Gender, Intersections, and Institutions

Davidson-Schmich, Louise K.

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Gender, Intersections, and Institutions: Intersectional Groups Building Alliances and Gaining Voice in Germany.
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 activ-
ists working through international organizations to bring national atten-
tion 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 policy-
makers pursuing 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 do-
mestic 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 inter-
sectional groups studied here to gain allies in the venues we investigated.
Then we evaluate German political institutions to determine which con-
figurations 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 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.

In the case of women working for low wages, international agreements
Conclusion

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. 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 1.1 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 die-LINKE.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 or-
ganizations. 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 program-
matic 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

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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


