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Gender Equality in Politics

Implementing Party Quotas in Germany and Austria

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Chapter 1
Introducing the Cross-National Comparison of Quota Implementation

Germany and Austria celebrated 100 years of women's suffrage in 2018 and 2019, respectively. The promise of parity that came with the active and passive right to vote, however, remains elusive. Contrary to optimistic research conducted in the 1990s and the early 2000s, the pursuit of gender equality in descriptive political representation does not follow an 'S-Curve Model' (Salmond 2006; Matland 1993). According to this model, early tokenism gives way to a rapid increase in women's representation and an upper 'S'-line that invokes 'true gender equality' (Salmond 2006, p. 183). In fact, only half of the 'S' has materialized to date. Most countries feature little more than roughly 30% of women in their legislatures. Germany and Austria are no exceptions. Empirical feminist research posits that *good representation* of women should include three elements: their physical *presence*, that is, equal descriptive representation of women; real opportunities for *voice*, i.e., the existence of women's policy agencies; and evidence of an effective *process*, such as guidelines for using gender mainstreaming in policy processes (Squires 2007). This book focuses on the first dimension of good gender representation, the descriptive representation of women. More specifically, we assess the oldest, and at the same time most controversial, instrument of better women's political representation: the quota.

In 2018, women held 30.7% of seats in the German Bundestag and 34.4% in the Austrian Nationalrat, putting both countries mid-field on rank 14 and 18 among 42 OECD and EU member states (Dingler and Kroeber 2018, p. 2). Given that it took 100 years for women to claim about one-third of parliamentary seats in those states, we would expect it to take at least another half-century before all gender imbalances in political representation become a thing of the past. This, however, amounts to an 'optimistic' modernization tale. The prevailing and empirically supported narrative is one of stagnation or even backlash. In many European countries, the parliamentary gender gap—one-third female, two-thirds male—seems to have solidified in recent years, leading observers to proclaim a new 'glass ceiling' in descriptive political representation (Inter-Parliamentary Union 2017, p. 2; Dingler

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and Kroeber 2018, p. 3f.). Country-specific stagnation in representation is primarily attributed to party cleavages, as some—usually center-left—parties fare better in advancing women than other—mostly traditionally conservative or right-wing—parties (Beckwith 1992; Franceschet et al. 2012; Matland 1993; Matland and Studlar 1996). The latter eschew the notion of gender equality and thus dampen the effect of pro-women strategies in other party caucuses.

Gender scholars have identified different forms of backlash against women's political representation. These range from the re-imposition of a 'hypermasculine' state (i.e., Wilkinson 2014; Wood 2016), characterized by masculinist leadership at top executive levels (i.e., Brasilia, Russia, Hungary, Poland, USA), to increasing right-wing or nationalist and authoritarian party influence (Brasilia, Italy, Switzerland, Japan, UK), to more subtle exclusionary mechanisms at work during candidate selection in what political scientists call the 'secret garden of politics' (Gallagher and Marsh 1988; Bjarnegård and Kenny 2015; Dahlerup 2018, p. 41). What takes place in this secret garden of politics is removed from the public eye. At issue are the informal elements of the democratic election process such as internal power struggles, male networks, and historical legacies reign, rendering candidate selection an onerous process for women. Not only is the entry to the secret garden difficult to find, but its layout might resemble more of a maze than a set of clearly marked pathways into politics. Feminists in Western democracies have long demanded that these secret gardens be turned into public or at least publicly monitored spaces, and that candidate selection, in particular, be formalized as much as possible with the goal of advancing as many women as men into legislatures. The mechanism by which this can be achieved entails either a formal legal or constitutional commitment to a women's or gender quota[1] (i.e., a legislative or constitutional quota) or a voluntary commitment by parties to present a certain percentage of women for electoral office (a voluntary party quota).[2]

By 2016, 19 member states of the European Union had at least one party employing voluntary party quotas, and 10 member states used legislative women or gender quotas for parliamentary representation (Lépinard and Rubio-Marín 2018, p. 4f.). The Green Parties (Bündnis 90/Die Grünen and Die Grüne Alternative) and the Social Democrats (Sozialdemokratische Partei Deutschlands/SPD and Sozialdemokratische Partei Österreichs/SPÖ) introduced these in Germany and Austria in the 1980s, followed by the Christian conservative parties (Christlich Demokratische Union/CDU and Österreichische Volkspartei/ÖVP). Respective quotas ranged between one-third and 50% of candidates for electoral as well as for party office. After German unification, the successor party of the East German Socialist

[1] A women quota sets goals for the share of women, while a gender quota defines a minimum share for each sex.

[2] To some extent, the qualifier 'voluntary' is misleading. Although the term voluntary party quotas is firmly established, it should be clear at the onset that such quotas are not 'voluntary' in an everyday sense; they are labeled 'voluntary' because they lack formal legislation and applicability to all parties. They do, however, pose a formal (self-induced) set of rules for the adopting party.

Unity Party, the Party of Democratic Socialism (PDS), which now runs as The Left (Die Linke), also adopted quotas.[3] For a long time and even though it was merely a semantic ploy, the conservative parties in both countries shunned the term quota, labeling it an aspirational 'quorum' of 33% instead. In reality, however, the conservatives did establish a de facto minimum 'soft quota' amounting to one-third women candidates for electoral as well as for party office.

The strength of women's parliamentary representation usually corresponds with their presence in party offices. Not surprisingly, quota regulations for party offices were often codified in party statutes in a similar manner as electoral-list quotas. While the Green parties in both countries decided fairly early in favor of gender-equal dual leadership, the two social democratic parties (SPD and SPÖ) first elected women party leaders in 2018 after more than 100 years of existence. In Germany, Andrea Nahles attained office from fall 2017 until June 2019, and in Austria, Pamela Rendi-Wagner was elected in 2018. The conservative German CDU elected Angela Merkel as its chair in 2000, albeit initially as a sort of Trümmerfrau (rubble woman) following a major party corruption scandal (Mushaben 2017). Annegret Kramp-Karrenbauer succeeded Angela Merkel as party chairwoman in 2018. The Austrian conservative ÖVP has never chosen a woman leader.

Not all parties in their respective parliaments utilize women or gender quotas[4]: In Germany, the liberal Freie Demokratische Partei (FDP) has steadfastly rejected quotas as the wrong strategy for increasing the share of women in their Bundestag caucus, currently at 22.5%. The FDP party congress finally agreed in 2019, by a slim 60% majority to address numerical underrepresentation of women by way of mentoring and so-called target agreements,[5] negotiated separately between each Land and federal level party unit for respective candidate lists and executive party offices (FDP Bundesparteitag 2019).

The right-wing Alternative für Deutschland (AfD) not only abhors the use of internal party quotas as mirrored in its very low representation of only 10.8% women in the 2019 Bundestag but also polemically targets quotas across all public sectors and denounces gender equality policy in general as 'gender-mania' (Kemper 2014; Hentges and Nottbohm 2017). The Austrian right-wing Freedom Party FPÖ (Freiheitliche Partei Österreichs) exhibits an equally negative attitude towards quotas and rejects gender equality policies as well (Mayer and Sauer 2017). In 2019, the party had

[3]Even though the former German Democratic Republic (GDR) did not have an official women's quota in politics, the share of women in the national parliament, the Volkskammer, was always higher than in the German Bundestag. Already the first assembly had a share of 20% women and the percentage increased to 32.2% in 1986 (Pawlowski 2008). By comparison, the 'critical mass' of 30% was reached in unified Germany only in 1998 (Abels et al. 2018). As this study interrogates a subset of parties that started to implement voluntary party quotas in former West Germany, all following references to Germany in historical context refer to the Federal Republic of Germany (FRG).

[4]We are aware that the question of adequate political participation and representation also speaks to intersectional aspects. It is beyond the scope of this book, however, to address these aspects.

[5]Zielvereinbarungen (translation by authors). All following translations from original German text are from the authors.

27.9% of seats in the Nationalrat, but women held only nine out of 51 mandates (17.6%) in the FPÖ caucus. The liberal NEOS (Das Neue Österreich und Liberales Forum) as well as the 'Jetzt—Liste Pilz' ('Now—List Pilz') a splinter party from the Austrian Greens that entered parliament in 2017 do not use quotas either.[6]

1.1 The Post-Quota Gender Gap

All quota parties under investigation here articulate in their statutes the goal of equal participation of women and men in elected and party office. Their declared goal, in other words, is gender parity. Quotas are presented to party members and voters as a means to exactly that end. Despite this overarching and noble objective of all quota parties, however, parity remains elusive. Not just Germany and Austria, but most countries operating with voluntary party quotas exhibit what we call a post-quota gender gap. Given that women make up more than 50% of both countries' populations and given the quota parties' parity goals, we consider it fully justified to measure parties against gender parity. However, we take a more moderate stance in defining and measuring the post-quota gender gap. In the analysis presented here, the post-quota gender gap signifies the difference between a party's adopted quota and the actual share of women in a legislative body, that is, the gap between formal quota commitment and output. Quota parties tend to justify the difference between quota and output by arguing that it is ultimately up to the voters to choose their representatives. As long as parties fulfill their commitment to present a certain percentage of women candidates whose selection they can directly influence (usually party list candidacies), they have done all they can—so some quota parties argue. The fact that parties, in general, meet their formalized minimum standards has led Louise Davidson-Schmich, among others, to argue that 'German parties consistently fulfill their quotas for high-level elective bodies such as the European Parliament, the Bundestag, and Germany's state legislatures' (Davidson-Schmich 2016, p. 223f.).[7] If one considers solely the share of women on electoral lists, this is absolutely correct in the vast majority of cases. However, given that parties tend to frame their respective quota as a step towards reaching parity, we find it important to assess the difference between quota policy and output. Therefore, we invite the reader to look beyond formal input by investigating policy throughput (the secret garden) and output (policy in practice). This study challenges the notion of 'quota fulfillment', highlighting two levels of inconsistency that potentially subverts a party's quota commitment: The first inconsistency appears when assessing overall fit of quotas with existing electoral laws. We argue that party quotas sit uneasily within the particularities of the electoral system. In Austria, it is the aggregation of different lists on different electoral and party organization levels that inhibits quotas. In Germany, voluntary party

[6] However, in 2019, the NEOS featured 50% women's representatives and among 'Jetzt—Liste Pilz' three out of seven representatives were women.

[7] In fact, on the Land level, parties still sometimes even miss their electoral-list quota.

quotas conflict with the direct election provision of the electoral system. The second inconsistency arises at the intersection of electoral laws and party regulations. The way parties craft and enforce regulations results in not all parties on all levels at all times fulfilling their quotas in candidate selection processes. We need to understand better why this is still the case.

All quota parties use language in public and in their respective statutes that articulate the objective of gender parity. The quota, in other words, is a means to an end, and that end is the equal descriptive representation of women and men. The 2017 German SPD statute, for example, explicitly states the goal 'that men and women are represented to a minimum of 40% in all parliaments and district level representative bodies' (SPD 2017, § 11.2). More than 30 years after introducing quotas, however, the SPD still appears to have difficulties fulfilling this goal by employing quotas for electoral lists. When questioned about this shortfall, parties almost reflexively cite the electoral system in which they operate as the main culprit. However, if the electoral system prevents party parity policies from becoming effective, isn't it time for the quota parties themselves address this inconsistency, either by fortifying party regulations or by joining attempts to change the electoral system?

This book, while putting emphasis on what needs fixing, also seeks to identify the factors that contribute to progress in descriptive representation of women. At the national level, for example, Austria's post-quota gender gap drastically declined for the Sozialdemokratische Partei Österreichs (SPÖ) as well as for the conservative ÖVP as a result of different party strategies and sanctions in the 2017 elections. The Greens, by contrast, had no problem to meet their quota for most of Austria's electoral cycles under consideration here. This is also true for the German Greens, even though their commitment still has to be put to the test when gaining a sizable number of direct mandates in a national election. For the SPD, distributing winnable direct candidacies equally among women and men has become a core concern. The CDU recognizes this challenge as well, but until now has not actively addressed it. As our analyses show, working around existing legal obstacles requires unusually high levels of party commitment and creative engineering of lists and candidacies. Such party-level arrangements may vary over time, and by region, creating internal conflicts. Therefore, we submit that analyzing the fit in applying quotas under specific electoral law provisions as well as on the interaction of inner-party regulation and electoral laws will more effectively advance discussions on parity. Parties either need to fortify their quota regulations to minimize undesired gender effects (this is the Green Party strategy) or we need electoral reform in both Austria and Germany to enforce stricter parity by way of law or constitutional amendment.

Our study of the post-quota gender gap adds a new dimension to the knowledge base of the international research network Gender Equality Policy in Practice (GEPP) understanding if and when party quotas result in stronger representation of women requires assessing quota policy 'in practice' (Engeli and Mazur 2018,