics* 7.2: 280–98.

Kümmel, Gerhard. 2002. "Complete Access: Women in the Bundeswehr and Male Ambivalence." *Armed Forces and Society* 28.4: 555–73.

Kümmel, Gerhard. 2015. "The Bundeswehr and Female Soldiers: The Integration of Women into the Armed Forces (2000–2015)." *Connections: The Quarterly Journal* 14.3: 61–86.

Liebert, Ulrike. 2004. "Europeanizing the Military: The ECJ and the Transformation of the Bundeswehr." In Heidi Gottfried and Laura A. Reese, eds., *Equity in the Workplace: Gendering Workplace Policy Analysis*. Lanham, MD: Lexington Books.

Miller, Laura, and Charles Moskos. 1995. "Humanitarians or Warriors?: Race, Gender, and Combat Status in Operation Restore Hope." *Armed Forces and Society* 21.4: 615–37.

Moeller, Robert. 1993. *Protecting Motherhood: Women and the Family in the Politics of Postwar West Germany*. Berkeley: University of California Press.

Oestreich, Heide. 1999. "Frauen zu den Waffen." *taz, die tagezeitung*, 30 October.

Preissler, Ingo. 1997. "Kampf um den Dienst an der Waffe." *Berliner Zeitung*, 6 August.

Rath, Christian, and Heide Oestreich. 1999. "Bedrohen Frauen das militaerische Klima?" *taz*, 29 June.

"Reference for a Preliminary Ruling by the Verwaltungsgericht Hannover . . . Case C-285/98." 1998. *Official Journal of the European Communities*, 5 September. Available at http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:C1998/278/59&from=EN

Rosen, Leora, Doris Durand, Paul Bliese, Ronald Halverson, Joseph Rothbergh, and Nancy Harrison. 1996. "Cohesion and Readiness in Gender-Integrated Combat Service Support Units: The Impact of Acceptance of Women and Gender Ratio." *Armed Forces and Society* 22.4: 537–53.

Rübsam, Jens. 1999. "Tanjas Einsatz fürs Vaterland." *taz*, *die tagezeitung*, 6 August.

Schwarze, Jürgen. 2002. "Judicial Review in EC Law." *International and Comparative Law Quarterly* 51.1: 17–33.

Slagter, Tracy Hoffmann. 2006. "Legislative Responses to Supranational Courts: The German Bundestag and the European Court of Justice." PhD diss., University of Iowa.

Stanley, Sandra Carson. 1993. *Women in the Military*. New York: Messner.

Stiehm, Judith Hicks. 1982. "The Protected, the Protector, the Defender." *Women's Studies International Forum* 5.3–4: 367–76.

Stiehm, Judith Hicks. 1998. "Army Opinions about Women in the Army." *Gender Issues* 16.3: 88–98.

Woodward, Rachel, and Patricia Winter. 2004. "Discourses of Gender in the Contemporary British Army." *Armed Forces and Society* 30.2: 279–301.

Xydias, Christina. 2014. "Women's Rights in Germany: Generations and Gender Quotas." *Politics and Gender* 10.1: 4–32.

CHAPTER 4

Migrant Women and Immigrant Integration Policy

Barbara Donovan

One of the big changes since German unification has been the country's increased cultural and ethnic diversity. As recently as the late 1990s, Germany was officially not a country of immigration.[1] Today's numbers paint a very different picture. According to the Statistisches Bundesamt (2015), in 2014 Germany had 16.4 million residents with an immigration background, representing 20.3 percent of Germany's total population. How has the German political system responded to this growing diversity? By the mid-2000s, one observer noted, the German state seemed to have awoken from a "deep sleep," recognizing for the first time the need for a more intentional and coherent approach to immigration and integration (Schroeder 2007, 37).[2] The jury is still out on whether Germany's efforts at immigrant integration have succeeded (Green 2013), but it is important to ask whether political structures have responded to and incorporated the political interests of the country's immigrant communities.

The immigrant population's political inclusion and representation is relevant as Germany faces new challenges at home and abroad. These pressures include a new diversity—a diversity that continues to build with recent refugee flows—as well as the well-publicized backlash against it. Recent research suggests that Germany has made significant inroads in terms of descriptive representation (Donovan 2007; Schoenwalder 2012). Studies on substantive representation also indicate that new political actors are giving a different cast to some aspects of Germany's political discourse

BOX 4. **Migrant Women**

INTERSECTION STUDIED	Gender + Immigration Status (Migrant Women)
TIME PERIOD STUDIED	2005–12
POLICY ISSUES STUDIED	Asylum Law (2004) Migration Law (2005, 2007) National Integration Summit/Plan (2007/2012) German Islamic Conference (2006–12)
INTERNATIONAL ALLY	EU Race Equality Directive (2000)
GERMAN POLICYMAKERS AS ALLIES	Interests appropriated by the CDU/CSU and partially the SPD Support from the Left Party and Alliance 90/Greens
DOMESTIC INTEREST GROUP ALLIES	Human rights organizations (Pro-Asyl and Femmes des Terres) Partial support from Turkish groups such as Türkische Gemeinde Deutschland (*where interests overlapped*)

(Wüst 2011, 2014; Donovan 2012). This chapter applies an intersectional lens to explore how minority status and gender come together to shape immigrant women's interventions in the political sphere and their effect on policy discourse (see box 4). In particular, this chapter examines whether and how migrant women changed the dominant discourse with regard to the role of gender in immigrant integration.

Beginning in mid-2000s, gender took on a central role when integration policy discourse began to be marked by a persistent focus on Muslim immigrant women and girls, whose oppression and social isolation allegedly both epitomized the challenges of integration and represented significant obstacles to successful integration. By 2007, this construction of gender—the female immigrant as weak, downtrodden, and lacking in agency—faced challenges from a number of different groups and on a number of different fronts. What role did ethnic-minority migrant women have in framing this debate about the relationship between gender and integration? How did they mobilize, what kind of support did they receive from other actors in the political sphere, and in what institutional context? In other words, what helped or hindered minority women from making their voices heard?

The chapter begins by presenting the theoretical lens for examining these questions. It then turns to a discussion of methods and gives a brief background to immigrant integration in Germany. The chapter focuses primarily on integration debates conducted during Chancellor Angela Merkel's first two terms in office (2005–12) and uses three sets of case studies—legislative debates surrounding integration policy, the National Integration Plans, and the German Islamic Conference—to explore the extent to which migrant women articulated policy interests and mobilized with regard to integration and gender. In addition, the chapter examines how the integration policy debate came to include the perspectives of migrant women. The chapter closes by examining the factors critical in enabling migrant women to make their voices heard in the political arena.

Theoretical Perspectives

The past few decades have seen a significant increase in immigrant populations in Europe and an accompanying growth in the associational politics of those groups, including their integration into political parties and public office. These developments have drawn the attention of scholars seeking to measure the extent of political incorporation of migrant groups (Green 2004; Koopmans 2010; Morales and Giugni 2011) and to determine the extent to which immigrants' particular experiences shape their politics (Bird, Saalfeld, and Wüst 2011). Most recently, there has been recognition that intersections of identity are relevant to understanding immigrant representation and political incorporation. For example, are women who are also members of an immigrant racial or ethnic minority subject to a "double disadvantage," and if so, does that disadvantage in turn inform their representational behavior, issue agendas, or policy successes? This area of scholarship draws heavily on empirical work done on the United States (Fraga 2006; Hardy-Fanta 2006; Orey 2006), but recent work has also been done on European cases (Bird, Saalfeld, and Wüst 2011; Mügge and De Jong 2013), with studies showing the effect of multiple intersecting identities on political behavior and institutional outcomes. One study on the Netherlands found migrant women to be relatively weak and unable to challenge dominant groups (Korteweg 2009).

Political intersectionality theories (Crenshaw 1991; Weldon 2008) typically predict the existence of significant obstacles to the representation of marginalized subgroups. In the case of ethnic minority women, support from women in general, either in the form of civil society organizations or female legislators, is not necessarily forthcoming, and research has found that when women's interests take on an institutional form, they tend to focus on the larger group (Strolovitch 2006). Political parties can be important allies, but intersectionality theory holds that they will not support more marginal groups if the parties do not face pressure from constituencies with an organized base or if there is no perceived electoral advantage (Celis et al. 2014).

A more general appraisal of resources and organizational structures offers some additional perspective (Fetzer and Soper 2005). An important factor is the ability of marginal groups to build alliances and coalitions with other actors. For example, bottom-up coordination and "political clubbing" with other civil society organizations is regarded as essential to getting migrant interests heard (Borkert and Bosswick 2011, 118). Research into the interest mobilization of immigrant groups must also incorporate the role of opportunity structure. Odmalm notes that different contexts "give rise to different types of participation and different targets of claim making" (2009, 154). Scholars have observed that changes in opportunity structure have a significant impact: according to Odmalm, "When the structure changes (the powerful groups change their attitude)," marginal groups respond "by increasing group action, founding new organizations, and using these channels for mobilization" (157). The kinds of opportunities afforded by particular sets of resources and institutional structures are therefore relevant to an explanation of the extent of the substantive representation of intersectional interests.

Migrant women in Germany make an interesting case study. Germany increasingly represents a shifting landscape with respect to immigrant political incorporation. Authors writing in the mid- to late 2000s described the impact of immigrant civil society organization on the integration debate in Germany as very limited (Borkert and Bosswick 2011, 116). The voices of migrant organizations were often passive (Klusmeyer and Papademetriou 2009, 266), and their bargaining power was frequently limited (Yurdakul 2006, 437). Rottman and Ferree found that the German media rarely reported instances where Turkish immigrants made claims on the state (2008, 501). Korteweg and Yurdakul observed in the late 2000s that women's immigrant groups were not "organized to establish a network and influence policymaking" (2010, 15). Another study reminds us that historically, Germany was regarded as having "weak opportunity structures to facilitate nonethnic German immigrant integration" (Klusmeyer and Papademetriou 2009, 262–63). Odmalm characterizes German corporatism as embodying a "political sphere that [was] both highly centralized and bureaucratic despite its federal character" (2009, 154–55). Yet in the past decade, gains have been made in the descriptive representation of immigrant women at the national and state levels (Donovan 2007; Shoenwalder 2012; Wüst 2014). Moreover, in 2005, Germany dramatically shifted its approach to integration when the government created new opportunities for regularized input from a number of migrant groups (Musch 2012). Table 4.1 provides an overview of German governments during this time. (For an overview of the German political parties themselves, see table I.1 in the Introduction.)

This chapter examines to what extent immigrant women in Germany have participated in and shaped debates surrounding integration policy, in particular with respect to gender. Beginning with the 9/11 terror attacks and an ensuing conflation of *migrant* with *Muslim*, ethnic minority immigrant women in Europe acquired a certain hypervisibility in debates surrounding immigrants and integration, with oppression of migrant women ostensibly constituting a primary barrier to integration (Roggeband and Verloo 2007; Korteweg and Triadafilopoulos 2013).[3] Muslim migrant women tended to be treated as a homogenous group suffering under general conditions of male oppression, reinforcing stereotypes with little appreciation for the diversity of Muslim women's experiences in the West. Moreover non-Muslim women were often shut out of policy debates (Korteweg 2009). This construction took a very limited view of women's agency or capacity to act independently (Korteweg 2008), and integration policy debates were dominated by headscarves, honor killings, and forced marriages, to the detriment of other issues or perspectives.

Such findings hold true for Germany as well. According to Triadafilopoulos, Korteweg, and Del Moral, beginning in the mid-2000s, German integration discourse was marked by a focus on "putatively embattled immigrant women" regarded as "unable to access core institutions and the majority institutions more generally" (2013, 12, 17), a viewpoint that served as a barrier to social cohesion. Rostock and Berghahn have argued that gender came "to play a pivotal role in the process of redefining a 'Ger-

TABLE 4.1. Germany's Governing Coalitions, 1998–2013

Years	Governing Coalition and Chancellor
1998–2005	SPD-Alliance 90/Greens (Gerhard Schröder)
2005–9	CDU-SPD Grand Coalition (Angela Merkel)
2009–13	CDU-FDP (Angela Merkel)

man' identity," with the debate over integration taking place "under the pretext of preventing the violation of women's rights" (2008, 346). They observed that part of "the majority society seem[ed] to find the oriental and patriarchal 'other' necessary for its own self-definition" (351). Rottmann and Ferree have likewise noted that the image of the oppressed immigrant woman reinforced the prevalent construction of the "backward and traditional 'other,' typically figured as a Muslim immigrant, often Turkish, that serve[d] to accentuate a positive self-image of what it means to be German" (2008, 193). The dominant message was that integration would occur only if and when women abandoned their religion's cultural practices and were released from the cultural and social constraints imposed by their own community. The state would serve as the agent of both integration and gender emancipation in eliminating such practices as forced marriage and the wearing of headscarves (the hijab) (Yurdakul and Korteweg 2012).

So how did immigrant ethnic minority women challenge the dominant German policy discourse with respect to gender and integration during Chancellor Merkel's first two terms in office, a period that coincided with a dramatic shift in the government's approach to integration and new opportunities for regularized input from a number of migrant groups (Musch 2012)? Specifically, how did ethnic minority immigrant women position themselves in debates surrounding integration and gender, and to what extent did their views prevail against those of other actors? Despite limited resources and a divided voice, groups of immigrant women, supported by civil society organizations and political parties, pushed policy in new directions. Moreover, changing institutional settings were critical in shaping the interplay of the different actors, creating opportunities for migrant women's perspectives to be incorporated into debate and policy.

Sources of Evidence and Methods

This study centers on migrant women and women of migrant descent and on those who are of non-European origin or who represent visible minorities (Bird 2011, 225). Technically, a *migrant* is someone who has migrated, but German media and academic literature use the term to refer to immigrants, including children and grandchildren of migrants. This study uses the terms *immigrant* and *migrant* interchangeably and understands each to include first-, second-, and third-generation immigrants as well as naturalized citizens, permanent residents, and refugees with temporary status.

The 20 percent of Germany's current population that is considered to have a migrant background includes many German-born persons whose parents and/or grandparents were born abroad (Bundeszentrale für politische Bildung 2012). Immigrants of non-European origin make up about 50 percent of the overall migrant population, with Turks (17 percent) comprising the largest national group. Persons from the Middle East and Central Asia (Iran, Iraq, Afghanistan) make up about 10 percent, and just over half a million persons (or 3 percent) are from Africa. Germany has approximately four million Muslim residents.

A little over half of those within the immigrant population carry a German passport, although only about 17 percent of non-Europeans are naturalized (*Migrant Integration Policy Index* 2015). More than 20 percent of those who are nonnationals were born in Germany: "Many have lived in the country for longer than 10 years, and more than one-third have residence periods of longer than 20 years" (Green 2007, 48). This is largely the result of what was one of Europe's toughest naturalization laws. Until 2000, German citizenship was based almost entirely on jus sanguinis rather than jus soli, largely preventing even German-born children of immigrants from acquiring German citizenship. The 2000 Citizenship Law eased the restrictions on naturalization by offering citizenship to German-born children if at least one parent had a permanent residence permit for a minimum of three years and had been residing in Germany for a minimum of eight. German law now also allows for the possibility of dual citizenship. Of the four million Muslims, half are German citizens. According to the Bundeswahlleiter, in the 2013 Bundestag election, 5.8 million naturalized citizens (9 percent of the electorate) were eligible to vote (die Bundeswahlleiter 2013).

Although a multiplicity of nationalities, ethnicities, and forms of religious expression are represented among immigrants in Germany, this study focuses on women with a definitive outsider or visible minority status (Bird 2011, 225) or who represent an ethnic and/or religious minority in the German context. However, even this group is diverse and does not possess the same set of experiences and interests. Even those of Turkish ethnicity cannot be said to constitute a single unit, given multiple intersections based in gender, religious ideology, ethnicity, and so forth. Thus, any discussion of an immigrant community or a set of immigrant-related political interests requires many caveats.

Numerous studies have found that the representational associations of

Turkish and Muslim communities have diverse ideological and political outlooks and very often feature internal divisions (Yurdakul 2006; Yurdakul and Yukleyen 2009). These associations have also traditionally focused more on homeland politics than on host country issues (Ögelman 2003; Koopmans 2004). Moreover, German Muslims of Middle Eastern or North African background display a range of interpretations of Islam and understandings of gender roles (Korteweg and Yurdakul 2014). The chapter studies the behavior of a variety of migrant women actors and women of migrant descent, including public figures such as authors, journalists, and lawyers; women legislators and party officials; and women organizing in civil society. Each of these groups may have more than one set of interests, and the chapter documents these differences where applicable.

The chapter uses process tracing to determine the extent to which ethnic minority immigrant women were responsible for the changes in the construction of gender during integration debates. Process tracing involves "theoretically explicit narratives that carefully trace and compare the sequence of events" (Amingaza quoted in Falleti 2006, 10) and is thus particularly well suited for exploration of policy inputs and outcomes. It "investigates and explains the decision processes by which various initial conditions are translated into outcomes" (George and McKeown 2005, 35). Moreover, by focusing on the microfoundations of political behavior, process tracing allows researchers to concentrate on a variety of causal mechanisms rather than one just one or a few independent variables (Bennett and Checkel 2012, 11). By focusing on "agents with causal capacities" (George and McKeown 2005, 137), process tracing takes into account not only individuals but institutions and social action. Process tracing is particularly useful for unpacking the interplay among a variety of agents and the institutional opportunity structure.

The processes at issue in this chapter are the making and gendering of integration policy between 2005 and 2012 in two different institutional contexts: the legislative arena and formal consultations between government and migrant groups, including the National Integration Summits and the German Islamic Conference. The chapter concentrates on policymaking at the national level to see how varying constructions of gender come into conflict in the process of defining the dominant societal discourse. Drawing on parliamentary and other official governmental proceedings, the publications of nonstate actors, media reports, and participant interviews, the chapter reconstructs the processes by which integration policy developed and evolved. It takes into account both individual and group actors.

Tracing Gender and Integration Policy: The Development of Discourse and Policy, 2005–2012

The Gendering of the Asylum Debate

The asylum policy debates in the early 2000s represented an early instance in which the integration policy discourse came to focus on women as a particularly affected group and thus served as an important precursor to later discussions. In 2000, Chancellor Gerhard Schröder appointed an Independent Commission on Immigration headed by former Bundestag president Rita Süssmuth to consider extensive revisions to German immigration policies. One issue was asylum policy. For years, Germany had been Europe's most popular destination for asylum seekers, but policy did not recognize a number of categories of persecution, including gender-based violence. The commission recommended broadening the eligibility criteria for asylum to include gender-specific persecution, including both genital mutilation and sexual orientation.[4]

In March 2002, the government proposed a migration law that included the broader interpretation of asylum eligibility, but the proposal met with opposition from the Christian Democratic Union/Christian Social Union (CDU/CSU), which argued that such a broadening would bring rates of asylum and migration to dangerous new levels. The bill also met opposition from interior minister Otto Schily of the Social Democratic Party (SPD), who broke with his party on this issue. The Bundestag approved the bill, but the CDU used a procedural issue caused by a split state vote in the Bundesrat to involve the Constitutional Court, which in turn declared the law unconstitutional. The government reintroduced the bill, essentially unchanged, in January 2003, but this time the Bundesrat rejected it. By June 2004, negotiations finally produced a compromise, and with that, German migration law now recognized gender-based persecution as a basis for asylum.

Much of the debate surrounding the proposed migration law was fueled by the CDU/CSU's position that Germany's security would be threatened by liberalized asylum and immigration policies. The 1993 Asylum Compromise had already done away with the most generous components, but debate had not abated. Some SPD members as well as members of the Bundestag from the Greens and the Left Party advocated strongly for more liberal policies. The debate prompted activist groups to mobilize. Given that the issue touched on international human rights law, Amnesty International took a public position, as did other human and women's rights groups, such as Forum gegen Rassismus, Pro Asyl, and Terre de Femmes, which lobbied for the continued inclusion of provisions for gender-based reasons for asylum (Forum solidarisches und friedliches Augsburg 2006).[5] In one plenary session, Left Party legislator Petra Bläss argued for the primacy of the issue, saying that "women's groups have been working on this for years" (BT-Plenarprotokoll 14/208, 13.12.01, 20584). The Intercultural Council in Germany, formed in 2004 to represent people of diverse backgrounds and nationalities, was also part of the lobbying effort and, in an example of political clubbing, joined forces with more established groups to issue joint statements.[6] One local organization that lobbied for this provision was Refugio München, an organization supporting asylum and refugee populations in Germany.[7]

The 2004 asylum debate offered an early example of how integration policy came to include the perspectives of minority women. In this case, the status of one intersectional group—migrant women who suffered from gender-based persecution—made its way to the center of a German debate initiated by Christian Democrats seeking to pursue restrictive migration policies. This appropriation sparked a countermobilization on behalf of gender issues and integration and the formation of political coalitions among the Greens and the Left Party, human rights organizations, and migrant women.

The Migration Law and the 2007 Revisions

Only after 2005 did gender assume a central place in integration debates. The 2005 Migration Law marked a reconceptualization of Germany's integration policy framework (Green 2013) and consequently represented the beginning of a new chapter in terms of both integration policy and structure. There was a new focus on language acquisition as a pathway to labor market participation and social integration that brought Germany into line with trends taking place elsewhere in the EU (Joppke 2007). For Germany, language courses were nothing new, but the law brought to an end a decentralized, compartmentalized system of courses that distinguished between ethnic and nonethnic migrants. The law created a single national program and mandated a six-hundred-hour course of language instruction coupled with forty-five hours of cultural and civic orientation for all new migrants (though some participants were required to pay). A new Office of Migration and Refugees would oversee integration courses and be responsible for launching new integration initiatives (Borkert and Bosswick 2011, 115).

The government announced that the new law was just the beginning of a "national-level dialogue" on integration (Klusmeyer and Papademetriou 2009, 278). An initial evaluation of the law's integration provisions took place in June 2006, around the same time as the first in a series of annual national integration summits.

At around this time, questions concerning the social position of migrant women in Germany were becoming central to public discourse. The place of migrants in European society had attracted new attention as a result of heightened security concerns following 9/11, bombings in Madrid and London, and suburban riots in France. The debates involved a critical discursive shift: for example, "Turks" in Germany suddenly became "Muslims." Moreover, in 2005, the publication of *The Foreign Bride*, by Necla Kelek, a Turkish-born German sociologist, unleashed widespread discussion about the social situation of Muslim migrant women in Germany, the prevalence of arranged marriages, and the existence of "parallel societies," a term used to insinuate that communities of immigrants deliberately avoid social and political participation in mainstream society. The book received several literary awards and was praised by CDU/CSU officials as well as by SPD interior minister Otto Schily. Kelek's book and her later statements regarding the incidence among Germany's Muslims of arranged or forced marriages generated significant controversy both within and outside the migrant community. In 2006, *Die Zeit* published a petition signed by sixty migration scholars that accused Kelek of sensationalist writing that had little basis in reality (Karakasoglu and Terkessidis 2006). Declaring that the work was "unscientific and embrace[d] unserious methods," the petition criticized Kelek's "dangerous and unsubstantiated" association between Islam and forced marriage and warned that her work overlooked discrimination and low levels of labor market participation, issues that were central to the migrant experience. Kelek accused her critics of failing to recognize the "actual state of affairs" and of denying the failure of integration (Kelek 2006).

Issues of gender equality—specifically, gender emancipation—began to dominate discussions of integration. Kelek and Seyran Ates, a prominent lawyer of Turkish descent, became something akin to the "official" spokespersons for Muslim migrant women. The media sought them out for stories about the position of Muslim women in German society and the state of integration, and interior minister Wolfgang Schäuble chose them to serve as the "representatives" of Muslim woman in the early years of the German Islamic Conference (Lowtzow 2007). At the same time, migrant women came to be identified as one of the main targets of integration policy. Both the government and the media began to focus on the "Turkish-Muslim women who lack[ed] German language capabilities and [were] therefore unable to access core institutions and [interact with] the majority of society more generally[, resulting in] the alleged isolation of these groups in parallel societies" (Triadafilopoulos, Korteweg, and Del Moral 2013, 17). Kelek and others contributed to this stereotyping of Muslim women, but this framing of the role of gender converged with Christian Democratic ideology, and the image of the "embattled" Muslim woman deflected attention away from questions about the extent to which Germany was willing to adapt to significant demographic shifts. Further, by blaming migrant populations per se, the government could get public support for more restrictive immigration policies.

The 2007 Revisions to the Migration Law

In 2007, EU mandates introduced new requirements for asylum and residence policy, and the CDU/SPD Grand Coalition took the opportunity of revising the 2005 Migration Law to attempt to place limits on the immigration of family members and spouses from non-EU states. The proposed reforms included a provision that family members had to demonstrate a minimum level of German-language competency prior to their arrival. A candidate for spousal unification had to be at least eighteen years of age, while the receiving family member(s) in Germany had to be self-supporting—that is, not dependent on welfare. Revisions were also made to the integration courses, increasing the maximum time of language instruction to nine hundred hours; creating special courses for target groups, such as women, young people, and those who were illiterate; and imposing monetary penalties on those who those who failed to enroll or complete the mandatory instruction.

The debate surrounding the proposed revisions was particularly ugly and protracted, with the government's position provoking significant opposition from the nongoverning Greens and the Left Party as well as migrant organizations. Some of the criticism focused on the discriminatory nature of the proposed changes—nationals of countries with no visa requirements with Germany were exempt from the new restrictions on family unification. Critics argued the provisions concerning spousal unification violated Article 6 of the Basic Law, which put family and marriage under special protection, as well as EU directives regarding fair and just treatment of cases of family unification. Four of the largest Turkish-German associations chose to boycott the July 2007 National Integration Summit because of the bill, protesting what they argued was intentional discrimination against specific ethnic groups (Fleig 2007).[8] Twenty-one different migrant organizations published an open letter to Chancellor Merkel in which they described the proposed revisions as posing a "stark contradiction" to recent positive developments in integration policy.[9] A number of migrant organizations, such as the Intercultural Council and Pro Asyl, formed a coalition with the German Federation of Trade Unions to launch a nationwide protest action against deteriorating conditions for migrants in Germany, attempting to pressure the German government from below.[10]

On one level, the debate over the 2007 changes to the migration law was about discrimination and restrictions on immigration in general. On another level, however, the debate was about gender. Although the family unification provisions were theoretically directed at any potential family member, they were seen as targeting "embattled" Muslim migrant women. The government formally rationalized the new age and language restrictions on immigration as intended to deter forced marriages and marriages of convenience. In opening remarks at the first reading of the bill on 26 April, Schäuble defended the provisions as part of an effort "to limit abuses such as marriages of convenience and to fight against forced marriages by introducing age requirements and other similar measures" (BT-Plenarprotokoll 16/94, 26.04.07, 9545). Raising the age limit from sixteen to eighteen and requiring immigrants to have an elemental proficiency in the German would limit the number of sham or forced marriages. The language requirement would further set the stage for more successful integration of spouses once they arrived in Germany. In Schäuble's words, "We want to facilitate [migrants'] ability to integrate by requiring basic German-language skills for the immigrating marriage partner" (BT-Plenarprotokoll 16/94, 26.04.07, 9545). The law also provided that immigration would be allowed only when "the marriage is not solely for the purpose of securing an entry visa and residency permit for the entering spouse" and when "neither partner is being forced into the marriage."[11]

The deliberative process on the proposed law comprised two plenary debates (26 April and 14 June 2007) as well as hearings of the Interior Committee of the Bundestag conducted in May. The government's position found strong support from within the CDU/CSU, where it was defended as a necessary step to liberate Muslim women in Germany from a religious patriarchal culture. According to legislator Reinhard Grindel (CDU/CSU), the government had every right to be concerned about these women:

> They get married, they are brought to Germany, then kept in apartments, some become victims of domestic abuse. . . . There are women that have been in Germany for 17 or 20 years but speak not a word of German who don't ever leave their immediate surroundings, because they are unsure, or are not allowed to leave. Spousal unification, has until now largely been a case of resettlement in a parallel society. . . . We are not going to leave these women to their fate; we are going to make sure that someone finally looks out for them. (BT-Plenarprotokoll 16/94, 26.04.07, 9554)

He concluded, claiming boldly that the law would enable German authorities "to reach into the parallel societies." On a similar note, Hans-Peter Uhl (CDU/CSU), stated during the second debate, "We must break up these parallel societies that are so hostile to women" (BT-Plenarprotokoll 16/103, 14.06.07, 10587).

Opposition parties, migrant groups, and spokespersons for migrant interests were quick to charge the government with duplicitous motives, with using gender issues—the claim of taking up the cause of "embattled" wives in forced marriages—to stigmatize migrants and to feed suspicion of ethnic and religious minorities. According to Sevim Dağdelen, integration spokesperson for the Left Party, this law was "not at all about protecting women in and from forced marriages . . . it is a form of preventive integration to the effect of 'don't let any more in!'" (BT-Plenarprotokoll 16/103, 14.06.07, 10592). More pointedly, the opposition argued that the proposed revisions discriminated against women. A common theme of parliamentary motions (*Anträge*) and the plenary speeches criticizing the law was the *frauenfeindliche* (hostile to women) character of the provisions. According to the Greens' caucus integration spokesperson, Josef Philip Winkler, the family unification provisions were antithetical to "integration, women, and families" (BT-Plenarprotokoll 16/103, 14.06.07, 10593). Dağdelen maintained that by "seizing rights to marital choice, cohabitation, and family unification," the law would discriminate against women and their families (BT-Plenarprotokoll 16/103, 14.06.07, 10592). According to a petition to the Interior Committee submitted by Burco Akdoğan, representing the German Turkish Community (TGD), the provisions would affect any number of legitimate marriages by putting any marriage with a foreign woman under suspicion.[12] According to a group of SPD members of the Bundestag, the revisions would further discriminate against women overseas, whom pregnancy, child care demands, or geographical location would prevent from taking a German-language instruction course (BT-Plenarprotokoll 16/103, 14.06.07, 10641).

There was also significant criticism of the particular construction of gender the government was employing. Focusing on "embattled" Muslim women, the government was ignoring real issues affecting migrant women, precluding action relevant to those women. The Greens' motion stated that although forced marriage was an abhorrent practice, the way to deal effectively with it as a societal problem was not to create regulations that put restrictions on women's right to marry and travel freely; rather, the government should provide independent residence rights for those affected by forced marriage; a right of return for those who go abroad for forced marriages; and humanitarian victim status for victims of forced marriage (BT-Drucksache 16/5103, 25.04.07). In the TGD petition, Akdoğan noted that forced marriage was already punishable under existing law and that a much more meaningful approach would be measures to increase awareness, offer counseling, and provide victim support services for those affected by forced marriages and domestic abuse (Kolat 2007, 6). Instead of demonizing immigrant women and their ethnicity and religion, the government should focus on interventions that could make a difference in individual women's lives. Similarly, Kenan Kolat, TGD president, argued that the social situation of immigrant women was "not an ethnic problem. . . . [I]t is about education and jobs" (2007, 4).

Despite the very rigorous debate, the proposed bill did not change significantly over the course of the deliberations, and in July 2007 it became law. The debate surrounding the bill was not insignificant, however; it had led migrant groups, civil society groups, and left opposition parties to mobilize against not only a new set of restrictions on immigration but also a construction of gender that reinforced negative stereotypes of Muslims and ignored the pressing issues facing immigrant women in Germany. What influence did migrant women have in this process?

Several prominent migrant women contributed to the construction of gender that supported the government's position, and both Kelek and Ates backed the gender-related rationale behind the new restrictions.[13] However, some of the most significant spokespersons for the opposing perspective were migrant women—for example, Dağdelen; Akdoğan; Lale Akgün, an SPD member of the Bundestag; and Green member of parliament Ekin Deligöz. Further, the left parties in general were closely aligned with position of migrant women in this debate and strongly defended the migrant experience. Both the Greens and the Left Party moved to change the proposed law (BT-Drucksache 16/5103, 25.04.07; BT-Drucksache 16/1204, 13.06.07). The strong support may have resulted in part from the influence of representatives with immigrant backgrounds: both parties had immigrants serve spokespersons on immigration and integration issues. The SPD, although a member of the coalition government, split on the bill, with twenty-one party members voting against it. Moreover, many of those who voted for it publicly expressed their misgivings or opposition. The *Plenarprotokoll* documenting the roll call featured five attachments comprising letters and statements in which eighty-nine SPD members explained their reservations (BT-Plenarprotokoll 16/103, 14.06.07). The overwhelming concern was the extent to which bill discriminated against women. A number of legislators, including Sebastian Edathy, integration spokesperson for the SPD and himself of migrant background, rationalized the bill as a necessary compromise to ensure of reform of residency law (BT-Plenarprotokoll 16/103, 14.06.07, 10600) but lamented the bill's discriminatory and antifemale character (BT-Plenarprotokoll 16/103, 14.06.07, 10639–40).

Input came from the grassroots as well. Among the numerous civil society organizations that lobbied the government to change the bill were several migrant women's organizations, including the Association for Binational Marriages (VBI) and Papatya, a crisis resource organization.[14] The women's angle found favor with migrant and human and women's rights organizations in general, and those lobbying against the proposed bill included the Intercultural Council, Pro Asyl, Terre des Femmes, and the German Women's Council.[15] May 2007 hearings held by the Bundestag Interior Committee included seventeen statements from individuals, including several legal experts and six representatives of relevant nongovernmental organizations. Present were two individuals with migrant backgrounds, both representing migrant organizations: Mehmet Kilic, head of the federal Ausländerbeirat (Council for Foreigners), and Kenan Kolat, president of the TGD. No female migrants were present, although Burco Akdoğan was listed as the author of part of the brief submitted by the TGD to the Interior Committee. The VBI also submitted a formal brief to the committee.

Immigrant women were just a few of the many voices heard on this issue, but their perspectives found strong support and featured heavily in the debate, primarily as a result of several prominent spokespersons, the backing of domestic civil society organizations and left parties, and an opportunity structure that allowed for some degree of grassroots mobilization. Their influence on the outcome of the debate was minimized by the fact that a majority of SPD members of the Bundestag supported the bill and the reality that in the popular media, more conservative voices such as Kelek and Ates, both of whom drew a strong connection between Islam and patriarchy, continued to dominate.

Language Courses

The interests of migrant women featured in another place in the 2007 bill—the proposed revisions to the integration course structure. The revisions were based on a formal evaluation of the course framework that began in March 2006, when the government invited input from twenty-eight federal, state, and municipal offices plus eleven nonstate organizations, including two migrant organizations, the TGD and VBI.[16] The TGD's Kolat and Emine Demirbürken, integration spokesperson for the Berlin municipality Tempelhof-Schöneberg, had migrant backgrounds. Although the deliberations were not made available to the public, the forum resulted in a published report.[17] Furthermore, Rambøll, a private consulting firm, presented the results of a systematic evaluation of the integration courses in December 2006 (Bundesministerium des Innern 2006).

The evaluations showed that women constituted a particular constituency when it came to the integration courses. From one set of perspectives, the language and culture courses appeared to be particularly relevant for women because they provided the state an opportunity to expose migrant women to German values and culture, meaning that the courses had a potentially emancipatory character, particularly for Muslim or Turkish women (Bundesministerium des Innern 2006, i). The reports found that about 10 percent of courses targeted specific groups such as women, youth, and illiterates. Only 6 percent of the courses targeted women, and more conservative groups supported increasing this number on the grounds that if only women were present, issues relating to the social and cultural dimensions of integration could be discussed openly, thereby empowering participants to cast off some of the constraints allegedly imposed by their religion or ethnicity.[18] Sybille Laurischk of the FDP argued for the importance of women's courses because of mothers' central role in their families' integration into German society (BT-Plenarprotokoll 16/94, 26.04.07, 9557). However, migrant organizations also advocated targeted courses:

Kolat, for example, supported more *Zielgruppenorientierung* (orientation toward specific groups) but emphasized that the courses should address education and job training opportunities with women specifically in mind (Kolat 2007).

Migrant organizations and left parties also expressed concern about child care opportunities for migrant women taking the courses. The Rambøll report said that the most common reason why women withdrew from the courses was the absence of child care, yet more than half of the course facilities did not provide child care. During parliamentary deliberations, left parties urged the federal government to increase the financial resources to enable local providers to make child care available. In addition, the bill's proposed sanctions against "integration refusers" provoked outrage among left parties and migrant groups. In the words of Greens integration spokesperson Winkler, it was outrageous "to impose a fine of 1,000 euros on those who drop the courses when we all know that most of those who don't take or finish the courses are women who cannot afford or get access to child care during the hours they are in class" (BT-Plenarprotokoll 16/94, 26.04.07, 9553).

As with family unification law, groups across the political spectrum mobilized on behalf of migrant women. At the core of the debate was the question of the construction of gender as it related to the social position of ethnic minority immigrant women. Some saw such women as inherently oppressed and in need of cultural emancipation in the form of language and culture courses; others argued that the courses could be an avenue to greater social and economic participation. Moreover, left groups and migrant organizations drew attention to the barriers to integration that resulted from widespread discrimination and forms of social injustice, such as lack of day care. In the legislative arena, however, partisan imperatives heavily influenced the discourse and the framing of the issues, and change in the construction of gender was relatively slow. Indeed, 2010 and 2011 legislative debates regarding a law against forced marriage spoke to the extent to which dominant constructions of gender persisted in that arena.

Integration Plans and Gender

Migrant women's perspectives nonetheless found their way into the legislative process, especially as part of the broad-based evaluative process that accompanied the new integration course framework. The incorporation of a broad variety of groups as consultants to governing institutions was evident in Merkel's new approach to integration overall. Her government saw integration as an ongoing process that should include coordinated input from all levels of government—federal, state, and local—as well as from migrant organizations and their representatives. The government was also responding to the 2000 EU Race Directives, which called on member states to address discrimination issues by establishing special agencies with observatory, investigative, and consultative functions (Musch 2012, 74). As a result, the integration policy debate became increasingly inclusive. For example, the twenty-one members of the 2000–2001 Commission on Immigration included just one member with a migrant background and two women, among them Süssmuth. Moreover, migrants' only previous formal consultative role had been through foreigner councils (*Ausländerbeiräte*), largely at the municipal level alone. By 2006–7, conversely, the integration policy arena involved consultation with and input from a broad base of social and political institutions.

Shortly after taking office in November 2005, Chancellor Merkel named Maria Böhmer to serve as commissioner on migration, refugees, and integration, a position located in the Federal Chancellery, and gave her the responsibility to develop a national-level dialogue on integration. In July 2006, the first Integration Summit took place, including more than eighty-five representatives of both federal and *Land* governments, local authorities, migrant organizations, trade unions, religious groups, and other nongovernmental organizations. The government sought to make the summits part of an ongoing conversation focusing on crafting solutions to specific problem areas. Böhmer's office was responsible for selecting attendees and did so in a what was described as a very ad hoc way, without any formal criteria (Musch 2012, 79). Further complicating the selection process was the absence of any broadly representative migrant organizations.[19] The result was a rather arbitrary representative structure. In the words of one government official,

> We were interested in including as many countries of origin as possible. A consequence of this was that for instance a smaller African women's organization from Frankfurt was invited because a nationwide body of African migrants has not yet built up. (Musch 2012, 79)

More than one-third of the participants in the 2006 summit had migrant backgrounds, including six women: a lawyer (Ates), an independent journalist, and four NGO representatives. Three women represented organizations dedicated to migrants, women, or woman-related issues: Maisha, the African women's association; the Federal Association of Migrant Women, a group representing Turkish and Kurdish women; and the Federation of Turkish Parent Organizations.[20] Members of the opposition parties were upset at their exclusion (Musch 2012, 79), a problem remedied at later summits by inviting the integration spokespersons for each party represented in the Bundestag.

The summits were intended to recognize migrants as "permanent members of society" (Klusmeyer and Papademetriou 2009, 262) and in so doing make them "stakeholders" (Mushaben 2011, 378) with a vested interest in the success of integration. At the first summit, Böhmer announced the formation of six working groups comprised of summit attendees and others that would meet regularly to compile information and develop recommendations about how to improve integration policies at all levels of society. The 2007 summit announced that the working groups had produced the National Integration Plan (NIP) with four hundred separate initiatives that the various government organizations and nonstate actors committed themselves to implementing.[21]

The topics considered ranged from improvements in language course instruction and educational and job training opportunities to enhancing the general situation for women and girls, achieving integration through sports, and supporting diversity in the media. The third summit was held in November 2008, with the fourth summit following two years later. At the 2010 gathering, Chancellor Merkel announced a shift toward long-term and more quantifiable integration goals. Over the following year, eleven "dialogue forums" would devise a National Action Plan (NAP) to be presented at a January 2012 summit.[22] Both integration plans flowed from processes that involved dialogue between all levels of society, but the conversations were structured or controlled by the federal government and as a consequence excluded certain, more controversial, issues. For example, the 2007 report noted that several participants, especially nonstate actors, were dismayed by the absence of committee discussion regarding immigration and residency status-related questions, which at the time were hotly debated in the legislative arena.

The two national integration plans provide us with critical insights not only into the institutional processes that shaped the integration debate but also into the form of that discourse, especially as it related to gender. Moreover, the five-year gap between the two plans allows us to see changes over time. Both plans addressed issues related to gender and reflected the perspectives of immigrant women. A comparison of the two, however, shows a marked shift in the ways in which the situation of migrant women in Germany was conceptualized.

The 2007 NIP, made up of reports and recommendations produced by each of the working groups, was organized around six themes, one of which was "The Situation of Women and Girls: Realizing Gender Equality." This working group justified itself by asserting that integration could not succeed unless the "unique problems and special needs facing women and girls" were resolved (*Der Nationale Integrationsplan* 2007, 87). Each of the working groups met regularly for several months and included between thirty and forty members from all levels of government as well as nonstate actors. The working group on integration courses, which focused heavily on women's concerns, consisted of thirty-three people. Few of the participants had migrant backgrounds, two of them were women—an independent journalist and a representative for Frankfurt's Encounter and Continuing Education Center for Muslim Women.

The working group on women and girls comprised two subcommittees, both of which contained significantly higher levels of migrant and migrant women's representation. The first subcommittee had thirty-eight members, among them eight women from migrant backgrounds. The ten migrant NGOs represented on that committee included several migrant women's organizations: HUDA, a Muslim women's network; agisra, a counseling center for migrant and refugee women; the Association for Binational Marriages; Papatya; and the Encounter and Continuing Education center. A number of feminist organizations also had a presence, including the Women's Coordination Center, Terre de Femmes, and the Lesbian/Gay Association. Twelve of the thirty-three members on the second committee were migrant women, and Maisha was among the eight migrant organizations represented on that committee (*Der Nationale* 2007, 106).

Women's issues featured extensively in the section on integration courses. This working group met at the same time as the evaluation of the 2005 Migration Law and the debates leading up to the 2007 revisions. Many of the discussions and recommendations echoed those taking place in other venues. The plan report recommended making three hundred additional hours available to particular groups, such as women, and creating more courses suited to particular needs. Moreover, the working group recommended that courses intended just for women focus on women's and family issues and on job training opportunities. According to one participant who represented the Encounter and Continuing Education Center, women on the subcommittee scored a big success in securing those recommendations and the broader acknowledgment that the language courses should be carefully tailored to women's needs.[23] For this participant, the other big success was the recommendation for more vocational training as part of the coursework. Her comments suggested that migrant women's input into the discussion represented a move away from a more traditional construction of the ethnic minority migrant woman as a victim of a patriarchal culture and toward a construction that recognized that women faced barriers to labor market participation in the form of societal discrimination and limited opportunities for training and education.

In a similar shift away from a focus on ethnic and religious constraints to integration and toward acknowledgment of the role of receiving society, the plan's section on improving the situation of migrant women and girls frankly admitted that "migrant women face prejudices" that denied them equal opportunity (*Der Nationale Integrationsplan* 2007, 87). However, it included no reference to the recently passed antidiscrimination law, thus seeming to minimize the role of discrimination in integration. Moreover, the report also continued the emphasis on forced marriage seen in the legislative arena. The section on "women and girls" was divided into three parts: violence and forced marriage, interest representation, and issues in health care and awareness, but most of the twenty-page report focused on domestic violence and forced marriage on the grounds that "there wasn't any time to deal with any more issues" (88). Here, too, however, the migrant women's voice was evident. The report called on the media to move away from negative reporting, noting that domestic violence and forced marriage were not a condition of one particular religion. The report cataloged different possibilities for enhancing the availability of victim support and counseling while calling attention to the need to dismantle stereotypes often found within the criminal justice system and among social and psychological counseling services. The plan concluded that the public and relevant authorities failed to perceive the diversity of the female migrant experience, resulting in discrimination and a lack of resources for migrant women.

The extent to which migrant women's perspectives made their way into the 2007 NIP stood in stark contrast to outcomes in the legislative process, where the dominant construction of gender continued to prevail. The government-led national integration dialogue built on the idea that migrants needed to perceive themselves as stakeholders, creating a process that was more inclusive and open to input from migrant groups. A small but diverse group of migrant women was included, and their voices were heard to the extent that discourse began to shift away from the stigmatizing of Muslims and relegation of migrant women to subjects with little agency. Instead, the report included a carefully expressed concern for the need to dismantle systems of discrimination prevalent in German society and focus on measures and policies addressing real needs of migrant women. Moreover, the working group report not only reflected input from marginalized groups but also featured their criticism of the process—including their disappointment that certain more controversial issues had been excluded from discussion (*Der Nationale Integrationsplan* 2007, 88).This inclusiveness was less evident in the partisan legislative process, which remained highly polarized.

The NAP followed a process similar to that of the NIP, although it involved eleven working groups. Each one was roughly the same size as the NIP working groups and included individuals with migrant backgrounds and migrant NGOs. However, fewer migrant women were involved in the NAP than in the NIP. Migrant women were represented on only four committees (media, public health, the public sector, and early childhood education), and the only migrant women's organizations that participated were Maisha (health) and VBI (early childhood). However, the migrant women's perspective that had begun to be expressed in 2007 apparently had become more mainstream and was absorbed into the advocacy of other actors, because the NAP reflected a significant shift in the discourse regarding gender and the role of women in the immigrant integration process.

The NAP differentiated itself from the earlier plan by taking an integrated approach to women's issues: All working groups have included respective measures "to facilitate an equal and autonomous (self-determined) life for women and girls from migrant families in Germany" (die Bundesregierung 2011, 23). In other words, although women's experiences were still considered a critical dimension of integration, challenges facing women were now regarded as intertwined with other factors and conditions. While the document allowed for some initiatives targeted specifically at women—for example, measures to boost the engagement and networking of migrant women's organizations—it referred throughout to issues or recommendations that affected "both male and female migrants." Gender, in other words, was no longer a separate category. This suggested a gender mainstreaming of integration policy—that is, gender perspectives were applied to all areas of policy. The NAP also demonstrated that the government was beginning to move away from using gender as a way to stigmatize Muslims in Germany more generally.

The 2012 plan was noteworthy for the attention it gave to conditions of discrimination and racism. Indeed, the report talked about the "the double burden" of being a woman and a migrant (die Bundesregierung 2011, 451). The document repeatedly mentioned the multitude of forms of discrimination facing migrant women as a consequence not only of gender but also of religious and ethnic factors. The report spoke of the diversity of the immigrant experience and the need for intercultural opening and the dismantling of stereotypes. In stark contrast to the 2007 plan, the NAP made no mention of domestic violence or forced marriage. The dominant theme was the need for social actors at all levels to create conditions conducive to women's self-determination and gender equality. Recommended measures included improving coverage of migrant women in the media, giving women more opportunities to participate in sports, reaching more women through integration courses, and opening opportunities for women in the workplace. In another noteworthy departure from the 2007 plan, the later report extensively discussed ways to facilitate higher rates of labor force participation in the context of the chronic labor shortages, reflecting recognition that effective integration and labor market participation of migrant women could help resolve Germany's looming demographic and labor issues.

In short, the NAP rather dramatically illustrated how far the integration discourse in Germany had shifted and how the gender paradigm now focused less on headscarves and forced marriage and more on how migrant women could overcome discrimination and acquire skills for and access to the labor market. The document, the product of a deliberately inclusive institutional process, clearly reflected increasing public acknowledgment that immigrants were permanent members of society and could solve Germany's demographic challenges. Moreover, a number of voices, including those of migrant women, had pushed successfully to have gender issues, including the specific forms of discrimination ethnic minority immigrant women faced, considered in the context of broader problems of integration rather than as the main issue or problem itself.

Gender and Islam

Another venue for the shifting discourse on gender and integration was the German Islamic Conference (DIK), established by minister of the interior

Wolfgang Schäuble in 2006 and taking the form of regular annual summit meetings and working groups. The roundtable discussions sought to work with Muslim leaders to resolve issues and conflicts surrounding the Muslim community in Germany (Laurence 2012, 149–51). According to Schäuble, the DIK aimed to "to improve the religious and sociopolitical integration of the Muslim population, to prevent violent Islamism and extremism, to counter the trend toward isolation of Muslims in Germany . . . and to preserve and respect the liberal democratic order" (Schäuble 2006).

In contrast to the national integration summits organized by Böhmer, the DIK was managed by the Ministry of the Interior, which set the discussion agenda and picked the participants. The group was smaller, with fifteen representatives of different levels of government and fifteen representatives of the Muslim community—five representatives of umbrella associations and ten individuals, including writers, artists, journalists, and academics. The process of choosing participants involved "long and controversial discussions about the selection procedure and the number of participants" (Musch 2012, 82). Critics objected to the group's small size, arguing that it represented only a fragment of Germany's very heterogeneous Muslim community (Mushaben 2011, 385).

The authorities distinguished between two phases in the development of the DIK: 2006–9, when the group focused on finding a consensus on values, the integration of Islam as a religion, and the relationship between security and Islamic fundamentalism; and 2010–13, when new CDU minister of the interior Thomas de Maziere sought to make the conference "more practical in its orientation," dealing with issues such as Islamic religion education in public schools and imam education. The second phase also involved preparatory committees that would work closely with states and municipalities and was marked by language that called for improved efforts "to acknowledge the diversity of the Muslim community" (Deutsche Islam Konferenz 2010). The second phase initially intended to allow Muslim communities to choose their own leadership but ultimately resembled the first phase, although some participants were replaced (Klusmeyer and Papademetriou 2009, 178).

It was not clear at the outset that gender would feature as part of this institutional framework, but it quickly became an issue. In the weeks leading up the May 2007 summit, debate unfolded about what types of Muslim women should be included among the participants. The 2006 summit had involved two women, Kelek and Ates, both unveiled and regarded as antagonists of Islam. Both conservative Muslim associations and women's organizations called for the inclusion of at least one veiled Muslim woman at the second summit (Klusmeyer and Papademetriou 2009, 281; Mushaben 2011, 386). The Interior Ministry choose to avoid the issue by merely reappointing the same group of participants, including both Kelek and Ates. Conversely, De Maziere's phase of the DIK sought to give expression to the diversity of the Muslim experience by including both veiled and unveiled women. Furthermore, four of the nine individual representatives were women, and Kelek and Ates were no longer present (Deutsche Islam Konferenz 2010).

In its second phase, the DIK chose gender equity as one of its working areas and created a preparatory committee of conference participants and other experts. Most were women, including several representatives of newly constituted Muslim's women's groups, including the umbrella organization Action Alliance of Muslim Women, founded in 2009. Some observers characterized this effort as just another opportunity for the state to present itself as protecting Muslim women from patriarchal Muslim men (Yudakul and Korteweg 2012). Careful examination, however, reveals that at least several of the women involved viewed the project as an important opportunity to take the discussion in new and relevant directions. One participant described how her organization, the Competency Center for Muslim Women, came to be involved in the DIK:

> We Muslim women are able to define our own needs and contribute to solutions. This is happening a lot more than it used to. . . . We were participating in various intercultural and interreligious dialogues, but not a lot of opportunities were available for Muslim women. We were always portrayed as . . . these "poor beings," needing sympathy. We, however, feel that this victim characterization just leads to the establishment of social hierarchies and to a "clientelization" of Muslim women. We are not denying that there are many problems and issues. But we won't solve the problems if we just try to hang it all on Islam. The social integration and emancipation of Muslim women won't succeed with the constant call for a break with the Muslim faith, but only through adequate educational and vocational training, more jobs, and social participation.[24]

Another participant, a member of an organization founded to showcase integrated Muslim women, described having seized the discourse about integration and gender and Islam from more conservative forces:

> We want to get around the stereotype of the undereducated, oppressed Muslim woman. . . . [O]ur message is directed at the majority society but also the conservative Muslim organizations that have the attitude that all is wonderful and that there are certain religious prescriptions that must be upheld . . . . The Muslim associations think they represent all Muslims, but that is not the case. We didn't see ourselves in the debate, and therefore we have organized ourselves.[25]

In short, Muslim women were participating in the DIK deliberations to challenge dominant constructions of gender (whether perpetuated by the German state or by conservative Muslims) and contribute to a redirection of the discourse concerning the role of women and integration.

One result of the committee's deliberations was a DIK statement on domestic violence and forced marriage (Deutsche Islam Konferenz n.d.). The document condemned what it called a violation of fundamental human rights. However, in line with more nuanced discussions of forced marriage taking place in other arenas, the statement included several points that constituted a clear nod in the direction of Muslim women's advocates. On one hand, forced marriage had its roots not in a specific religion but rather in "traditional patriarchal structures." Moreover, the document recommended addressing the issue through outreach and cultural sensitization and by offering more support and protection for victims of violence, including through state-sponsored programs.

Under the auspices of the gender equity project, a group also examined gender roles in a Muslim context. Participants reported evidence of very traditional gender roles but concluded that they resulted more from particular patriarchal structures than from any specific religious faith (Deutsche Islam Konferenz 2011). The group hoped to understand how those roles could hurt women not only in their vocations but also in other aspects of their lives. The group sought to help women realize how they could recognize and defend their rights. Finally, the DIK gender equity group developed a website dedicated to exploring the relationship between Islam and gender that appeared under the auspices of the DIK. The website presented itself as a resource for Muslims and non-Muslims alike, with the main message that Islam and feminism were easily reconciled.[26] For example, it linked to a pamphlet published by Cologne's Center for Research into Women and Islam that exposed the reader to interpretations of the Islamic faith that accepted the idea that a young woman could move to another city to pursue her education. The German Islamic Conference thus became a venue for a more considered discussion of the situation of the Muslim woman in German society, a discussion that was heavily influenced by migrant women and migrant women's organizations.

Conclusions

The study of Germany's political incorporation of its immigrant population and particularly the interests of migrant women is instructive on many levels. On the one hand, it documents important shifts in the political landscape of integration policy. On the other, it draws attention to key variables facilitating the inclusion of marginalized subgroups. As was the case elsewhere in Europe, by the early 2000s, Germany's migrant women had become almost hypervisible, especially compared to migrant men. Gender had begun to feature heavily in integration policy debates concurrent with the advent of the Merkel administration. Public discourse initially focused heavily on headscarves, forced marriages, and parallel societies. And while this tone persisted and was reinforced by several prominent Muslim migrant women, more conservative voices, and alarmist publications by such figures as former SPD politician Thilo Sarrazin, other voices began to take the discourse in a different direction.

The 2007 NIP introduced considerations of gender that challenged the dominant construction, and the 2012 NAP went even further. Moreover, the German Islamic Conference became a forum for competing visions of the role of Muslim women, among them interpretations of gender that challenged more traditional and patriarchal constructs.

Critical to the effective reframing of debate to include perspectives of migrant women that were contrary to dominant discourse was bottom-up support from civil society organizations focusing on human rights issues. This support became evident during the early battles over pieces of legislation related to immigration and integration and was a key factor in the integration summits and the related working groups. However, in accordance with much of the research on intersectionality as it relates to subgroups of women, neither Germany's main feminist organizations (including the Frauenrat) nor the parties' women's groups publicly aligned themselves with the migrant women. The one exception was the Terre des Femmes, a group founded in the early 1980s to address gendered human rights issues in the global arena. A variety of umbrella migrant organizations backed migrant women's issues in some contexts, but not necessarily in the same direction as the migrant women. Indeed, the substantive representation of migrant women's interests by other migrant groups was often complicated by cross-cutting cleavages between more liberal and conservative interpretations of Islam, between secular and religious outlooks, and between host country and homeland politics. Nonetheless, domestic civil society organizations were essential in creating awareness, petitioning legislative bodies, and offering working support for summit participants' positions that challenged dominant constructions of gender.

Convergence with political parties' interests and agendas was also an important factor in explaining influence of migrant women. Their critical perspectives found support on the left, especially among the Greens and the Left Party, both of which were in the political opposition. These parties became primary allies during legislative debates. Parties in the governing coalition also became important facilitators of the increased involvement of migrant women, as both CDU and SPD leaders pushed immigration and integration policy in new directions. As Mushaben argues, "Policies adopted during [Merkel's] first term . . . have done more to advance the legal rights and day-to-day opportunities of migrants and their offspring than any statutory changes witnessed since 1949" (Mushaben 2011, 376–77). This included creating new venues for policymaking.

The case of migrant women points to the importance of opportunity structures and suitable venues, confirming what a recent study of immigrant political participation in Europe concludes:

> Minority communities by definition have small population numbers and when that is compounded with socioeconomic disadvantages and low participation rates, it will be very difficult to obtain significant representation. However, research suggests that *different institutional and contextual settings* can make those disadvantages more or less easy to overcome. (Givens and Maxwell 2012, 7)

This study distinguishes among a number of different institutional contexts: the legislative setting and government-created consultative venues, institutionalized integration summits and the working group deliberations that led to the NIP and NAP, and the German Islamic Conference. In the consultative venues, migrant women's perspectives could be brought to bear in ways not possible in the more polarized legislative setting, where those voices often lost out in political battles, as happened in 2007. In creating such venues, the Merkel government drew on an institutional model familiar in the German context, where corporatism evolved historically to include newcomers who had been shut out; in this case, ethnic minority women got a seat at the table and an opportunity to increase their input in policy debates. There was criticism that the summits were superficial and staged to make the government look good, but by 2012 it was clear that this more inclusive process had led migrant organizations to be regarded as relevant interlocutors in debates surrounding integration. This included groups formed explicitly to represent ethnic minority women's interests.

What explains the government's move toward inclusiveness? Mushaben attributes Merkel's initiative to create stakeholders among immigrant groups to her "feminist concept of *power with*" (2011, 378). Others see the effort as an instrument to deliver certain policy aims, such as social cohesion (Musch 2012, 74; Triadafilopoulos, Korteweg, and Del Moral 2013), that became increasingly important as the challenges of immigrant integration became ever more apparent. In addition, however, Germany faced some top-down pressure. In 2005, the European Commission had advised member states to introduce formal consultations with immigrant communities, and several other European countries began experimenting with integration summits (Musch 2012, 74).

It is difficult to ascertain whether migrant women's groups mobilized in response to changes in the opportunity structure or whether their mobilization and advocacy prompted the state's more inclusive approach. Much of these processes occurred simultaneously. The new consultative institutional structures increased incentives for migrant civil society organizations to organize and participate. In addition, however, the fact that no other actors—feminist groups or migrant organizations—advocated forcefully on behalf of migrant women certainly provided an impulse behind the founding of these explicitly intersectional organizations. Significant growth in migrant women's political groups was a positive effect of the creation of a more inclusive institutional structure. These organizations positioned themselves to interact with the state and state-affiliated institutions and became active in networks with other domestic civil society organizations such as the Frauenrat, the Frauenhauskoordinierung, and the transnational European Network of Migrant Women.

Looking to the Future

Continuing debates over family unification and forced marriage in the legislative arena indicate that earlier constructions of gender continue to prevail in parts of German public discourse, and migrant women and their supporters have not ceased their efforts to challenge this. Debates over residency and forced marriage laws in 2010–11 were replete with a rigorous back-and-forth over the social situation of migrant women in Germany. According to Dağdelen, the government was again trying to use forced marriages as a way to combat immigration.[27] Aydan Özugus, integration spokesperson for the SPD, argued that the law intended to combat forced marriage acted in ways contrary to the interests of its victims.[28] And the Federal Association of Migrant Women charged the government with instrumentalizing migrant women and their specific problems for the purposes of restrictive integration and migration policies.[29]

The debates were by no means over, but ethnic minority migrant women showed themselves to be a relevant constituency in Germany. In conjunction with support from left parties and civil society organizations and in the context of a more inclusive opportunity structure, migrant women mobilized, forming organizations, becoming parts of policy networks, and injecting a distinct voice into policy debates. The 2013 Grand Coalition government named an ethnic Turkish woman, Aydan Özugus, to the position of commissioner of migration, refugees, and integration.[30] The shift evident in debates on the social situation of migrant women and on the relationship between gender and integration was visible if incomplete. Discrimination and racism remained prevailing features of German society, and both state and society continued to operate in an assimilationist vein (Joppke 2005; Yurdakul and Korteweg 2012), with migrants expected to lessen their attachment to their cultural practices in favor of German language and culture. Moreover, integration remained a highly politicized area of policy, with the result that civil society easily got pushed aside in favor of partisan imperatives. Nonetheless, integration policy was experiencing tremendous changes, especially at the municipal and state levels. And as a result of significant changes in the wake of the 2005 Migration Law, ethnic minority migrant women came to have a voice in shaping that policy.

NOTES

1. The German government officially took this position until the Red-Green coalition came to power in 1998.

2. The new approach was grounded in three pieces of legislation. The 2000 Citizenship Law eased criteria for naturalization. The 2005 Migration Law outlined measures that the state would undertake to provide for integration. And the

2006 Equal Treatment Law protected minorities and immigrants from sources of discrimination. Each piece had a clear integrative function. The first symbolized an acceptance of non-Germans as a potential part of the German national identity and eased immigrants' access to political rights and therefore political integration. The second obligated the federal government to proactively integrate immigrants into society, particularly through a program of language and culture courses. The third offered legal protection to immigrants against societal discrimination. See Green 2013.

3. A number of scholars regard the growing "concern" for the Muslim woman in post-9/11 Europe as part of the ongoing racialization of Muslims in the West. See Fekete 2006; Weber 2013.

4. For a summary of the report, see "Süssmuth-Bericht" 2001.

5. See the Pro Asyl and Terre de Femme websites for documentation of lobbying activity: http://www.proasyl.de; http://www.terre-des-femmes.de/

6. Details of the Intercultural Council's activities can be found here: http://www.interkultureller-rat.de/wir-ueber-uns/jahresberichte/

7. For more information about Refugio München, see http://www.refugio-muenchen.de/

8. For an overview of the objections to the law see here: http://www.bpb.de/themen/OGZA5T,0,0,Die_Novellierung_des_Zuwanderungsgesetzes_2007.html

9. For the full text of the letter and the twenty-one signatories see here: http://archiv.proasyl.de/fileadmin/proasyl/fm_redakteure/Newsletter_Anhaenge/122/Offener_Brief.pdf

10. For a statement of their joint position and objections to the law see here: https://www.proasyl.de/material/stellungnahme-zur-aenderung-des-zuwanderungsgesetzes/

11. For the text of the law, see here: http://www.bundesregierung.de/Content/DE/StatischeSeiten/Breg/IB/das-zuwanderungsrecht.html

12. The TGD's full statement is available here: http://www.fluechtlingsinfo-berlin.de/fr/zuwg/kolat.pdf

13. See, for example, http://www.faz.net/aktuell/feuilleton/debatten/islamkonferenz-und-zuwanderung-knallharte-interessenpolitik-im-sinne-der-tuerkei-1463507.html; http://www.tagesspiegel.de/politik/deutschland/zuwanderung-ates-verteidigt-integrationsgipfel/981858.html

14. For the VBI's position see here: http://www.fluechtlingsinfo-berlin.de/fr/pdf/binationale_ZuwGE_050307.pdf

15. A list of the groups lobbying against the bill and their positions can be found here: http://fluechtlingsinfo-berlin.de/fr/gesetzgebung/2_AendG.html

16. For the organizations involved, see http://fluechtlingsinfo-berlin.de/fr/gesetzgebung/2_AendG.html

17. For the text of the final report, see here: http://www.bmi.bund.de/SharedDocs/Downloads/DE/Veroeffentlichungen/evaluierungsbericht_zum_zuwanderungsgesetz.html

18. For examples of some conservative positions, see here: http://fluechtlingsinfo-berlin.de/fr/gesetzgebung/2_AendG.html

19. It is frequently noted that all of the largest Turkish migrant organizations represent only about 40 percent of Germany's ethnic Turkish population.

20. For a full list of participants, see here: http://www.bundesregierung.de/Webs/Breg/DE/Bundesregierung/BeauftragtefuerIntegration/nap/integrationsgipfel/Integrationsgipfel1/_node.html

21. For a complete text of the NIP, see http://www.bundesregierung.de/Webs/Breg/DE/Bundesregierung/BeauftragtefuerIntegration/nap/nip/_node.html

22. For the complete text of the NAP (and an English-language summary), see here: http://www.bundesregierung.de/Webs/Breg/DE/Bundesregierung/BeauftragtefuerIntegration/nap/nationaler-aktionsplan/_node.html

23. For her assessment, see here: http://www.migration-boell.de/web/integration/47_1322.asp

24. The full text of the statement can be found at: http://www.deutsche-islam-konferenz.de/DIK/DE/Magazin/IslamGender/Kompetenzzentrum/kompetenzzentrum-node.html

25. For a full text of the statement see here: http://www.deutsche-islam-konferenz.de/DIK/DE/Magazin/IslamGender/FrankfurterInitiative/FrankfurterInitiative-node.html

26. The website address is http://www.deutsche-islam-konferenz.de/DIK/DE/Magazin/IslamGender/islamgender-node.html. For a critique of the stereotyping of the migrant woman from an Islamic feminist perspective, see http://www.deutsche-islam-konferenz.de/DIK/DE/Magazin/IslamGender/StereotypMuslima/stereotypmuslima-node.html

27. Dağdelen's statement was previously available at http://www.sevimdagdelen.de/de/article/2046.bundesregierung_verhoehnt_opfer_von_zwangsheirat.html. Contact the author for a copy.

28. For the full text of her statement see here: http://oezoguz.de/gesetz-gegen-zwangsheiraten-bietet-keinen-ausreichenden-schutz/3885/

29. For more on the Federal Association of Migrant Women and their political agenda see http://www.migrantinnen.net/

30. For a full description of her biography and position, see here: http://www.bundesregierung.de/Webs/Breg/DE/Bundesregierung/BeauftragtefuerIntegration/beauftragte-fuer-integration.html

REFERENCES

Bennett, Andrew, and Jeffrey T. Checkel. 2012. *Process Tracing: From Philosophical Roots to Best Practices*. Vancouver: School for International Studies, Simon Fraser University.

Bird, Karen. 2011. "Patterns of Substantive Representation among Visible Minority MPs." In Karen Bird, Thomas Saalfeld, and Andreas Wüst, eds., *The Political Representation of Immigrants and Minorities: Voters, Parties, and Parliaments in Liberal Democracies*. London: Routledge.

Bird, Karen, Thomas Saalfeld, and Andreas Wüst, eds. 2011. *The Political Repre-*

sentation of Immigrants and Minorities: Voters, Parties, and Parliaments in Liberal Democracies. London: Routledge.

Borkert, Maren, and Wolfgang Bosswick. 2011. "The Case of Germany." In G. Zincone, R. Penninx and M. Borkert, eds., *Migration Policymaking in Europe: The Dynamics of Actors and Contexts in Past and Present*. Amsterdam: Amsterdam University Press.

Bundesministerium des Innern. 2006. *Evaluation der Integrationskurse nach dem Zuwanderungsgesetz*. Berlin: Rambøll Management. Available at https://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Integrationskurse/Kurstraeger/Sonstige/abschlussbericht-evaluation.pdf?__blob=publicationFile

Bundeszentrale für politische Bildung. 2012. *Bevölkerung mit Migrationshintergrund III*. Available at https://www.bpb.de/nachschlagen/zahlen-und-fakten/soziale-situation-in-deutschland/150599/migrationshintergrund-iii

Celis, Karen, Silvia Erzeel, Liza Mügge, and Alyt Damstra. 2014. "Quotas and Intersectionality: Ethnicity and Gender in Candidate Selection." *International Political Science Review* 35.1: 41–54.

Crenshaw, Kimberlé Williams. 1991. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color." *Stanford Law Review* 3.6: 1241–99.

Der Bundeswahlleiter. 2013. "5,8 Millionen Deutsche mit Migrationshintergrund sind wahlberechtigt." 13 August. Available at https://www.bundeswahlleiter.de/info/presse/mitteilungen/bundestagswahl-2013/2013-08-13-5,8-millionen-deutsche-mit-migrationshintergrund-sind-wahlberechtigt.html

Der Nationale Integrationsplan. 2007. Available at http://www.bundesregierung.de/Webs/Breg/DE/Bundesregierung/BeauftragtefuerIntegration/nap/nip/_node.html

Deutsche Islam Konferenz. N.d. "DIK-Erklärung: Keine Akzeptanz von häuslicher Gewalt." Available at http://www.deutsche-islam-konferenz.de/DIK/DE/DIK/7Rollenbilder/Erklaerung/erklaerung-node.html

Deutsche Islam Konferenz. 2010. "Fragen und Antworten." 17 May. Available at http://www.deutsche-islam-konferenz.de/DIK/DE/DIK/1UeberDIK/DIK09-13/FAQ/faq-node.html

Deutsche Islam Konferenz. 2011. "Projektgruppe "Rollenbilder in muslimischen Milieus." 6 December. Available at http://www.deutsche-islam-konferenz.de/DIK/DE/DIK/7Rollenbilder/rollenbilder-node.html

Deutscher Bundestag. *Parlamentsdokumentation*. http://www.bundestag.de/dokumente/parlamentsdokumentation/index.html

Die Bundesregierung. 2011. *Nationaler Aktionsplan Integration Zusammenhalt stärken—Teilhabe verwirklichen*. Berlin: Presse- und Informationsamt der Bundesregierung. December. Available at http://www.bundesregierung.de/Content/DE/_Anlagen/IB/2012-01-31-nap-gesamt-barrierefrei.pdf?__blob=publicationFile

Donovan, Barbara. 2007. "'Minority' Representation in Germany." *German Politics* 16.4: 455–80.

Donovan, Barbara. 2012. "Intersectionality and the Substantive Representation of Migrant Interests in Germany." *German Politics and Society* 30.4: 23–44.

Falleti, Tulia C. 2006. "Theory-Guided Process-Tracing in Comparative Perspective." *APSA-CP* 17.1: 9–13.

Fekete, Liz. 2006. "Enlightened Fundamentalism? Immigration, Feminism, and the Right." *Race and Class* 48.2: 1–22.

Ferree, Myra Marx. 2005. "Angela Merkel: What Does It Mean to Run as a Woman?" *German Politics and Society* 24.1: 93–107.

Ferree, Myra Marx. 2010. "Gender Politics in the Berlin Republic: Four Issues of Identity and Institutional Change." *German Politics and Society* 28.1: 189–214.

Fetzer, Joel S., and J. Christopher Soper. 2005. *Muslims and the State in Britain, France, and Germany*. Cambridge: Cambridge University Press.

Fleig, Wiebke. 2007. "Gipfel-Boykott." *Die Zeit*, 6 July.

Forum solidarisches und friedliches Augsburg. 2006. *Frauen und Flucht—geschlechtsspezifische Fluchtgründe, rechtliche Situation und Hintergründe*. 9 June. Available at http://www.forumaugsburg.de/s_3themen/Fluechtlinge/060609_frauen-flucht/index.htm

Fraga, Luis, Linda Lopez, Valerie Martinez-Ebers, and Ricardo Ramirez. 2006. "Gender and Ethnicity: Patterns of Electoral Success and Legislative Advocacy among Latina and Latino State Officials in Four States." In Carol Hardy-Fanta, ed., *Intersectionality and Politics: Recent Research on Gender, Race, and Political Representation in the US*. New York: Haworth.

George, Alexander, and Timothy J. McKeown. 1985. "Case Studies and Theories of Organizational Decision-Making." *Advances in Information Processing and Organizations* 2:21–58.

Givens, Terri E., and Rahsaan Maxwell. 2012. "Ethnic Minorities and Political Participation in Europe." In Terri E. Givens and Rahsaan Maxwell, eds., *Immigrant Politics: Race and Representation in Western Europe*. Boulder, CO: Rienner.

Green, Simon. 2007. "The Challenge of Immigrant Integration in Europe." *European View* 5 (Spring): 47–51.

Green, Simon. 2013. "Germany: A Changing Country of Immigration." *German Politics* 22.3: 333–51.

Hardy-Fanta, Carol, ed. 2006. *Intersectionality and Politics: Recent Research on Gender, Race, and Political Representation in the US*. New York: Haworth.

Joppke, Christian. 2007. "Beyond National Models: Civic Integration Policies for Immigrants in Western Europe." *West European Politics* 30.1: 1–22.

Karakasoglu, Yasemin, and Mark Terkessidis. 2006. "Gerechtigkeit für die Muslime!" *Die Zeit*, 1 February.

Kelek, Necla. 2006. "Sie haben das Leid anderer zugelassen!" *Die Zeit*, 9 February.

Klusmeyer, Douglas, and Demetrios Papademetriou. 2009. *Immigration Policy in the Federal Republic of Germany*. New York: Berghahn.

Kolat, Kenan. 2007. *Stellungnahme*. 21 May. Available at http://www.fluechtlingsinfo-berlin.de/fr/zuwg/kolat.pdf

Koopmans, Ruud. 2004. "Migrant Mobilization and Political Opportunities: Variation among German Cities and a Comparison with the United Kingdom and the Netherlands." *Journal of Ethnic and Migration Studies* 30.3: 449–70.

Koopmans, Ruud. 2010. "Winners and Losers, Supporters and Opponents in Europeanized Public Debates." In Ruud Koopmans and Paul Statham, eds., *The*

Making of a European Public Sphere: Media Discourse and Political Contention. Cambridge: Cambridge University Press.

Korteweg, Anna C. 2008. "The Sharia Debate in Ontario: Gender, Islam, and Representation of Muslim's Women's Agency." *Gender and Society* 22.1: 434–54.

Korteweg, Anna C. 2009. "Gender, Religion, and Ethnicity: Intersection and Boundaries in Immigrant Integration Policy Debates." Paper presented at the ASA Annual Meeting, San Francisco.

Korteweg, Anna C., and Gökçe Yurdakul. 2010. *Religion, Culture, and the Politicization of Honour-Related Violence*. Available at http://www.unrisd.org/unrisd/website/document.nsf/(httpPublications)/E61F80827BF3409FC1257744004DC465?OpenDocument

Korteweg, Anna C., and Gökçe Yurdakul. 2014. *The Headscarf Debates: Conflicts of National Belonging*. Palo Alto: Stanford University Press.

Laurence, Jonathan. 2012. *The Emancipation of Europe's Muslims: The State's Role in Minority Integration*. Princeton: Princeton University Press.

Lowtzow, Caroline von. 2007. "Zaimoglu, Kelek, Ates: Wer spricht für die deutschen Muslime?" *Süddeutsche Zeitung*, 26 April.

Migrant Integration Policy Index. 2015. Available at http://www.mipex.eu/political-participation

Morales, Laura, and Marco Giugni. 2011. *Social Capital, Political Participation, and Migration in Europe*. New York: Palgrave Macmillan.

Mügge, Liza, and Sara De Jong. 2013. "Intersectionalizing European Politics: Bridging Gender and Ethnicity." *Politics, Groups, and Identities* 1.3: 380–89.

Musch, Elisabeth. 2012. "Consultation Structures in German Immigrant Integration Politics: The National Integration Summit and the German Islamic Conference." *German Politics* 21.1: 73–90.

Mushaben, Joyce. 2011. "Citizenship and Migration Policies under Merkel's Grand Coalition." *German Politics* 20.3: 376–91.

Odmalm, Pontus. 2009. "Turkish Organizations in Europe: How National Contexts Provide Different Avenues for Participation." *Turkish Studies* 10.2: 144–63.

Orey, Byron D'Andrá, and Wendy Smooth. 2006. "Race and Gender Matter: Refining Models of Legislative Policy Making in State Legislatures." In Carol Hardy-Fanta, ed., *Intersectionality and Politics: Recent Research on Gender, Race, and Political Representation in the US*. New York: Haworth.

Roggeband, Conny, and Mieke Verloo. 2007. "Dutch Women Are Liberated, Migrant Women Are a Problem: The Evolution of Policy Frames on Gender and Migration in the Netherlands, 1995–2005." *Social Policy and Administration* 41.3: 271–88.

Rostock, Petra, and Sabine Berghahn. 2008. "The Ambivalent Role of Gender in Redefining the German Nation." *Ethnicities* 8.3: 345–64.

Rottmann, Susan B., and Myra Marx Ferree. 2008. "Citizenship and Intersectionality: German Feminist Debates about Headscarf and Anti-Discrimination Laws." *Social Politics* 15.4: 481–513.

Schäuble, Wolfgang. 2006. "Deutsche Islam Konferenz—Perspektiven fuer eine gemeinsam Zukunft: Regierungserklärung zur DIK." 27 September.

Schoenwalder, Karen. 2012. "Cautious Steps: Minority Representation in Germany." ." In Terri E. Givens and Rahsaan Maxwell, eds., *Immigrant Politics: Race and Representation in Western Europe*. Boulder, CO: Rienner.

Schroeder, Christoph. 2007. "Integration und Sprache." *Aus Politik und Zeitgeschichte* 22–23:6–12.

Statistisches Bundesamt. 2015. *Number of Immigrants in Germany at a Record High*. 3 August. Available at https://www.destatis.de/EN/PressServices/Press/pr/2015/08/PE15_277_122.html

"Süssmuth-Bericht: 'Zuwanderung gestalten—Integration fördern.'" 2001. *Frankfurter Allgemeine*, 4 July. Available at http://www.faz.net/aktuell/politik/suessmuth-bericht-zuwanderung-gestalten-integration-foerdern-130717.html

Triadafilopoulos, Triadafilos, Anna Korteweg, and Paulina Garcia Del Moral. 2013. "The Benefits and Limits of Pragmatism: Immigrant Integration Policy and Social Cohesion in Germany." In Paul Spoonley and Erin Tolley, eds., *Diverse Nations, Diverse Approaches: Approaches to Social Cohesion in Immigrant Societies*. Montreal: McGill-Queen's University Press.

Wahl, Angelika von. 2011. "A 'Women's Revolution from Above'?: Female Leadership, Intersectionality, and Public Policy under the Merkel Government." *German Politics* 20.3: 392–409.

Weber, Beverly. 2013. *Violence and Gender in the "New" Europe: Islam in German Culture*. New York: Palgrave Macmillan.

Weldon, S. Laurel. 2009. "Intersectionality and Political Representation: Class, Gender, and Public Policy in the United States." Paper presented at the ECPR Conference on Politics and Gender, Belfast.

Wüst, Andreas. 2011. "Migrants as Parliamentary Actors in Germany." In Karen Bird, Thomas Saalfeld, and Andreas Wüst, eds., *The Political Representation of Immigrants and Minorities: Voters, Parties, and Parliaments in Liberal Democracies*. London: Routledge.

Wüst, Andreas. 2014. "Immigration into Politics: Immigrant-Origin Candidates and Their Success in the 2013 Bundestag Election." *German Politics and Society* 32.3: 1–15.

Yurdakul, Gökçe. 2006. "State, Political Parties, and Immigrant Elites: Turkish Immigrant Associations in Berlin." *Journal of Ethnic and Migration Studies* 32.3: 435–53.

Yurdakul, Gökçe, and Anna C. Korteweg. 2012. "State Responsibility and Collective Civic Participation: Honour Killing Debates in Germany and the Netherlands." Paper presented at University of Miami, November 27.

Yurdakul, Gökçe, and Ahmet Yukleyen. 2009. "Islam, Conflict, and Integration: Turkish Religious Associations in Germany." *Turkish Studies* 10.2: 217–31.

CHAPTER 5

Gendering the Controversy over Education Policy Reform in Hamburg, Germany

Jeff Bale

"Goetsch in die Primatenschule!" (Send Goetsch to primate school!)"[1] So read the sign held by a boy at a demonstration in Hamburg, Germany, on 19 April 2009. Some five thousand people had gathered to protest a series of proposed education reform measures (Krupa 2009), known collectively as the Education Offensive (*Bildungsoffensive*). Although these reforms were comprehensive, the sign in this boy's hands reflected a central point of dissent. Christa Goetsch was a Green Party politician serving as Hamburg's education minister and thus overseeing the reform effort; *Primatenschule* was a play on *Primarschule*, the name of a new primary school form introduced by these reforms. While Hamburg's elementary schools (*Grundschulen*) ended with grade 4, the *Primatenschulen* would end with grade 6. Proponents argued that the restructuring would enable students to spend more time in an integrated learning environment before separating into various secondary school tracks. That is, learners from different linguistic and ethnic backgrounds as well as students considered high or low performing would attend common primary schools for an additional two years.

The sign and its wordplay were not the only curious aspects of this demonstration. An overwhelming majority of the protesters came from Hamburg's wealthy and elite, leading the liberal *Die Zeit* to dub the rally the Gucci-Protest (Krupa 2009). Protesters hailed from areas where the dropout rate was especially low and the university attendance rate especially

BOX 5. **Migrant Girls and Boys**

INTERSECTION STUDIED	Gender + Immigration Status (Migrant Girls and Boys)
TIME PERIOD STUDIED	2008–11
POLICY ISSUE STUDIED	School reform in Hamburg (*Bildungsoffensive*)
GERMAN POLICYMAKERS AS ALLIES	Green Party (especially prior to coalition with the CDU) Hamburg's Education Ministry (Behörde für Schule und Berufsbildung [BSB])

high and were particularly well-dressed. The main organizer of the rally, lawyer Walter Scheuerl, was described as wearing a blue sweater tossed over his shoulders as he chanted, "We're here, we're loud, because they're stealing our education! [*Wir sind hier*, *wir sind laut*, *weil man uns die Bildung klaut!*]" (Krupa 2009). In addition, the demonstration took place in one of the city's premier shopping districts: "The route that demonstrators chose reflects the city of Hamburg the way it would like to be seen: prosperous, clean, self-confident. Most of the demonstrators know this route because they're often here on Saturdays—but to shop, not to demonstrate" (Krupa 2009). The demonstration ultimately helped block the new primary school. Indeed, the controversy over the education offensive led to Goetsch's resignation as education minister and to the November 2010 collapse of the coalition governing Hamburg.

This chapter examines the case of school reform in Hamburg through an intersectional lens, asking how it came to be that a policy, whose advocates suggested, at least symbolically, would provide better educational outcomes for migrant girls took center stage in *Land*-level politics in Germany. The intersection studied is that of migrant status and gender (see box 5).[2] The Hamburg government's school reform appears to have been designed on behalf of migrant children, symbolized in policy documents by a girl, rather than in collaboration with the migrant community. In other words, this is a case of convergence with policymaker interests rather than one of an intersectional group working through an international venue (from the "top down") or gaining domestic interest group allies to pressure the government from below. Both formal policy texts and pro-reform advocates in Hamburg invoked the interests of girls from minority groups in contradictory ways that ultimately undermined the policy initiative itself.

The chapter first provides background on the German school system and the specific educational and policy contexts in which these reforms were proposed and debated. The chapter then describes the study's research design and presents the findings, including a brief narrative overview of the rise and fall of the reform measure.

Theoretical Perspectives and the Context for Reform

The Educational Context in Hamburg

Hamburg and its schools present the characteristics, challenges, and potential common to urban educational contexts elsewhere in Western Europe and in the United States. Hamburg is a port city located in northern Germany. It is the country's second-largest city and one of its three city-states, with some 1,700,000 residents and 165,000 students in the grade-school system (Arlt et al. 2009b). It is also one of Germany's most ethnically and linguistically diverse urban centers. In the 2007–8 school year, roughly one-quarter of all Hamburg fifth-graders were identified as having a "migration background" (Arlt et al. 2009a, 120). The Hamburg government defines students as having a "migration background" if they (1) do not hold a German passport; (2) are ethnic German immigrants, typically from the former Soviet Union; and/or (3) are from a home in which a non-German language is spoken predominantly (Arlt et al. 2009b, 9).[3] More than one-third of preschool-aged children were bilingual, and roughly 20 percent of them spoke the non-German language predominantly (Arlt et al. 2009a, 161). In 2008, the most common non-German languages spoken in Hamburg were Turkish, Russian, Farsi/Persian, English, and Polish (Arlt et al. 2009a, 161).

Hamburg is also a city of significant contrasts, educational and otherwise. On the one hand, it has the highest rate of students taking the university entrance exam among Germany's sixteen states. In addition, the dropout rate fell almost 4 percent between the late 1990s and 2008, when around 8.2 percent of students left school with no qualifications (Arlt et al. 2009b, 67). On the other hand, these positive aspects do not apply to all of Hamburg's students equally. For example, students with a migration background were more than twice as likely as their nonmigrant peers to quit school (Beauftragte 2010, 96). Further, students with a migration background repeat grades at disproportionately high rates and are significantly overrepresented in special education and vocational secondary schools and underrepresented in the academic-track *Gymnasien* (Arlt et al. 2009b).

The Hamburg government's education reports (*Bildungsberichte*) (e.g., Arlt et al. 2009a, 2009b), issued biannually, disaggregate a number of educational domains by gender and by migration status but not both. That is, the data documenting migration and multilingualism in Hamburg's schools are not further disaggregated by gender. Likewise, the *Bildungsberichte* report a number of statistics specific to the educational experiences of girls and the employment of women educators but do not further disaggregate these data according to nationality or migration status.[4] The absence of clear data with which to assess an intersectional group's objective needs (in this case, migrant girls' and boys') is a problem confronting many intersectional groups and those who study them or seek to speak on their behalf (see Pfahl and Köbsell, this vol.; Xydias, this vol.).

Despite these limitations, the *Bildungsberichte* suggest a pattern of negative educational experiences for students with a migration background and a pattern of positive educational experiences for girls. How these experiences play out for girls with a migration background is not clear. For example, while students with a migration background are overrepresented among students who must repeat grades, girls are slightly underrepresented among students held back (Arlt et al. 2009b, 52). With respect to standardized test data for reading and math, students with one or both parents born abroad scored lower than students with both parents born in Germany. For girls, the data are inconsistent. They scored higher than boys in reading and lower than boys in math (Arlt et al. 2009a, 191). Complicating the picture even further is the complex nature of the German school system, a situation at the heart of education reform politics in Hamburg.

The German School System

The public school system in Germany is organized along state lines, as in North America, meaning that the sixteen *Länder* are chiefly responsible for their own schools. Generally, though, the German system comprises a primary level, the elementary school (*Grundschule*), which ends at grade 4. Thereafter, students have traditionally advanced to one of three secondary school tracks: (1) an academic track (the *Gymnasium*), which historically has ended at grade 13 with the *Abitur* university entrance exam; (2) an intermediate track (*Realschule*), which ends after grade 10 and has a white-collar vocational focus; and (3) a basic education track (*Hauptschule*), which students can leave after grade 9 and whose curriculum traditionally has focused on trades and blue-collar vocational training. Reforms from the

1960s and 1970s introduced the *Gesamtschulen*, comprehensive secondary schools most similar to North American high schools that can lead to all qualifications featuring a series of mechanisms to allow students to move between secondary school forms after grade 7. Finally, students with disabilities have been educated in separate special education institutions (*Sonder-* or *Förderschulen*) (for Hamburg specifically, see Arlt et al. 2009b, 14–29; for a discussion of Germany's overall disability policies, see Pfahl and Köbsell, this vol.).

While students with a migration background represented slightly more than a quarter of all first-graders in the academic years between 2005 and 2009, they comprised about one-third of students assigned to *Sonderschulen*. By contrast, although the first-grade class was split fairly evenly between boys and girls during those years, girls comprised only 30–35 percent of students in *Sonderschulen* (Arlt et al. 2009a, 117). Across the secondary school system, girls typically represent a larger proportion of students moving up the tracks from *Sonderschulen* to *Gymnasien*. That is, between the 2005–6 and 2008–9 academic years, girls represented an average of around 40 percent of students in *Sonderschulen*, 46–48 percent of students in *Haupt-* and *Realschulen*, 47–49 percent of students in *Gesamtschulen*, and a slight majority of students in *Gymnasien* (Arlt et al. 2009a, 122). The distribution of students with a migration background is almost the opposite: moving up the tracks, students with a migration background are increasingly underrepresented.

The transition from elementary to secondary school is one of the most complex aspects of German education. In Hamburg, teachers make a formal recommendation about which secondary school form the child should attend after grade 4. Parents have the right to challenge that recommendation and place their child in the school form of their choice (*Elternwahlrecht*). No matter who decides, the child's placement is probationary for two years. After grade 6, the school reserves the right to move the child to a different secondary form. Both stages of the assignment process are ostensibly based on the child's academic performance. However, the fact that students with a migration background are—and long have been—overrepresented in the *Haupt-* and *Realschule* forms suggests that other factors are involved. Kids whose parents (especially their fathers) attended *Gymnasium* are more likely to be sent to *Gymnasien*, while kids with a migration background are more likely to follow the vocational track. This sorting mechanism is precisely what animated support for education reform in Hamburg. Proreform advocates argued that extending primary school by two years would allow students at different levels of academic achievement and from diverse linguistic and cultural backgrounds to spend more time in an integrated learning environment. This would provide as many benefits in terms of social cohesion and integration as it would for increasing educational outcomes. In concrete terms, advocates focused primarily on the intersection between race and class; however, advocates also invoked the interests of girls with a migration background in contradictory ways that hindered the success of the *Bildungsoffensive*.

The Educational Policy Context in Germany

The Educational Offensive and the surrounding controversy can be viewed in terms of the growing dominance of neoliberal approaches to education policy and reform (Bale 2013). Picower has succinctly defined neoliberalism as "an ideology and set of policies that privilege market strategies over public institutions to redress social issues" (2011, 1106). Neoliberalism envisions a society in which individuals make choices for themselves on the open market, not within the confines of public agencies or government mandates (Lipman and Hursh 2007). This ideological claim drives neoliberal policies' efforts to deregulate the economy, liberalize trade and labor policy, and privatize social services hitherto provided by the state (Hursh 2007; Butterwegge, Lösch, and Ptak 2008). As Jones et al. have argued, neoliberalism does not operate uniformly in every national context. Rather, the specific combination of "value systems and embedded practices existing within each nation state" and the degree of resistance to neoliberal policies differ from context to context (2008, 19).

Space limitations preclude a full discussion of the specific development of neoliberal education policy in Germany. Briefly, however, the Programme for International Student Assessment (PISA) studies that began in 2000 represent a watershed moment in the neoliberal transformation of German schools. PISA is a project of the Organization for Economic Cooperation and Development. It is a triennial exam given to roughly a half million fifteen-year-olds in more than sixty-five countries. By design, the exams are not tied to any single curriculum; rather, they claim to measure the knowledge students have gained at the end of compulsory schooling in reading, mathematics, and science (see OECD n.d.). The nature of these international comparative exams fits with neoliberal assumptions about society insofar as the exams represent external accountability measures that purport to be objective and accurately describe school quality (Klausenitzer

2002). Germany's results on the first study were widely perceived as middling and touched off what has since been dubbed the *PISA-Schock*. In large part, public anxiety over the PISA results was rooted in the gap between long-held assumptions about the high quality of German schools and how German fifteen-year-olds scored on the exams (Martens and Niemann 2013). As Jones et al. have argued, "In Germany [PISA] has helped create a general acceptance of the necessity of modernisation" (2008, 140). In almost every instance, "modernisation" has functioned as code to imply neoliberal transformation: (1) imposing an austerity agenda to drive down state expenditures for public education by lowering costs, in particular by privatizing key services (Magotsiu-Schweizerhof 2000; Barth and Schöller 2005); (2) shifting public attitudes away from viewing education as a public good and toward viewing it as "an object of one's private deliberations over consumption" (Radtke 2000, 20); (3) reorienting the school system away from equity or equal opportunity and toward selectivity (Schöller 2004), despite (or perhaps because of) the negative consequences of this shift for working-class and poor students in general and for students of color in particular; and (4) forging public-private partnerships to introduce business models of management to the school sector, in particular using standardized measures of increasingly homogenized curricula to make public claims about school quality (Klausenitzer 2002; Schöller 2004).

To be clear, the backlash of the PISA studies has opened up all kinds of ideological space to frame reforms to the German school system. For example, the highly stratified structure of German secondary schools had been considered an off-limits topic for some thirty years (Auernheimer 2009) but became hotly contested as a central cause of educational inequity. Perhaps more significantly, the discovery—or reminder—of the close correlation between academic performance and class and linguistic background has reanimated efforts to transform public schools in linguistically and ethnically just ways. Thus, while neoliberal responses to the *PISA-Schock* have dominated, they have not been the only possibilities.

I have already explored the relationship between neoliberal education policy and education reform in Hamburg (see Bale 2013). While no evidence indicates that privatization or austerity measures drove this particular reform measure, they did justify its social justice aims (e.g., improving the educational experiences and outcomes of students with a migration background, strengthening social cohesion and integration) largely in the neoliberal language of human capital development. For example, official documents typically framed the policy in terms of competition with other

European school systems and improving results on standardized exams such as PISA. This attempt to mix social justice with neoliberal rationales for reform ultimately limited the reforms to Hamburg's very socially stratified school system.

Sources of Evidence

To study the attempts to reform Hamburg schools and the ways in which the parties in power used images of migrant girls, I conducted an interpretive policy analysis as defined by Yanow (2000). This approach to policy analysis begins by identifying various policy-relevant actors: those charged with implementing given policies as well as those affected by such policies. Interpretive policy analysis seeks to identify the meanings these constituencies make of policy, both symbolically in the form of words and objects, and concretely in terms of how that policy is practiced. Interpretive policy analysis employs a number of conventional qualitative research methods, such as document analysis, semistructured interviews, and participant observation, although in this instance, document analysis alone was used.

Designing an interpretive policy analysis requires differentiating between various interpretive communities with distinct and perhaps even competing stakes. For this study, I identified four communities and collected a wide array of documents related to them between 2008 and 2011:

- official policy documents from Hamburg's education ministry (Behörde für Schule und Berufsbildung [BSB]), including formal policy texts such as the *School Development Plan*[5] and *The Hamburg Education Offensive: A Clever City Needs Everyone's Talent*, as well as official BSB communications such as the "school letters" signed by Christa Goetsch and distributed via the official BSB website;
- documents created by policy actors favoring the reform measure, including those published and/or disseminated by the two pro-reform coalitions as well as online and printed materials from the teachers' union that endorsed the measure (the Gewerkschaft Erziehung und Wissenschaft Landesverband Hamburg [GEW]);
- documents disseminated by policy actors in opposition to the reform measure, above all those of We Want to Learn (Wir Wollen Lernen), the primary opposition coalition, and the teachers' union

that opposed the new primary school form (Deutscher Lehrerverband Hamburg [DL]); and
- news stories, editorials, and video broadcasts from Hamburg and national news media sources.

While collecting data, I did not identify any organizations that formally represented the interests of women or girls in the campaign either for or against the reform measure. Indeed, the website of the coalition in favor of the reform compiled lists of supporting petitions as well as lists of individuals and organizations that had endorsed or passed resolutions in support of the reform. None of the more than forty organizations listed had names that suggested that they worked for or spoke on behalf of women, migrant or otherwise, indicating the difficulties faced by this intersectional group in gaining allies within domestic civil society.

I collected 401 documents: 78 official BSB documents; 29 pro-reform documents; 168 antireform documents; and 126 media reports. The low number of pro-reform documents results from the fact that most of these sources came from websites rather than individual brochures or reports, and I did not count each web page as a separate document. By contrast, the antireform coalition was more proactive in sending newsletter-style emails with media and other attachments, and I counted each email and each attachment as separate documents.

I based my initial approach to data analysis on grounded theory (Charmaz 2004). Several features of the research made this approach appropriate. First, the dataset informing this study is enormous. The document data spanned not only four interpretive communities but also several years. I began systematic collection of documents in late 2008 and continued until the new state elections in February 2011. Although the conflict over this reform measure continued after that date, I made a fairly arbitrary decision to end my analysis at that point to enable me to draw a reasonable boundary around the dataset. With such rich data reflecting a real-time political conflict, I felt particularly compelled to allow themes to emerge rather than applying predetermined categories.

Data collection and analysis proceeded in an iterative fashion. Typical of constant comparative analysis (Glaser and Strauss 1967; Charmaz 2004), I mined the document data for initial themes and compared them across different interpretive communities to verify, refine, or refute those emerging themes. In addition, I used early themes to identify additional document sources and to develop mid-range theoretical categories. Here, I use the data to address two specific research questions: (1) to what extent did the perspectives of an intersectional group—in this case, migrant girls—come to be represented and/or included in the controversy over the *Bildungsoffensive*; and (2) who, if anyone, spoke on their behalf?[6]

Tracing the Education Offensive

Overview of the Reform Measure

The Education Offensive reform measure was comprehensive. At its heart were two structural changes: creation of the primary school, thereby lengthening elementary education to grade 6; and replacing the complex secondary school structure with a two-track secondary system. One track would be the district school (*Stadtteilschule*), a merger of the previous basic, intermediate, and comprehensive school forms. In contrast to those forms, district schools are designed to prepare all students for the university entrance exam in grade 13. The second track is the academic *Gymnasium*, which leads to the university exam in grade 12.

Beyond these structural reforms, the measure called for a number of "internal" (*schulintern*) reforms as well: individualized student learning plans, standards-based[7] instruction, expanded compensatory services for German-language learners, and smaller class sizes across the system. Furthermore, accompanying the school-based reforms has been an ongoing professional development "offensive" for teachers (for an overview in English, see Behörde n.d.).

The roots of the education offensive stretch back before the 2008 Hamburg election. The Greens had campaigned on a platform of merging all secondary school forms, using the slogan "One School for All" (*Eine Schule für Alle*). During the campaign, the Greens produced posters in support of this policy that included images of boys with a migration background. One showed a boy of African descent, perhaps eight or nine years old, with a confident smile and a caption that referred to a traditional, archetypical boy from the city: "The Hamburger Jung: A Good Education for a Good Future" (*Hamburger Jung: Gute Bildung, gute Chancen*). This placard played on the age and gender of the person depicted while communicating the education platform's central claim (and later that of the *Bildungsoffensive* itself): a good education is a key component of equal opportunities for all Hamburg residents, migrant and otherwise. In contrast, the Christian

Democratic Union (CDU) steadfastly opposed any secondary school reform, let alone merging all three forms into one.

Many people found the 2008 election results surprising (see table 5.1). The CDU's previous coalition partner, the Free Democrats, fell below the 5 percent threshold and were not returned to the Bürgerschaft, Hamburg's parliament. A left-wing government that included the Left Party, Greens, and Social Democrats also failed to form, leaving the CDU and the Greens to form the government—a rare coalition in German politics. To govern together, the two parties compromised on education. The *Bildungsoffensive* reflected this compromise: the Greens' one-school-for-all demand was jettisoned and replaced by the "two-pillar principle" (*Zwei-Säule-Prinzip*) of maintaining the *Gymnasium* favored by the CDU and merging the other secondary school forms into the Greens' preferred *Stadtteilschule*. The *Gymnasium* would end at grade 12; *Real-* and *Hauptschulen* would merge into *Stadtteilschulen*, which would prepare all students for the *Abitur* in grade 13. Both parties also agreed to the *Primarschulreform*, whereby *Grundschulen* would be extended by two years to end at Grade 6, and be renamed *Primarschulen*.

Although the Green Party had called for a merger of secondary school forms during the 2008 campaign, it backed off that demand during the negotiations that led to the party's coalition government with the CDU. The same held true for the primary school restructuring. While antireform advocates saw the extension of *Grundschulen* to end at grade 6 as radical and as a direct threat to their (children's) interests, some pro-reform advocates saw it as a "lazy compromise" between the Greens and the CDU (Bethge 2010, 22). Teachers' union activists and teacher members of the Left Party argued that the final version of the reform measure did not promise the sort of real change that could animate and mobilize the support of precisely those populations it was ostensibly designed to benefit—Hamburg's working-class and migrant families.

TABLE 5.1. The Partisan Composition of the Hamburg Bürgerschaft, 2008–11

Party	Seats in Bürgerschaft	Position on School Reform
Christian Democratic Union (CDU)[a]	56 seats (46%)	In favor
Social Democratic Party (SPD)	45 seats (37%)	In favor
Left Party	8 seats (7%)	In favor
Greens/ Alternative List[a]	12 seats (10%)	In favor
Free Democratic Party (FDP)	0 seats	Opposed

[a] Governing party

These structural reforms at the primary and secondary levels were formally defined in the contradictory terms of neoliberal human capital development and social justice concerns for greater educational equity. Policy documents and some pro-reform policy actors symbolically invoked the interests of girls with a migration background to garner support for the reforms.

The education offensive was announced in April 2008 and overseen by Goetsch, a Green Party politician and from 2008 to 2010 Hamburg's education minister. However tenuous the coalition, the school reform plan gained support in Hamburg's state parliament, and on 9 October 2009 the reform was codified as law (Bethge 2010). Throughout the 2008–9 school year, the education ministry organized a series of regional conferences across the city, in which more than two thousand school staff, parents, and other community members participated (Behörde 2009a). These conferences led to the July 2009 publication of the *School Development Plan* with a proposal for implementing the entire reform school-by-school in all twenty-two districts (Behörde 2009d). Public feedback was solicited throughout the fall of that year, and a final plan for implementation was issued in January 2010. Implementation of the new primary (*Primarschule*) and district school (*Stadtteilschule*) forms was set for August 2010. At the secondary level, the merger of the previous school forms into the new district school moved forward, while the academic *Gymnasium* remained unchanged. At the elementary level, twenty-four schools were selected to pilot the new primary school form (Behörde 2009c). Complete implementation of the primary school form was intended for the 2012–13 school year (Behörde 2010).

However, a month after the reform was announced in April 2008, an antireform coalition was founded. Led by Walter Scheuerl, We Want to Learn (WWL) leveraged its considerable social, cultural, and economic resources in opposition to the reform. In following Apple's (2004) lead of identifying specific social blocs behind policy advocacy, I have established elsewhere that the WWL coalition was dominated by elite professionals, especially lawyers and doctors; individuals whose families had an aristocratic history; and the leading members and supporters of the liberal Free Democratic Party (see Bale 2013). Indeed, that party was the only party to oppose the "education offensive" reform (Bethge 2010).

Ultimately, WWL made use of Hamburg's "direct democracy" ballot initiative law to hold a referendum on the primary school form on 18 July 2010. The initiative succeeded in blocking implementation of the primary school. By November, Goetsch had stepped down, and the coalition government collapsed. New elections were held in February 2011, and the Social Democrats took office. WWL continues to operate as a sort of permanent opposition to Hamburg's education ministry.

In the context of this controversy, the needs of migrant girls came to be included in public deliberations at the state level. Both formal policy texts and pro-reform advocates invoked the interests of migrant girls in a contradictory fashion.

Symbolic versus Explicit Gendering

On the one hand, gender did not play an explicit role in advocacy either for or against the reform measure in any of the four interpretive communities involved in the controversy over the *Bildungsoffensive*. None of the measure's stated goals were framed in terms of the educational experiences of girls, migrant or otherwise. None of the explicit argumentation used by pro-reform advocates invoked gender as a basis for supporting the reform or challenging antireform advocates. None of the explicit argumentation used by the WWL or other antireform advocates invoked gender as a basis for critiquing the reform or challenging pro-reform advocates.

On the other hand, however, the most ubiquitous image used in formal policy texts was that of a young girl, perhaps eight or nine years old, with a broad smile, olive skin, dark brown eyes, and dark brown hair pulled back by a pink scrunchie. At times, other girls appeared in the background, somewhat out of focus, collaborating on an assignment. These girls were fairer skinned and had lighter hair. The juxtaposition suggested that the first girl has a migration background while the other girls did not. The image appeared frequently—on multilingual, trifold brochures the ministry produced about the reform measure, in PowerPoint presentations used at public hearings, on the ministry's website pages dedicated to the reform measure, and in other places. This suggests that at a symbolic level at least, formal policymakers viewed students with a migration background generally and girls with a migration background specifically as key beneficiaries of the reform measure.

However, as the reform measure came under sustained critique from the WWL and other antireform policy actors, formal policymakers and pro-reform advocates framed their defense of it primarily in terms of race and class, not gender. For example, in 2008 Goetsch participated in an interview with *Der Spiegel*, in which the reporter, Birger Menke, referenced several critiques of the *Primarschule* proposal. Menke pressed Goetsch to address concerns that the new school form would harm academic-track students: by starting *Gymnasium* in grade 7 rather than in grade 5, students would suffer academically. Goetsch's response implied that this criticism was based on a desire to segregate children from different backgrounds:

> We know from every study that heterogeneity supports learning—indeed, for stronger students, too. Thus, those who say that higher-performing students would be held back by lower-performing students should honestly ask themselves what they really mean. Whether they don‘t mean segregating children from different backgrounds. That is the actual question. (Menke 2008)

Moreover, multiple images found in pro-reform policy texts specifically accused antireform advocates of racism and class bias. The membership magazine of the GEW teachers' union dedicated two issues to a postmortem analysis of the failed *Primarschule*. Accompanying the articles were various pictures of placards with such ironic slogans as, "The elite demand: our background should be worth something again," "The elite demand: no mixing of our children," and "The elite clarify: multiculturalism is asking too much of us!" (Edler 2010). Given the emphasis that pro-reform stakeholders placed on questions of race and class, the intent of formal policy documents in using gender symbolically becomes less clear.

Marina Mannarini and the Intercultural Parents' Initiative

Marina Mannarini's advocacy on behalf of the *Bildungsoffensive* provides the clearest yet also the most contradictory insights into the controversy over this reform measure. Mannarini moved from Florence, Italy, to Germany at age twenty to study second-language education and romance languages (*BQM-Newsletter* 2010). Herself a mother of school-aged children, she was the spokesperson for the Intercultural Parents' Initiative (Interkulturelle Elterninitiative Hamburg [IKEH]) during the controversy over the *Bildungsoffensive* and a key supporter. The IKEH was formed in January 2010 as a coalition of twenty-five "migrant parent" organizations throughout the city (Kutter and Krischel 2010). The IKEH played a central role in pro-reform advocacy and seemed to enjoy a close relationship with Goetsch and the education ministry. Indeed, Goetsch was present at the press conference announcing the IKEH's formation (UoG-News 2010).

As Mannarini often stated, the IKEH represented not only diverse parents and parent groups in Hamburg but also a diverse set of ideas and perspectives on the *Bildungsoffensive*. In a 2010 interview she clarified, "Within our initiative there exist major differences in opinion with respect to the positions that we represent. This shows that there is no such thing as THE migrants" (*BQM-Newsletter* 2010). In more general terms, she stressed,

> Children with a migration background don't automatically perform poorly in school. It's high time that we understand that our children—among them highly gifted children—are needed. Not only are the language abilities of many children growing up bilingually a basic fact. But also the intercultural competencies and open-minded attitudes [they possess] are a must in today's globalized world. Of course, I don't deny that many of them face considerable difficulties in German schools. But to paint them all with the same brush doesn't get us anywhere.

How Mannarini positioned her organization and the educational experiences of students with a migration background is consistent with the conceptual framework that holds that social categories *woman* and *immigrant* are not fixed and static; they are not ascribed to individual women immigrants in the same way; and they do not capture the experiences of all women and immigrants in Germany in the same way. Instead, they are mediated by and intersect with other social categories—such as those of race, ethnicity, class, religion, and language—to create a broad continuum of experiences stretching between the extremes of inclusion and marginalization. For example, it is not immediately obvious what a highly educated, professional Southern European immigrant such as Mannarini shares with a rural Turkish woman whose migration to Germany came by way of an arranged marriage. Mannarini's comments suggest that she was aware of these important differences; that awareness is important in making sense of her and IKEH's advocacy on behalf of the *Bildungsoffensive*. And although Mannarini explicitly declared that there is no such thing as "THE migrants," she—arguably on the more privileged end of the inclusion/marginalization spectrum—ultimately served as the primary spokesperson for migrant parents.

Mannarini was as concerned with the ideas people used to advocate for the reform as she was with mobilizing that support. For example, several months before the referendum on the *Primarschule*, during a flurry of activism against the WWL's campaigns, she argued, "But beyond actions we need *arguments*, because the other side, the antireformers, they're constantly working in theirs" (Mannarini 2010a, 10, emphasis added). Both in this text and in other venues that interviewed her, published her writing, or published transcripts of her speeches, Mannarini laid out a framework of three arguments to support the *Bildungsoffensive*: (1) the impact of globalization on German society; (2) a critique of the elite selectivity of Germany's schools; and (3) a critique of the formal exclusion of migrant parents from voting. Examining the degree to which each of these arguments was taken up by other actors in Hamburg politics permits an assessment of the ability of Mannarini and her supporters to influence public discourse.

The Bearers of a Globalized World

The first of Mannarini's arguments positioned the reform as improving the educational outcomes for students with a migration background and, by extension, being good for Germany. Her argument thus has some overlap with neoliberal assumptions about the role of education in creating human capital. Students with a migration background, Mannarini argued, have precisely the sort of linguistic and intercultural skills that are necessary in today's globalized world. She articulated this argument in two ways. First, Mannarini invoked important demographic changes within Germany to claim that antireform advocates were shortsighted in opposing the reform measure. Speaking at a City Hall rally on 5 May 2010, she maintained.

> [The antireformers] fail to see what demographic projections have made quite clear: in the near future, Germany will have a considerable need for qualified workers, meaning we'll need to rely on every single well-educated person. So I ask myself whether we can continue to afford to waste the enormous potential—part of which is children with a migration background. Because children with a migration background aren't a burden but rather the bearers of a globalized world! So if social thinking is foreign to the antireformers, then at least they should do it for Germany! (Mannarini 2010c, 7)

In a 2010 interview with a quasi-public group devoted to improving vocational training for young migrants (the Beratungs- und Koordinierungsstelle zur beruflichen Qualifizierung von jungen Migrantinnen und Migranten), Mannarini addressed this issue from a different angle. When asked, “How would you explain Hamburg’s school reform measure in a minute?,” she recounted the story of Ekim Cüre, a Turkish-German woman raised and educated in Germany. Cüre had hoped to finish her training as a plastic surgeon in Germany but instead decided to move to Turkey, because in Germany, according to Mannarini, Cüre reported,

> I have to prove myself every day because of my background. Recently, a sixty-year-old patient told me that I speak good German. This comment, meant as a compliment, actually annoyed me more than it pleased me. It signaled to me that I don’t belong, even though I grew up here, successfully completed my studies here, and have German citizenship. (cited in *BQM-Newsletter* 2010)

Mannarini deployed this story to illustrate her claim that Germany is wasting such talent by not allowing youth more time to develop their abilities before separating them into different secondary school tracks. While this specific story did not circulate in broader discussions about the reform measure, the human capital approach lay at the heart of the reform: every formal policy document bore the slogan, “A Clever City Needs Everyone’s Talents!” (*Eine kluge Stadt braucht alle Talente!*).

Selection

As the reference to Cüre’s experience suggests, Mannarini’s second broad argument in support of the *Schulreform* was a multifaceted critique of the early selection built into the German school system. Mannarini at times referenced the practices of other European school systems to underscore that Germany fell outside the norm by sorting its children so early (e.g., *BQM-Newsletter* 2010). Formal policy documents made similar comparisons, arguing that Hamburg’s (and indeed, Germany’s) schools were undermining students’ potential with the practice.

Unlike formal policy documents, which framed this problem of sorting primarily in human capital concerns, Mannarini used this argument to critique the reform measure as not going far enough. At issue was the Greens’ original “One School for All” proposal. Mannarini repeatedly expressed her dissatisfaction with the “two pillar” compromise, including in Goetsch’s presence at the press conference introducing the IKEH. Despite this critique, Mannarini continued to defend the reform measure as better than nothing. In her 5 May 2010 speech, she argued,

> Indeed, critics of the primary school aren't just found among conservatives. There are others for whom—quite rightly—six years of integrated learning isn't enough. But, dear people: better six years than living another ten, twenty, thirty years with an outdated and obsolete school system based exclusively on the principle of sorting. Just like the German fairy tale, "The good ones go into the pot, the bad ones go into your crop." Funny that it's not really "politically correct" anymore to use the word *selection*, yet we continue to think in that way! (Mannarini 2010c, 7)

Nevertheless, Mannarini reserved her sharpest critique of the selectivity of Germany's school system for those who she argued benefited from the status quo. She opened this speech by declaring, "I understand: when for decades you've enjoyed your privileges, in education, too, it's difficult to let others have their share. 'We're doing well, and it should stay that way.' In my opinion, such attitudes are antisocial, plain and simple" (Mannarini 2010c, 7). In the March–April issue of the GEW union magazine, she made a similar argument:

> Are we doing enough to generate anger at the motives behind the [WWL] initiative? For as long as anyone can remember, they've enjoyed their privilege, knowing full well that they represent an elite. And now they're not willing to give up any of that, along the lines of, "What, they don't have any bread? Then let them eat cake." (Mannarini 2010a, 10)

For Mannarini, the root of this elite's rejection of the school reform was not necessarily selfishness but rather a fear of competition. That is, if schools were to become more just and allow more children to develop their potential, competition for good-paying and prestigious jobs would increase and thus threaten the elites' privileges.

Plebicite?

Mannarini was most consistent and persistent in her critique of the structural exclusion of migrants from voting, although this facet was the least frequently echoed by policymakers (e.g., the Hamburg government) or even by the main pro-reform coalitions. Given the WWL's success in organizing a special referendum on the *Primarschulreform* for July 2010, the inability of migrant parents to vote quickly became a central issue in the controversy over the reform itself. As Mannarini declared in the GEW magazine,

> Finally, I feel there's a need to take a clear stance on this most undemocratic moment that the WWL is bestowing upon us: Parents of children with a migration background are the ones who will be disproportionately affected by the decision standing before us this summer, and yet they're not allowed to vote! What on earth does that have to do with a *pleb*icite? (Mannarini 2010a, 10, emphasis in the original)

In this statement, Mannarini in fact makes two arguments. She explicitly refers to the roughly 206,000 migrants who were barred from participating in the ballot initiative because they were legal residents of the city but lacked German passports. This number represented about a quarter of all parents with preschool-aged children (Kutter 2010). Indeed, Mannarini and IKEH attempted to transform this critique into a central plank of the pro-reform camp by organizing a symbolic referendum on 3 July, fifteen days before the official referendum (Mannarini 2010c, 8). Organizers set up voting booths in the city hall plaza, invited all Hamburg residents to participate, and sponsored a cultural festival to complement the symbolic act. At the event itself, Mannarini explained, "The only option left for migrants is spectator democracy, because we're denied the right to vote. Integration can't only be a one-way street" (cited in UoG-Nachrichten 2010). One participant, Mülayim Hüseyin, the father of two children, described the problem in particularly sharp terms, "We want to participate in the elections that directly affect us. Otherwise what we have here is an apartheid situation" (cited in Kutter 2010). Among the 395 people who participated in the vote, 350 voted in favor of the *Primarschule*, and 390 voted to allow migrants to participate in future referenda (UoG-Nachrichten).

Implicitly, however, Mannarini also argued that ostensible allies in the pro-reform camp were at best indifferent to the structural exclusion of migrant parents from this ballot initiative. As she wrote in the GEW magazine,

> And now they're asking us, parents with a migration background, for our support. "We know you don't have the right to vote, and we're sorry about that. But, still, you should support us by convinc-

> ing your German friends to vote YES on the reform." I'm sorry, but that's not good enough for me! We're happy to commit ourselves to a better future for our children and thus to commit ourselves to Hamburg's parliament. However, in return, we demand assurances that the same parliament will attend to voting rights for migrants on a legal and political level! (Mannarini 2010a, 10)

In her postmortem analysis of the failed *Primarschulreform*, the sharpness of Mannarini's words suggest that the quid pro quo she had demanded never came to pass: "Let's be honest: many democrats just aren't interested in the target group 'migrants.' It doesn't take much commitment to fob us off with the ever-so-well-intended advice, 'Just become a citizen!'" (Mannarini 2010b, 14).

In print, at least, Mannarini did not elaborate on her critique of other pro-reform advocates. We can thus only speculate about whether she viewed them as opportunistic (as the first quote would suggest) in asking migrant parents to actively support the pro-reform campaign while not proactively demanding that migrant parents be allowed to vote as well, or whether she viewed them as at least ethnocentric if not worse (as the second quote would suggest) for not engaging migrant interests at all.

Conclusions

The limitations in the official statistics published by the ministry of education (e.g., the biannual *Bildungsberichte*) mean that it is difficult to ascertain the educational needs of migrant girls. Are they, like girls in general, doing fairly well? Or are they, like migrant children as a group, struggling? In the absence of data disaggregated by gender and migration status, it is difficult to establish what the objective interests of girls with a migration background might be in transforming the structure and practice of Hamburg's schools. Instead, without these data, formal policy documents produced by the Green-led education ministry worked at symbolic levels to suggest that migrant girls would be among—if not the primary—beneficiaries of the *Bildungsoffensive*.

The child with a presumed migration background featured in these formal policy documents was a girl, not a boy. This stands in some contrast to the campaign materials the Greens used during the 2008 election. The fact that the image of the boy used in that context as well as images of migrant boys in general did not appear in subsequent formal policy documents leads to an important question: Would the broader Hamburg public be inclined to support education reform in the interest of migrant boys? Two contrasting discursive patterns appear here. On the one hand, public discourse regarding boys and men with migration backgrounds is often overdetermined by questions of criminality. On the other, concerns regarding arranged marriages, headscarves and other religious attire, and violence against migrant women are often used in framing public discussions of social integration, particularly to generate sympathy (albeit paternalistic) among ethnic Germans toward migrants. (See Donovan, this volume, for more on this subject.) Intentional or not, the symbolic gendering of the *Bildungsoffensive* connects to and, indeed, reflects these gendered patterns of public discussions about migration and integration.

These findings also raise a central question about interest convergence between an intersectional group and state policymakers—that is, whether the *Bildungsoffensive* and advocacy for it were designed on behalf of girls (and their parents) from marginalized groups or designed in collaboration with them. Unfortunately, because no policy actors (whether formal, pro-reform, or antireform) explicitly framed the policy in terms of gender, this question is difficult to address directly. Mannarini's frustration provides at least some insight into this question insofar as she consistently criticized her pro-reform allies for failing to take seriously migrant parents' demand for the right to vote, for expecting migrant parents to actively campaign for a reform measure they were legally prohibited from voting on, and for condescending to migrant parents that becoming a German citizen is somehow an easy solution to the voting question or somehow an easy process. This frustration suggests a dynamic in which ethnic German policy actors were in charge, setting the terms of the policy itself and of the advocacy for it on behalf of migrant parents and their children. Although the vast majority of these policy actors (both formal and pro-reform ones) were women, neither the condescension nor the subordination that Mannarini called out was explicitly gendered.

This dynamic can also be observed in the tendency for Mannarini's social justice/antiracism frame to be overshadowed by another frame rooted in concerns regarding human capital development in an era of globalization. Her reference to Dr. Cüre provides a particularly revealing example. The story describes a young professional's experience with everyday racism, but Mannarini does not deploy it to argue in an explicit way that the *Bildungsoffensive* is an effort to redress racist structures or practices in Hamburg's schools. Rather, Mannarini uses this story to claim that because of such negative experiences, Hamburg is losing out on young migrants' talents and potential. That is, the implied antiracist message is subordinated to concerns regarding human capital development.

This ambivalence might result from Mannarini's position with respect to the controversy over the *Bildungsoffensive*: simultaneously a primary spokesperson on behalf of all migrant parents and a highly educated European migrant to Germany who is arguably more privileged than many other migrant parents. Rather than pinning this ambivalence entirely on the identity or position of a single individual, I see it within the larger context of how the *Bildungsoffensive* was framed and how the controversy over it played out. This broader perspective demonstrates that the ambivalence of Mannarini's specific advocacy for the *Bildungsoffensive* is consistent with the ideological contradictions within the policy itself and advocacy for it.

Both formal policy documents and pro-reform advocates often mixed rationales for the reform based in social justice concerns with those based in neoliberal concerns about human capital development: the cover page of the official policy text, for example, included both the image of the migrant girl and the tagline, "A smart city needs everyone's talents," a clear nod to human capital development concerns. This contradictory framing not only ceded ideological ground to antireform advocates but also failed to mobilize the voter base (parents) that would likely have benefited most from the intended reforms. Mixing social justice and human capital rationales may have been the most expedient choice for moving the reform measure through formal policymaking structures (e.g., the Hamburg Senate). But this ambivalent framing fatally undermined the policy once it came under attack from elite sectors of the city, failing to generate broad public support. Fritz Dittmar, a *Gesamtschule* teacher and pro-reform advocate who contributed a letter to one of the two postmortem analyses in the GEW union magazine, provides crucial insight into how the Hamburg government's appropriation of migrants' concerns contributed to the demise of their own policy:

> The primary school reform didn't generate much interest among those it was meant to benefit. They have more important problems: how to make ends meet with [cuts to unemployment], how to get off unemployment altogether, to keep their job, not to be charmed by any of [anti-immigrant politician Thilo] Sarrazin's foolishness, to pay the rent, to get the money together for child care, and so on. Whether their kids get labeled as "losers" after four years or six is a

> secondary problem. In addition, the fact that, since [former German Prime Minister Gerhard] Schröder, the term *reform* has meant come to mean "threat" and not "promise" also played a role. (2010, 25–26)

In many ways, as the spokesperson for a coalition of more than twenty-five migrant parent organizations, Mannarini was the best-positioned policy actor to represent the intended beneficiaries (*vorgesehenen Nutznießern*) of this reform measure, yet she framed her advocacy with an ambivalence similar to the policy itself. This is not to say that Mannarini bears direct responsibility for the policy's failure but rather to underscore the point she made: the ideas one uses to frame education policy reforms and advocate for them are as important as the legwork required to mobilize the advocacy itself.

The failure of the Hamburg school reform illustrates some of the difficulties faced by intersectional groups in making their voices and preferences heard in public debates. The international PISA study highlighted some of the shortcomings in the German school system but did not constitute a venue through which migrant families could force German policymakers to adopting educational reforms conducive to minority achievement. Rather than obtaining civil society allies who could aid them in pressuring the government from below, migrants in Hamburg found such groups actively working against the school reform. Women's groups were silent on the issue. And while the Greens initially called for thorough school reforms to benefit (among others) migrant boys, this framing disappeared along with the idea of "one school for all" as well as migrants' concerns about being excluded from Hamburg's political decision-making process.

NOTES

1. All translations by author.

2. In the Hamburg case, migrant status cut across race, class, and ethnoreligious lines, meaning that some members of this group were marginalized in ways beyond their gender and national origin.

3. Although this phrase "student with a migration background" is awkward in English, I use it in this chapter. The criteria used to define such students are different from those used by the U.S. government to define membership in racial or ethnic groups or to label English-language learners. Thus, to "translate" the German term into a more familiar one would blur these distinctions too much.

4. The disaggregations by gender do not appear in the shorter executive summary (*Zusammenfassung*) of each *Bildungsbericht*; finding the gender-related data requires digging through the full report (usually comprising more than 350 pages).

5. All documents were written in German, though I use the English translations of all titles in the interest of readability.

6. Elsewhere (Bale 2013), I have analyzed the Hamburg reform measure in light of neoliberal policymaking. While the research questions discussed here prompted me to view the data again with a specific lens (i.e., not in such an open-ended way as with the grounded theory approach I originally used), the data led me to draw quite similar conclusions.

7. The actual term used was *Kompetenzen* (competencies). However, I think they equate to U.S. standards and the debates over them and consequently have used this translation. For background on these debates, see Ravitch 2010, chap. 2.

REFERENCES

Apple, M. W. 2004. “Creating Difference: Neo-Liberalism, Neo-Conservatism, and the Politics of Education Reform.” *Educational Policy* 18.1: 12–44.

Arlt, S., D. Bange, K.-F. Beck, C.-H. Doose, C. Eichelbauer, D. Fickermann, J. Jacobi, I. Kammigan, M. Krätzschmar, P. May, R. Meier, M. Pietsch, J. Scholz, and J. Wolff. 2009a. *Bildungsbericht Hamburg*. Hamburg: Behörde für Schule und Berufsausbildung.

Arlt, S., D. Bange, K.-F. Beck, C.-H. Doose, C. Eichelbauer, D. Fickermann, J. Jacobi, I. Kammigan, M. Krätzschmar, P. May, R. Meier, M. Pietsch, J. Scholz, and J. Wolff. 2009b. *Bildungsbericht Hamburg: Zusammenfassung 2009*. Hamburg: Behörde für Schule und Berufsausbildung.

Auernheimer, G. 2009. “Einleitung.” In G. Auernheimer, ed., *Schieflagen im Bildungssystem: Die Benachteiligung der Migrantenkinder*, 3rd ed. Wiesbaden: Springer VS.

Bale, J. 2013. “‘*Weg da—Wir Wollen Lernen!*’: Education Reform in Hamburg, Germany, in Neoliberal Times.” *Teachers College Record* 115.8: 1–36.

Barth, T., and O. Schöller. 2005. “Der Lockruf der Stifter: Bertelsmann und die Privatisierung der Bildungspolitik.” *Blätter für deutsche und internationale Politik* 11:1339–48.

Bericht der Beauftragten der Bundesregierung für Migration, Flüchtling, und Integration über die Lage der Ausländerinnen und Ausländer in Deutschland. Available at http://www.bundesregierung.de

Behörde für Schule und Berufsbildung. N.d. *Hamburg’s School Offensive: Information for Parents*. Hamburg: Behörde für Schule und Berufsbildung. Available at www.hamburg.de/contentblob/906660/data/flyerneu-englisch.pdf

Behörde für Schule und Schulreform. 2009a. *Eine kluge Stadt braucht alle Talente: Die Schulreform in der Praxis*. Hamburg: Behörde für Schule und Berufsbildung. Available at http://www.proschulreformhh.de/web-archiv/

Behörde für Schule und Schulreform. 2009b. *Hamburger Bildungsoffensive: Eine kluge Stadt braucht alle Talente*. Hamburg: Behörde für Schule und Berufsbildung.

Behörde für Schule und Berufsbildung. 2009c. *Newsletter der Behörde für Schule und Berufsbildung*, July. Available at http://www.bsb-hamburg.de/juli_2009.html

Behörde für Schule und Berufsbildung. 2009d. *Schulentwicklungsplan für die staat-*

lichen Primarschulen, Stadtteilschulen, und Gymnasien in Hamburg, 2010–2017. Hamburg: Behörde für Schule und Berufsbildung.

Behörde für Schule und Berufsbildung. 2010. *Newsletter der Behörde für Schule und Berufsbildung*, 18 June. Available at https://www.bsb-hamburg.de/newsletter_18_06_2010.html

Bethge, H. 2010. "Schulklassenkampf: Über Stärken und Schwächen der Bewegung." *Hlz—Zeitschrift der GEW Hamburg*, 22–24 September.

BQM-Newsletter. 2010. "Ein Schritt in die richtige Richtung: Die Schulreform aus Sicht einer Migrantin." *BQM-Newsletter*, May. Available at http://www.bqm-hamburg.de/media/newsletter/newsletter_2010_2.pdf

Butterwegge, C., B. Lösch, and R. Ptak. 2008. *Kritik des Neoliberalismus*, 2nd ed. Wiesbaden: VS Verlag für Sozialwissenschaften.

Charmaz, K. 2004. "Grounded Theory." In S. Hesse-Biber and P. Leavy, eds., *Approaches to Qualitative Research: A Reader on Theory and Practice*. New York: Oxford University Press.

Dittmar, F. 2010. "Wie weiter nach Scheuerl?" *Hlz—Zeitschrift der GEW Hamburg*, October–November, 25–26.

Edler, K. 2010. "An die eigene Nase fassen." *Hlz—Zeitschrift der GEW Hamburg*, October–November, 16–18.

Glaser, B. G., and A. L. Strauss. 1967. *The Discovery of Grounded Theory: Strategies for Qualitative Research*. Chicago: Aldine.

Hursh, D. 2007. "Assessing No Child Left Behind and the Rise of Neoliberal Education Policies." *American Educational Research Journal* 44.3: 493–518.

Jones, K., C. Cunchillos, R. Hatcher, N. Hirtt, R. Innes, S. Joshua, and J. Klausenitzer. 2008. *Schooling in Western Europe: The New Order and Its Adversaries*. New York: Palgrave Macmillan.

Klausenitzer, J. 2002. "Altes und Neues: Anmerkungen zur Diskussion über die gegenwärtige Restrukturierung des deutschen Bildungssytems." *Widersprüche* 83 (March): 53–68.

Krupa, M. 2009. "Gucci-Protest." *Die Zeit*, 23 April. Available at http://www.zeit.de/2009/18/Lsp-Schulreform

Kutter, K. 2010. "Wo ein Wille, da ein Weg." *Die Tageszeitung*, 4 July. Available at www.taz.de/!55123/

Kutter, K., and L. Krichel. 2010. "Migranten für Primarschule." *Die Tageszeitung*, 22 January. Available at www.taz.de/!47238/

Lipman, P., and D. Hursh. 2007. "Renaissance 2010: The Reassertion of Ruling-Class Power through Neoliberal Policies in Chicago." *Policy Futures in Education* 5.2: 160–78.

Magotsiu-Schweizerhof, E. 2000. "Zur deutschen Debatte um die Schulautonomie und die Folgen für die Chancengleichheiten von Migrantenkindern." In F.-O. Radtke and M. Weiß, eds., *Schulautonomie, Wohlfahrtsstaat, und Chancengleichheit: Ein Studienbuch*. Opladen: Leske und Budrich.

Mannarini, M. 2010a. "Argumente für die Schulreform müssen her!" *Hlz—Zeitschrift der GEW Hamburg*, March–April, 10.

Mannarini, M. 2010b. "Ausgrenzung keine Schicksalsfrage." *Hlz—Zeitschrift der GEW Hamburg*, September, 14–15.

Mannarini, M. 2010c. "Träger der globalisierten Welt." *Hlz—Zeitschrift der GEW Hamburg*, July–August, 7–8.

Martens, K., and D. Niemann. 2013. "When Do Numbers Count?: The Differential Impact of the PISA Rating and Ranking on Education Policy in Germany and the US." *German Politics* 22.3: 314–32.

Menke, B. 2008. "Spiegel-Interview: Wir müssen die Selektion der Zehnjährigen überwinden." *Der Spiegel*, 10 October. Available at http://www.spiegel.de/schulspiegel/wissen/0,1518,582794,00.html

Meyer, H. U. 2009. "Schulreform: CDU will Ausnahme für Hamburger Elitegymnasien; Bildungsstreit: Neuer Vorstoß spaltet schwarz-grünen Senat." *Hamburger Abendblatt*, 27 May.

OECD. N.d. *Programme for International Student Development*. Available at www.oecd.org/pisa

Picower, B. 2011. "Resisting Compliance: Learning to Teach for Social Justice in a Neoliberal Context." *Teachers College Record* 113.5: 1105–34.

Radtke, F. 2000. "Einleitung." In F. Radtke and M. Weiß, eds., *Schulautonomie, Wohlfahrtsstaat, und Chancengleichheit: Ein Studienbuch*. Opladen: Leske und Budrich.

Ravitch, D. 2010. *The Death and Life of the Great American School System: How Testing and Choice Are Undermining Education*. New York: Basic Books.

Schöller, O. 2004. "Vom Bildungsbürger zum Lernbürger: Bildungstransformationen in neoliberalen Zeiten." *PROKLA—Zeitschrift für kritische Sozialwissenschaft* 34.4: 515–34.

UoG-Nachrichten. 2010. *Migrant/innen fordern Wahlrecht beim Volksentscheid am 18. Juli*. 7 July. Available at http://uog-ev.de/extras/uog-nachrichten/uog-nachricht/article/migrantinnen-fordern-wahlrecht-beim-volksentscheid-am-18-juli/

UoG-News. 2010. "Gemeinsam sind wir stark: Pressekonferenz der Interkulturellen Elterniniative mit Christa Goetsch." *UoG-News*, January. Available at http://uog-ev.de/fileadmin/user_upload/doc/newsletter/UoG_News_2010_1.pdf

Yanow, D. 2000. *Conducting Interpretive Policy Analysis*. Thousand Oaks, CA: Sage.

CHAPTER 6

Gendering the German Minimum Wage Debate

A Male Frame for a Female Problem

Annette Henninger

For decades, (Western) Germany was a prototypical example of a corporatist welfare state (Esping-Andersen 1990). The German Basic Law (Article 9, Paragraph 3) gives labor unions and employers' associations the right to agree on wages and working conditions without state interference. Thus, until the introduction of a federal minimum wage in 2015, collective bargaining was the considered the only legitimate arena for wage setting. As a consequence of this strong reliance on collective bargaining, Germany was one of the seven European countries without a statutory minimum wage (Grimshaw and Bosch 2013; WSI 2016).[1] While the male-dominated system of sector-specific collective bargaining has never been very effective in protecting women from low wages, the combined effects of a deregulation of the labor market, welfare state reforms, and a decreasing degree of coverage led to an erosion of collective bargaining (Dostal 2012; Bosch and Weinkopf 2013). In the absence of a statutory minimum wage, the unregulated zones in the labor market expanded (Bosch and Weinkopf 2013, 400). Unions are especially weak in the booming sectors of the private service economy, notorious for their poor working conditions and for employing large numbers of women (Bosch, Weinkopf, and Kalina 2009, 39). Thus, the share of low-wage employment in Germany reached nearly as high as the U.S. share and even topped that in the United Kingdom (Bosch 2009, 339). Low wages are overwhelmingly a female problem: according to EU

BOX 6. **Working-Class Women**

INTERSECTION STUDIED	Gender + Class (Female Low-Wage Workers)
TIME PERIOD STUDIED	2002–13
POLICY ISSUE STUDIED	Minimum-wage law
GERMAN POLICYMAKERS AS ALLIES	Women's auxiliaries of the Social Democratic Party and the Green Party Federal Association of Local Governments' Women's Offices (BAG) Social Democratic Party and the Green Party (*only after shifts in public opinion following a huge increase in the low-wage sector*)
DOMESTIC INTEREST GROUP ALLIES	National Council of German Women's Organizations (Deutscher Frauenrat [DF]) Umbrella Union Confederation (Deutscher Gewerkschaftsbund [DGB]) (*without gendering the debate and when men came to share the same problem*)

data, in 2010 two-thirds of all low-wage earners in Germany were female. One-third of all gainfully employed women earned less than 60 percent of the median gross monthly income; nearly 20 percent earned less than 50 percent (George 2011).[2]

Switching from collective bargaining to a statutory minimum wage to protect the interests of (female) low-wage earners was a paradigmatic change for the German system of industrial relations, and the law required such a change to occur at the federal level. However, political actors were reluctant to embrace a federal minimum wage. In 2002, the union organizing workers in the female-dominated hospitality and food sector (NGG) was the first to call for a federal minimum wage, while other unions—among them the powerful male-dominated metalworkers' and chemical workers' unions—as well as employers' associations, considered collective bargaining the only legitimate arena for wage setting. In the same year, the Left Party started a parliamentary campaign for a federal minimum wage.[3] After several years of internal controversy, the labor unions' umbrella association (DGB) came to support a federal minimum wage in 2006. Commenting on this shift, Rubery and Grimshaw argue that

> It is perhaps the increasing effects of deregulation on men that have prompted an active debate on minimum wages in Germany when previously the low wages paid to women excited little interest among trade unions. (2009, 16)

The DGB's changing position triggered a readjustment among political parties (Dostal 2012) starting on the left. Germany has an elaborate women's policy infrastructure with women's caucuses in the political parties, administrative gender equality units, and extraparliamentary women's organizations (Lang 2009), and the parliamentary debate consequently opened up new possibilities to promote the interests of female low-wage workers. In the run-up to the 2013 federal election, even the staunchest opponents of such a policy—the Conservatives and the Liberal Party—came around with a watered-down proposition for a minimum wage. After the Conservatives and the Social Democrats formed a Grand Coalition government in 2012, they introduced a federal minimum wage of 8.50 euros per hour, which came into force in 2015 (MiLoG 2014). The gendered nature of the problem means that the main beneficiaries of this new policy are women.

This chapter analyzes the central actors' shifting political stances between 2002 and the 2013 federal election that led to the introduction of a federal minimum wage. I study the intersection of class and sex (see box 6). I focus on how the interests of low-wage women were introduced into the policy process and how proponents of such a policy overcame domestic political opposition to a minimum wage. The passage of the minimum wage can be explained by changes in the framing of the policy away from one that would benefit mainly female low-wage workers to one that would protect mainly male workers from foreign competition. This framing enabled women working for low wages to form alliances with domestic interest groups and political parties to make their voices heard. Drawing on the concept of framing, I ask whether the high incidence of low wages among female workers was conceived as part of the problem that had to be solved and if not, how this absence can be explained. The chapter presents the analytical framework, which is based on an application of the framing approach stemming from social movement research in a context of institutionalized interests. The reframing of the issue of low wages (i.e., a changing definition of the problem and the possible solutions) was the precondition for the paradigmatic shift toward a federal minimum wage policy. Moreover, framing problems in gender-sensitive ways is a crucial venue for women's policy agencies (WPAs) to identify an intersectional group of women as potential target group of a policy. The chapter then traces the gendered framing of the minimum-wage debate, focusing on the process of political readjustment among central actors, internal conflicts, changes in the framing of the problem, and frame alignment. I first examine labor unions and employer organizations, the dominant arena of the policy debate until 2006, before turning to the parliamentary arena. In spite of their initial success in gendering the policy debate, labor unions in feminized sectors and women's auxiliaries in left-leaning parties gained support for a minimum wage in 2013 from the governing Conservative and Liberal Parties as the result of a protectionist frame (protecting mostly male workers from wage dumping by East European competitors). Thus, they succeeded by choosing a male frame for an overwhelmingly female problem. I then conclude by exploring why the CDU's women's caucus and the minister of family and gender equality, Kristina Schroeder (CDU), did not support the minimum wage.

Theoretical Perspectives and Sources of Evidence

The concept of framing originally stems from Goffman (1974), who conceived frames as individual schemata of interpretation. The research on social movements gave this concept a collective, action-oriented twist (Benford and Snow 2000, 614). According to Snow and Benford, frames organize experience and guide action by simplifying and condensing aspects of reality in ways that are "intended to mobilize potential adherents and constituents, to garner bystander support, and to demobilize antagonists" (1988, 198). Framing refers to definitions of policy issues in terms of problems (*diagnostic frame*), policy goals (*prognostic frame*), and mobilization (Snow and Benford 1988) and thus can help to put an issue on the political agenda. Moreover, framing strategies often include reactions to opponents' counterframing efforts (Benford and Snow 2000). As Sauer (2010) points out, the framing of an issue gives nonstate actors an opportunity to insert their ideas and interests into the policy discourse. Therefore, framing has been used to analyze the influence of WPAs (organizations lobbying for women's interests, gender experts and women's caucuses inside the political parties) on policy discourses and outcomes (Sauer 2010; Ferree and Mueller 2011).[4] The analysis of policy frames[5] has also been applied to explain policy change in institutionalized settings, such as in analyses of labor unions' strategies (Gahan and Pekarek 2013) and welfare state change (Steensland 2008;

Perez-Vaisvidovsky 2013). The concept of framing applied by the Research Network of Gender Politics and the State (RNGS) project and by Perez-Vaisvidovsky (2013) proved most helpful for my research.

RNGS focuses mainly on the *issue frames* (meanings given to a specific policy) applied by collective actors (Sauer 2010, 194). Because the issue frames provided by WPAs refer to the situation of women and to gender relations, they are mostly explicitly gendered—that is, the dominant frame is a focus on gender equality (Sauer 2010, 197). When the WPA's issue frame is identified, the next step of the analysis is to check for *issue frame fit*—to analyze the compatibility of this frame with the issue frames applied by other actors (Sauer 2010, 210). According to Sauer (2010, 215), framing a problem in gender-sensitive way is a venue for WPAs to bring women's movement ideas into the policy arena, to identify women as potential target group, and potentially to insert women's movement actors into the policymaking process.

However, women's interests are internally diverse, and in an institutionalized setting such as collective bargaining that is characterized by strong entrenched interests, the efforts of WPAs to gender the policy debate are not the only game in town. As Perez-Vaisvidovsky (2013) shows in his analysis of the introduction of paternal leave in Israel, different branches of political institutions also adopt frames to legitimize their political stance toward a new policy. Different interests and personal affiliations may lead to intraorganizational conflicts about the formal institutional standpoint. While interest theory would expect actors to adopt frames fitting their institutional interests, a central finding of Perez-Vaisvidovsky (2013, 422) is that after their initial fixation, frames take on a life of their own, influencing and shaping institutional interests.

In my case, agents of change had to introduce new diagnostic and prognostic frames into the debate to overcome the dominant frame of wage setting as an issue of collective bargaining. This constitutionalist frame is implicitly gendered, as it serves the interests of male industrial core workers better than the interests of low-wage women in the service sector. The labor unions in feminized sectors tried to introduce a social justice frame that was compatible with WPAs' gender equality frame to promote the interests of women in the minimum wage debate. The analytical concept of issue frame fit allows me to assess whether efforts to gender the debate succeeded by analyzing the compatibility of the gender equality frame with the formal institutional standpoint of crucial actors.

Methodically, I apply process tracing,[6] combining a review of the literature to identify institutionalized interests with a content analysis of policy documents to identify the changing framing strategies applied by the central actors. My data sources are publicly available documents such as brochures, minutes, and resolutions of general meetings that can be assumed to represent the standpoint of the organization generating them. I also rely on both documents produced in the parliamentary process and on media reports.

Tracing the Gendered Framing of the Minimum Wage Debate

The Erosion of Collective Bargaining: Shifting Interests and New Frames

In the old conservative-corporatist West German welfare state, the degree of unionization among male workers in core industries was high, and wage-setting agreements meant that male breadwinners could support their families (Gottschall and Schröder 2013). These agreements also included low-wage groups for women, an ongoing issue of contention because women complained that their unions better served the interests of men (Plogstedt 2013, 322). When the female employment rate started to rise in the 1970s, individual women tried to juggle part-time work and family, leading to a slow modernization of the traditional male-breadwinner model. Since the 1980s, Bleses and Seeleib-Kaiser (2004) observe a dual transformation of the West German welfare state, starting with labor market deregulation and a hidden retrenchment of social security programs and followed by an expansion of reconciliation policies. The erosion of the conservative-corporatist model was accelerated by German unification in 1990: women in East Germany held on to the dual-earner model established in the GDR even after the introduction of the conservative social model (Klenner 2009). Unification also dealt a serious blow to industrial relations, as the West German system of collective bargaining could not be transferred to the East (Dostal 2012, 99).

Under the Red-Green government (2002–5), the Hartz reform policy sped up the erosion of the conservative-corporatist model. These reforms expanded nonstandard work—such as temporary agency work, fixed-term contracts, and minijobs—to trigger employment growth (Dostal 2012, 100). Minijobs are a special form of part-time work with a monthly income below 450 euros that is exempt from social security coverage other than health insurance as well as exempt from taxation if the employee has no other income (Bargain et al. 2005, 2). Resulting changes in the labor market included a replacement of full-time employment in retail by mini-jobs, an outsourcing of business and public services to private contractors with lower rates of pay, and an expansion of fixed contracts and temporary agency work in the core sectors of the economy.[7] Due to high tax penalties for a second income under Germany's tax system, mini-jobs are especially attractive for married women (Gleichstellungsbericht 2011, 141). The number of mini-jobbers rose from 4.2 million in 2002 to 4.9 million in 2011; two-thirds of this group were female (WSI 2014a, 6). Temporary agency work, mostly in male-dominated industry jobs, nearly tripled from 326,000 in 2002 to 910,000 in 2011; more than 70 percent of temporary agency workers were men (WSI 2014a, 9). In 2005, the duration of unemployment benefits was reduced to one year, after which time a new benefit of last resort, ALG II, applies. The means test for ALG II is based on household income, meaning that spouses must step in before a worker is eligible and thus that all adult members of the household must participate in the labor market (Wersig, Künzel, and Berghahn 2006). This requirement put pressure on formerly inactive housewives and mothers to work outside the home (Jaehrling and Rudolph 2010). The female employment rate in Germany (70 percent in 2011) is above the EU average (62 percent), and nearly 46 percent of all women work part-time (compared to an EU average of 31 percent) (StatBA 2012), often in lower-paid female occupations in the service sector. Germany has one of the highest gender pay gaps in Europe (23 percent in 2011 [StatBA 2012]), and women are heavily overrepresented among low-wage earners (George 2011).

Labor market activation under the conditions of an increasingly deregulated economy led to a rising number of working poor. Public opinion shifted in favor of a federal minimum wage after the number of ALG II recipients rose to nearly five million in 2005, including many workers who had to apply for means-tested benefits to supplement their low wages (Bosch, Weinkopf, and Kalina 2009, 40). However, many labor unions initially were reluctant to embrace a federal minimum wage to promote the interests of (female) low-wage earners.

From 1998 to 2012, collective bargaining coverage dropped from 76 percent to 54 percent in western Germany and from 63 percent to 48 percent in the eastern part of the country (WSI 2014b). Membership experienced the greatest declines in the service sector union ver.di, and the male-dominated metalworkers' union (IGM) became the strongest player in the umbrella labor organization (DGB) (see table 6.1).

Only in the GEW, ver.di, and NGG do women account for more than 40 percent of members. Thus, with the exception of the public sector union, GEW, women's representation tends to be stronger in weaker unions that are confronted to a higher degree with the erosion of collective bargaining. These unions were the first to call for a federal minimum wage. The small NGG, confronted with large-scale wage dumping in the female-dominated hospitality and food sector, began proposing a federal minimum wage in 2002 (Sterkel, Schulten, and Wiedemuth 2006, 268). In 2004, the private service-sector union (ver.di) joined in (Sterkel 2006, 22–23). By contrast, collective bargaining still gave the IGM and the IG BCE, two large unions organizing male workers in the core metal and chemical industries, a strong position. Both initially opposed a federal minimum wage on the grounds that it would undermine the constitutionally legitimized system of collective bargaining and weaken the position of the unions (Dostal 2012). The construction workers' union, IG BAU, was ambivalent. It had agreed with the employers' organization on a sector-specific minimum wage of ten euros per hour based on a 1996 protection-

TABLE 6.1. Number of Union Members and Share of Female Members, 2001–13

	2001		2006		2011		2013	
Sector (Labor Union)	members	female (%)	members	female (%)	members	Female (%)	members	Female (%)
Chemical industry (IG BCE)	862,364	18.9	728,702	19.1	672,195	20.0	663,756	20.5
Construction/ agriculture (IG BAU)	509,690	13.5	368,768	16.4	305,775	21.7	288,423	23.3
Education/science (GEW)	268,012	67.8	249,462	68.9	263,129	70.2	270,073	70.7
Food/hospitality (NGG)	250,839	39.8	211,573	39.7	205,637	41.0	206,930	41.7
Metal industry (IGM)	2,710,226	18.8	2,332,720	18.1	2,245,760	17.6	2,265,859	17.7
Police (Polizei-Gew)	185,380	16.9	170,835	21.2	171,709	22.6	174,102	23.2
Private service sector (ver.di)	2,806,496	49.4	2,274,731	49.8	2,070,990	50,7	2,064,541	51.3
Railways (EVG/ Transnet)	306,002	20.5	248,983	21.1	220,704	21.2	209,036	21.4
Umbrella organization (DGB)	**7,899,009**	**31.7**	**6,585,774**	**31.9**	**6,155,899**	**32.5**	**6,142,720**	**33.0**

Source: www.dgb.de/uber-uns/dgb-heute/mitgliederzahlen

Note: A major 2001 restructuring of the unions means that comparisons to earlier data are not possible.

ist law (Arbeitnehmer-Entsendegesetz [AEntG]) that prescribes minimum standards for foreign subcontractors on construction sites. While arguing in favor of sector-specific low-wage thresholds, the IG BAU feared that a federal minimum wage below that level would weaken its bargaining position (Sterkel, Schulten, and Wiedemuth 2006, 278).

At the 2002 DGB convention, NGG, ver.di, and IG BAU proposed a campaign for a living wage of fifteen hundred euros per month, thus applying a social justice frame that contrasted with the constitutionalist and power-oriented stance of the IGM and IG Chemie. The IGM endorsed the call for a living wage but pushed for a cancellation of the fifteen-hundred-euro-threshold because it would raise expectations for a federal minimum wage (George 2007, 9). Instead, the DGB cooperated with the Social Democratic Party (SPD) to reform existing legislation to expand sector-specific low-wage thresholds (DGB 2006a, 59). Because unions and employer organizations must act jointly to propose these low-wage thresholds, this policy was compatible with constitutionalist as well as social justice frames.

In January 2006, when the Service Directive of the European Commission (2006/123/EC) promoting a liberalization of the service sector threatened to further pressure their bargaining position, NGG and ver.di started a campaign for a minimum wage of 7.50 euros per hour.[8] As a consequence of the rising numbers of temporary agency workers, part-timers, and fixed-contract workers in their organizational fields, the metalworkers' and chemical workers' unions had ceased resisting a federal minimum wage (Dostal 2012, 112). In May 2006, therefore, the DGB congress adopted a motion for a federal minimum wage for sectors with or without lower collective-bargaining agreements. The DGB also proposed that existing laws be expanded to strengthen collective bargaining (DGB 2006b, 7). At the end of 2007 the DGB launched a campaign for a federal minimum wage of 7.50 euros, with that number increasing to 8.50 euros in 2010.[9] On its campaign homepage, the DGB portrays male as well as female low-wage workers in sectors such as towing services, child and elder care, temporary agency work, security, retail, and hospitality. It explains how a federal minimum wage works and provides a list of ten arguments why Germany should introduce such a policy:

> 1. A minimum wage ensures that people can make a living from their work. 2. It prevents future old-age poverty. 3. It reduces public spending to supplement low wages via social transfers. 4. It creates

> dignified working conditions and recognizes the worth of work. 5. It prevents wage dumping and unfair competition. 6. It prevents the downward spiral of wages. 7. A minimum wage promotes equal opportunities for women, who are disproportionally affected by low wages. 8. It increases demand and has a positive effect on the economy. 9. Twenty-one of twenty-eight EU member states already have a statutory minimum wage. 10. A minimum wage creates transparency for workers about what they are owed.[10]

The dominant social justice frame for the new policy shows clear traces of the early calls for a living wage and the efforts of the female-dominated service sector unions to improve the situation of working women. It is accompanied by the Keynesian demand-side argument that higher wages would have positive effects on the economy. While wage dumping is an issue, it is not framed in protectionist terms here. However, protecting the national market from foreign competition gained importance for the DGB beginning in 2010.

A protectionist frame also was a crucial driver for a shift in employers' positions toward a minimum wage. The German Employers' Federation initially was a staunch opponent of a federal minimum wage, arguing it would be a job killer and hollow out the constitutional guarantee of the state's noninterference in wage setting. In reaction to the DGB's minimum-wage campaign, the Employers' Federation published a 2008 leaflet providing thirteen neoclassical economic arguments against a legal minimum wage, *Minimum Wages Create Unemployment* (BDA 2008). However, resistance against sector-specific solutions gradually decreased. Employers in the construction industry had been the first to agree with the IG BAU on a sector-specific minimum wage in 1996 to prevent wage dumping by foreign subcontractors (Bosch, Weinkopf, and Kalina 2009, 41). Fearing low-wage competition from Eastern European competitors after the liberalization of the service market, temporary work agencies started to negotiate an agreement with the unions in 2006 that was finally signed in 2011 (Bosch, Weinkopf, and Kalina 2009, 45).

The Shift to the Parliamentary Arena: New Opportunities to Promote Weak Interests?

The DGB's new position entailed a shift of the debate to the parliamentary arena and triggered a process of political readjustment among political parties starting on the left. Germany has a multiparty system where party competition follows different logics under changing political coalitions, which in turn affects gender policy (Henninger and von Wahl 2014). Five political parties currently are represented in the federal parliament (see table 6.2; for an overview of the parties, see table I.1 in the Introduction).

The shift to the parliamentary arena also provided new opportunities for WPAs to introduce a gender equality frame into the minimum-wage debate. While the conservative CDU has the longest-standing women's caucus (Frauen Union, founded in 1951), the parties on the left were the first to introduce quotas for political offices: After the Green Party, with its 50 percent quota, entered parliament in 1983, the competition for female voters put the SPD under pressure, and it followed in 1988. Nearly all of the parties now have women's caucuses and some type of quota regulation,[11] which increased the chances of women's electoral success. Since 1998, women have accounted for about one-third of the members of parliament (Davidson-Schmich and Kürschner 2011). Controversy persists about whether this increased descriptive representation has led to better substantive representation of women's interests (Celis et al. 2008). Using survey data, Brunsbach (2011) shows that female delegates in the German parliament give higher priority to issues of family policy and gender equality than do male delegates for all parties except the FDP. However, female delegates' political standpoint is mediated by their party affiliation: con-

TABLE 6.2. Main German Political Parties and the Minimum Wage

Name of Political Party	Date Party Came to Support a Minimum Wage	Period in Government
Christian Democratic Union/ Christian Social Union (CDU/CSU)	2011 (Sector-specific minimum wage)	2005–9 (coalition with the SPD) 2009–13 (coalition with the FDP) 2013– (coalition with the SPD)
Social Democratic Party (SPD)	2009	1998–2005 (coalition with the Greens) 2005–9, 2013– (coalition with the CDU/CSU)
Left Party (formerly PDS)	2002	—
Alliance 90/Greens	2006	1998–2005 (coalition with the SPD)
Free Democratic Party (FDP)	2013 (Sector-specific minimum wage)	2009–13 (coalition with the CDU/CSU)

servative and liberal delegates focus more on family policy, while delegates from the SPD and the Greens are more active on issues of gender equality.

Thus, once an issue is sufficiently politicized as being in women's interest, the women's caucuses of the political parties can be expected to take up the issue, as clearly occurred in the case of the minimum wage. After the unions in feminized sectors took the lead, organizations lobbying for women's interests, such as the femocratic Federal Association of Local Governments' Women's Offices and Germany's umbrella women's organization, the Deutsche Frauenrat, joined the minimum-wage campaign in 2006.[12] Working-class women thus gained domestic interest group allies who could aid them in pressuring the national government from below. The women's groups subsequently appealed to the government to introduce a federal minimum wage and popularized this policy at public events such as those held on International Women's Day and Equal Pay Day. In the run-up to the 2009 and 2013 federal elections, both organizations as well as the German Women Lawyers Association published election scorecards that ranked the parties on their support for a federal minimum wage to prevent female old-age poverty and promote living wages and equal pay.[13]

However, the political position of women inside the political parties and thus their framing of the minimum-wage issue is likely to be influenced by their political affiliation: The parties on the left (the Left Party, the SPD, and the Green Party) as well as their women's caucuses can be expected to realign their minimum-wage policy according to the position of the labor unions. By contrast, the Liberals (FDP) can be expected to represent employer interests. The Conservatives are more complicated. While the Bavarian CSU is mainly traditionalist (Henninger and von Wahl 2014), the CDU is a corporatist catchall party whose response to new issues depends on the prevailing coalitions between the different wings of the party (Wiliarty 2010, 220). After the turn of the twenty-first century, the market-liberal and liberal-progressive wings of the CDU gained importance. Bypassing traditional conservatives, the liberal wings of the party formed a coalition that pushed through a much-discussed modernization of family policy that won back female voters (Clemens 2009, 125; Morgan 2013).[14] By contrast, the party's social Christian labor wing (Christlich-Demokratische Abeitnehmerunion [CDA]) lost ground after reunification (Wiliarty 2010, 136). The weakness of the labor wing means that the Conservatives can be expected to act as a political ally of business. The political position of the Frauen Union is less easy to predict. On the issue of a minimum wage, they might continue to side with the liberal wing of the party or renew their cooperation with the CDA from the 1980s and early 1990s. This alliance enabled the introduction of parental leave, the prevention of abortion restriction, and measures to increase female participation inside the CDU (Wiliarty 2010, 108).

The process of readjustment among political parties was influenced by two external factors. In the first period, the shifting position of the labor unions triggered a realignment of the parties to the left. The advocates of a minimum wage applied a broader social justice frame that depicted women as one of the target groups of the new policy. However, conservative-liberal opponents (CDU/CSU and FDP) could be won over only when the imminent May 2011 opening of the German labor market to Central and Eastern European workers led to a protectionist reframing of the policy beginning in 2010.

Realignment of the Left: The Minimum Wage as an Issue of Social Justice, 2006–2009

From early on, the call for a federal minimum wage was a major mobilizing issue for the Left Party. The Left presented itself as a more radical alternative and as a more credible advocate of the interests of low-wage earners than the Greens and the SPD, which had initiated the Hartz reforms during their second term in government (2002–5). The call for a minimum wage first appeared in the Left Party's 2002 federal election platform, which justified the policy on the grounds that it would guarantee a living wage (PDS 2002, 5). In its 2005 election platform, the party renewed this claim, setting the minimum wage at fourteen hundred euros annually for full-time employment (Linkspartei.PDS 2005, 9). In 2006 and 2007, the Left unsuccessfully filed three bills for a minimum wage of eight euros per hour for those sectors not covered by collective agreements (BT-Drucksache 16/398, 18.01.2006; BT-Drucksache 16/1878, 20.06.2006; BT-Drucksache 16/4845, 27.03.2007). In the 2009 election campaign, the Left proclaimed its support for the low-wage sector and called for equal pay for men and women, eastern and western Germans, and temporary and core workers. A restriction of temporary work and the introduction of a minimum wage of ten euros per hour with raises linked to the cost of living were presented as core strategies for achieving this goal (DIE LINKE 2009, 5).

In 2004 the Green Party started to call for diversified low-wage thresholds in sectors without collective bargaining coverage or with only weak coverage (Bündnis 90 / Die Grünen 2004, 3). This call was included in the party's 2005 election platform (Bündnis 90 / Die Grünen 2005, 30–31). At their 2006 the national party convention, the Greens opted for a basic income in combination with a minimum wage (Bündnis 90 / Die Grünen 2006). While the party's women's caucus cautioned that the gender-specific outcomes of a basic income had to be considered carefully, it unanimously supported a minimum wage as part of a comprehensive strategy to promote gender equality.[15] After NGG and ver.di started their minimum-wage campaign, the Greens introduced their first minimum-wage bill in February 2006, proposing a reform of existing laws to enable an expansion of sector-specific low-wage thresholds. Parliament rejected this bill and several similar proposals by the Greens (BT-Drucksache 16/656, 14.2.2006; BT-Drucksache 16/2978, 18.10.2006; BT-Drucksache 16/5102, 25.4.2007; BT-Drucksache 16/7751, 16.01.2008). The Greens' 2009 election platform changed this strategy, now calling for a federal minimum wage of at least 7.50 euros per hour on the grounds that doing so would contribute to gender equality since the majority of low-wage workers are female (Bündnis 90 / Die Grünen 2009, 36).

The SPD originally considered collective bargaining the only legitimate way to set wages. The mood inside the party changed in 2005, when it became clear that the Hartz reforms had induced large-scale growth in the number of low-wage and low-quality jobs (Dostal 2012, 107). At the party's November 2005 national convention, chair Franz Muentefering responded to requests by several party subgroups by declaring that the SPD had to discuss a minimum-wage policy (SPD 2005). In September 2006, the SPD and the DGB agreed on the so-called cascade model, proposing a federal minimum wage in cases where both collective agreements and existing legislation failed ("Sommer" 2006). From 2006 on, the call for a minimum wage also became an important issue for the SPD's women's caucus (Arbeitsgemeinschaft Sozialdemokratischer Frauen [ASF]). At the group's 2006 national conference, delegates called for a minimum wage of at least 7.50 euros per hour and argued that women would be the main beneficiaries of such a policy because they were more likely to be low-wage earners (ASF 2006, 21–24). In 2008, the ASF reaffirmed this claim, demanding not only that the minimum wage become an essential part of the party's equal opportunities action plan but also that minijobs be reregulated and that the party pursue an equal-pay strategy (ASF 2008).

However, as a junior partner in the Grand Coalition (2005–9) the SPD made only halfhearted efforts to reregulate the low-wage sector. Early in 2007, it started a petition in favor of a federal minimum wage

(SPD 2007). The initiative was taken over by the Left Party, which filed a bill using the text of the petition (BT-Drucksache 16/4845, 27.03.2007). Just like earlier bills filed by the Left and the Greens, the governing majority also rejected this one, enabling the Left to present itself as taking low-wage earners' interests more seriously than the SPD did. As a compromise with the Conservatives, the SPD supported an expansion of sector-specific low-wage thresholds (Dostal 2012, 101). In 2009, the Grand Coalition government changed the AEntG to expand low-wage thresholds to more sectors of the economy. But the new AEntG could only be applied in sectors where more than 50 percent of workers were covered by collective agreements. Unions and employers have to act jointly and agree on a wage minimum. The Ministry of Economic Affairs can then declare this agreement binding for the whole sector. As a result of these high hurdles, the reform led only to a patchy reregulation of the low-wage sector: In 2014, binding low-wage thresholds existed in thirteen sectors and ranged from 7.50 euros to 13.95 euros per hour, omitting sectors such as hospitality and retail that are notorious for poor working conditions, provide lower wages in eastern Germany than in the western part of the county, and are female-dominated.[16]

During the run-up to the 2009 federal election, the SPD radicalized its position to restore lost credibility with the electorate (Dostal 2012, 108). In line with the claims made by the DGB and the ASF, the party's election platform called for a federal minimum wage of 7.50 euros per hour, arguing that it would improve the position of subcontracted workers and help to narrow the gender pay gap as well as the pay gap between eastern and western Germany (SPD 2009, 31 and 64).

Winning over Political Opponents: The Minimum Wage as a Protectionist Policy, 2010–2013

After the SPD lost the 2009 election, the new Conservative-Liberal government (2009–13) was the last bastion of resistance against a minimum wage, while the opposition (Left Party, the Greens, and the SPD) made a case for living wages and framed the call for a federal minimum wage mainly in terms of social justice. To increase political pressure, they added a new protectionist frame to their discourse that paralleled the former social justice frame with its call for gender equality. Starting in 2010, the opposition warned of the consequences of the planned full Central and Eastern European access to the German labor market. Alongside this discursive shift, the DGB published a July 2010 study on temporary work that condemned the high risk of low wages in this growing sector of the economy (DGB 2010). In the following months, the issue became so dominant in the public debate that a newspaper ran the headline, "Temporary Work: The Political Left's New Concept of the Enemy" ("Nicht alles" 2011). DGB chair Michael Sommer argued that a sector-specific low-wage threshold for temporary work was necessary; otherwise, Poland and other Eastern European countries would become a "paradise for temporary work agencies" ("Mindestlohn" 2011).[17]

In 2010 and 2011, parliament rejected several Left Party proposals to introduce a minimum wage (BT-Drucksache 17/890, 02.03.2010; BT-Drucksache 17/4038, 01.12.2010; BT-Drucksache 17/8026, 30.11.2011; BT-Drucksache 17/13551, 15.05.2013). In 2010 the Left started to warn that without a federal minimum wage, Central and Eastern Europeans would provide unfair competition in the German labor market (BT-Drucksache 17/4038, 01.12.2010). In a brochure designed for the general public, the Left Party called for an immediate introduction of a federal minimum wage, warning that temporary agencies were already planning to swamp the German labor market with cheap Polish labor after May 2011 (Die Linke im Bundestag 2011). The party continued to frame low-wage work as an issue of social justice, arguing that full-time work should provide a living wage. The brochure quoted opinion polls showing high public support for such a policy and argued that taxpayers subsidize low wages via subventions for employers and benefits for the working poor; a minimum wage, in contrast, would have economic advantages by increasing domestic demand. In its 2013 election platform, the Left Party renewed its call for a minimum wage of ten euros, backed a prohibition on subcontract work, sought to have "part-time" apply only to less than eighteen hours of work per week, and called for social insurance for all forms of employment, propositions that effectively ruled out female-dominated minijobs (DIE LINKE 2013, 13). While party documents generally portrayed male and female low-wage workers alike and argued that women, eastern Germans, and immigrants were among the main beneficiaries, the minimum wage was not portrayed as part of a consistent gender-equality strategy. The party's women's caucus, LISA, had no discernable influence on this issue. The caucus was founded in 2009, by which time the party's minimum-wage strategy had already been set.

The problem of wage dumping by Eastern Europeans started to appear in Green Party statements in 2011. In January of that year, the Greens drafted a detailed reform bill that advocated the immediate introduction of a federal minimum wage to prevent a further increase in wage dumping as a consequence of workers' ability to move freely to Germany from Central and Eastern Europe. Parliament rejected the bill (BT-Drucksache 17/4435, 19.01.2011). In 2013, the Greens' platform called for a federal minimum wage of 8.50 euros. Again, the party argued that this policy would be especially helpful to women as a result of the discrimination they faced in the labor market (Bündnis 90 / Die Grünen 2013, 90).

In 2010, paralleling claims by the Left and the Greens, the SPD members of parliament also called for the introduction of a minimum wage, adding a protectionist frame to the discourse (BT-Drucksache 17/1408, 20.4.2010). The party argued not only that the policy would prevent poverty wages but also that it would serve the interests of employers by preventing Eastern European employers from becoming engaged in a race to the bottom. The party pointed out that taxpayers have to pay the bill for low wages via increasing expenditures for means-tested benefits. Moreover, low wages were seen as detrimental to the social insurance system and as a central pillar of the high gender wage gap in Germany. In 2011, the SPD presented a detailed draft for a minimum-wage law; again, parliament defeated the measure (BT-Drucksache 17/4665 neu, 08.02.2011). In 2012, the ASF reaffirmed its claim that a minimum wage should form part of the SPD's overall equal pay strategy; furthermore, the group argued that the wage level should be at least as high as the DGB demanded (ASF 2012). In March 2013, the SPD used its majority in the Bundesrat to launch a legislative initiative for a federal minimum wage of 8.50 euros. The draft was modeled on the defeated 2011 bill and prescribed detailed sanctions in the case of noncompliance (BT-Drucksache 17/12857, 20.03.2013). In its 2013 election platform, the SPD presented the call for a federal minimum wage as an important issue for the party's grassroots members. The need for a minimum wage was legitimized with the erosion of employment standards and with the gendered segregation of the labor market; the SPD pointed to the fact that two-thirds of low-wage earners are female. In addition, the document named the unemployed, young workers, minijobbers and eastern Germans as the main beneficiaries of such a policy and made the claim that full-time work should provide a living wage (SPD 2013, 18–19, 50). Unlike 2009, when the issue of temporary work was hardly mentioned, the SPD also called for equal pay for temporary workers to prevent wage dumping and claimed to have pushed through the sector-specific minimum wage for temporary work (SPD 2013, 20). To prevent wage dumping by foreign competitors, the SPD also called for decent minimum wages in all EU member states (SPD 2013, 105).

For their part, the Conservative and Liberal Parties continued to resist a federal minimum wage, arguing that such a policy would contradict the constitutional guarantee of the state's noninterference in wage setting and would be a job killer. The 2011 U-turn in the Conservatives' position was mainly the work of the Christian Labor wing of the CDU (CDA) and a result of the positive evaluation of existing sector-specific minimum wage regulations. After Karl-Josef Laumann, portrayed in the media as "one of the few politicians with a real working-class background" ("Wir haben" 2007),[18] became chair in 2005, he made the call for a minimum wage a core issue of the CDA. In the spring of 2007, Ingrid Sehrbrock, vice chair of both the CDA and the DGB, started a petition calling for an expansion of sector-specific low-wage thresholds and for a federal minimum wage above the poverty line (CDA 2007). In 2008, the CDA's executive board passed a resolution explaining that the CDA's lobbing efforts had put the issue on the government's agenda. The resolution welcomed the Grand Coalition's 2009 reform of labor laws to expand sector-specific low wage regulation but argued that based on an evaluation of this reform, further measures were required to reduce the gender wage gap and promote fairness in other areas (CDA 2008).

The fact that Sehrbrock had served as chair of the Frauen Union (FU) from 1989 to 1997 probably helped put the issue of gender equality on the CDA's agenda. However, the FU did not take up this issue. In spite of the broad issue coalition of extraparliamentary WPAs, the FU's official documents make no reference to a minimum-wage policy until 2011. Instead, the FU was heavily involved in internal controversies on other issues. In family policy, it unsuccessfully tried to prevent the creation of a new child care benefit for stay-at-home mothers that was the pet project of the traditionalist CSU and the conservative wing of the CDU (Henninger and von Wahl 2014). In labor market policy, the FU argued that the concentration of women in female occupations, problems balancing work and family, women's poor career prospects, and gender stereotypes were among the reasons for the scarcity of women in leadership positions as well as for the high gender pay gap. Starting in 2010, the FU focused on calling for new regulations to increase the share of women on corporate boards and was involved in a controversy over whether a legally fixed or a voluntary flexible quota would be the best strategy to this end (Frauen Union 2008; Frauen Union 2010; Henninger and von Wahl 2014).

Because the gender-specific outcomes of the eroding system of collective bargaining were not perceived as among the causes of the gender pay gap, a minimum wage was not considered as a solution. This was also the position taken by the minister of family, senior citizens, women, and youth, Kristina Schroeder (CDU, 2009–13). Under her predecessor, Ursula von der Leyen (CDU, 2005–9), several opposition proposals to promote equal pay via a federal minimum wage were turned down in 2008 (BT-Drucksache 16/12265, 17.03.2009). Schroeder remained silent regarding a minimum wage before until the publication of a January 2011 government report on gender equality forced her to voice her opinion. The authors argued that to confront the problem of low female wages and to provide a living for households beyond a classic male breadwinner constellation, a federal minimum wage policy was "without alternative" (Gleichstellungsbericht 2011, 157). But Schroeder did not take up this core recommendation (Gleichstellungsbericht 2011, 2–12). As a consequence, women's organizations, the unions, and the opposition parties criticized the government for ignoring the recommendations of its own report.[19] A 2012 parliamentary hearing on gender equality offered another opportunity for the invited gender experts to call for a federal minimum wage. The CDU/CSU no longer explicitly rejected the proposal of a minimum wage policy but instead argued that finding ways to make work and family more compatible and an expansion of public child care were better strategies for promoting gender equality (BT-Drucksache 17/11761, 30.11.2012, 9).

In the absence of a gender equality frame, (predominantly male) agency workers became the CDU's symbols for low-wage work. In November 2010, minister for labor and social affairs Ursula von der Leyen declared publicly that the upcoming liberalization of the German labor market made a binding minimum wage for temporary workers urgently necessary ("EU-Grenzöffnung" 2010). Meanwhile, Laumann started to work on CDU members at the grassroots level, seeking support for a federal minimum wage ("Der Mindestlohn-Flüsterer" 2011). In mid-October 2011, an evaluation of Germany's most long-standing sector-specific minimum wage in the construction industry found no negative employment effects, thus refuting a central argument of minimum wage opponents (Institut für Arbeitsmarkt- und Berufsforschung 2011). At the end of the month, the FU finally came around to supporting a minimum wage (Frauen Union 2011). After it became clear that an overwhelming majority of delegates would vote for sector-specific low-wage thresholds at the party congress in November 2011, the CDA won Chancellor Angela Merkel's and Minister von der Leyen's support for this political compromise ("CDU" 2011; "Von der Leyen" 2011). Leading CDU politicians now argued that the issue of a minimum wage should not remain in the hands of the political Left (Dostal 2012, 104). In June 2013, the CDU's new call for sector-specific low-wage thresholds was included in the Conservatives' election platform, framing the new policy as a strategy to promote fair wages. The election platform also calls for equal pay for temporary workers and includes the FU's call for better pay in female occupations, presenting the low-wage threshold for elder care workers as an example of successful Conservative policy in this field (CDU/CSU 2013, 16, 41).

Drawing on neoclassical economic reasoning, the FDP still voiced concern in 2012 that a minimum wage would have detrimental effects, especially for workers with low qualification levels and for younger job seekers (FDP 2012).[20] But in the run-up to the 2013 federal election, the realignment of other parties put the Liberals under pressure. After intense debates, the delegates to the May 2013 FPD party congress included the call for sector-specific low-wage thresholds in the election platform. Confirming their opposition to a federal minimum wage, the FDP argued that the sector-specific model was compatible with collective bargaining (FDP 2013, 30).

During the lengthy coalition negotiations following the fall 2013 election, the introduction of a federal minimum wage was a core issue for the SPD, which formed a coalition with the Conservatives after this provision was incorporated into the coalition agreement. After some bickering when the Conservatives tried to introduce a number of exceptions, the new law passed in July 2014 (MiLoG 2014). Starting in 2015, Germany implemented a federal minimum wage of 8.50 euros per hour, with adjustments made every two years by a commission staffed by labor unions and employer associations; academic experts will serve as consultants. Higher wages based on existing regulations are not affected by this law. Those sectors covered by collective agreements with lower wages receive a two-year transitional phase. Exceptions to the new law include workers in internships and in vocational training programs as well as the long-term unemployed during the first six months on a new job.

Conclusions

The introduction of a federal minimum wage in 2015 was the outcome of more than 10 years of political debate. Growing unregulated zones, especially in the feminized service sector, weakened the earning capacity of increasing numbers of German workers, especially women. Political actors, however, were slow to embrace the shift from collective bargaining as the only legitimate arena for wage setting to a federal minimum wage policy. Agents of change were ultimately successful in obtaining a policy change—not by venue shopping, that is, strategically choosing the arena of their intervention, but rather by strategically using conventional venues of political influence and (re-)framing their cause to win over critical allies.

In the German corporatist setting, workers' interests are promoted through the industrial relations system. The first part of the debate (2002–06) was played out in this arena, allowing women working for low wages to slowly gain allies through the "bottom-up" venue. As women's representation tends to be stronger in private service sector unions that are confronted to a higher degree with the erosion of collective bargaining, these actors were the first to call for a federal minimum wage, framing this issue in a gender-neutral way as a question of social justice to win over other, male-dominated unions to support this policy. However, the metal workers' and chemical workers' unions still held on to a constitutionalist frame, claiming that collective bargaining was the only legitimate arena for wage setting. Their resistance ceased only when their male clientele was increasingly affected by low wages and public opinion shifted in favor of a federal minimum wage. In 2006, the labor unions' umbrella organization DGB came over to support the call for a federal minimum wage, adopting the social justice frame and combining it with a call for gender equality.

As minimum wage legislation had to be adopted by the national parliament, the debate shifted to the parliamentary arena. Between 2006 and 2009, the shifting position of the labor unions triggered a re-alignment of the parties to the left, enabling the female-dominated service sector unions to obtain convergence with policymaker interests. By 2006 the Left Party, Greens, and Social Democratic Party had come to support either a federal minimum wage or a sector-specific one. Echoing the calls of the labor unions and extra-parliamentary women's policy agencies, the women's caucuses of the Green Party and the SPD actively supported the call for a federal minimum wage, framing this policy explicitly in terms of gender equality. All three parties applied a social justice frame that depicted women as one of the target groups for a federal minimum wage. This can be interpreted as empirical evidence for an issue frame fit between women's policy agencies and the parties to the left.

However, convergence with conservative-liberal opponents (CDU/CSU and FDP) only occurred from 2010 onward when the imminent opening of the German market to Central and Eastern European workers led to a protectionist reframing of the policy, calling for the immediate introduction of a federal minimum wage to protect workers from wage dumping by foreign competitors; the focus of the debate shifted to male-dominated temporary work. The CDU adopted a watered-down version of a sector-specific minimum wage policy after several years of intense lobbying by its Christian labor wing (CDA); the Liberal Party also finally came around to support this position in the run up to the 2013 election. The protectionist frame was compatible with the position of employers, an important political ally of both parties. The proposed solution (sector-specific low wage thresholds) could be presented as being in line with the former constitutionalist frame.

A gender equality frame was completely absent in the Conservative and the Liberal Parties' discourse and women working for low wages failed to achieve interest convergence with these policymakers. For the Liberal Party, this can be explained by the party's libertarian ideology. By contrast, the silence of the Conservative Party's women's organization on this issue is most puzzling, as a minimum wage had been a central demand of the CDA. Instead of supporting working class women, the Frauen Union as well as CDU Minister of Family and Gender Equality, Kristina Schroeder, focused on family policy and on a gender quota for professional women in leadership positions. Instead of renewing their alliance with the CDU's labor wing, it seems that the FU continued their political alliance with the liberal wings of the party that had enabled the much-discussed reforms of family policy after 2005. At the same time, the FU and Minister Schroeder had to make concessions to the conservative wing of the party. Thus, in spite of its recent modernization of family policy and its new focus on female professionals in leadership positions, the CDU continues to neglect the interests of women as (low-wage) workers in favor of the interests of highly educated women. While labor unions, the Frauenrat, and women's organizations in leftist political parties ultimately pressured the government from the bottom up to pass legislation in poorer women's interest, this legislation took years to pass and only did so when an implicitly male, protectionist frame was adopted in the policy discourse, thus sidelining the interests of working women who are the main beneficiaries—and whose interest organizations were the main promoters of this policy.

NOTES

1. The other EU countries without statutory minimum wages are Austria, Italy, Cyprus, Sweden, Denmark and Finland.

2. As a consequence of labor market discrimination, migrant women are strongly overrepresented in the precarious segments of the German economy (Gleichstellungsbericht 2011, 78). But there are no data on their share among low-wage workers, and women's policy agencies did not take up the issue in their efforts to gender the policy debate.

3. In 2007, the former East German Communist Party merged with a Western leftist spin-off of the SPD to form Die Linke (the Left Party).

4. The Research Network on Gender Politics and the State (RNGS) collected data on 130 policy debates on abortion, job training, prostitution, political representation, and hot issues of state restructuring in several European states over three decades. This dataset allowed a comparative analysis of the women's movements' (de)gendered framing strategies (Sauer 2010).

5. Policy frames are applied in multiorganizational fields and shape institutionalized actors' perceptions of specific issues (Steensland 2008: n.1).

6. Bennett and Chekel define process tracing as "the analysis of evidence on processes, sequences, and conjunctures of events within a case for the purposes of either developing or testing hypotheses about causal mechanisms that might causally explain the case" (2012, 10).

7. For more on the effects of the neoliberal reforms, such as the Hartz reforms, on education policy see Bale, this volume.

8. For more on this campaign, see: www.initiative-mindestlohn.de/#page/geschichte-der-kampagne

9. For a history of the campaign, see: www.mindestlohn.de/kampagne/kampagnenrueckblick/

10. For the original German text see here: www.mindestlohn.de/hintergrund/argumente/ (translation by author).

11. The FDP is an outlier in this respect: It has no quota regulation, and its women's caucus, the Liberale Frauen e.V., is more weakly institutionalized. A voluntary organization founded in 1990, it received recognition as the FDP's women's caucus four years later but does not constitute a formal subdivision of the party. In contrast to the other parties, party membership is not required to join the FDP's women's caucus; its chair may counsel the party board (if she is a party member) but has no voting power (see FDP 2013: Bundessatzung der Freien Demokratischen Partei, Fassung vom 4.5.2013 and Liberale Frauen e.V., 2004: Satzung).

12. For the Deutsche Frauenrat's position see here: www.frauenrat.de/fileadmin/Website_Archiv/files/press/227_144242121_9999/AuswahlBeschluesse2006.pdf; www.frauenbeauftragte.de/pressemitteilungen-und-stellungnahmen-2014/pressemitteilungen-und-stellungnahmen-2006/

13. For these election scorecards see here: www.frauenrat.de/fileadmin/user_upload/infopool/aktionen_kampagnen/2013-BT-Wahl/DF-Wahlpruefsteine_ 2013.pdf; www.djb.de/publikationen/zeitschrift/djbZ-2013–2/djbZ-2013–2f2/; www.frauenbeauftragte.de/bag-themen/wahlpruefsteine/

14. Clemens draws on a survey (Neu 2007) that characterizes 26 percent of CDU members as traditional, 25 percent as tending toward the social Christian labor wing, 32 percent as market liberals, and 17 percent as liberal progressives. Women were overrepresented among the liberal progressives, accounting for 36 percent of the membership of that wing versus 25 percent of the party as a whole.

15. For the various positions taken by the Bundesfrauenrat between 2006 and 2009 see: Bundesfrauenrat 2006: Die Zukunft der sozialen Sicherungssysteme. Beschluss des 2. Ordentlichen Bundesfrauenrats von Bündnis 90/Die Grünen. Berlin, 28–29.10.2006; Bundesfrauenrat 2007: Zukunft der sozialen Sicherung—Anforderungen an eine gleichstellungsorientierte Sozialpolitik. Beschluss des 2. Ordentlichen Bundesfrauenrats von Bündnis 90/Die Grünen. Berlin, 27–28.10.2007; Bundesfrauenrat 2009: Gleichstellung in der Wirtschaftskrise. Beschluss des Bundesfrauenrats von Bündnis 90/Die Grünen. Berlin, 25.04.2009.

16. Sector-specific minimum wages existed for waste management, construction, mining, tiling, electricians, house painting, masonry, vocational training, cleaning, elder care, laundries, hairdressing, and temporary agencies. The lowest minimum wage of 7.50 euros per hour applies for (mostly female) laundry workers and hairdressers, followed by 7.56 euros for (mostly female) indoor cleaners (in eastern Germany). In the West, the highest minimum wage covers (predominantly male) qualified workers in construction (13.95 euros) and coal mining (13.24 euros), followed by 13.00 euros for (mostly female) academic staff in vocational training (Bundesministerium für Arbeit und Soziales. Previously available at: www.bmas.de/SharedDocs/Downloads/DE/pr-mindestloehne-aentg-uebersicht.pdf).

17. A binding minimum wage for temporary work finally came into force in January 2012.

18. The media is correct about the rarity of working-class politicians: Between 2009 and 2013, 90.5 percent of all members of the German Bundestag held academic degree; among female members, that percentage was 84.3 percent (Deutscher Bundestag 2010: Datenhandbuch. Kap. 3.9: Schul- und Hochschulausbildung, p. 3 and Kapitel 3.6: Weibliche Abgeordnete, p. 8; see www.bundestag.de/dokumente/datenhandbuch/03). However, media reports did not single out a female politician from a working-class background as a prominent promoter of the minimum wage.

19. For examples of these critiques, see here: www.frauenbeauftragte.de/wp/wp-content/uploads/PM/PM11/PM_Gleichstellungsbericht_Steilvorlage_bleibt_ungenutzt.pdf; www.frauenrat.de/no_cache/deutsch/infopool/nachrichten/informationdetail/article/erster-gleichstellungsbericht-der-bundesregierung-viel-kritik-verhaltenes-lob.html

20. To my knowledge, the FDP women's caucus published no documents concerning the minimum wage; the question of female low-wage earners seems to have been a nonissue in the liberal party.

REFERENCES

Arbeitsgemeinschaft Sozialdemokratischer Frauen (ASF). 2006. *Frauen verdienen mehr! 17. Ordentliche Bundeskonferenz*, 22–24 September, Berlin. Available at www.spd.de/spd-webapp/servlet/elementblob/455880/content

Arbeitsgemeinschaft Sozialdemokratischer Frauen (ASF). 2008. *Ordentliche Bundes-*

konferenz der Arbeitsgemeinschaft Sozialdemokratischer Frauen: Beschluss Nr. A1: Aktionsplan "Gleichstellung jetzt!" Frauenpolitische Anforderungen an das SPD-Regierungsprogramm. Kassel, 13–15 June. Available at www.asf.de/spd-webapp/servlet/elementblob/455886/content

Arbeitsgemeinschaft Sozialdemokratischer Frauen (ASF). 2012: *20. Ordentliche Bundeskonferenz der Arbeitsgemeinschaft Sozialdemokratischer Frauen*. 19–21 May, Berlin. Available at www.spd.de/spd-webapp/servlet/elementblob/12651364/content

Bargain, Olivier, Marco Caliendo, Peter Haan, and Kristian Orsini. 2005. *"Making Work Pay" in a Rationed Labour Market: The Mini-Job Reform in Germany*. Berlin: DIW. Available at www.diw.de/documents/publikationen/73/diw_01.c.43897.de/dp536.pdf

Bleses, Peter, and Martin Seeleib-Kaiser. 2004. *The Dual Transformation of the German Welfare State*. Houndmills: Palgrave Macmillan.

Bennett, Andrew, and Jeffrey T. Checkel. 2012: *Process Tracing: From Philosophical Roots to Best Practices*. Vancouver: Simon Fraser University, Simons Papers in Security and Development.

Bosch, Gerhard. 2009. "Low-Wage Work in Five European Countries and in the United States." *International Labour Review* 148.4: 337–57.

Bosch, Gerhard, and Claudia Weinkopf. 2013. *Wechselwirkungen zwischen Mindest- und Tariflöhnen*. *WSI Mitteilungen* 66.6: 393–404.

Bosch, Gerhard, Claudia Weinkopf, and Thorsten Kalina. 2009. *Mindestlöhne in Deutschland*. Bonn: Abteilung Wirtschafts- und Sozialpolitik der Friedrich-Ebert-Stiftung.

Brunsbach, Sandra. 2011. "Machen Frauen den Unterschied?: Parliamentarierinnen als Repräsentantinnen frauenspezifischer Interessen im Bundestag." *Zeitschrift für Parlamentsfragen* 42.1: 25–34.

Bundesvereinigung der Deutschen Arbeitgeberverbände (BDA). 2008. *Mindestlohn macht arbeitslos. 13 gute Gründe gegen einen gesetzlichen Mindestlohn*. Berlin, September. Available at: https://www.vwt.de/vwt/Ressources.nsf/(UNID)/3E76F419E2A60728C12580D1006CADCA/$file/BDA-Mindestlohnbroschuere.pdf

Bündnis 90/Die Grünen. 2004. *Soziale Erneuerung gerecht gestalten! 23. Ordentliche Bundesdelegiertenkonferenz Bündnis 90/Die Grünen*. Kiel, 2–3 October.

Bündnis 90/Die Grünen. 2005. *Eines für alle! Das grüne Wahlprogramm 2005. Bundestagswahlprogramm*. Berlin, 9–10 July.

Bündnis 90/ Die Grünen. 2006. *Mindestlohnregelungen jetzt einführen! 26. Ordentliche Bundesdelegiertenkonferenz Bündnis 90/Die Grünen*. Köln, 1–3 December.

Bündnis 90/Die Grünen. 2009. *Der Grüne Neue Gesellschaftsvertrag*. Berlin, 8–10 May.

Bündnis 90/Die Grünen. 2013. *Zeit für den grünen Wandel. Bundestagswahl-Programm von Bündnis 90/Die Grünen, beschlossen auf der Bundesdelegiertenkonferenz*. Berlin, 26–28 April.

CDA. 2007. *CDU-Gewerkschafterinnen und Gewerkschafter gegen Armutslöhne: "Anständiger Lohn für anständige Arbeit."* Available at www.cdu-saar.de/media/downloads/77637.pdf

CDA. 2008. *Grundsatzpapier "Menschen.würdig.Arbeiten."* Available at: www.cda-bund.de/uploads/media/080304-mwa.pdf

CDU/CSU. 2013. *Gemeinsam erfolgreich für Deutschland. Regierungsprogramm 2009–2013*. Berlin.

"CDU und der Mindestlohn: Merkel wagt den nächsten Tabubruch." 2011. *Süddeutsche Zeitung*, 30. October.

Celis, Karen, Sarah Childs, Johanna Kantola, and Mona Lena Krook. 2008. "Rethinking Women's Substantive Representation." *Representation* 44.2: 99–110.

Clemens, Clay. 2009. "Modernization or Disorientation? Policy Change in Merkel's CDU." *German Politics* 18.2: 121–39.

Davidson-Schmich, Louise K., and Isabelle Kürschner. 2011. "Stößt die Frauenquote an ihre Grenzen?: Eine Untersuchung der Bundestagswahl 2009." *Zeitschrift für Parlamentsfragen* 42.1: 25–34.

"Der Mindestlohn-Flüsterer. Jahrelang kämpfte er für seine Idee, nun ist er fast am Ziel: Wie der Sozialpolitiker Karl-Josef Laumann seiner CDU den Mindestlohn beibrachte." 2011. *Die ZEIT*. 7 November.

Deutscher Gewerkschaftsbund (DGB). 2006a. *Geschäftsbericht 2002–2005*. Berlin. Available at http://www.dgb.de/themen/++co++12cc00ea-1621-11df-57de-00093d10fae2

Deutscher Gewerkschaftsbund (DGB). 2006b. *18. Ordentlicher DGB-Bundeskongress: Beschlossene Anträge. Teil I: Initiativanträge*. Berlin, 26 May. Available at http://www.dgb.de/uber-uns/dgb-heute/bundeskongress/18-bundeskongress

Deutscher Gewerkschaftsbund (DGB). 2010. *Leiharbeit in Deutschland. Eine Bestandsaufnahme nach der Deregulierung*. Berlin, 5 July.

DIE LINKE. 2009: *Konsequent sozial. Für Demokratie und Frieden. Bundestagswahlprogramm der Partei DIE LINKE. Beschluss des Bundestags-Wahlparteitags*. Berlin, 20–21 June.

DIE LINKE. 2013. *100% sozial. Wahlprogramm zur Bundestagswahl 2013, beschlossen auf dem Bundeswahlparteitag*. Dresden, 14–16 June.

Die Linke im Bundestag. 2011: *Tatort Niedriglohn. Erfolge, Probleme und Perspektiven im Kampf für den Mindestlohn*. Berlin

Dostal, Jörg Michael. 2012. "The German Political Economy between Deregulation and Re-Regulation: Party Discourses on Minimum Wage Policies." *Korean Journal of Policy Studies* 27.2: 91–120.

Esping-Andersen, Gøsta. 1990. *The Three Worlds of Welfare Capitalism*. Princeton: Princeton University Press.

"EU-Grenzöffnung—Von der Leyen will Mindestlohn." 2010. *Die Welt*, 24 November.

FDP. 2012. *Fragen und Antworten zum gesetzlichen Mindestlohn*. April. Available at https://www.fdp.de/files/1463/Flugblatt_Mindestlohn.pdf

FDP. 2013. *Bürgerprogramm 2013. Programm der Freien Demokratischen Partei zur Bundestagswahl 2013*. Nürnberg, 4–5 May.

Ferree, Myra Marx, and Carol McClurg Mueller. 2011. "Feminism and the Women's Movement: A Global Perspective." In David Snow, Sarah A. Soule, and Hanspeter Kriesi, eds. *The Blackwell Companion to Social Movements*. Oxford: Blackwell.

Frauen Union. 2008. *Chancen von Frauen auf dem Arbeitsmarkt verbessern. Positionspapier der Frauen Union der CDU Deutschlands*. 7 June.

Frauen Union. 2010. *Gleichberechtigung beim Entgelt und in Führungspositionen. Beschluss des Bundesvorstandes der Frauen Union der CDU Deutschlands*. 06. March.

Frauen Union. 2011: *Frauen schaffen Perspektiven. Beschluss des 29. Bundesdelegiertentages der Frauen Union der CDU Deutschlands*. 22–23 October, Wiesbaden. Available at www.frauenunion.de/images/stories/docs/Beschluss_Frauen_schaffen_Perspektiven.pdf

Gahan, Peter, and Andreas Pekarek. 2013. "Social Movement Theory, Collective Action Frames, and Union Theory: A Critique and Extension." *British Journal of Industrial Relations* 51.4: 754–76.

George, Roman. 2007. *Gesetzlicher Mindestlohn: Was kann Deutschland von den Nachbarn lernen?: Die Erfahrungen mit gesetzlichen Mindestlöhnen in Frankreich und Großbritannien*. Marburg: Tectum.

George, Roman. 2011. "Niedriglohn und Geschlecht im europäischen Vergleich." *WSI-Mitteilungen* 64.10: 548–55.

Gleichstellungsbericht. 2011. *Deutscher Bundestag: Erster Gleichstellungsbericht—Neue Wege-Gleiche Chancen—Gleichstellung von Frauen und Männern im Lebensverlauf*. BT-Drs. 17/6240, 16 June 2011.

Gottschall, Karin, and Tim Schröder. 2013. "Familienlohn—Zur Entwicklung einer wirkmächtigen Normierung geschlechtsspezifischer Arbeitsteilung." *WSI-Mitteilungen* 66.3: 161–70.

Henninger, Annette, and Angelika von Wahl. 2014. "Grand Coalition and Multi-Party Competition: Explaining Slowing Reforms in Gender Policy in Germany, 2009–2013." *German Politics* 23.4: 386–99.

Institut für Arbeitsmarkt- und Berufsforschung. 2011. *Evaluation bestehender gesetzlicher Mindestlohnregelungen—Branche: Bauhauptgewerbe*. 11 October. Available at http://doku.iab.de/grauepap/2011/evaluation-mindestlohn-bauhauptgewerbe.pdf

Jaehrling, Karen, and Clarissa Rudolph, eds. 2010. *Grundsicherung und Geschlecht. Gleichstellungspolitische Befunde zu den Wirkungen von Hartz IV*. Münster: Westfälisches Dampfboot.

Klenner, Christina. 2009. "Wer ernährt die Familie? Erwerbs- und Einkommenskonstellationen in Ostdeutschland." *WSI-Mitteilungen* 62.11: 619–26.

Lang, Sabine. 2009. "Contested Institutionalization: Women's Policies and Challenges to Gender Equality in Germany." *German Politics* 18.1: 55–70.

Linkspartei.PDS. 2005. *Für eine neue soziale Idee. Wahlprogramm zu den Bundestagswahlen 2005*. Beschluss der 2. Tagung des 9. Parteitages Berlin, 27. March.

MiLoG. 2014. "Gesetz zur Regelung eines allgemeinen Mindestlohns (Mindestlohngesetz)." *Bundesgesetzblatt*, 15 August 2014, 1348–60.

"Mindestlohn für Zeitarbeit kommt." 2011. *Die ZEIT*. 27 February.

Morgan, Kimberley. 2013. "Path Shifting of the Welfare State: Electoral Competition and the Expansion of Work-Family Policies in Western Europe." *World Politics* 65.1: 73–115.

Neu, Viola. 2007. *Die Mitglieder der CDU: Eine Umfrage der Konrad-Adenauer-Stiftung*. Berlin: Konrad Adenauer Stiftung.

"Nicht alles ist elend. Leiharbeit ist das neue Feindbild der politischen Linken. Dabei hat sie Hunderttausenden Arbeitslosen erst einmal geholfen." 2011. *Die Zeit*, 11 February.

PDS. 2002. *Es geht auch anders: Nur Gerechtigkeit sichert Zukunft! Programm der PDS* *zur Bundestagswahl 2002*. Beschluss der 3. Tagung des 7. Parteitages der PDS Rostock, 17 March.

Perez-Vaisvidovsky, Nadav. 2013. "Fathers at a Crossroads: The Combined Effect of Organizational and Cultural Factors on the Making of Gender-Related Policy." *Social Politics: International Studies in Gender, State, and Society* 20.3: 407–29.

Plogstedt, Sibylle. 2013. *"Wir haben Geschichte geschrieben" zur Arbeit der DGB-Frauen, 1945—1990*. Gießen: Psychosozial.

Rubery, Jill, and Damian Grimshaw. 2009. "Gender and the Minimum Wage." Paper presented for the ILO conference, "Regulating for Decent Work," July 2009, Geneva.

Sauer, Birgit. 2010. "Framing and Gendering." In Dorothy McBride and Amy G. Mazur, eds. *The Politics of State Feminism. Innovation in Comparative Research*. Philadelphia: Temple University Press.

"Sommer: Mindestlöhne notwendig, wenn Tariflöhne nicht greifen." 2006. *Die Zeit*, 20. September.

SPD. 2005. *Protokoll Bundesparteitag*. Karlsruhe. Available at www.spd.de/linkableblob/86462/data/2009_bpt_karlsruhe_protokoll.pdf

SPD. 2007. *Politik für Gute Arbeit—Deutschland braucht Mindestlöhne*. Available at www.joachim-poss.de/00presse/03.26.07.pdf

SPD. 2009. *Sozial und demokratisch. Anpacken. Für Deutschland. Das Regierungsprogramm der SPD*. Berlin.

SPD. 2013. *Das wir entscheidet. Regierungsprogramm 2013–17*. Berlin. Available at https://www3.spd.de/linkableblob/96686/data/20130415_regierungsprogramm_2013_2017.pdf

Statistisches Bundesamt (StatBA). 2012. *Frauen und Männer auf dem Arbeitsmarkt—Deutschland und Europa*. Wiesbaden: Statistisches Bundesamt.

Steensland, Brian. 2008. "Why Do Policy Frames Change? Actor-Idea Coevolution in Debates over Welfare Reform." *Social Forces* 86.3: 1027–54.

Sterkel, Gabriele. 2006. "Die Mindestlohn-Initiative." In Gabriele Sterkel, Thorsten Schulten, and Jörg Wiedemuth, eds., *Mindestlöhne gegen Lohndumping: Rahmenbedingungen—Erfahrungen—Strategien*. Hamburg: VSA Verlag.

Sterkel, Gabriele, Thorsten Schulten, and Jörg Wiedemuth. 2006. "Der Mindestlohn in der gewerkschaftlichen Debatte. Konzepte–Konflikte–Strategien." In Gabriele Sterkel, Thorsten Schulten, and Jörg Wiedemuth, eds., *Mindestlöhne gegen Lohndumping: Rahmenbedingungen—Erfahrungen—Strategien*. Hamburg: VSA Verlag: 265–83.

"Von der Leyen—Mindestlöhne schaffen Arbeitsplätze." 2011. www.welt.de. 6 November.

Wersig, Maria, Annegret Künzel, and Sabine Berghahn. 2006. "Ehezentrierung statt staatsbürgerlicher Solidarität der Geschlechter—wohin führen die Reformen im deutschen System der Existenzsicherung?" In Ursula Degener and Beate Rosenzweig, eds., *Die Neuverhandlung sozialer Gerechtigkeit feministische Analysen und Perspektiven*. Wiesbaden: Sozialwissenschaften.

Wiliarty, Sarah Elise. 2010. *The CDU and the Politics of Gender in Germany Bringing Women to the Party*. Cambridge: Cambridge University Press.

"'Wir haben bald große Probleme': Der CDU-Sozialpolitiker Karl-Josef Laumann über Renten, Mindestlöhne, und das Profil der Union." 2007. *Der Tagesspiegel*, 22 April.

WSI (Wirtschafts- und Sozialwissenschaftliches Institut). 2014a. *WSI Gender-DatenPortal: Erwerbstätigkeit*. Available at www.boeckler.de/wsi_38963.htm

WSI (Wirtschafts- und Sozialwissenschaftliches Institut). 2014b. *WSI Tarifarchiv: Tarifbindung, 1998–2012*. Available at www.boeckler.de/wsi-tarifarchiv_2257.htm

WSI (Wirtschafts- und Sozialwissenschaftliches Institut). 2016. *WSI Minimum Wage Database International*. Available at www.boeckler.de/wsi-tarifarchiv_44064.htm

CHAPTER 7

Amending Germany's Life Partnership Law

Emerging Attention to Lesbians' Concerns

Louise K. Davidson-Schmich

In 2001, Germany passed a law establishing "life partnerships"—civil-union-style like legal arrangements for same-sex couples. As a consequence of partisan political calculations and concerns about constitutionality, this law deliberately did not grant life partners the same rights as married couples (Davidson-Schmich 2006). In the intervening decade, as the global movement for marriage equality accelerated and countries such as South Africa, Portugal, Uruguay, and Canada began to allow lesbians and gay men to marry, lesbian, gay, bisexual, and transgender (LGBT) activists began to challenge the premises of Germany's life partnership law (Lebenspartnerschaftsgesetz [LPartG]) and urged the German government to grant gays and lesbians greater rights. The law has been amended several times, bringing life partnerships closer—but still not identical to—marriage. I examine this revision process and ask to what extent the voices of lesbians, as distinct from gay men, have been heard in the struggle for LGBT rights (see box 7).

Lesbians' concerns were slow to be addressed and have only gradually made their way into the public discourse in Germany. This process has resulted from lesbians' work both with Germany's largest domestic LGBT interest group to pressure the government through the court system from below and with Europe's largest LGBT organization to pressure the government from the "top down" via European channels, including

BOX 7. **Lesbians**

INTERSECTION STUDIED	Gender + Sexuality (Lesbians)
TIME PERIOD STUDIED	2001–16
POLICY ISSUES STUDIED	Reform of the Life Partnership Law (LPartG) Legal redefinitions of marriage and family
INTERNATIONAL ALLIES	European Court of Justice (*property rights only*) International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) (*after men's priorities addressed*)
GERMAN POLICYMAKERS AS ALLIES	Alliance 90/Greens and Left Party SPD and FDP (*to a lesser degree*)
DOMESTIC INTEREST GROUP ALLIES	The Lesbian and Gay Federation in Germany (Lesben- und Schwulenverband in Deutschland [LSVD]) (*after men's priorities addressed*)

the European Court of Justice (ECJ). These alliances have formed slowly and only after men's concerns were initially taken up. One of the German LGBT movement's primary strategies has been working with transnational organizations to file lawsuits at the European level and then following up with domestic court cases. Most suits initially featured male plaintiffs, but over time, lesbian-driven cases have begun to enter the courts. By framing their policy preferences in ways consistent with some progressive, leftist political parties, lesbians have also achieved a degree of convergence with policymaker interests; however, these parties have remained out of government over the past decade, resulting in extremely limited policy changes at the national level. The alterations that have been made to the LPartG since 2001 have mainly been driven by ECJ and corresponding German Constitutional Court decisions. Lesbians have found virtually no support from Germany's largest women's organization.

The chapter begins by discussing relevant LGBT Studies literature. I then discuss the evidence on which I draw and trace the post-2001 process of amending the LPartG to more closely resemble marriage. I determine what constitute distinct lesbian interests before investigating the degree to which these perspectives have been taken up by Germany's largest LGBT and women's interest groups, respectively. I go on to explore the positions taken by Germany's five major political parties and how these policymakers have shaped reforms to the Life Partnership Law. I conclude by summarizing the mechanisms at work in adding lesbians' perspectives to Germany's national political agenda.

Theoretical Perspectives

There are good reasons to expect that German lesbians will have difficulty influencing the national political debate. The literature on intersectionality (e.g., Crenshaw 2005; Hardy-Fanta 2007) established that shaping policy outcomes is difficult for citizens who belong to more than one societally marginalized group, such as homosexual women. These findings suggest that German women's organizations will prioritize heterosexual women's issues, while gay men pressure the government on issues of importance to themselves rather than to lesbians.

The LGBT rights movement in Germany and elsewhere and the literature studying these movements, bear out this expectation. Marriage has not been at the forefront of German lesbians' political agenda, but the struggle for marriage equality has the focus of not only German but also global LGBT activism. The empirical scholarship in the field of LGBT studies has devoted a corresponding amount of attention to the worldwide struggle for marriage rights (e.g., Rimmerman and Wilcox 2007; Judge, Manion, and de Waal 2008; Rupp 2011; Paternotte and Kollman 2013; Pierceson, Piatti-Crocker, and Schulenberg 2013; Paternotte and Ayoub 2014; Paternotte 2015; Ayoub 2016). For example, only one of the fifteen articles in the Council for European Studies's 2014 report, *Over the European Rainbow: Sexual and Gender Minorities in Europe*, mentioned lesbian-specific concerns (such as access to reproductive technology, discrimination on the basis of sex and sexual orientation, and lesbian invisibility in popular culture) in any depth.[1] In addition, less empirical scholarship has focused on the creation of legal recognition for relationships other than monogamous sexual relations between two individuals. Lesbians and other feminists have long pointed out that relationships of care, responsibility, dependency, and support also occur between friends, neighbors, and other relations but that these bonds are not legally supported in ways that traditional heterosexual relationships have been (e.g., Polikoff 2008; Mesquita 2011; Barker 2013). This chapter offers new empirical evidence about how lesbians have struggled to bring the issue of marriage alternatives to the forefront of German public discourse.

The Federal Republic represents a crucial case with many potential institutional venues through which lesbians might find alliances with which to pressure policymakers. These avenues include a robust civil society conducive to locating domestic interest group allies. Germany has a large LGBT organization and an umbrella women's organization that could serve as allies for lesbians. In addition, the country has a multiparty system with a range of ideological perspectives through which convergence with policymaker interests might be achieved: all political parties in Germany feature intraparty women's and LGBT caucuses capable of influencing the party platform (see table 7.1). Moreover, the Federal Republic's Basic Law allows for judicial review and demands that leaders respect human rights and cooperate with other European countries. As a member of the European Union (EU), Germany is also subject to ECJ rulings. Thus, the German government may be pressured from the "top down" through this international venue as well. Because sexual orientation cuts across class lines and citizenship status, lesbians may possess the resources needed to pursue these avenues. In sum, I expect that making their voices heard in national political discourse should be difficult but not impossible for German lesbians. All potential alliances identified in the introduction appear to offer some possibilities for political influence.

Sources of Evidence

To investigate the degree to which distinct lesbian voices have been heard in the Federal Republic's political debates over the Life Partnership Law, I analyze a number of German-language primary sources, including statements produced by the country's largest lesbian-only organization, its most powerful LGBT lobbing group, and its foremost women's umbrella organization. I also draw on the platforms of the Federal Republic's five largest political parties, their women's auxiliaries, and their LGBT caucuses. In addition, I consult Bundestag debates regarding life partnerships and marriage, government reports on the subject, and the texts of related Constitutional Court decisions. Where relevant, I also analyze English-language statements by the International Lesbian, Gay, Bisexual, Trans, and Intersex Organization (ILGA) and the ECJ. Finally, I supplement these primary sources with German-language news coverage.

Tracing Amendments to the Life Partnership Law

Lesbian Perspectives on Same-Sex Marriage in Germany

Determining whether lesbian political interests have been addressed in the Federal Republic, requires first determining what these interests are. Here

I examine the positions that have been articulated at the federal level by Germany's largest lobbying group claiming to represent lesbians as well as the limited empirical data regarding lesbians, gay men, and the LPartG.

Other work on gender and politics has concluded that the more women's voices heard in an organization, the more likely that body is to reflect the underlying societal preferences of the citizens for which it speaks (Weldon 2002; Celis 2006), making the largest group the most relevant for inclusion in this study. However, Germany has approximately eighty million citizens, and if Germans identify as lesbian or gay as frequently as Americans do (3.4 percent of the population; see Gates and Newport 2012) then there are roughly 1.4 million lesbians in the Federal Republic, divided along age, class, ethnic, regional, and other lines. The organization examined here has only a few thousand members, suggesting that it may be normatively problematic to privilege its perspective. Nonetheless, given the intellectual question at hand—whether minority women's perspectives are considered in the public policymaking process—it remains appropriate to investigate whether and how this organization's views of lesbian needs get represented, even if not all in the lesbian community would agree with its portrayal of their preferences.

The largest umbrella organization for lesbians in Germany is the Lesbenring e.V., founded in 1982. It claims to have five thousand members, is on the lobbying list for the Bundestag, and is a member of the world's leading LBGT interest organization, (ILGA) ("Selbstverständnis und Förderungen" 2013; all translations by the author). The Lesbenring states that its primary goal is "to establish the lesbian way of life as an equally valid way of life, side by side with others." To this end, the group advocates "an alternative family policy that de-privileges marriage." They support the "elimination of all marriage privileges" in favor of "alternative forms of living together that are appropriately supported." The Lesbenring calls for "a modern form of support for communities of care and child rearing" because "state support must occur where care is provided for someone, regardless of whether it involves children, the handicapped, the elderly . . . and regardless of the way of life in which these people live together" ("Ein Schritt vor und zwei zurück" 2013). The Lesbenring refers to the LPartG as a "special law for gays and lesbians" and calls for "the elimination of the unspeakable notion of [a distinct concept] of gay marriage" as opposed to heterosexual marriage.[2] This umbrella organization's other priorities include stopping discrimination against lesbians, ending violence against women, making sexual orientation a grounds for asylum, making lesbians more visible in society, helping with the coming-out process, and networking among lesbians.

While there are no completely reliable statistics about same-sex couples in Germany, the Federal Republic's microcensus offers some evidence regarding the empirical frequency with which lesbians and gay men form households, register life partnerships, and raise children. This data echo the Lesbenring's ambivalence about life partnerships and interest in care relationships as distinct from the life experiences of gay men. When the Federal Statistical Office (Statistisches Bundesamt) began estimating the numbers of men and women who had entered into the registered life partnerships created by the LPartG, it found that two-thirds were formed by male-male couples. Women's share of life partnerships has subsequently risen, but of the forty-three thousand registered Life Partnerships recorded in 2015, fewer than half (46.5 percent) were female-female couples (Statistisches Bundesamt 2016). Across Europe, women have been found to less often take advantage of union registration laws than do gay men, with women's share of same-sex partnerships rising in many (but not all) countries (Banens 2014).[3]

The Federal Republic's microcensus data reveal an even more skewed gender pattern in terms of what Germans refer to as "rainbow families"—children being raised by same-sex parents. The vast majority (93 percent) of same-sex domestic partnership households included no children; however, the microcensus found more than seven thousand children being raised by same sex-parents. Where children were present, it was almost always—92 percent of the time—in a household headed by two women rather than two men (Bundeszentrale für Politische Bildung 2010). Opinion polls of gays and lesbians also find the latter more willing to become parents than the former: in one survey, 66 percent of lesbians and only 33 percent of gay men declared their readiness to take on the responsibility of a life with children ("Diskriminierung" 2008). Women in Germany are also far more likely than men to undertake care work for elderly parents and sick relatives (Iversen and Rosenbluth 2006).

This empirical evidence suggests that the lesbian lobbying organization's focus on care relationships rather than marriage does mirror underlying patterns in German society. Moreover, because, on average, German women work fewer hours and are paid significantly less than their male counterparts (European Commission 2013), a focus on state benefits is also well founded. These interests did not make their way onto the political agenda in Germany as early as policies that privilege marital relationships and tax relief (rather than welfare benefits).

That lesbians have been considered at all is due to pressure on policymakers from domestic interest groups—in this case, more from the main LGBT group than from the largest women's organization. I first turn to the priorities of the Federal Republic's largest LGBT organization, the Lesben und Schwulenverband in Deutschland (LSVD), and how it addresses marriage and care relationships. I then turn to the extent to which these concerns have been taken up by the Deutsche Frauenrat (DF), the main women's lobbying organization in Germany.

A Domestic Interest Group Ally: The LSVD

As intersectionality scholars would expect, the main LGBT interest group's focus is somewhat different than the Lesbenring's. The LSVD was founded as the Schwulenverband in der DDR (SVD) in early 1990. Only in 1998 did the SVD begin to consult with lesbians and broaden its membership. In the summer of 1999 the organization added *Lesben* to its name and started including women on its executive board; however, while their percentage within the organization steadily increased, women remained a distinct minority within the LSVD's rank and file ("Schwule im LSVD" 2006). By 2016, women comprised six of the thirteen members of the LSVD's executive board, and the organization's website began to devote attention to lesbian-specific issues as well (*LSVD* n.d.). Like the Lesbenring, lesbians in the LSVD maintain a tepid attitude toward the institution of marriage:

> Marriage, Life Partnerships, Registry Office—all of this is suspicious for many lesbians. Earlier, marriage was a coercive situation for many women. Today, however, we have the free choice of whether we marry or not or whether we enter into a life partnership or not. For this reason we do not advocate any specific model of life. Quite the opposite: we want to . . . establish a legal framework so that lesbian women can independently realize their personal blueprints for their lives, free of any disadvantages. ("Sichtbar und Selbstbewusst" 2013)

This portion of the LSVD's website then claims that while the LPartG can be considered "a success, we can't rest now. The societal climate must continue to be positively influenced, especially for lesbians." To that end, the organization calls for "the recognition of rainbow families," arguing that children with same-sex parents cannot be "second-class children." Measures that need to be taken to this end involve granting lesbians the right to adopt and the right to create families by accessing assisted reproductive technologies.

Only after the LPartG passed did the LSVD as a whole begin to pay attention to the needs of rainbow families. In 2000 a group called Initiative Lesbischer und Schwuler Eltern (Lesbian and Gay Parents Initiative [ILSE]) formed within the LSVD to push the organization to articulate their concerns (*ILSE* n.d.). The next year, the group began an awareness campaign, What Is a Family?, sending postcards picturing childless Christian Democratic leader Angela Merkel and her husband alongside another picture of two lesbian mothers and their four children. Aside from this campaign, however, much of ILSE's work centered not on public awareness or policymaking but rather on helping same-sex parents network and cope with everyday problems. The group began a telephone helpline, wrote a guidebook for dealing with legal issues, pushed for an academic study assessing the well-being of rainbow families, and held informational conferences.

These ideas first found their way into the program of the LSVD as a whole in 2010, almost a decade after the LPartG's passage. Two of the ten points in the organization's 2010 program echoed the stress on publicly recognized, nonmarital relationships as well as the needs of (potential) lesbian parents. The first point claimed credit for achieving registered life partnerships but promised,

> we want to accomplish the equating of marriage and registered life partnerships. This is the next important phase for us. Our goal is, however, the opening of marriage. . . . Many couples—homo- and heterosexual—do not want to enter into marriage. It should also be the case that partners in nonmarital communities [*Lebensgemeinschaften*] are recognized as dependents. . . . The one-sided state preference for the marriage model has for a long time no longer corresponded to the reality of life for many people. Not a marriage license but care for children or needy people should be the occasion for special state treatment. ("Programm" 2010)

The fourth point involved "Achieving the Right to Start a Family." Here the organization drew on international agreements by framing the LPartG as a breach of the European Human Rights Convention, which requires nondiscrimination on the basis of sexual orientation. To achieve equal rights for straight and gay couples, the LSVD promised to work for the right of same-sex couples to jointly adopt children so that their children could be "doubly secured through child support and inheritance" rights. Moreover, the program calls for lesbian access to artificial insemination and the granting of rights to "social fathers"—(gay) sperm donors who want to coparent with lesbian couples—legally acknowledging that children may have more than two parents. Finally, the organization called for an end to the disadvantages faced by rainbow families: "they must be treated equally in terms of family, tax, and social assistance laws, and similarly in terms of all family pay scales" ("Programm" 2010).

In short, the LSVD gradually came to advocate policies favored by the Lesbenring, but this articulation began almost a decade after the Life Partnership Law was enacted and almost two decades after the SVD began working for marriage rights. While this advocacy has been slow in coming, Germany's largest LGBT organization has at least expressed and is beginning to pursue lesbian goals. The same cannot be said of the country's largest women's organization, the Deutscher Frauenrat.

Only a Tepid Alliance with the Deutscher Frauenrat

The second-wave feminist movement that emerged in Germany in the 1970s was of a radical nature, rejecting patriarchal institutions in favor of carving out separate, autonomous feminist spheres for women (Ferree 2012). As a result, the women's movement did not build a strong lobbying or political organization akin to the National Organization for Women in the United States. Most feminist activism in German politics has come either through women's auxiliary organizations within political parties or through women's policy agencies within the state (Kittilson 2006; Wiliarty 2010; Ferree 2012; Lang and Sauer 2013).

The largest umbrella organization claiming to represent women's interests in the Federal Republic is the German Council of Women (Deutscher Frauenrat [DF]), which represents more than fifty women's groups across the country, including not only the Lesbenring and another lesbian organization (i.d.a.) but also more conservative associations such as church groups and the Christian Democratic parties' women's auxiliary organizations (for more on the Frauenrat, see *Frauenrat* n.d.; for more on women's auxiliaries, see table I.1). The DF's nine-member board of directors primarily includes representatives of economic interest groups (e.g., unions and professional associations) as well as a delegate from the Catholic Church's women's association. None of the board members are lesbian activists. The rights of homosexual women are not included in the Frauenrat's platform and, in the word cloud of topics discussed on its website, the words *lesbian* and *homosexuality* are in the smallest possible font, while *life partnership* and *rainbow family* do not appear at all. Given the diverse range of perspectives within the organization, this reticence is unsurprising.

Since the passage of the LPartG, the Frauenrat has taken only one public stand on issues directly relating to same-sex marriage ("Maßgeblicher Beitrag" 2010). In 2002 the Social Democratic women's organization petitioned the Frauenrat to express its support for amending the life partnership law to allow same-sex couples to adopt children. After a contentious, two-year-long debate, the DF finally agreed to support this position in November 2004, weeks before a decision on the issue in the Bundestag granted only limited adoption rights. The organization has not taken any other public stances or signed on to any of the LSVD's many campaigns to make life partnerships more closely resemble marriages.

In 2007, however, the DF, LSVD, and fourteen other organizations published a call in one of Germany's leading newspapers for the abolition of a "marriage bonus" tax benefit (*Ehegattensplittung*) because, among other reasons, it was not available to same-sex couples or couples in nonmarital relationships ("Wir brauchen" 2007).[4] In 2010 the DF also joined the LSVD and fourteen other nongovernmental organizations to form the Union against Discrimination (Bündnis gegen Diskriminierung), which sought to pressure the newly created (and toothless) Federal Antidiscrimination Office into actually combating discrimination ("Bündnis gegen" 2010; for more on the office, see von Wahl 2011). The office has subsequently devoted most of its attention to combating discrimination on the basis of national origin, disability, and religious affiliation (for a word cloud showing the office's themes, see *Antidiskriminierungsverband* n.d.). While its positions are consistent with lesbian policy preferences, the Frauenrat has certainly not been a leading voice in the movement to amend the LPartG.

Political Parties' Articulation of Lesbian Interests: Varying Degrees of Convergence with Policymaker Interests

Before depicting the political outcomes in Germany, I investigate how lesbian interests have filtered into the platforms of the five major German political parties, thus establishing the degree to which convergence with policymaker interests has occurred. The evidence indicates that where lesbians have framed their interests in ways consistent with party ideology—most easily done in progressive, leftist parties—they have had success in getting their parties to at least rhetorically support their positions. One way to assess the lesbian-friendliness of party platforms is to employ the LSVD's ratings of party manifestos. For each federal election, the organization publishes election scorecards (*Wahlprüfsteine*) that rate the parties on their support of LGBT goals. In 2013 these goals included, in order of importance to the LSVD: marriage equality, equal rights and benefits for rainbow families, the right to adopt and foster children and access artificial insemination, and nondiscrimination legislation at the European and domestic levels ("LSVD-Wahlprüfsteine" 2013). The highest degree of convergence between lesbian-specific interests and policymakers can be found in the party platforms of the Left Party (die Linke) and Greens (*Bündnis 90/die Grünen*). The least clearly articulated positions come from Germany's two Christian Democratic parties (see table 7.1).

TABLE 7.1. Main German Political Parties and LGBT Issues

Party	Intraparty Lesbian/LGBT Organization	Convergence with LSVD Position Prior to 2013 National Elections
Christian Democratic Union/Christian Social Union (CDU/CSU)	Lesben und Schwulen in der Union (LSU)	Marriage Equality: No Equality for Rainbow Families: No Adoption/Fostering/Insemination: No Improving Antidiscrimination Laws: No
German Social Democratic Party (SPD)	Arbeitsgemeinschaft für Lesben und Schwulen in der SPD (Schwusos)[a]	Marriage Equality: Yes Equality for Rainbow Families: Yes Adoption/Fostering/Insemination: Yes Improving Antidiscrimination Laws: Yes
Left Party	dieLinke.queer	Marriage Equality: Yes Equality for Rainbow Families: Yes Adoption/Fostering/Insemination: Yes Improving Antidiscrimination Laws: Yes
Alliance 90/ Greens	BAG Lesbenpolitik	Marriage Equality: Yes Equality for Rainbow Families: Yes Adoption/Fostering/Insemination: Yes Improving Antidiscrimination Laws: Yes
Free Democratic Party (FDP)	Liberalen Schwulen und Lesben (LiSL)[b]	Marriage Equality: Yes Equality for Rainbow Families: Yes Adoption/Fostering/Insemination: Yes Improving Antidiscrimination Laws: No

Source: Status of Issue Convergence from LSVD-Wahlprüfsteine zur Bundestagswahl 2013.

[a] The group changed its name to SPDqueer in late 2016.

[b] In contrast to the other LGBT groups, LiSL is organized outside of formal party structures.

The Christian Democratic Union / Christian Social Union (CDU/CSU)

The Christian Democratic Union and its more conservative Bavarian sister party, the Christian Social Union, have the most hostile stances toward lesbians. Within these large party organizations, the women's auxiliary, the Frauen Union (Women's Union [FU]) holds a relatively powerful place and has exerted significant influence in modernizing the party's stances on many women's issues (Wiliarty 2010; see also Henninger, this volume). Many of the FU's policy stances involve efforts to obtain recognition of and compensation for traditional care work that women undertake. For example, the group has fought to have the time women spend raising children counted toward their pensions, gained tax deductions both for single parents and for families hiring caregivers. In the United Kingdom, politicians on the right such as David Cameron have framed support for same-sex marriage and family as conservative values worthy of their support. In contrast, the FU has never phrased or imagined any of these policies as broadening the traditional definition of family and de-privileging marriage. Indeed, the organization's self-portrayal never mentions the words *lesbian* or *rainbow families*, nor do its statutes require lesbians to hold positions of leadership within the organization. As of 2015, no member of the organization's board had a history of LGBT activism.[5] The only two public stances the FU has taken regarding the LPartG are the polar opposite of the Lesbenring's position. In a 2004 position paper, "Adopting Stepchildren Is Not in the Interest of the Child," the organization opposed allowing same-sex life partners to adopt each other's biological children as stepchildren ("Stiefkindadoption" 2004) and called for a study to document the dangers of this practice. Five years later, when such a study showed that such children were not harmed, the FU released a second statement charging that the study had been designed to "weaken the institution of marriage and family . . . in an attempt to get votes" for more progressive parties ("Der Schutz" 2009). The FU declared, "The protection of marriage and family lies with us in our good hands!" and promised to fight adoption rights for gays and lesbians. This women's auxiliary organization clearly has not taken up lesbian-friendly positions.

In contrast, the Lesben und Schwulen in der Union (LSU), founded in 1998, has adopted a more sympathetic stance. However, when compared to all other intraparty LGBT organizations in Germany, the LSU has both had the least success in influencing its overall party and done the least to articulate a lesbian-friendly stance on the LPartG. Although the CDU has a 33 percent quota for women, only one of the LSU's 2016 executive board were women.[6] Many of the LSU's activities are geared toward convincing other members of the CDU that same-sex marriages would be compatible with Christian Democracy. The group "demands marriage for same-sex couples. Marriage and family are the sustaining pillars of our society" ("Standpunkte," n.d.). The LSU has also at times used the right to privacy to justify calls for an end to discrimination against gays and lesbians. However, the group does not discuss de-privileging marriage or supporting alternatives to marriage. Rather than advocating for lesbian access to assisted reproduction, most of LSU's efforts seek to educate other party members that having same-sex parents is not detrimental to children. Given the socially conservative nature of the CDU, the limited scope of this organization's policy positions are understandable. The LSU has also spent considerable political capital trying to convince the party to implement the most basic Constitutional Court directives required of it. The group's main accomplishment was to force attendees at the CDU's 2012 party conference to discuss whether registered life partners should enjoy the same tax advantages as heterosexual couples. The LSU's efforts convinced 40 percent of party members as well as family minister Kristina Schröder and CDU vice chair Julia Klöckner to support adding the topic to the agenda, though other party leaders sought to avoid discussing and voting on these issues.

In short, little convergence has occurred between lesbian preferences and the CDU's position on marriage equality, let alone broadening the definition of marriage to other types of relationships. Indeed, the FU has been overtly hostile to rainbow families and the CDU/CSU received the worst possible ranking in almost all of the LSVD's election scorecard categories as a consequence of its failure to support same-sex marriage, adoption for homosexual couples, benefits for rainbow families, and lesbian access to assisted reproductive technologies.[7] The CDU has governed Germany since 2005, and the Merkel government has amended the LPartG or broadened LGBT rights in other ways only when required to do so by the Constitutional Court.

The Liberal Free Democratic Party (FDP)

Despite an institutionally weak position, lesbians have framed many of their interests in a way consistent with the FDP's liberal ideology; however, because the party has been a junior coalition partner with the less hospitable CDU/CSU, this convergence has not resulted in policy change. The weakest intraparty LGBT organization in Germany is the FDP's Liberalen Schwulen und Lesben (LiSL). Founded as a nonprofit in June 2010, the group is still not an officially recognized intraparty organization. The FDP itself has the lowest percentage of female members of all German parties and utilizes no gender quota for intraparty offices: as of 2015, LiSL's thirteen-member leadership team included only one woman.[8] Lesbians are thus underrepresented in this already-marginalized group. When the Free Democrats were in government, LiSL concentrated primarily on pressing the FDP's Christian Democratic coalition partner to implement amendments to the LPartG required by the Constitutional Court.

Given the dearth of women in the FDP and the party's liberal ideology, its women's auxiliary organization, the Liberalen Frauen (LF), is not particularly powerful. The LF's board does not include high-level female elected officials in the way that other parties' women's auxiliaries do (see *LF* n.d.). However, the group has consistently taken pro-lesbian stances. The 2015 Board contained one LGBT activist, Mariana Schuster, a politician interested in human rights who serves on the board of the Hirschfeld-Eddy Foundation, the LSVD's foundation devoted to promoting LGBT rights abroad. Since 2004 the LF has called for bringing life partnerships and marriages closer together by granting same-sex couples the same economic benefits and allowing partners to adopt each other's biological children ("Lebenspartnerschaftsrecht" 2004). This stance now includes all types of adoptions ("Grundsatzprogramm" 2014).

Despite their weakness, these two groups have ensured that the FDP's overall party platform calls for allowing same sex couples to enter into marriages and by extension to adopt children and access reproductive medicine. Unlike other parties, the liberals' position is quite specific about assisted reproductive technologies, and their platform also recognizes some of the difficulties rainbow families face in getting recognition for more than two legal parents. This support for policies that reduce state barriers to individual freedom is clearly in synch with the party's long-standing libertarian ideology. In contrast to these lesbian-friendly stances, the FDP as a whole does not support funding and expanding German or European antidiscrimination laws, limiting the party's ranking on the LSVD's election scorecard. The FDP has not gone beyond broadening the idea of legal recognition for more than two parents (Leutheuser-Schnarrenberger 2009). Regardless of its views, the FDP is not currently in a position to help lesbians. In 2013 the Free Democrats failed to cross the 5 percent threshold required to enter the Bundestag.

The Social Democrats (SPD)

Germany's largest party on the left, the Social Democrats, supported the passage of the original LPartG under pressure from its Green coalition partner. The SPD continues to endorse but not promote reforms to the law. Lesbians have achieved some convergence between their interests and the party's platform, but during its decadelong coalition with the CDU/CSU, the SPD has not pressed for action on lesbian interests. The SPD's Arbeitsgemeinschaft fuer Lesben und Schwulen in der SPD (known colloquially as the Schwusos, an abbreviation of "gay socialists") had an informal status within the party beginning in the 1970s and became an official working group in 2011. Although the SPD also has a 40–60 percent quota for women in intraparty leadership positions, lesbians made up only 28 percent of the Schwuso's executive board (four of fourteen members) in 2015 and were underrepresented among the organization's rank and file as well. The organization resolved to increase the participation of lesbians and transgender individuals in the Schwusos (Bundeskonferenz 2012, 8) and in late 2016 the organization renamed itself SPDqueer. The organization's materials regarding the LPartG focus primarily on equalizing life partnerships and marriage rather than criticizing marriage itself or seeking alternatives to marital arrangements. Their primary goal is "equalizing lesbians, gays, and transgender people in society" rather than changing society itself. Issues confronted by rainbow families do not appear often in the organization's public statements. Instead, most of the Schwusos' activities have focused on issues of greater interest to gay men than lesbians, including fighting bans on blood and bone marrow donations by homosexual men, AIDS prevention programs for men, and rehabilitating the (male) homosexual victims of the Nazis.

The SPD's women's auxiliary organization, the Working Group for Social Democratic Women (Arbeitsgemeinschaft für Sozialdemokratische Frauen [ASF]), like the CDU's Frauen Union, is a relatively strong intraparty organization; its twenty-one-member board contains a number of high-level elected officials, including members of the Bundestag, European Parliament, and state legislatures (see ASF n.d.). One of its 2015 executive board members, Katrin Behrmann, had a track record focusing on the political needs of lesbians and gay men. The ASF's self-description recognizes diversity among women, including age, educational attainment, and employment status, but does not explicitly include sexual orientation. Over the past decade, the ASF has consistently pushed to bring life partnerships in line with marriages but, like the Schwusos, has not fought for legal recognition of other types of relationships.[9] At its 2002 conference in Dortmund, the group demanded adoption rights for same-sex couples along with some tax rights; these points were reiterated and the tax benefits expanded two years later at the group's meeting in Leipzig ("15. Ordentliche" 2002; "16. Ordentliche" 2004). At its 2008 conference in Kassel, the organization called for life partners and heterosexual married partners to receive the same workplace and tax benefits ("18. Ordentliche" 2008). They have reiterated this demand each year and have come out in favor of making life partnerships and heterosexual marriages legally identical (Ferner 2012).

The focus on marriage by the Schwusos and the ASF is reflected in the SPD's platform, which calls for opening the legal category of marriage to include same-sex couples, a decision that would, by extension, allow gay couples to adopt and have tax advantages (Antworten der SPD 2013). The SPD does not talk explicitly about allowing lesbians to obtain assisted reproductive technologies or facilitating same-sex families' access to government benefits, although allowing same-sex couples to marry would ultimately accomplish these things. The LSVD rated the Social Democrats highly on marriage and nondiscrimination issues but the SPD received more mixed assessments in other categories, and they do not advocate legal recognition of alternatives to marriage. That position has been embraced only by Germany's two most progressive political parties, the Left Party and the Greens.

The Left Party

In the Left Party, with its Marxist ideology, higher quotas for women, and many lesbians in intraparty organizations, party platforms come much closer to the preferences of the Lesbenring. The Left Party has a 50 percent quota for women in party leadership positions, and as of 2015, the executive board of its dieLinke.queer organization had four women among its six members (see *dieLinke.queer* n.d.). As early as 2009, the organization began discussing the LPartG by criticizing the notion of marriage itself, declaring that it is not a "romantic and sexually fulfilling relationship based on desire" but an "economic and social necessity" created by a patriarchal form of capitalism in which women cannot support themselves alone. The group's program notes that women in Germany today earn 25 percent less than men, strengthening the pressure to marry. The organization calls for an end to sex discrimination in pay and celebrates feminism's victories in "in shaking up the male structures of society" and working for women's equality ("Grundsatzpapier" 2009). DieLinke.queer pledges to work further toward this goal. Like the Lesbenring, dieLinke.queer's primary goal is to "de-privilege marriage." The group wants to move away from a two partner/one wage earner model and instead strive for recognition of relationships involving children or people in need of care regardless of the gender of the individuals involved. The organization concedes, however, that "this understanding is a clear break with gender and family policy to date. As long as we cannot win a breakthrough to a societal majority for this policy, we support marriage equality as an intermediate step." The Left Party's LGBT organization also stresses that same-sex couples should benefit from the same state aid as married couples—for example, when one partner becomes unemployed or cannot work. Tax equality is also mentioned. Other goals advocated by this organization include working toward the right for gay couples to begin families through either adoption or assisted reproductive technologies.

The Left's women's organization, LISA, also echoes the Lesbenring's and dieLinke.queer's calls for legal recognition for a variety of relationships (see *LISA* n.d.). LISA calls for "an emancipated society in which every man and every woman has the same possibility of identifying and realizing independently determined life courses. . . . We should demand and implement that a woman should be able to self-determine her way of life and her own sexuality" ("Grundsätze," n.d.). The organization's leadership includes a speaker and the head of every state-level organization but no institutionalized representation for lesbians. As of 2015, none of these speakers had a background in LGBT issues, and none were very highly ranked within the party organization. Nevertheless, in 2008 LISA moved to have the Left Party adopt what it described as "emancipatory family policies" including a recognition that for the Left Party,

> family is people taking responsibility for one another, independent of a marriage license, sexual orientation, or the form in which they live—including marriage, family relationships, voluntary family relationships [*Wahlverwandtschaften*], as roommates, or in communes.

> Marriage should not be privileged in terms of taxes or benefits, but rather the rights of all people who care for others should be strengthened. ("Antrag" 2008)

The party as a whole took up these demands, and as a result, the Left Party scored the highest ranking on every category related to same-sex partnerships on the LSVD's 2013 election scorecard, including those of interest to lesbians such as equal rights and benefits for rainbow families, rights for same-sex couples to adopt and foster children, and access to assisted reproductive technologies. For that matter, the Left's position received the top ranking on all but one other issue raised by the LSVD, including improving German and European antidiscrimination laws and policies. The Left Party's Rosa Luxemburg Foundation is also active in policy research and political education regarding gender, sexuality, and care work. In 2014 it sponsored a "Care Revolution" conference in Berlin that focused on gaining legal recognition for what the organizers termed "alternative models of care relationships" such as communes, groups of friends, and residents of the same apartment houses.

The Greens

The highest degree of convergence between lesbian interests and party platforms has occurred within the Green Party, long a supporter of LGBT rights. The Greens' intraparty positions on the LPartG as well as their 2013 party platform parallel the interests expressed by the Lesbenring and the women in the LSVD. The party has a 50 percent minimum for women in intraparty posts, two separate working groups on LGBT issues—the all-female federal working group for lesbians, the BAG Lesbenpolitik, founded in 1998, and the all-male federal working group for Schwulenpolitik—and a very strong women's auxiliary group, the Federal Women's Council (Bundesfrauenrat), which provides an institutionalized role for lesbians. These structures ensure that lesbians are present when party decisions are made.

Like dieLinke.queer, the BAG Lesbenpolitik stresses the connection between feminism and LGBT issues: "The lesbian and women's movements have a long history in Germany. Given the background of structural discrimination against women, we pursue feminist policies. Beyond that, we are also a part the queer community and pursue lesbian policies together with gay men and transsexuals, etc." (*Lesbenpolitik* n.d.). The group's primary goal is not same-sex marriage but "the equality of all forms of living together" ("Die BAG" 2013). Given that the group's leadership is exclusively female, it is unsurprising that this position echoes that of the Lesbenring.

The Greens' Federal Women's Council (Bundesfrauenrat) enjoys a privileged position within the party's organizational structure and is charged with enforcing the party's Women's Statute ("Frauenstatut," n.d.) which ensures that feminist voices will be heard within the party (*Bundesfrauenrat* n.d.). The council coordinates policymaking relating to women's issues within the federal party as a whole, the Green parliamentary party group in the Bundestag, and the Greens' state-level branches; the Bundesfrauenrat's executive board is required to include female members of the Bundestag, the European Parliament, and other high-ranking women. In addition, the council must include one member of the BAG Lesbenpolitik, ensuring that at least one lesbian holds a leadership role. In 2015 the body's five-member presidium also included the Green lieutenant governor of the state of Baden-Wuerttemberg, Brigitte Lösch, a longtime LGBT activist. This influential intraparty women's organization has consistently (and successfully) urged the Greens to take on a range of lesbian-friendly positions related to the LPartG. After the passage of the Life Partnership Law, the group pushed for the right of same-sex couples to adopt each other's (biological) children as part of the first amendment to the law ("Oft kopiert" 2005). As early as 2007, group members began advocating for the rights of rainbow families:

> From the Green point of view it's clear: family is there where children are and where people take responsibility for one another in binding relationships. Family is lived in the broadest range of constellations, and everyone, whether single parents, rainbow parents, or stepparents, needs society's support and solidarity. . . . The Federal Women's Council favors an equality-oriented, emancipative, and sustainable family policy that puts all people who take responsibility for each other at the center rather than only certain models of family. . . . We demand regulations that allow adults to organize all family-law-related questions in a binding manner. We must take into consideration family forms with more than two legal parents. ("Für eine" 2007)[10]

In 2010 the Bundesfrauenrat publicly called for full adoption rights for same-sex couples as well as for equal medical benefits for both same-sex and opposite-sex married couples ("Für eine" 2010). In 2013 the council began a discussion of how best to construct tax policies to promote both children's well-being and gender equality while treating all children equally regardless of their parents' configuration ("Grüne Frauenpolitik" 2013).

That this persistent advocacy of legal recognition of a wide range of relationships has affected the party as a whole can be seen in the Greens' 2013 electoral program. The party produced a twenty-seven-page *Queer Electoral Program for the Bundestag Election of 2013* that begins, "There's more to the election than 'just' opening marriage" to same-sex couples. The document went on to offer many concrete suggestions for improving the status of rainbow families. The program devotes considerable attention to the rights of "social parents"—not only individuals with biological ties to the child but also those with practical ties. The Greens called for the creation of an "*Elternausweis*" (parent ID card) that would legally recognize as many as four adults caring for a child. In addition, the *Queer Electoral Program* details not only the tax disadvantages to gay couples but also the difficulties same-sex parents have in qualifying for government benefits such as the child subsidy (*Kindergeld*) and dependent tax deductions (*Kinderfreibeträge*). The Greens also supported lesbian access to artificial insemination and homosexual adoption rights. The party criticized the current regulations governing stepchild adoption by same-sex couples, pointing out that married partners can immediately adopt a stepchild, whereas same-sex couples are put on probation for a year before such an adoption is finalized. In short, the Greens' program comes closest to representing the ideas of de-privileging marriage, legally recognizing multiple types of care relationships, and aiding rainbow families.[11] Only the Greens earned a perfect score on the LSVD's election scorecard, including high marks for their efforts to improve German and European antidiscrimination policy. Lesbian voices have clearly best found convergence with the Green Party.

Although the convergence between the Lesbenring's positions and policymaker interests has been highest in the Left and Green Parties, the Left Party has never served in a national government and the Green Party has been in the opposition since 2005. As a result, only limited progress has occurred in reforming the LPartG in ways consistent with lesbian interests. The reforms that have occurred have resulted primarily from ECJ and national court cases filed by the LSVD and ILGA-Europe.

The Origins of the Life Partnership Law (LPartG)

The first discussion of same-sex partner and family rights in the Bundestag was initiated in 1988 by a Green member, Jutta Oesterle-Schwerin, who went on to become the head of the Lesbenring. In keeping with that group's position, she called on the German parliament to legally regulate various forms of nonmarital domestic partnerships. However, her proposals were soundly rejected, in part because her many opponents believed that Article 6 of the Basic Law, which promises that marriage is to enjoy special legal protections in Germany, meant that any legislation supporting nonmarital relationships would be unconstitutional (BT-Plenarprotokoll 11/54, 20.01.88). Following unification, gay male activists took up the issue of rights for same-sex couples, this time focusing on access specifically to marriage as opposed to nonmarital relations. In 1992, the SVD sponsored an *Aktion Standesamt* (Registry Office Action) in which 250 same-sex couples went to registry offices across the country to attempt to marry.[12] All of their applications were denied. The next year, some of these couples filed suit in the Constitutional Court, claiming that their right to marry had been violated. The lawsuit was unsuccessful as well.

These domestic failures led the male leaders of the SVD to begin a concentrated effort at the European level in conjunction with ILGA's European arm to pursue both litigation in the European Court of Human Rights and the ECJ as well as lobbying of the European Parliament; the goal was to pressure the German government via international venues into broadening its definition of marriage (ILGA Europe n.d.; see also Schimmel and Heun 2001). One of the earliest members of the SVD, former federal judge Manfred Bruns, argued cases both in Germany and at the European level on behalf of men wishing to marry. While initial lawsuits did not succeed, the strategy of lobbing the European Parliament proved more effective.

In 1994, the European Parliament urged member states to end discrimination against gays and lesbians by legalizing either marriage or marriage-like arrangements for same-sex couples (Davidson-Schmich 2006, 140). This development prompted the Green Party to propose a series of bills to that end in the Bundestag; the Greens used the EP's standpoint as a key justification for their proposed legislation. The SVD also continued to press for marriage, launching the 1996 "Traut Euch" (a play on words—it means both "Get Married" and "Trust Yourselves") publicity campaign in support of same-sex partnerships (BT-Drucksache 12/7885, 15.06.94; BT-Drucksache 13/2728, 14.03.97; BT-Drucksache 13/7228, 14.03.97). In 1998, the organization introduced its election scorecards.

After the SVD opened to lesbians in the late 1990s, it continued to push for marriage with the *Aktion JA-Wort* (Say Yes) campaign. The effort received not only continued backing from the Green party but also newfound support from the SPD. When a SPD/Green government came to power in 1998, however, the marriage issue was not at the top of the coalition's agenda (Davidson-Schmich 2006). The LSVD then started an e-mail/postcard campaign to remind members of the Bundestag of the coalition's promise to move forward on same-sex partnerships; the group also staged demonstrations in front of the Bundestag and SPD chancellor Gerhard Schröder's office. The Greens had recently achieved a phased withdrawal from nuclear energy, disappointing some of their most loyal voters, who had favored an immediate withdrawal. As a result, party leaders were looking for a different core issue that they could address more fully as junior coalition partner to remobilize their disappointed constituents. Promoting LGBT partnership rights fit the bill.

Thus, the marriage issue—rather than the lesbian-preferred option of de-privileging marriage—entered the government's agenda at the turn of this century. The bill that ultimately passed took a different form than allowing gays and lesbians to marry for (at least) two reasons. First, achieving all the rights of marriage—for example, the ability to register same-sex partnerships at *Land*-run registry offices—required the approval of the upper chamber of Germany's parliament, the Bundesrat, which at that time was dominated by the Christian Democrats, who vehemently opposed same-sex unions. In addition, the Greens' partner in the opposition, the FDP, objected to the law's form, preferring to reduce the number of legal regulations and favoring a strategy in which same-sex couples used private legal arrangements (such as wills and powers of attorney) to protect their partners. As a result, the LPartG was broken up into two parts—the law itself, which contained only federal provisions and thus did not require the consent of the Bundesrat, and an amendment with the provisions that touched on the states and required Bundesrat approval.

Second, the SPD had continuing concerns about Article 6, Paragraph 1 of the Basic Law, which states that "marriage and family are under the special protection of law." Some Social Democratic legal advisers feared that giving marriage and family rights to same-sex couples would violate that "special protection." As a result, the SPD supported the Greens' call for legal unions but deliberately crafted the law so that life partnerships would be distinct from marriage.

Although their unions would be legally recognized, lesbian and gay life partners would enjoy fewer rights than married couples in two key areas: family rights and property rights. Registered life partners would not receive the right to adopt children or guaranteed access to assisted reproductive services. If same-sex couples found themselves jointly raising children—for example, one partner's biological child from a previous relationship or a child adopted by one parent alone—the "social" (or nonbiological/non-adoptive) parent would remain almost a legal stranger to the child, eligible only for limited guardianship rights (*kleines Sorgerecht*). In addition, social parents are ineligible for welfare benefits or tax advantages for their children (Rupp 2009). Moreover, same-sex couples would receive neither all the rights nor the responsibilities associated with marriage and would, for example, pay more taxes and receive fewer employment benefits.

The LPartG passed the Bundestag with the support of the SPD and Greens and over the objections of the CDU and the FDP. The Party of Democratic Socialism (the Left Party's predecessor) abstained from the vote because they believed that this particular piece of legislation created second-class partnerships for gays and lesbians. The amendment passed the Bundestag but not the Bundesrat and was consequently sent to a conference committee, where it languished because the CDU refused to attend committee meetings. Instead, three CDU-dominated states took the law to the Constitutional Court, charging that it was invalid because it violated Article 6. When the court heard the case in April 2002, it invited the LSVD's lawyer, Manfred Bruns, to testify. He argued that the LPartG was constitutional because in no way did it take rights away from heterosexual couples. The court's July ruling upheld the life partnership law, echoing Bruns's reasoning, and it went into effect.

The Constitutional Court decision removed some of the main legal concerns about equating life partnerships and marriage and paved the way for a series of changes to the LPartG and related laws, bringing life partnerships closer to marriage. In 2005 the SPD/Green government passed a Revision to the Life Partnership Law (Gesetz zur Überarbeitung des LPartG), modifying some civil laws. Life partners received the right to adopt each other's biological children and the right to receive a deceased partner's pension (*Hinterbliebenenrente*).[13] This revised law failed to address other aspects of family formation important to rainbow families such as artificial insemination, adoption of a partner's adopted child, or joint adoptions of a new child. Other tax and social benefits enjoyed by married couples were also not extended. The revision included no discussion of alternative forms of partnerships or the idea of de-privileging marriage.

Shortly after this revision to the LPartG, the SPD/Green government fell, and a CDU/SPD coalition came to power. Christian Democrats have subsequently continued to govern Germany, in a coalition with the FDP from 2009 to 2013 and in an alliance with the SPD since the fall of 2013. The Christian Democrats' standing opposition to LGBT issues means that lesbians and their allies in the LSVD and leftist political parties have been unable to achieve policy change through interest convergence with policymakers in power.

Instead, the LSVD (along with ILGA-Europe) began a series of efforts to pressure the CDU from the "top down," pursing cases through European courts and then filing constitutional court cases in Germany (e.g., Rath 2004) to force the CDU to alter the LPartG to conform to supranational law. These efforts initially prioritized concerns regarding property rights and have only recently turned toward family rights. Attempts to change the law have primarily addressed freeing life partners from burdensome state financial regulations rather than ensuring access to state benefits. As a result, the court-driven changes to the law have favored well-to-do partners rather than socially weak ones and have only recently addressed family rights. Given the gender differences in working hours, income levels, and parenting, these reforms seem to have benefited gay men more than lesbians.[14]

Amending the Law: Working through Europe to Achieve Change at Home

After early legal successes in defending the LPartG and gaining pension benefits for same-sex partners, the LSVD and allied lawyers, including Dirk Sigfried and Maria Sabine Augstein (a transgender woman), began soliciting cases from disadvantaged couples that could be used to push for legal change, especially in the areas of tax and civil service employment (Rath 2004). Between 2005 and 2009, the Constitutional Court considered eight lawsuits relating to the LPartG and property rights, all but one filed by male plaintiffs.[15] The court refused to hear three of the cases, but decided the others in favor of the plaintiffs between 2009 and 2013.

In addition to supporting lawsuits, the LSVD lobbied state and national governments to bring life partnerships in line with marriage, starting with tax issues. The group's Aktion 1:1 (Action 1:1) campaign tried to work through sympathetic *Länder* and the Bundesrat to improve the tax situation of same-sex couples, while the 2007 Keine Halben Sachen (No Half Measures) campaign did the same on the federal level, initially focusing on inheritance taxes, which a 2006 Constitutional Court decision required the Bundestag to revise (see "Leitsätze" 2006). While the surviving partner in a marriage could inherit five hundred thousand euros tax free, a same-sex partners could inherit only fifty-two hundred euros in what the LSVD referred to as "discrimination beyond the grave." These concerns were well received by the libertarian FDP, and by 2009, it, the Greens, and the intraparty LGBT organizations of the other parties had pledged support for tax equality. However, the Frauenrat did not. Nonetheless, the campaign led to the passage of a law promoting reform of inheritance taxes (*Gesetz zur Erbschaftssteuerreform*), which went into effect in 2009.

The late 2000s also began to bring about European court victories. The ECJ heard the case of a Bavarian man who did not receive his deceased male partner's civil service pension because the couple could not legally marry. LSVD lawyer Manfred Bruns argued part of the case before the court, and representatives of ILGA-Europe testified ("Opinion of the Advocate General" 2007). The ECJ ruled failing to give married couples and life partners the same spousal employment benefits constituted a violation of the EU's ban on employment discrimination on the basis of sexual orientation. The LSVD then used the ECJ decision to push for legal change at home, sponsoring lawsuits in local tax courts to improve the laws governing civil servants' pay (*Beamtenbesoldung*), which is the purview of German states. These moves led to state-level legislative changes as well as ultimately to changes in laws governing federal-level employees. Tenured civil servants are a relatively well-off group, however, meaning that this legislation primarily helped affluent couples improve their financial status.

Court victories for LGBT activists continued at the domestic level in 2009 when the Constitutional Court ruled that the Basic Law requires life partners and heterosexual spouses in "comparative situations" to be treated equally (LSVD n.d.).[16] The court thus moved beyond simply seeing life partnerships as not taking away from the special legal protections of marriage and family, instead viewing them as worthy of similar protections. The court also brought up the need to legally secure rainbow families, arguing that it was a fallacy to equate heterosexual marriage with procreation, since many straight couples do not have children and some lesbian and gay partners do. This decision was followed by other Constitutional

Court victories in cases involving marriage tax bonuses, family allowances for employees, pension, and inheritance tax rights—all chipping away at the differences between life partnerships and marriages. As a result, the CDU/CSU government grudgingly, gradually, and as minimally as possible implemented these court-mandated legal changes to property rights (see Bannas and Lohse 2015).

Attempts to grant life partners more family-related benefits or to de-privilege marriage, have been scarcer and less successful. Between the time they entered the opposition in 2006 and the start of 2015, the Green Party proposed three different laws that would have allowed life partners full adoption rights and access to welfare benefits equivalent to those available to married couples (see BT-Drucksache 16/3423, 15.11.06; BT-Drucksache 16/5596, 13.06.07; BT-Drucksache 18/577, 19.02.14; see also BT-Drucksache 18/842, 18.03.14). The FDP made similar proposals when it was not part of the governing coalition with the CDU (see BT-Drucksache 16/565, 08.02.06; BT-Drucksache 16/8875, 23.04.08). The Left Party has also submitted motions calling for gays and lesbians to be allowed to marry and urging the government to develop alternatives to marriage for people in other sorts of relationships or who simply do not want to marry (see BT-Drucksache 16/5184, 27.04.07; BT-Drucksache 17/2023, 09.06.10). The CDU government has either tabled or rejected all of these proposals. In 2015, states governed by the SPD, Green Party, or Left Party began a campaign to convince the Bundesrat to pressure the Bundestag to "end all unconstitutional discrimination against registered life partners" ("Rot-Grüne Bundesländer" 2015).

Only in 2009, almost a decade after the original LPartG passed, did cases involving family rights—specifically, various adoption rights—begin to reach the Constitutional Court as part of LGBT activists' political strategy. Two cases have featured female plaintiffs with female lawyers, while two other cases have been filed by district courts seeking guidance from the Constitutional Court in cases brought by women.[17] Two involved "successive adoptions" in which a same-sex partner requested to be allowed to adopt a child that her partner had previously adopted. While the first case was not heard, in the second the Constitutional Court found it discriminatory not to allow life partners such adoptions when they were available to heterosexual couples. As a result, the CDU was forced to change the law to permit successive adoptions, though the party refused to extend adoption rights to other cases—for example, to same-sex couples who wished to jointly adopt orphans or children of whom they were currently foster parents (the subject of the other lawsuits).[18] Aside from the Christian Democrats, all parties in the Bundestag now favor full adoption rights.

To date, no federal cases have involved the right for same-sex couples to jointly adopt a child anew or to access assisted reproductive technologies; none have pushed for the de-emphasis of marriage in favor of more generalized care-based relationships or called for legal relationships involving more than two partners/parents. Thus, while the LSVD has pressured the German government via legal challenges, these cases have involved the most affluent rather than the poorest, property rights rather than family rights. If the CDU/CSU were to lose power, it is likely that marriage equality—and with it full adoption rights and access to reproductive medicine and welfare benefits—would be achieved, given the other parties' support for including lesbians and gays under the marriage umbrella. However, much more time would likely be required to win acceptance and implement the LSVD, Green, and Left Party proposals to de-privilege marriage and grant social parents rights. Moreover, the needs of minority lesbians have not been at the forefront of any of these groups' agendas.

Conclusion

The debate over same-sex partnerships in Germany offers evidence to corroborate what other research on intersectionality has found—groups of minority women face challenges in implementing their political preferences. Although Germany's largest lesbian organization calls for a de-privileging of marriage, one of the main issues promoted by the Federal Republic's largest LGBT umbrella organizations and by political parties and LGBT studies scholars has been first creating same-sex partnerships and then making them equal with marriage. The main facets of the LPartG reform involved reducing the tax burden on wealthy couples rather than on the issues of care (e.g., improving the availability of public benefits) or family (e.g., access to assisted reproductive technologies). Only a decade after the law was signed did rainbow families and their concerns begin to make their way onto party platforms.

However, German lesbians have indeed formed political alliances with the three types of allies identified in the introduction to this volume: transnational actors, German political parties, and domestic interest groups. The International Gay and Lesbian Association has begun to take up the cause of rainbow families, and the German Greens and Left Party have articulated concerns close to those expressed by the Lesbenring. This phenomenon demonstrates an important institutional difference from the United States, which is the source of much intersectionality literature. Minority women may have difficulty getting heard by one of two centrist parties in a two-party system but find their task easier in a multiparty constellation, where more specialized parties may be more receptive to their concerns. The use of gender quotas for intraparty offices, especially in a party's LGBT group, as well as institutionalized positions for lesbian representatives in women's auxiliaries helps ensure that lesbians receive a seat at the table when party platforms are written. Moreover, coalitional politics may at times allow these small parties to translate their policy preferences into law.

Germany's embeddedness in the European Union offers this intersectional group another venue through which to pressure the domestic government. The top-down venue—using the ECJ and subsequently the Constitutional Court in Germany to pressure policymakers from above—has played a role, too, edging even the most socially conservative party along.

The court cases filed were initiated by lesbians' domestic interest group ally, the male-dominated LSVD. In contrast, the Frauenrat, given the presence of religiously affiliated members, has been a less useful ally. However, the LSVD initially focused on gay men's concerns with marriage and property rights and only in the past few years has taken up the issues of family rights and alternatives to marriage that have been German lesbians' priorities since the 1980s.

NOTES

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1. One contributor points out that he is focusing specifically on gay men and notes the absence of research on lesbians in the context he studied.

2. The Lesbenring concedes a preference for marriage equality over the existing LPartG, although neither is their first choice

3. Banens (2014) also notes what he terms the "invisibility" of same sex couples in Central European countries' state statistics: Germany's Federal Statistical Office reports microcensus estimates rather than precise figures. Such statistical invisibility is observed in terms of other intersectional groups studied in this volume, including migrant boys and girls and disabled women.

4. The policy benefits single-wage-earner marriages, the vast majority of which have male breadwinners. The working spouse may split his income in half and be taxed in the lower tax bracket. If both partners work, their incomes are combined, and they are taxed at a higher rate. The ostensible goal of this policy is to enable

women to stay at home and care for their children; however, heterosexual married couples do not have to have children to qualify for this benefit. The LPartG did not extend this tax benefit to same-sex life partners, even those with children.

5. For more about the Frauen Union see their website at http://www.frauenunion.de/

6. For more about the LSU see their website at http://www.lsu-online.de/

7. The party did receive the LSVD's highest rating in terms of support for intersex rights; see von Wahl, this volume.

8. For more about LiSL, see their website: http://www.lisl-deutschland.de/

9. The ASF has also taken stances on a number of other LGBT issues, including combating homophobia (2010) and violence against LGBT citizens (2006).

10. This decision came seven years after the founding of ILSE but three years before the LSVD included the needs of rainbow families in its program.

11. In contrast to the Left Party's portrayals of LGBT issues, however, the Greens' *Queer Electoral Platform* does not discuss gender discrimination in employment and pay as problems faced by lesbian couples.

12. In Germany, marriages are recorded in a public office called the *Standesamt* or Registry Office.

13. The change regarding pension rights was driven by a court decision resulting from an LSVD-initiated lawsuit (Rath 2004). While the adoption provision was important progress toward legal equality, it required that the child's other biological parent renounce parental rights. It still is not legally possible for a child in Germany to have more than two parents.

14. Affluent, childless lesbians also benefit, however. Conversely, the needs of gay male couples with children have been overlooked, just as lesbian mothers' have. Moreover, none of the lawsuits have focused on the needs of disabled, immigrant, or otherwise marginalized LBGT citizens.

15. Cases include 1BvR155/05, 2BvR855/06, 2BvR1830/06, 2BvR909/06, 1981/06, 288/07, 1BvR1164/07, 1BvR611/07, 2464/07, and 2BvR1397/09; see *Bundesverfassungsgericht*, n.d.

16. For details about the decision, see here: https://www.lsvd.de/verband/lsvd-chronik/2009-neuer-schwung-im-jubilaeumsjahr-60-jahre-grundgesetz.html/

17. The cases include 1BvL15/09, 1BvR666/10, 1BvL1/11, 3247/09, 1BvL02/13, 03/13; see *Bundesverfassungsgericht*, n.d.

18. The Constitutional Court rejected a 2013 case brought on a technicality and requested that the district court resubmit the case in a different form. See 1BvL02/13 and 03/13, *Bundesverfassungsgericht*, n.d.

REFERENCES

"15. Ordentliche Bundeskonferez der Arbeitsgemeinschaft Sozialdemokratischer Frauen: Angenommene und überwiesene Anträge." 2002. *ASF*, 21–23 May, Dortmund. Available at http://www.asf.de/spd-webapp/servlet/elementblob/455878/content

"16. Ordentliche Bundeskonferez der Arbeitsgemeinschaft Sozialdemokratischer Frauen: Angenommene und überwiesene Anträge." 2004. *ASF*, 14–16

May, Leipzig. Available at http://www.asf.de/spd-webapp/servlet/elementblob/455881/content

"18. Ordentliche Bundeskonferez der Arbeitsgemeinschaft Sozialdemokratischer Frauen: Angenommene und überwiesene Anträge." 2008. *ASF*, 13–15 June, Kassel. Available at http://www.asf.de/spd-webapp/servlet/elementblob/455886/content

Antidiskriminierungsverband Deutschland. N.d. Available at http://www.antidiskriminierung.org/

"Antrag an den Bundesparteitag in Cottbus: Für eine emanzipatorische Familienpolitik der Partei Die Linke." 2008. *LISA*. Available at http://www.lisa-frauen.de/fileadmin/lisafrauen/PDF-Dateien/Antrag_LISA_Familienpolitik-1.pdf

"Antworten der SPD." 2013. *LSVD*. Available at https://www.lsvd.de/fileadmin/pics/Dokumente/Wahlpruefsteine/2013_SPD.pdf

Arbeitsgemeinschaft fuer Lesben und Schwulen in der SPD (Schwusos). N.d. Available at http://www.spd.de/spd_organisationen/schwusos/

Arbeitsgemeinschaft für Sozialdemokratische Frauen (ASF). N.d. Available at http://www.asf.de/

Ayoub, Phillip M. 2016. *When States Come Out: Europe's Sexual Minorities and the Politics of Visibility*. New York: Cambridge University Press.

Ayoub, Phillip M., and David Paternotte. 2014. *LGBT Rights and the Making of Europe—A Rainbow Europe?* London: Palgrave Macmillan.

Banens, Maks. 2014. *Same Sex Unions in Europe: Observations on European Diversity* Council for European Studies. 8 May. Available at http://councilforeuropeanstudies.org/critcom/same-sex-unions-in-europe-some-observations-on-european-diversity/

Bannas, Günter, and Eckart Lohse. 2015. "Liebe in Zeiten der großen Koalition." *Frankfurter Allgemeine Zeitung*, 26 May. Available at http://www.faz.net/aktuell/politik/inland/koalition-beraet-ueber-homo-ehe-liebe-in-zeiten-der-grossen-koalition-13613025.html

Barker, Nicola. 2013. *Not the Marrying Kind: A Feminist Critique of Same-Sex Marriage*. Basingstoke: Palgrave.

Blofield, Merike. 2012. *Care, Work, and Class: Domestic Workers' Struggle for Equal Rights in Latin America*. University Park: Pennsylvania State University Press.

Bundesverfassungsgericht. N.d. www.bundesverfassungsgericht.de

Bundesfrauenrat. N.d. Available at http://www.gruene.de/partei/bundesfrauenrat.html

Bundeskonferenz AG Schwusos. 2012. *Beschlussbuch*. Leipzig, 6–7 October. Available at http://www.spd.de/spd-webapp/servlet/elementblob/13535183/content

Bundeszentrale für Politische Bildung. 2010. *Gleichgeschlechtliche Lebensgemeinschaften in Deutschland*. Available at http://www.bpb.de/gesellschaft/gender/homosexualitaet/38844/lebensgemeinschaften

"Bündnis gegen Diskriminierung reaktiviert." 2010. *Deutscher Frauenrat*. 22 January. Available at http://www.frauenrat.de/deutsch/presse/pressemeldungen/pressemeldung/article/buendnis-gegen-diskriminierung-reaktiviert.html

Celis, Karen. 2006. "Substantive Representation of Women: The Representation of Women's Interests and the Impact of Descriptive Representation in the Belgian Parliament, 1900–1979." *Journal of Women, Politics, and Policy* 28.2: 85–114.

Council for European Studies. 2014. *Over the European Rainbow: Sexual and Gender Minorities in Europe*. http://councilforeuropeanstudies.org/critcom/over-the-european-rainbow/

Crenshaw, Kimberlé Williams. 2005 [1989]. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color." In Raquel Kennedy Bergen, Jeffrey L. Edleson, and Claire M. Renzetti, eds., *Violence against Women: Classic Papers*. Boston: Pearson.

Davidson-Schmich, Louise K. 2006. *Becoming Party Politicians: Eastern German State Legislators in the Decade Following Democratization*. Notre Dame, IN: University of Notre Dame Press.

"Der Schutz von Ehe und Familie liegt bei uns in guten Händen!" 2009. *Frauen Union*, 24 July. Available at http://www.frauenunion.de/meldungen-von-2009/1084-br-der-schutz-von-ehe-und-familie-liegt-bei-uns-in-guten-hen.html

"Die BAG Lesbenpolitik wurde 1988 gegründet." 2013. *BAG Lesbenpolilitik*. Available at http://gruene-bag-lesbenpolitik.de/willkommen

dieLinke.queer. N.d. Available at http://www.die-linke-queer.de/

"Diskriminierung von Lebenspartnerschaften bei der Familiengründung beenden!" 2008. *Beschluss der LSVD Verbandstag*. 12 April. Available at http://www.lsvd.de/verband/verbandstage/verbandstag-2008/beschluesse-des-verbandstages-2008/diskriminierung-von-lebenspartnerschaften-bei-der-familiengruendung-beenden.html

"Ein Schritt vor und zwei zurück." 2013. *Lesbenring e.V.* Available at http://www.lesbenring.de/ein-schritt-vor-und-zwei-zurueck/

European Commission. 2013. *Europe 2020: Labor Market Participation of Women*. Available at http://ec.europa.eu/europe2020/pdf/themes/23_labour_market_participation_of_women.pdf

Ferner, Elke. 2012. "SPD sagt JA zur Öffnung der Ehe für Lebenspartnerschaften." Social Democratic Party. 28 June. Available at http://www.spd.de/presse/Pressemitteilungen/73828/20120628_spd_ja_zur_oeffnung_ehe.html

Ferree, Myra Marx. 2012. *Varieties of Feminism: German Gender Politics in Global Perspective*. Stanford, CA: Stanford University Press.

Frauenrat. N.d. https://www.frauenrat.de/

"Frauenstatut." N.d. *Bündnis 90/die Grünen*. Available at http://www.gruene.de/fileadmin/user_upload/Dokumente/Frauenstatut.pdf

Frauen Union. N.d. http://www.frauenunion.de/

"Für eine eigenständige Absicherung—auch in der Bürgerversicherung." 2010. *Beschluss der Bundesfrauenrat*, 2 October. Available at https://www.gruene.de/fileadmin/user_upload/Beschluesse/Frauen-eigenstaendige-Absicherung-Beschluss-FR-Berlin-10–2010.pdf

"Für eine gleichstellungsorientierte und geschlechtergerechte Familienpolitik." 2007. *Beschluss der Bundesfrauenrat*, 28 October. Available at https://www.gruene.de/fileadmin/user_upload/Beschluesse/Familie-geschlechtergerechte-Familienpolitik-Beschluss-FR-Berlin-10–2007.pdf

Gates, Gary J., and Frank Newport. 2012. *Special Report: 3.4% of U.S. Adults Identify as LGBT*. 18 October. Available at http://www.gallup.com/poll/158066/special-report-adults-identify-lgbt.aspx

Grabham, Emily, Davina Cooper, Jane Krishnadas, and Didi Herman. 2008. *Intersectionality and Beyond: Law, Power, and Politics of Location*. London: Routledge.

"Grundsätze und Ziele." N.d. *LISA*. Available at http://www.lisa-frauen.de/wir_ueber_uns/ziele_und_grundsaetze/

"Grundsatzpapier der BAG DIE LINKE.queer." 2009. *Die Linke.queer*, 15 March. Available at http://www.die-linke.de/partei/zusammenschluesse/bagdielinkequeer/erklaerungenundstellungnahmen/grundsatzpapierderbagdielinkequeer/

"Grundsatzprogramm." 2014. *Liberalen Frauen*. Available at http://www.liberale-frauen.de/

"Grüne Frauenpolitik in der Opposition." 2013. *Beschluss der Bundesfrauenrat*, 23–24 October. Available at https://www.gruene.de/fileadmin/user_upload/Beschluesse/Frauenpolitik-Beschluss-Bundesfrauenrat-11-2013.pdf

Hardy-Fanta, Carol. 2007. *Intersectionality and Politics*. Philadelphia: Haworth.

ILGA Europe. N.d. *Strategic Litigation in the European Courts*. http://www.ilga-europe.org/what-we-do/our-advocacy-work/strategic-litigation

Initiative Lesbischer und Schwuler Eltern (ILSE). N.d. http://www.ilse.lsvd.de/

Iversen, Torben, and Frances Rosenbluth. 2006. "The Political Economy of Gender: Explaining Cross-National Division of Labor and the Gender Voting Gap." *American Journal of Political Science* 50.1: 1–19.

Judge, Melanie, Anthony Manion, and Shaun de Waal, eds. 2008. *To Have and to Hold: The Making of Same-Sex Marriage in South Africa*. Auckland Park: Fanele.

Kittilson, Miki Caul. 2006. *Challenging Parties, Changing Parliaments*. Columbus: Ohio State University Press.

Lang, Sabine, and Birgit Sauer. 2013. "Does Federalism Impact Gender Architectures? The Case of Women's Policy Agencies in Germany and Austria." *Publius: The Journal of Federalism* 43.1: 68–89. http://dx.doi.org/10.1093/publius/pjs048

"Lebenspartnerschaftsrecht." 2004. *Beschluss der Liberalen Frauen*, 13–14 November, Magdeburg. Available at http://liberale-frauen.org.liberale.de/sitefiles/downloads/290/BeschlussLebenspartnerschaft.pdf?PHPSESSID=1364faac2103b7eec461e0978b1ecd02

"Leitsätze: zum Beschluss des Ersten Senats vom 7. November 2006." 2006. Available at http://www.bverfg.de/entscheidungen/ls20061107_1bvl001002.html

Lesben und Schwulen in der Union (LSU). N.d. Available at http://www.lsu-online.de/

Lesben und Schwulenverband in Deutschland (LSVD). N.d. Available at http://www.lsvd.de/

Lesbenpolitik. N.d. Available at http://www.gruene-bag-lesbenpolitik.de/

Leutheusser-Schnarrenberger, Sabine. 2009. *Zypries schließt sich endlich der Forderung der FDP zu Adoptionsrecht an*. 23 July. Available at http://www.liberale-frauen.de/

Liberalen Frauen (LF). N.d. http://www.liberale-frauen.de/

Liberalen Schwulen und Lesben (LiSL). N.d. Available at http://www.lisl-deutschland.de/

LISA. N.d. http://www.lisa-frauen.de/

LSVD. N.d. "2009—Neuer Schwung im Jubiläumsjahr—60 Jahre Grundgesetz."

Available at https://www.lsvd.de/verband/lsvd-chronik/2009-neuer-schwung-im-jubilaeumsjahr-60-jahre-grundgesetz.html

"LSVD-Wahlprüfsteine zur Bundestagswahl 2013." 2013. *LSVD*. Available at http://www.lsvd.de/politik/wahlpruefsteine/bundestagswahl-2013.html

"Maßgeblicher Beitrag zur Weiterentwicklung unserer Gesellschaft." 2010. *Deutscher Frauenrat*, 9 April. Available at http://www.frauenrat.de/deutsch/infopool/nachrichten/informationdetail/article/massgeblicher-beitrag-zur-weiterentwicklung-unserer-gesellschaft.html

Mesquita, Sushila. 2011. *Ban Marriage!: Ambivalenzen der Normalisierung aus queer-feministischer Perspektive*. Vienna: Zaglossus.

"Oft kopiert und nie erricht: die grüne Frauenpolitik." 2005. *Beschluss der Bundesfrauenrat*, 18–19 June. Available at https://www.gruene.de/fileadmin/user_upload/Beschluesse/Frauen-gruene-Frauenpolitik-Beschluss-FR-Berlin-06–2005.pdf

"Opinion of the Advocate General of the European Court of Justice Is Favourable towards Same-Sex Partners." 2007. *ILGA-Europe*, 6 September. Available at http://www.ilga-europe.org/resources/news/latest-news/opinion-advocate-general-european-court-justice-favourable-towards-same

Paternotte, David. 2015. "Global Times, Global Debates?: Same-Sex Marriage Worldwide." *Social Politics* 22.4: 653–74.

Paternotte, David, and Kelly Kollman. 2013. "Regulating Intimate Relationships in the European Polity: Same-Sex Unions and Policy Convergence." *Social Politics* 20.4: 510–33.

Pierceson, Jason, Adriana Piatti-Crocker, and Shawn Schulenberg. 2013. *Same-Sex Marriage in Latin America: Promise and Resistance*. Lanham, MD: Lexington Books.

Polikoff, Nancy. 2008. *Beyond (Straight and Gay) Marriage: Valuing All Families*. Boston: Beacon.

"Programm des Lesben und Schwulen Verbandes in Deutschland." 2010. *LSVD*. Available at https://www.lsvd.de/fileadmin/pics/Dokumente/Verbandstage/2010_Beschluss_LSVD_Programm.pdf

"Queer Electoral Program for the Bundestag Election of 2013." 2013. *Bündnis 90/die Grünen*. Available at http://www.gruene.de/fileadmin/user_upload/Dokumente/Wahlprogramm_Queer_Bundestagswahl-2013.pdf

Rath, Christian. 2004. "Wo kein Gesetz, da ein Richter: Homopaare verlegen sich für die Gleichstellung auf Musterprozesse." *taz*, 1 July, 3.

Rimmerman, Craig A., and Clyde Wilcox, eds. 2007. *The Politics of Same-Sex Marriage*. Chicago: University of Chicago Press.

"Rot-Grüne Bundesländer für Homo-Ehe." 2015. *Frankfurter Allgemeine Zeitung*, 2 June. Available at http://www.faz.net/aktuell/politik/inland/bundeslaender-mit-rot-gruen-koalition-wollen-homo-ehe-13625827.html

Rupp, Marina, ed. 2009. *Die Lebenssituation von Kindern in gleichgeschlechtlichen Lebenspartnerschaften.* Cologne: Bundesanzeiger.

Rupp, Marina, ed. 2011. *Partnerschaft und Elternschaft bei gleichgeschlechtlichen Paaren: Verbreitung, Institutionalisierung, und Alltagsgestaltung*. Berlin: Transcript.

Schimmel, Roland, and Stefanie Heun. 2001. "The Legal Situation of Same-Sex Partnerships in Germany: An Overview." In Robert Wintemute and Mads Andenæs, eds., *Legal Recognition of Same-Sex Partnerships: A Study of National, European, and International Law*. Oxford: Hart.

"Schwule im LSVD unterrepresäntiert?" 2006. *LSVD Aktiv*. Available at http://www.lsvd.de/fileadmin/pics/Dokumente/Lebensformen/Lesben/respekt_0601_ukehr_lesbenimlsvd.pdf

"Selbstverständnis und Förderungen." 2013. *Lesbenring e.V.*, 13 April. Previously available at www.lesbenring.de

"Sichtbar und Selbstbewusst." 2013. *LSVD*. Available at https://www.lsvd.de/lebensformen/lesben-im-lsvd.html

"Standpunkte." N.d. *Lesben- und Schwulen in der Union*. Available at http://www.lsu-online.de/inhalte/1012587/standpunkte/index.html

Statistisches Bundesamt. 2010. *Bevölkerung und Erwerbstätigkeit*. Wiesbaden. Available at https://www.destatis.de/DE/Publikationen/Thematisch/Bevoelkerung/HaushalteMikrozensus/HaushalteFamilien2010300107004.pdf?__blob=publicationFile

Statistisches Bundesamt. 2016. *Gleichgeschlechtlichen Lebensgemeinschaften*. Wiesbaden. Available at https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Bevoelkerung/HaushalteFamilien/Tabellen/3_4_Gleichgeschlechtliche_Lebensgemeinschaften.html

"Stiefkindadoption dient nicht dem Kindswohl." 2004. *Frauen Union*, 4 October. Available at http://www.frauenunion.de/meldungen-von-2004/261-frauen-union-stiefkindadoption-dient-nicht-dem-kindeswohl.html

von Wahl, Angelika. 2011. "A 'Women's Revolution from Above'?: Female Leadership, Intersectionality, and Public Policy under the Merkel Government." *German Politics* 20.3: 392–409.

Weldon, S. Laurel. 2002. "Beyond Bodies: Institutional Sources of Representation for Women in Democratic Policymaking." *Journal of Politics* 64.4: 1153–74.

Weldon, S. Laurel. 2006. "The Structure of Intersectionality: A Comparative Politics of Gender." *Politics and Gender* 2.2: 235–48.

Wiliarty, Sarah E. 2010. *The CDU and the Politics of Gender in Germany: Bringing Women to the Party*. New York: Cambridge University Press.

Wilson, Angelia R., ed. 2013. *Situating Intersectionality: Politics, Policy, and Power*. London: Palgrave.

"Wir brauchen eine Politik, die alle Kinder fördert." 2007. *Frankfurter Rundschau*, 15 May.

CHAPTER 8

Grassroots Organizing in Eastern Germany to Promote Women in STEM

Katja M. Guenther

More than twenty-five years after the collapse of the Berlin Wall, the East-West divide remains salient in Germany. When the German Democratic Republic (East Germany) and the Federal Republic of Germany (West Germany) unified in 1990, citizens of the former East Germany became a minority group in their own new nation. Forty-one years of separation by the Iron Curtain led to substantial economic, political, and cultural differences that did not simply disappear when the two Germanys unified (for a range of examples, see Noak 2014). With its much smaller population and its communist history, East Germany was positioned politically and culturally as the backward and underdeveloped little sister in need of help. Eastern Germany has blossomed since unification, leading some commentators to refer to the region as having experienced an economic miracle (Mauk 2014). However, while eastern and western Germany have become considerably more integrated over time, in part because of substantial migration of eastern Germans to western Germany, patterns of inequality across the former East-West border have persisted. Eastern Germans have struggled to assert their political voice and their cultural presence.

One of the major outcomes of German unification was the sudden introduction of unemployment in eastern Germany. Socialism guaranteed a job for every able-bodied adult, but with the introduction of capitalism, many enterprises were shuttered or substantially reorganized. The crisis

BOX 8. **East German Women Working in STEM Fields**

INTERSECTION STUDIED	Gender + Region + Occupational Status (East German Women Working in STEM Fields)
TIME PERIOD STUDIED	1989–
POLICY ISSUE STUDIED	Funding from state (SGBIII) and EU (Equality Initiative) to finance community outreach and education programs to maintain women's employment in STEM fields
INTERNATIONAL ALLY	EU Equality Initiative
GERMAN POLICYMAKERS AS ALLIES	The Left Party and SPD (*state level*) City- and state-level gender equality offices in eastern Germany (Gleichstellungsbeauftragte)
DOMESTIC INTEREST GROUP ALLIES	State-level Councils of Women's Organizations (Landesfrauenräte)

of unemployment was not limited to just the years immediately following unification; in fact, unemployment in eastern Germany soared as high as 20 percent more than a decade after unification. Even today, the unemployment rate in eastern Germany is nearly double that in western Germany.

In this chapter, I examine how eastern German women have resisted limited occupational opportunities since unification as a consequence of their gender and regional minority status (see box 8). I begin by briefly reviewing the general terrain in which eastern German women have sought to maintain and expand the employment rights they enjoyed during the socialist era. I then hone in on women's access to careers in the fields of science, technology, engineering, and mathematics (STEM), in which women were well represented in East Germany but in which their representation after German unification was seriously threatened. I analyze how eastern German women have worked to maintain their participation in STEM fields and to bring a new generation of women into STEM through grassroots activism that involves both educational outreach to women and girls and a critique of political discourses and priorities.

Theoretical Perspectives

Research on women's representation in STEM is extensive and typically focuses on efforts by educational institutions/systems or employers to improve women's chances in STEM fields. This analysis describes and analyzes feminist organizing around STEM in eastern Germany; it does not identify pathways in or out of these fields. Eastern Germany presents an interesting case where sustained grassroots effort has sought to maintain women's involvement in STEM, specifically through the creation of community-oriented education and outreach programs targeting women and girls. Furthermore, eastern Germany is a rare case in which women are struggling not to get into STEM occupations (generally the focus of EU initiatives) but rather to stay there. Since retention is a key issue in the literature on gender and STEM, the case may offer insights useful for other contexts. I focus specifically on STEM because it offers a window into a set of fields in which women's exclusion since unification has been especially pronounced; because women's organizing around STEM has followed a different pathway in eastern Germany than in the United States and other Western democracies, where the focus is on educational and labor law reform; and because women are seeking to maintain their standing rather than enter into a previously male-dominated field.

Throughout my analysis, I utilize an intersectional lens that attends to eastern German women's experiences as both women and as members of a lower-status regional minority group. The intersection of gender and regional minority status has influenced not only eastern German women's possibilities for participation in the labor market generally and in STEM fields specifically but also their efforts to resist exclusion from these fields. An intersectional perspective considers how individuals and groups occupy social locations that involve multiple systems of structural inequality (Collins 2008). Thus, an intersectional perspective recognizing eastern German women's marginalization specifically as eastern German women illuminates their labor market struggles since 1990. Their experiences—and their resistance—cannot be fully comprehended solely through a gender lens or through a lens focused on East-West dynamics. Instead, eastern German women's postunification struggles make sense only in light of how their gender identity intersects with their status as a politically and culturally marginalized group. While they share some interests and experiences both with eastern German men and with West German women, eastern German women occupy a distinct social location that has created specific obstacles and opportunities vis-à-vis the labor market and their capacity to participate in—and change—political and cultural life.

Sources of Evidence

My analysis here relies on data from fieldwork with feminist organizations in eastern Germany, reports from sixty-two participants in my research on feminist organizing in postsocialist eastern Germany, and secondary data that include reports produced by government agencies and nongovernmental organizations about women's status in eastern Germany since 1990 (Guenther 2010). The broader study from which I draw focuses on feminist organizing in eastern Germany since 1990, not specifically on women's employment issues or STEM. However, employment issues generally and women's push out of STEM fields in particular emerged as among the top priorities of the postunification feminist movement in eastern Germany, along with efforts at combating violence against women and girls. I thus extract important insights from this data about feminist organizing and STEM.

Tracing Gender and Labor in Postunification Germany

German unification in 1990 brought immense changes to eastern Germany, including the replacement of a socialist system of governance and economy with a capitalist, democratic system. One of the most significant consequences of German unification for eastern Germans has been un- and underemployment. Rising unemployment was the consequence of several processes, especially the closing and/or restructuring of enterprises owned by the East German state, some of which were obsolete by western standards. Over the next decade, unemployment stabilized through a combination of private and state capital investment in eastern Germany, state-funded employment and retirement programs, and the migration of eastern Germans to western Germany and other parts of Europe with more promising job opportunities. Still, at around 13 percent, unemployment in eastern German states in 2016 remained nearly double that in western German states.

Unemployment has been especially challenging for eastern German women because it has been accompanied by the introduction of unfamiliar (and largely unwelcome) policy and cultural practices about gender and labor. Whereas the East German state promoted women's labor force participation and celebrated women's roles as workers and mothers, the West German state emphasized women's contributions as mothers and had little interest in promoting women's workforce participation. At the time of unification, more than 80 percent of East German women between the ages of eighteen and sixty-five were engaged in paid labor; in contrast, just under half of West German women worked outside of the home, and they had much higher rates of part-time employment (Duggan 2003). Marked differences were also present across the border in total time spent in paid labor during the lifetime, rates of participation in child care programs, and financial contributions to households (Guenther 2010).

This is not to suggest that all East German women were happily employed. Employment in East Germany was a mandate, not a choice, and while all East Germans were guaranteed employment, they did not always have the privilege of choosing their own careers, and they could not readily opt out of the labor market. In the socialist period, workers were assigned into career trajectories. Educators and state representatives assessed each individual's preferences, talents, commitment to the socialist party (having a close relative who had defected to the West was one way to ensure an undesirable work assignment), and employment needs before pushing young people down specific career paths. Gender unofficially factored into work assignments, although at least in principle, women had access to the same career possibilities as men and had substantially higher representation in many male-dominated fields than in the West. (A notable exception was state leadership, which remained almost entirely a man's world.) East German women were professors, trash collectors, doctors, farmworkers, and streetcar drivers.

In East Germany, women were well represented in many STEM fields. The East German educational system followed the Soviet model in many key respects, including making polytechnical schools central. In these polytechnical schools, students studied primarily language, sciences, and sports, and their education was closely integrated with workplace experience, with older students spending one day per week at a workplace. Following the completion of the polytechnical high school degree, many students spent two or three additional years pursuing vocational degrees. Admission into universities was very selective, and many students who enrolled did so only after participating in the formal labor market for several years and receiving supervisors' recommendations for university study.

Under constant pressure to meet production goals and to match Western technologies, the East German educational system stressed technical and scientific education as critical to the socialist state. Women's integration into a diverse range of occupations seemed the best path to addressing these pressures. Women thus completed the physical and technical labor involved in agriculture (several of my respondents worked in animal husbandry and agricultural science). They also were not discouraged from attending university if they showed the necessary aptitude. In East Germany, women constituted half of all students in medicine, the natural sciences, and mathematics (Rudolf, Appelbaum, and Maier 1994). In one examination of the university experiences of computer science students, women reported high levels of satisfaction with their training, noting an absence of gender discrimination in educational settings (Augustine 1999).

After graduation, women in STEM fields found a labor market generally open to including them across occupations but where they encountered segregation and discrimination once they were on the job. In her fascinating analysis of the relationship between science, technology, and communism in East Germany, Dolores Augustine (2007) finds that in many STEM fields, especially engineering, women were more likely than men to resent being pushed into the occupation—sometimes because they wanted to avoid the gender bias of the field into which they were assigned, and sometimes because they sought more feminine-type jobs, such as teaching preschool. They also had difficulty excelling in the field of engineering while also mothering. Compared to men, women reported lower rates of extra/overtime work, which they viewed as necessary to excel in the field, and expressed a greater unwillingness to take on managerial roles, which were generally more tied to the politics of the ruling party. Thus, although women were far better represented among engineers in East Germany than in West Germany, they rarely attained professional prominence and seem to have experienced discouraging gender-based workplace processes with some frequency. Across East German industries, women made up only 2.3 percent of supervisors and managers, including lower-level supervisory personnel. Thus, East German women encountered relatively low ceilings on their occupational status and remained heavily clustered in nonsupervisory roles.

Though women's participation in STEM was far from equal in many ways, it was far more extensive than in West Germany, where women and girls were encouraged to pursue mothering as their primary contribution to postwar society and where technical occupations were constructed as particularly unsuitable for women. Thus, while labor market segregation still existed in the German Democratic Republic, it was far less pronounced than it was in capitalist countries, including West Germany. As women's paid labor force participation increased in West Germany in later in the twentieth century, so did women's representation in STEM fields, but women remained a minority and reported being discouraged by mentors and employers. In 1989 in West Germany, 30 percent of recipients of college degrees in natural sciences and 7 percent of degrees in engineering went to women; in contrast, in East Germany, women received 52 percent of degrees in the natural sciences and 28 percent in engineering (National Science Foundation 1996). Thus, women appear to have reached educational parity with men in the natural sciences in East Germany and were faring far better than West German women in engineering.[1]

German unification brought the West German model of gender relations to eastern Germany. Coupled with the closure of many former East German enterprises, this resulted in many women being pushed out of the labor market. Workers in STEM fields struggled because the technology available in East Germany was often underdeveloped relative to what was available in West Germany. Many STEM workers lost their jobs because their workplaces were shut down or were reorganized to eliminate what western Germans saw as bloated organizational structures with more workers than were needed to complete tasks. In the wake of mass layoffs in eastern Germany, some STEM workers were retrained into different occupations. Such retraining was often executed in gendered ways. In Mecklenburg-Vorpommern, for example, the European Union funded a program that retrained women agricultural scientists whose areas of specialization ranged from veterinary health management to plant science to become florists.

Some women scientists who had felt coerced into their occupations in East Germany chose to leave their careers when the opportunity arose. German unification caused a major contraction of full-time, permanent positions in eastern Germany but introduced a spate of shorter-term opportunities, including ones that involved substantial retraining and reeducation. While U.S. feminist discourse universally understands women's representation in STEM fields as a good thing, in eastern Germany, the relationship between women and science careers was more ambivalent because women felt forced into those fields. About one-third of the roughly sixty feminist activists I interviewed had worked in STEM fields before unification; after unification, only two of them remained in a STEM field, and both left their original areas for different aspects of STEM education. These data should not be taken as representative, because my sample included feminist activists rather than women who worked in STEM before unification, but my data certainly illustrate that not all STEM workers sought to remain in their same field after unification. (The best-known woman defector from STEM fields is German chancellor Angela Merkel, who holds a doctorate in chemistry and spent twelve years working at the East German Central Institute for Physical Chemistry, which she left very quickly after German unification to pursue a career in politics.)

Still, eastern German women retained a staunch commitment to women's participation in STEM and were particularly concerned about the need for eastern Germans to catch up on technological developments to remain employable. In 1990, a western German government advisory council was tasked with evaluating eastern German research institutes and facilities, many of which were subsequently shut down or reduced in size; those that remained had to upgrade equipment and technology, particularly computers, and scientists seen as too allied with the East German ruling party were dismissed. Ideology and economy intersected in ways that damaged almost all eastern German scientists but did so in specifically gendered ways. East German men were more likely to be members of the ruling party, which facilitated their rise into supervisory positions. This meant they were also most likely to be identified as ideologically tainted by western Germans and thus removed from their positions during and immediately following unification. Women, conversely, faced high rates of employment termination because they were lower-level workers more likely to be considered redundant or inadequately trained by Western standards (mainly because of lack of access to technology). Because of their supervisory experience, male scientists apparently had more success reinventing themselves and finding new positions after being let go from jobs they held in the German Democratic Republic, whereas women encountered a gender bias that made such reinvention more challenging if not impossible.

In the postunification labor market, women who sought to become competitive in STEM fields needed skills in previously unfamiliar technologies, especially computing. East German computer systems lagged behind what was available in the West, and East Germans outside of computing fields had little experience either working with computer programs or programming computers. This affected not only computer scientists but any STEM (or other) workers whose jobs involved the use of computers, including lab scientists, health workers, agricultural workers, and others who needed to input and/or analyze records or other forms of data. Thanks in part to economic incentives offered by the German federal government, some western German technology companies branched out into the eastern German states, bringing with them the types of workplace practices and technological know-how associated with Silicon Valley. Workers in eastern Germany were initially ill equipped to capitalize on job opportunities in the technology sector because of their lack of preparation and familiarity with relevant technologies.

In spite of the substantial challenges faced by eastern German women in STEM, including gender bias and discrimination, lack of affordable child care, and the need for additional training in some fields, there is good reason for optimism that eastern German women will remain better represented in STEM fields than their western counterparts. Riegel-Crumbe and Moore (2013) found that, in the United States, local variations in women's representation in STEM occupations is correlated with girls' involvement in high school physics. Specifically, in those communities where women are well represented among STEM workers, girls are also more likely to be involved in high school physics. National-level studies have shown similar trends, suggesting that women's representation in STEM fields opens up pipelines, offers role models, and creates positive cultural constructions. We would thus expect that women's and girls' involvement in STEM will remain higher in eastern Germany than in western Germany because of the legacy of women in STEM there. Indeed, eastern German women continue to obtain engineering degrees at substantially higher rates than do western German women even twenty-five years after unification.

East German women have demonstrated labor market perseverance in general and in STEM fields in particular, specifically seeking to challenge some of the key barriers to success (Adler and Brayfield 1997). Unwilling to be pushed back into the home, eastern German women have struggled to assert their right to equal employment opportunity, challenged gender discrimination in the workplace and in federally funded employment programs, and celebrated their history of labor market participation. In so doing, they have often engaged with the state, availing themselves of state resources and sometimes pushing for changes in policy to enhance their opportunities.

This has occurred primarily through women's organizations (*Frauenvereine*) that both offer services to women and engage in political action to support women's interests. While a small number of women's organizations predated the collapse of the Berlin Wall, most of these organizations sprang up between 1989 and the mid-1990s, capitalizing on the energy and optimism of that time. Cities and even larger towns in eastern Germany saw the rise of battered women's shelters; rape crisis centers; women's resource centers; support services for women entrepreneurs, disabled women, and immigrant women; and other types of women's organizations.

These groups have banded together into larger women's lobbies that advocate policy changes at the municipal, state, and federal levels. Their successes have been incremental: to date, there has been no federal legislative effort to support women in STEM but rather piecemeal state funding and EU directives that may enhance girls' and women's technical education.

The major site for organizing and action around women and STEM in the immediate unification period occurred in feminist organizations, and a notable feature of the feminist landscape has been its inclusion of grassroots efforts to maintain and increase girls' and women's participation in STEM. Every eastern German city of one hundred thousand or more residents (as well as some smaller towns) has a feminist women's technology center (*Frauentechnikzentrum*), where women (and usually girls and sometimes men and boys) can learn about computers, semiconductors, robotics, and other technologies. Berlin, Cottbus, Dresden, Erfurt, Greifswald, Halle, Leipzig, Rostock, and Schwerin are among communities in which feminist centers focused on women's technology education emerged in the early 1990s. In larger cities, it is not uncommon to find multiple feminist organizations focused on promoting women's involvement in specific STEM fields. Leipzig, for example, has been home to a women's technical center as well as an organization focused on teaching women about agricultural sciences.

While their offerings vary, all signal to their participants and the broader community that women should have scientific and technical skills and should be welcomed into STEM fields as students and employees. This particular form of organizing around women's representation in STEM is unusual. In the United States, western Germany, and most other Western democracies, STEM organizing takes place in educational settings. In most Western industrialized nations, educational institutions are widely seen as the primary site responsible for changing the proportions of boys and girls and women and men in STEM. In these contexts, then, parents, policymakers, grant makers, and sometimes students themselves have called on educational institutions to encourage girls and young women to take classes in STEM fields. Fairs, courses for girls or young women only, and individual and small-group counseling and mentoring are among some of the more common forms of educational interventions aimed at increasing participation in STEM by girls and young women.

While schools and universities in eastern Germany also engage in these activities, much of the organizing to promote girls and women in STEM fields occurs outside of formal institutions and instead within grassroots feminist groups. Understanding this pattern of feminist mobilization around STEM (and the labor market more generally) in eastern Germany necessitates considering the intersection of regional minority status and gender. Eastern German women were shut out of the unification process and thus developed alternative institutions through which to resist the introduction of the western German gender order. Eastern German women felt especially silenced as western German women's eagerness to mobilize to protect East Germany's abortion policies quickly eclipsed eastern German women's multifaceted concerns about unification. Eastern German feminists were also influenced by the West German model of autonomous, grassroots feminist organizing; although this model is not used in western Germany to promote women in STEM (in part because this issue has only very recently begun receiving attention from western German feminists), eastern German women adapted it for this purpose.

There is substantial diversity in the size and scope of eastern German feminist organizations working to increase women's participation in STEM fields; still, they have several features in common. First, feminist organizations working to increase women's representation in STEM fields were founded and usually are still directed by women who identify with feminist goals. This stands in contrast to many university-based STEM initiatives in Germany and the United States, where explicit connections to feminism are often minimized in favor of more general appeals to equality of educational opportunity and the improvement of the technology sector. Grassroots feminist organizations working to increase women's and girls' participation in STEM fields in eastern Germany, in contrast, emphasize a feminist critique of current gender relations that highlights the connections among women, work, and gender inequality. They stress that education is tied to economic empowerment, which in turn is tied to independence from men. Many women's technical centers have mission statements that directly invoke a commitment to gender equality and family-friendliness in the workplace. They further link women's education to women's political and economic empowerment by routinely reminding participants that employment is a pathway to greater power and lower gender inequality at both the individual and family levels and within the society as a whole. Organizations largely operating outside of the state then turn around and encourage girls and young women to find their political voice, a phenomenon that reflects the ambivalence many eastern German feminists feel about the state. They see it as hostile to feminist interests and specifically to eastern German women but also as the best site for redress for gender inequality.

Second, building off of their interest in the empowerment of girls and women, grassroots feminist organizations seeking to help prepare women for careers in STEM employment simultaneously encourage civic engagement and community building. Feminist organizations connect STEM education to civic and political involvement. That is, STEM educational classes not only constitute a forum for learning about a specific technology but also offer a hidden curriculum (Bourdieu and Passeron 1977) that focuses on encouraging women to participate in political life for the benefit of women. Feminist STEM organizations are usually part of broader coalitions that take direct political action, including lobbying around issues such as educational opportunity, day care access, and worker protections. An after-school program for preteen girls that focuses on engineering and physics, for example, also includes content about girls' bodily autonomy, and exercises are often set up in ways that emphasize girls' empowerment. Another group project involved visiting the state capitol buildings in Erfurt and using course material to develop knowledge of the speed of sound and acoustics by measuring how sound traveled in different areas of the building. The exercise was tied to a theme of girls' voices and how to increase their volume in the building—a hidden curriculum about political engagement and empowerment.

Third, feminist organizations offering STEM education highlight eastern German identity. They maintain discourses that stress that women students are catching up—or even outpacing—western Germans and are building on the East German history of women in STEM fields. Such organizations routinely bring in older eastern German women STEM workers to talk about their experiences or to help with instruction. All of the staff I met at such organizations were women who had worked in STEM fields in East Germany, although not necessarily the same fields in which they were now giving instruction. They talk about their experiences in their workplaces in East Germany and emphasize how eastern German women have long been a part of STEM fields. Women's involvement in STEM is discussed in terms that emphasize eastern German women's history of success. Women's technical centers highlight the contributions of eastern German women scientists and frame STEM education as a project that has important implications for local identity. Through these various discursive strategies, staff and volunteers at feminist STEM educational organizations counter gender essentialist notions more common in western German discourse, such as the idea that women do not belong in STEM fields or that women lack the aptitude for successful careers in these areas.

The emphasis on the East German history of women in STEM is not framed as a nationalist project. Rather, it is carefully framed to be inclusive. That is, eastern German identity is not seen as fixed or essentialized; instead, women's organizations take pride in the legacy of women in STEM and see eastern Germany as more open to including women as well as immigrants in STEM fields. The legacy is tied primarily to the place rather than to the people. There is no assertion that eastern German women are culturally or biologically better equipped for STEM work than other types of women; rather, the idea is that East German socialism opened doors that should not now be shut in the face of any woman, including western German women. Activists also note that the East German educational system prided itself on producing structured, organized, and diligent workers, and East German scientists often contended that the lack of technology meant that they developed stronger foundational skills than their West German counterparts and thus became better employees (Augustine 1999). Highlighting the accomplishments of East German women in STEM fields emphasizes the structural opportunities they had and pushes for the reintroduction of those structures. Unsurprisingly, to this end, staff at women's technical centers also are usually active in pushing for legal changes that support women's employment opportunities more generally.

Fourth, organizations working to maintain women's foothold in STEM fields generally rely heavily on funding from state agencies. To cope with high rates of unemployment in the 1990s, the German government sought to prioritize education and training, hoping to provide eastern Germans with skills needed to succeed in the labor market. The European Union (EU) has also worked to support economic development in eastern Germany, particularly through the EQUAL Initiative, which was funded by the member states and the European Social Fund and which supported efforts at reducing disadvantage in the labor market (see European Union n.d.). EU expenditures in eastern Germany were cut back when other postsocialist member states joined the EU and demonstrated greater need for support. Whereas western German feminists often sought to maintain autonomy from the state, women's organizations in eastern Germany seek out state support and use these monies to fund staff positions, specific educational programs, and equipment purchases. This funding has allowed the longer-term survival of these organizations and in some cases has facilitated expansion into more rural areas. The Women's Technical Center in Rostock, for example, used EU funding to create and implement computer technology courses for women living in rural villages.

Finally, organizing around STEM education has changed over time in eastern Germany in response to two pressures. First, grassroots STEM education projects reflect the demands of the labor market. I found little to no evidence, for example, of educational efforts focused on higher-level math skills for girls or women, apparently because such skills do not translate directly into greater employment chances. Nor did I encounter a grassroots feminist interest in promoting women's entrance into faculty positions in STEM fields: such jobs are seen as too scarce to be realistic targets, especially against a backdrop of limited resources. However, courses and support services dealing with computer skills, including computer programming, engineering and technology (especially as they pertain to semiconductors, a large industry in eastern Germany), biotechnology and alternative energy, and biochemistry and pharmacology, are much more widespread. Feminist organizations' educational efforts thus focus on those STEM fields for which there is labor market demand.

Second, grassroots feminist groups in eastern Germany typically depend on state funds and thus face pressure from the funding agencies. In the early 1990s, local-level state agencies that were familiar with the organizations and the people running them were typically responsible for distributing funds to feminist groups. By the mid- to late 1990s, however, funding was increasingly coming directly from the EU, with allocations made by EU workers with limited familiarity with local feminist organizations (Guenther 2010). As funding became increasingly delocalized, it also became increasingly focused on computer training, especially the use of common computer programs such as Word and Excel. Such training prepares women for administrative office jobs but is not necessarily a pathway into technical occupations, and many staff in feminist STEM organizations expressed concern and disappointment about these directions. EU funding sought to support job market participation, not necessarily to promote women in all STEM fields.

In the 2000s especially, the EU began taking an active interest in gender mainstreaming, particularly in STEM, a development that pressured German scientific associations and government bodies to begin examining the gender gap. However, these efforts have not yet produced notable advances for women: as of the early 2010s, EU efforts focused on discussion and nascent planning, overwhelmingly stressing the human resources aspect of gender-segregated workplaces rather than adopting a feminist perspective focused on women's empowerment and gender equality (Abels 2012). Thus, while the EU's emphasis on gender mainstreaming has often created discursive and funding opportunities for women's organizations working on STEM, the EU initiatives alone have not brought about major change in the composition of STEM workers.

In summary, women in eastern Germany thus have resisted being pushed out of the labor force generally and out of STEM fields specifically. This resistance has largely appeared outside of the state, even as different levels of the state continue to be involved in the effort, particularly as funding sources. Rather than pursuing electoral or lobbying strategies, women's commitment to maintaining a strong foothold in STEM fields has occurred primarily through grassroots organizing that offers girls and women the opportunity to learn about STEM fields in supportive, pro-woman environments. These environments also promote women's broader empowerment, linking their career choices to economic independence from men. Such organizing at times targets or invokes the state, especially when grassroots feminist organizations address STEM issues within the context of coalition-based women's lobbies or when they work to empower the next generation of eastern German women to find and use their political voices. This has been most visible through advocacy by the state-level women's political lobbies (*Landesfrauenräte*) in eastern Germany, which have sought to maintain funding streams for programs promoting women and girls in STEM. Through coalitions and as individual organizations, feminist groups have also sought out state officials responsible for overseeing gender equity issues (*Gleichstellungsbeauftragte*) within cities and local states. These state officials often have control over local funding streams and can use their political clout to push other policymakers to recognize social issues. Especially in cities and states where the Left Party (formerly the Party of Democratic Socialism) and Social Democratic Party have been in power, feminist STEM organizations have found state officials to be useful allies. However, the dominant trend is that eastern German women seek to maintain their representation in STEM through local-level grassroots organizing that seeks to empower and educate girls and women about STEM careers.

Conclusion

Eastern Germany is one site in which STEM has become the subject of grassroots feminist organizing. My data do not speak to the longer-term outcome of such efforts, such as their effects on girls and women, but grassroots feminist efforts appear to be important elements of STEM education in many contexts, and both employers and policymakers perceive these efforts as successful. One elected official with whom I spoke conveyed a common feeling when she stated, "Eastern German women have clung to their jobs with their fingernails and insist that they not be shut out of technical occupations."

Eastern German women's commitment to careers in STEM fields reflects their experiences under socialism, when STEM occupations were open to them and their contributions as workers were socially valued, as well as the continued maintenance of East German–era gender ideologies. Abruptly pushed out of the labor force, eastern German women have sought to maintain their labor market presence and to challenge the sexist assumption that women lack the intellect or commitment to succeed in STEM fields. Eastern German women thus reject key elements of western German gender ideologies, and their efforts at maintaining their presence in STEM fields is one form of resistance against the new gender order accompanying German unification. This likely explains why so much feminist organizing in eastern Germany has focused specifically on girls and women in technology: transmitting eastern gender ideologies across generations and maintaining women's participation in STEM reflects a broader resistance to the introduction of the western German gender order in eastern Germany.

Eastern German women's resistance to being pushed out of STEM fields also reflects their social location specifically as eastern German women. Many experienced the unification process as politically disempowering and turned their organizing efforts away from the national/federal state and toward grassroots projects grounded in the local, which offered a more stable and open climate for mobilization (Guenther 2006). Marginalized as women and as regional minorities, their concerns and experiences have been largely ignored by both the mainstream political establishment and the media. This has hampered efforts to improve the overall chances for women in the labor market in the unified Germany and has pushed them away from state-oriented political action in favor of locally based grassroots initiatives. Reflecting their complex relationship with the state, these grassroots groups receive most of their funding through state agencies, including local state offices and the European Union, which eastern German feminists widely view as more open to and concerned about gender issues than the federal state. To date, these groups have had little impact on the policy landscape at the national level, but their efforts appear to promote awareness about issues facing women and girls in STEM among eastern German policymakers, especially at the level of municipalities and states.

Measuring the outcomes of grassroots feminist organizing around STEM is a direction for future research. Do feminist organizations serve as important gateways for girls and women from disempowered groups to develop STEM knowledge? Do they provide girls and women with tools to negotiate STEM workplaces? Are there advantages (or disadvantages) for STEM advocacy and education within feminist organizations relative to formal educational institutions and policy agencies? Feminist organizing around STEM warrants further investigation to better understand when and why such efforts emerge, what they accomplish, and if and how they contribute not just to increasing girls and women from marginalized subgroups' involvement in STEM fields but also to broader feminist projects. An intersectional lens will continue to be important in such efforts because the opportunities women have and the strategies they adopt reflect intersecting systems of structured inequality and privilege.

NOTE

1. These data of course do not speak to within-occupation segregation after degrees are completed. Among natural scientists in East Germany, women were especially widely integrated as agricultural scientists, but their representation in traditionally male segments of technological innovation such as military research was low.

REFERENCES

Adler, Marina A., and April Brayfield. 1997. "Women's Work Values in Unified Germany: Regional Differences and Remnants of the Past." *Work and Occupations* 24.2: 245–66.

Ammermüller, Andreas, and Andrea Maria Weber. 2005. *Educational Attainment and Returns to Education in Germany: An Analysis by Subject of Degree, Gender, and Region*. Available at https://ideas.repec.org/p/zbw/zewdip/2907.html

Augustine, Dolores L. 1999. "The Socialist 'Silicon Ceiling': East German Women in Computer Science." In *1999 International Symposium on Technology and Society: Women and Technology: Historical, Societal, and Professional Perspectives: Proceedings*. Piscataway, NJ: IEEE.

Augustine, Dolores L. 2007. *Red Prometheus: Engineering and Dictatorship in East Germany, 1945–1990*. Cambridge: MIT Press.

Bourdieu, Pierre, and Jean-Claude Passeron. 1977. *Reproduction in Education, Society, and Culture*. London: Sage.

Collins, Patricia Hill. 2008. *Black Feminist Thought*. New York: Routledge.

Duggan, Lynn. 2003. "East and West German Family Policy Compared: The Distribution of Childrearing Costs." *Comparative Economic Studies* 45.1: 63–86.

European Commission. N.d. "Welcome to EQUAL." Available at http://ec.europa.eu/employment_social/equal_consolidated/

Ferree, Myra Marx. 2012. *Varieties of Feminism: German Gender Politics in Global Perspective*. Stanford, CA: Stanford University Press.

Guenther, Katja. 2006. "'A Bastion of Sanity in a Crazy World': A Local Feminist Movement and the Reconstitution of Scale, Space, and Place in an Eastern German City." *Social Politics: International Studies in Gender, State, and Society* 13.4: 551–75.

Guenther, Katja. 2010. *Making Their Place: Feminism after Socialism in Eastern Germany*. Stanford, CA: Stanford University Press.

Mauk, Ben. 2014. "Did Eastern Germany Experience an Economic Miracle?" *New Yorker*, 6 November. Available at http://www.newyorker.com/business/currency/eastern-germany-experience-economic-miracle

National Science Foundation. 1996. *Human Resources for Science and Technology: The European Region*. Arlington, VA: NSF.

Noak, Rick. 2014. "The Berlin Wall Fell 25 Years Ago, but Germany Is Still Divided." *Washington Post*, 31 October. Available at http://www.washingtonpost.com/blogs/worldviews/wp/2014/10/31/the-berlin-wall-fell-25-years-ago-but-germany-is-still-divided/

Riegel-Crumbe, Catherine, and Chelsea Moore. 2013. "The Gender Gap in High School Physics: Considering the Context of Local Communities." *Social Science Quarterly* 95.1: 253–68.

Rudolf, Hedwig, Eileen Appelbaum, and Friederike Maier. 1994. "Beyond Socialism: The Uncertain Prospects for East German Women in a Unified Germany." In Nahid Aslanbeigui, Steven Pressman, and Gale Summerfield, eds., *Women in the Age of Economic Transformation: Gender Impact of Reforms in Post-Socialist and Developing Countries*. London: Routledge.

Conclusion

Power, Institutions, and Intersectional Research in Germany and Beyond

Louise K. Davidson-Schmich

By utilizing the Federal Republic as a crucial or most likely case and holding institutional context constant, we have identified three venues through which various intersectional groups gained allies to help make their voices heard in public policy debates. All of the German groups studied here saw their concerns taken up at the state or national level during the early twenty-first century. The opening three cases—those featuring intersex citizens, disabled women, and female soldiers—discovered activists working through international organizations to bring national attention to their concerns, pressuring the national government from the top down. The second part of the book—the chapters on migrant women and girls—documented the appropriation of intersectional groups by policymakers pursing preexisting agendas. Finally, the last three contributions—focusing on women working for low wages, lesbians, and eastern German women employed in STEM fields—found minority women gaining domestic interest group allies to pressure the national government from the bottom up.

The careful process tracing and extensive qualitative research undertaken by the contributors give us a high level of confidence in the internal validity of our findings. We now compare the ability of the eight intersectional groups studied here to gain allies in the venues we investigated. Then we evaluate German political institutions to determine which configurations were most conducive to promoting minority women's interests in the Federal Republic. Our research design of selecting a most-likely case and holding institutional context constant renders us less confident about the external validity of our findings, however. To determine the generalizability of our Germany-based results, similar work must be conducted in different national/institutional contexts. Thus, we conclude by suggesting avenues for future intersectionality and politics research using the methods employed here.

Power

As with most research on intersectionality, ours is centrally concerned with the question of power (or the lack thereof), and our research design allows us to assess the ability of various groups of women to influence public debates in Germany. The three venues we identified for finding allies were not available to all of the intersectional groups we studied. When women were not citizens[1] or where class and another axis of intersection overlapped, a group's options were most limited. When an axis of intersection cut across class lines or when the group's preferences overlapped with those of an international organization or powerful domestic interest association, more avenues for gaining allies existed.

Some intersectional groups obtained international allies to pressure the German government from above. Intersex and disabled citizens found UN support for their claims, and women desiring promotions within the Bundeswehr were empowered by the European Court of Justice's ruling. However, not all of the intersectional groups studied here gained international allies in pursuit of their interests. The groups that succeeded in this venue had two key factors working in their favor.

First, existing international bodies were sympathetic to the concerns of intersex citizens, potential female soldiers, and disabled women. For example, European law bars employment discrimination on the basis of sex; CEDAW's Article 12 on the right to health prohibits involuntary sterilizations, genital amputations, and unnecessary surgeries; the UN-CRPD requires signatories to promote the "full development, advancement, and empowerment" of disabled women. In contrast, while the EU forbids employment discrimination against women, no similar laws or international conventions require governments to employ women and girls in STEM fields. Similarly, while European laws ban employment discrimination on the basis of sexual orientation, they do not (yet) feature similar bans on discrimination in adoption laws.[2]

In the case of women working for low wages, international agreements on labor mobility worsened the conditions of low-skill employment. Migrant women and girls were unable to draw on European or UN conventions that would have allowed them to vote or take part in government policymaking regarding school or immigration reforms. In the case of Hamburg school reform, OECD-inspired policy changes galvanized well-to-do opponents of school reform. Not coincidentally, the most marginalized—those who were poor, noncitizens, or racial/ethnic minorities—were the least likely to find international allies to take up their causes.

A second advantage the individuals studied in the first three chapters enjoyed was an axis of intersection that cut across class lines, granting at least some members of these groups the resources necessary to approach the international bodies that could act on their behalf. These resources included not only the funds to file court challenges and formal complaints but also the skills necessary to do so. Intersex advocates prepared a professional alternative report for the United Nations. Disabled women became scholars and lawyers, using professional training to form organizations such as the Forum of Disabled Lawyers and the Disability Studies Working Group. These bodies, in turn, reframed conceptions of disability and drafted legislation in keeping with disabled women's preferences. Tanja Kreil, the protagonist in the case of women in the military, was a well-trained electrician whose technical skills were in demand in the Bundeswehr. While lesbians have not yet secured many court victories in their pursuit of adoption rights and access to reproductive medicine in the Federal Republic, such victories are likely to be forthcoming. Alternatively, a change in government would likely bring legislative action. In contexts other than Germany, lesbians have already achieved these rights.

Groups whose intersections often overlapped with disadvantaged class status—low-skill workers, un(der)employed easterners, and immigrant women—had fewer resources with which to pursue change from above. In the case of schoolchildren with migrant backgrounds, class divisions made coordinated action in favor of school reform difficult, and noncitizen parents could not vote in the referendum that ultimately overturned school reforms. Instead, groups with the least access to resources—immigrants who lacked citizenship, (in many of the cases studied here) possessed little education, and/or were members of ethnoreligious minority groups—were most likely to see public policies made, in Jeff Bale's words, on behalf of them rather than in collaboration with them, as policymakers appropriated minority females' interests to further other objectives. Divisions among migrants also complicated coordinated action in this case.

Other groups that achieved convergence with policymakers' preferences on their own terms—the eastern German women seeking STEM employment who allied with femocrats, the union activists working with left-wing parties' women's auxiliaries, women seeking military employment and their allies in the FDP, and the lesbians who ultimately gained the support of the Left Party's and Greens' leaders—were all citizens and usually ethnic Germans. Political elites in the Federal Republic were less prone to appropriating their interests, although policymakers did at times respond to the concerns raised by minority women in a nongendered or delayed fashion.

Thus, obtaining interest group allies to pressure the German government in the domestic arena was effective but often slow and indirect; this venue, too, was not open to all intersectional groups. In Germany's federal, corporatist structures, groups representing economic or regional interests (e.g., unions, professional associations such as the Bundeswehrverband, and regional women's organizations including the *Landesfrauenräte*) are well established and powerful. Therefore, some intersectional groups, such as low-skilled female workers or eastern women seeking EU funds, enjoyed the potential of a powerful ally to aid them in pursuit of their policy goals. But alliances were possible only when minority women's demands were consistent with majority women's or men's preferences or when men's needs had already been met. For example, Eastern femocrats were happy to pursue EU funding for women in STEM, but national-level women's bureaucracies, dominated by westerners who were unlikely to have STEM training, did not take up this issue. Concerned with fighting for abortion rights, mainstream women's organizations were unreceptive to disabled women's concerns about abortion for eugenic reasons. Most German unions demanded a minimum wage only when male workers began to be threatened by low-wage competition. The LSVD first began to file lesbians' lawsuits relating to family rights when it had achieved considerable success with regard to the property rights of concern to gay men. The Bundeswehrverband initially took up the cause of female soldiers when it could not locate enough volunteer male recruits. Nonetheless, despite the delay (and often a lack of overt gendering of an issue), these intersections found domestic interest group allies in the Federal Republic.

In contrast, other noneconomic or nonregional groups did not enjoy the potential of a powerful interest group ally at the domestic level. Intersex citizens—who by definition could be members of neither women's nor men's organizations—found themselves unable to locate a women's group ally. Similarly, Germany's lack of traditional consultation with immigrant groups meant that there (initially) were no corporatist procedures through which newcomers to the country could articulate their interests; this lacuna left noncitizens at a structural disadvantage relative to those whose axis of intersection involved economic or regional issues. Here again, noncitizens—in this case, often Muslims or women and girls of color—had the least access to potential allies in Germany.

The nature of the German women's movement also represented a different type of political opportunity structure for various groups depending on the nature of the intersection in place. The long association between pacifism and feminism in the Federal Republic meant that female soldiers could not rely on the women's movement for support; similarly, the long-standing influence of conservative, church-backed women's organizations within the Deutscher Frauenrat (DF) prevented lesbians from gaining a strong women's movement ally. In contrast, the DF had fewer ideological objections to the concerns of female low-wage workers, STEM-trained women, or disabled women and ultimately embraced their policy preferences.[3]

Institutions

As expected when we selected Germany for investigation, we found many aspects of its political system conducive to intersectional groups seeking to voice their concerns. Here we briefly recap which of these institutions were most helpful to which groups, contextualizing our findings so that others may develop hypotheses about whether the results a particular German intersectional group achieved can be expected elsewhere.

Germany's membership in the United Nations and the European Union provided important venues through which some intersectional groups could develop international alliances to pressure the German government.[4] Of course, the effectiveness of EU and UN pressure on Germany or of depicting the country as an international laggard on human rights norms, hinges on the fact that the Federal Republic is particularly sensitive to international opinion about its human rights record and is constitutionally obligated to respect such rights (see Kollman 2014). In other cases, alliances at the international level may be counterproductive, leading to domestic backlash against an intersectional group (Symons and Altman 2015). While the UN and EU's nonbinding recommendations to protect intersectional groups could provoke backlash rather than supportive policy change elsewhere, the binding decisions of the European Court of Justice must be heeded by national lawmakers in EU member states.[5] As a result of this pressure from the top down, even conservative German governments raised the issues of opening combat positions to women and permitting lesbians to have access to some types of adoption.

At the domestic level in the Federal Republic, we found several political institutions conducive to intersectional groups looking for alliances with policymakers. These include corporatist policymaking bodies, state-level femocrats, and political parties' women's auxiliary organizations. Federalism proved a mixed blessing.

Germany's corporatist style of decision making, in which representatives of organized interests sit down together and seek compromise solutions to public policy problems, at times helped minority women make their voices heard. Although initially excluded from corporatist decision making, disabled and migrant women were ultimately included in formal bodies such as the UN-CRPD Alliance, the German Islamic Conference, and the integration summits, through which these women could directly articulate their interests to both lawmakers and administrators. This collaboration resulted in the passage of a National Action Plan to improve the status of immigrant women and ongoing policy revisions to ensure that the UN Convention on the Rights of Disabled Persons is properly implemented. Intersex voices, too, came to be heard in the government's Ethics Council, whose recommendations were followed when the reformed Civil Status law was drafted. Women were initially incorporated into the armed forces' medical services as a result of a Women and Society commission established by the SPD/FDP government. Although the gendered frame was lost, low-wage women found a powerful ally in the unions that took up the call for a minimum wage. Union incorporation in economic decision making, in turn, led the German government ultimately to agree to a paradigmatic change to the Federal Republic's collective bargaining process, allowing for a national minimum wage.

The case of eastern German STEM activists indicates that state-sponsored women's policy agencies (*Gleichstellungsbeauftragte*) played a helpful role in corporatist policymaking at the *Land* level. These agents constituted an important ally for feminist STEM advocates in their quest for government funding to maintain women's technology centers in eastern Germany.

Germany's corporatist decision-making style extends to intra-party democracy, and each party has internal organizations both for women and for members of various minority groups (see table I.1 in the Introduction). While such intra-party bodies are not guaranteed allies for minority women in the Federal Republic—the CDU's Frauen Union opposed lesbian adoption rights and prioritized quotas for women on corporate boards over a minimum wage, for example—in many cases, these women's auxiliaries did serve as important allies for intersectional groups. The Greens' Frauenrat and the Social Democrats' ASF staunchly supported female-dominated unions' demand for a minimum wage. The Left Party's women's organization, LISA, pressed the party to change its overall platform to support lesbians' calls for alternatives to marriage. The FDP's women's organization was instrumental in pushing the party as a whole to support full adoption rights for LGBT couples. Where there was an institutionalized presence within such organizations for minority women—for example, the Green Frauenrat's requirement that a lesbian representative be included on its board—it became more likely that these intra-party women's organizations would respond to a diverse array of concerns.

Our research also provides evidence to support the notion that descriptive representatives—that is, members of intersectional groups who are elected to parliament—serve as important allies for intersectional groups. Our authors observed no descriptive representatives of the intersexed or disabled women; similarly, when combat positions were extended to women, female combat veterans could not be serving in the Bundestag and advocating on female soldiers' behalf, since such employment had been forbidden. Other intersectional groups, however, enjoyed having descriptive representative among the elected officials. Lesbians and women of migrant descent elected to public office spoke out on behalf of their respective intersectional groups. Jutta Oesterle-Schwerin, who left the Bundestag to lead the country's largest lesbian organization, was the first member of the German parliament to call for alternative legal arrangements to marriage for both same-sex and opposite- sex couples. Turkish-German Members of the Bundestag, including Sevim Dağdelen, Lale Akgün, and Ekin Deligöz, spoke out on behalf of female migrants in the integration debates. Angela Merkel, an eastern German woman with a doctorate in physics, has also paid lip service to encouraging girls to pursue STEM careers (Girls Day 2014), although she has not promoted feminist technology centers as a way to do so.

Nongendered intraparty organizations also proved effective allies for intersectional groups in several of the cases we examined. For example, the Christian Labor Wing (CDA) was instrumental in convincing the CDU/

CSU to support a minimum wage law. The FDP's Friedrich Naumann Foundation (a party-related think tank) held the first-ever seminar on promoting women's military careers, decades before the Bundestag agreed to let women serve in combat positions. Members of the SPD's working group subcommittee (*Unterarbeitsgruppe*) on integration and migration spoke up on behalf of migrant women in Bundestag floor debates. Both the Greens' Federal Working Group on Lesbian Policy and the Left's dieLINKE.queer groups pressed their parties to support legal arrangements for individuals based on care relationships rather than marriage.

As these examples indicate, Germany's multiparty system (produced by its personalized, proportional electoral system) with programmatic political parties offered channels through which intersectional groups could voice their claims. The Christian Democratic parties' support for human rights could be harnessed by disabled women seeking constitutional protections from discrimination. The Free Democrats' libertarian stance was a good fit with women in the military's demands for abolishing gendered federal employment guidelines and lesbians' call to loosen adoption regulations. The Left Party's and SPD's egalitarian economic outlook led them to support low-skill women in their quest for a minimum wage and, in the case of the Left Party, eastern German women in STEM fields' pursuit of funding for women's technology centers. The Greens' progressive social ideology overlapped well with migrants desiring better educational and employment opportunities and lesbians seeking alternatives to traditional marriage and family laws. Generally, but not always, parties on the left/progressive end of the political spectrum (including the SPD, Greens, and Left Party) were more supportive of multiply disadvantaged individuals' concerns in the German case, although this was no guarantee of timely or wholehearted support. The FDP's libertarian ideology also overlapped well with women who sought an end to repressive state regulations.

Finally, federalism proved a mixed blessing for members of German intersectional groups. On the one hand, the Federal Republic's sixteen *Länder* offered many avenues through which intersectional groups could pursue policies of interest that would be unlikely to gain attention at the national level or in certain other regions. For example, although its reforms were ultimately defeated, Hamburg's Green government initiated educational reforms beneficial to immigrants that would have been unthinkable in more conservative *Länder* such as Bavaria. Similarly, eastern German women in STEM fields obtained state funding for projects of little or no interest to western-dominated national-level women's ministries and organizations. On the other hand, a Christian Democratic majority in the Bundesrat limited the ability of the SPD/Green majority in the Bundestag to grant all of the rights they wished to same-sex couples. Disabled women spent eight years battling to obtain sixteen individual state-level equal opportunity acts, rather than the one that would have been needed in a unitary system. While referenda are banned at the national level in Germany, they are available at the state level, and the Greens' progressive education reforms of benefit to immigrants were ultimately defeated in a referendum initiated by citizens with the right to vote in the state of Hamburg. In sum, we found German federalism to offer mixed opportunities for intersectional groups.

Questions for Future Intersectional Researchers beyond Germany

The Federal Republic appears to be a most likely case for intersectional groups seeking allies to raise concerns in national political debates. Other institutional contexts will very likely hold different (dis)advantages for various intersectional groups. While our research does not allow us to draw firm conclusions regarding how intersectional groups will fare in countries other than Germany, our work suggests future lines of inquiry. Future scholars can fruitfully use the research design we employ here—holding political institutions constant, varying the axis of intersection, and studying how a range of intersectional groups made their voices heard in political discourse. Below we suggest six avenues for future research and readers are encouraged to ponder additional possibilities.

First, as a consequence of its Nazi past and the Basic Law's admonition to unite with Europe and respect human rights, the Federal Republic is a particularly "good" European, prone to accepting international criticisms of its domestic policies. In Germany, therefore, forging international alliances is likely to empower intersectional groups. Conducting a similar study in a country that is less concerned with international opinion—for example, the United States—would allow scholars to investigate the degree to which this venue is open to intersectional groups elsewhere.

Examining the ability of various intersectional groups to be heard in national political debates could also be investigated in a study focusing on a context with different policymaking styles. For example, scholars could conduct a similar investigation where there are fewer political parties (such as the United States or United Kingdom) or where parties are less programmatic than in Germany (for example in Latin America). In addition, the impact of a strong national women's policy agency on minority women could be investigated in another national setting, as could the impact of weak state capacity or less transparent/more patronage-based political systems. Similarly, conducting inquiries in a unitary system would allow future scholars to more fully understand how various groups are affected by federalism (or the lack thereof). These research designs would allow future scholars to better evaluate the ability of various intersectional groups to obtain convergence with policymakers' interests in a range of institutional settings.

A third avenue for future study involves employing our research design in a national context with more liberal political institutions, including a liberal market economy (Hall and Soskice 2001), welfare state (Esping-Andersen 1999), and equal-employment regime (von Wahl 1999). In such settings, alliances with domestic interest groups to pressure the government from below may be less effective because economic (and other) interest groups are less well organized and well incorporated into public policymaking processes. Conversely, Germany's male-breadwinner, conservative welfare state made it difficult for immigrant, disabled, and STEM-trained women and female soldiers to access employment, kept rainbow families from tax advantages, and for years perpetuated lower pay in feminized occupations than in male ones. Liberal institutions might thus offer a more positive political opportunity structure for some intersectional groups. Future research is needed to adjudicate between these hypotheses.

Fourth, Germany has a relatively weak women's movement and national-level women's policy machinery, limiting the ability of many intersectional groups to find reliable feminist allies in the domestic arena. Employing our research design in a national setting with a strong, autonomous women's movement (such as Australia; see Weldon 2011, 171) or with a strong national-level women's policy agency (such as Spain; Valiente 2008) would help determine the degree to which various marginalized women can obtain the support of more powerful feminists.

In addition to other national contexts, our research design can be used in future case studies of German politics. Because noncitizen status and religion/ethnicity were difficult to disentangle in the instances studied here, we could not determine the independent effects of these social categories on the individuals belonging to them. Future researchers studying the Federal Republic or another country are encouraged to select cases that would better allow them to parse the differences between citizen and noncitizen Muslims, members of visible minorities, or particular ethnic groups.

Finally, our work prioritizes gender (or, in the case of intersex citizens, a nonspecified gender) as an axis of intersection. Future scholars may wish to foreground a different category—for example comparing the degrees to which ethnic minorities who are disabled, LGBTI, poor, or from disempowered regions make their voices heard in a given institutional context. Readers are encouraged to take up these and other questions in future research. Better understanding the institutions and allies that benefit the most marginalized citizens is the first step toward addressing the needs of the least powerful.

NOTES

My thanks to Annette Henninger and Angelika von Wahl for their collaboration on this chapter.

1. In Germany, noncitizen women were often (but not always) Muslims and/or women of color. These axes of intersection may be more important than citizenship status, but we are unable to draw firm conclusions on this front.

2. Some EU instruments could be interpreted as requiring the German government to employ women in STEM positions (Europe 2020), allow lesbian adoptions (the Amsterdam Treaty), and end discrimination on the basis of race (the Race and Framework Directives). However, these supranational instruments have not yet been deployed to pressure the German government to adopt policies favorable to these intersectional groups.

3. However, the DF did not sign on to disabled women's 2004 efforts to lobby the United Nations until decades after disabled women began to organize, and the two sides have clashed over abortion for eugenic reasons. The DF's support of women in STEM fields has been limited to the regional level.

4. International linkages among activists were also important for disseminating information. For example, disabled German women were inspired by their contacts with the U.S.-based activists who had spurred the Americans with Disabilities Act.

5. The same is true of domestic courts with the power of judicial review.

REFERENCES

Esping-Andersen, Gøsta. 1999. *The Social Foundations of Post-Industrial Economies*. Oxford: Oxford University Press.

"Girls'Day-Auftakt im Bundeskanzleramt." 2014. Available at http://www.girls-day.de/Ueber_den_Girls_Day/Rueckschau/2014/Girls_Day-Auftakt_im_Bundeskanzleramt

Hall, Peter, and David Soskice. 2001. *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage*. Oxford: Oxford University Press.

Kollman, Kelly. 2014. "Deploying Europe: The Creation of Discursive Imperatives for Same-Sex Unions." In Phillip M. Ayoub and David Paternotte, eds., *LGBT Activism and the Making of Europe*. London: Palgrave.

Symons, Jonathan, and Dennis Altman. 2015. “International Norm Polarization: Sexuality as a Subject of Human Rights Protection.” *International Theory* 7.1: 61–95.

Valiente, Celia. 2008. “Spain at the Vanguard in European Gender Equality Policies.” In Silke Roth, ed., *Gender Politics in the Expanding European Union: Mobilization, Inclusion, Exclusion*. New York: Berghahn.

von Wahl, Angelika. 1999. *Gleichstellungsregime: Berufliche Gleichstellung von Frauen in den USA und in der Bundesrepublik Deutschland*. Opladen: Leske und Budrich.

Weldon, S. Laurel. 2011. *When Protest Makes Policy: How Social Movements Represent Disadvantaged Groups*. Ann Arbor: University of Michigan Press.

Contributors

Jeff Bale is associate professor of language and literacies education at the Ontario Institute for Studies in Education, University of Toronto, Canada. He holds a bachelor's degree in German and a master's degree in German linguistics and literature. His doctorate is in educational policy and leadership studies from the Arizona State University, with a specific focus on language policy analysis. He has published in *Teachers College Record* and *Review of Research in Education* and is coeditor of *Education and Capitalism: Struggles for Learning and Liberation* (2012). Bale has served as a member of the editorial boards of *International Multilingual Research Journal* (2012–present), *Journal of Language, Identity, and Education* (2012–present), and the *Journal of Teacher Education* (2016–present).

Louise K. Davidson-Schmich is professor of political science at the University of Miami, Coral Gables, Florida. She earned her doctorate from Duke University, and her research focuses on gender and politics in long-term democracies. Davidson-Schmich is the author of *Gender Quotas and Democratic Participation: Recruiting Candidates for Elective Office in Germany* (2016) and *Becoming Party Politicians: Eastern German State Legislators in the Decade Following Unification* (2006). She has published numerous articles in journals including *German Politics*, *Party Politics*, *German Politics and Society*, *Democratization*, and the *Journal of Legislative Studies*.

Barbara Donovan is professor of political science and serves as the Dupont Guerry Chair of History and Economics, Social and Behavioral Sciences Division chair, and the International Relations Program chair at Wesleyan College, Macon, Georgia. She holds a doctorate from Georgetown University.

At Wesleyan she teaches comparative and international politics with a focus on Germany and Europe. She has received grants and fellowships from the German Academic Exchange Service, the National Science Foundation, the Social Science Research Council, and the American Institute for Contemporary German Studies, among other organizations. Donovan is a frequent contributor on panels at the American Political Science Association annual meeting, the Annual Conference of the German Studies Association, and the International Conference of Europeanists, and she has published articles in such journals as *German Politics and Society* and *German Politics*.

Katja M. Guenther is associate professor of gender and sexuality studies at the University of California, Riverside. She earned a doctorate in sociology from the University of Minnesota. Guenther's research focuses on gender, social movements, and the state in comparative perspective. Her first book, *Making Their Place: Feminism after Socialism in Eastern Germany* (2010), explains why local feminist movements vary across locales even within the same nation-state. She has published articles in *Gender & Society*, *Mobilization*, *Signs*, and *Politics & Gender*, among others.

Annette Henninger is professor for gender and politics in the Department of Political Science, Philipps-University, Marburg, Germany. She studied political science at the Berlin Free University, where she earned her doctorate. She has held positions at the University of Chemnitz, the Center of Social Policy Analysis at the University of Bremen, the German Institute for Labour Market Research in Nuremberg, and the Wissenschaftszentrum Berlin fuer Sozialforschung. Her fields of expertise are political economy, the welfare state and democracy, gender, work and organization, and qualitative research methods.

Swantje Köbsell is professor for disability studies at the Alice Salomon University for Applied Science in Berlin, Germany. She earned her doctorate at Bremen University and served as a visiting professor for inclusive education at Bremen University in 2011–12. Köbsell is a longtime disability rights movement activist, founder of the *AG Disability Studies—Wir Forschen Selbst*, and a member of the scientific board for the German government report on the participation of disabled people in society. She has published numerous articles in academic journals, including *Disability Studies Quarterly*, and she coedited *Gendering Disability: Intersektionale Aspekte von Behinderung und Geschlecht* (2010). She is the author of a book on the history of the disability rights movement in Germany (*Wegweiser Behindertenbewegung: Neues Selbst-Verständnis von Behinderung*, 2012).

Lisa Pfahl is professor for disability studies at the University of Innsbruck, Austria. She earned her doctorate at the Free University of Berlin and previously served as a visiting professor for inclusive education at Bremen University and associate professor for disability studies at Humboldt University, Berlin. Pfahl is author of *Techniken der Behinderung: Der deutsche Lernbehinderungsdiskurs, die Sonderschule, und ihre Auswirkungen auf Bildungsbiografien* (Technologies of the Disabled Self: The Discourse of Learning Disability, Germany's Special Schools and Students' Educational Biographies, 2011). She has published her work in *Disability Studies Quarterly* and *Disability & Society*, among other journals. Her fields of expertise are sociology of knowledge and social inequalities, disability studies, gender studies, inclusive education, and interpretative methods (biographies and discourses).

Angelika von Wahl is associate professor and chair of the International Affairs Program at Lafayette College, Easton, Pennsylvania. Von Wahl attended graduate school at Duke University and the Free University Berlin, where she earned her doctorate. She previously served as an associate professor in the Departments of Political Science and International Relations at San Francisco State University. She was also a German academic exchange professor in the Department of Sociology at the University of North Carolina at Chapel Hill. Her research interests include comparative, international, and transnational politics with an emphasis on gender, welfare states, and human rights focusing on European and German politics. She has published two monographs, one edited volume, and numerous articles in journals such as *West European Politics*, *Social Politics*, and *German Politics*. She is currently working on a larger project on transnational intersex activism and public policy.

Christina Xydias is assistant professor of political science at Clarkson University, Potsdam, New York. She holds a bachelor's degree from Brown University and master's and doctoral degrees in political science from The Ohio State University. Xydias has published articles on women's political representation in *Political Research Quarterly*, *Political Studies*, *Politics & Gender*, and *Politics, Groups, and Identities*. She received the Carrie Chapman Catt Prize for Research on Women and Politics, awarded by Iowa State University's Carrie Chapman Catt Center, as well as an American Political Science Association Small Research Grant, to support her fieldwork in the Federal Republic for her forthcoming book on conservative women in Germany.

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