

# AICGS Transatlantic Perspectives

June 2009

## From Rubble Women to Madam Chancellor: Women's Long March through the Institutions in Germany

By Joyce Marie Mushaben

Formerly characterized as *ein schwieriges Vaterland* (a difficult fatherland),<sup>1</sup> modern Germany has founding-mother Elisabeth Selbert (SPD) to thank for the “equality mandate” found in Article 3 of the Basic Law (*Grundgesetz*)—one of many factors contributing to an unprecedented era of peace and prosperity across Europe. The guarantee that *all persons shall be equal before the law*, and that *men and women shall have equal rights* was incorporated into the Basic Law in May 1949, despite vehement debates within the Parliamentary Council, and against the organized opposition of Christian parties and the Catholic Church. As the next sixty years would prove, however, the fact that the sexes are “created equal” in no way ensures that they have been “endowed” by state or society with the same inalienable rights. This essay explores the proverbial “small difference with major consequences”<sup>2</sup> along four developmental axes, testifying to several paradigm shifts in the German approach to securing equality between the sexes since 1949.

The first axis involves shifts in the **discursive qua ideological streams** shaping gender policies and women's early efforts to move onto the national political stage, best characterized as “German feminism in five acts.”<sup>3</sup> Act One, *social feminism*, running through the 1950s, centered on a quiescent reconstruction of the patriarchal order—despite the extraordinary contributions of over seven million *Trümmerfrauen* (often as widows) who dug the shattered nation out of 500 million cubic meters of rubble, while bearing and raising the 11.2 million children who would drive the Economic Miracle. The 1960s witnessed a very turbulent Act Two, *politicized feminism*, opposing the extent to which “small” biological distinctions sufficed to deny women socio-economic opportunity and justify institutionalized sexism—even within “revolutionary” New Left circles.

Act Three, *project feminism* of the 1970s, followed a sensational albeit unsuccessful campaign to decriminalize abortion; the rise of radical, autonomous groups and a multitude of feminist self-help services (e.g., domestic abuse shelters) reflected a loss of faith in male-normed “democratic institutions.” Act Four, *pragmatic feminism*, faced off against the conservative backlash of the 1980s; it brought new issue-networks stretching from the grassroots to international arenas. Far from gender-neutral “budget-cuts” pushed by the Kohl Government (e.g., denying Rubble Women born prior to 1920—their own mothers!—child-rearing pension supplements) mobilized protest even among CDU/CSU women.<sup>4</sup> Shaped not only by unification but also accelerated European integration, the 1990s launched Act Five, the onset of *policy feminism*, leading to women's expanded participation in agenda-setting and decision-making. Direct contributors to this paradigm shift were the 1995 Beijing Platform, EU adoption of *gender mainstreaming*, and reaching the stage of critical mass in the Bundestag (over 30 percent) by 1998.

The second dimension, focusing on **movement dynamics**, produced a shift from **APO** (*extra-parliamentary opposition*) to **IPO** (*institutionalized political opportunity*). Germany's Baby Boomers enjoyed dramatically expanded, if not entirely equal higher educational opportunities, coupled with advances in communication technologies. Women's active engagement in new social movements and “citizen initiatives,” mobilizing on behalf of the environment and nuclear disarmament, equipped them with a broad array of organizational skills. Their activism soon resulted in the formation of a new party, the GREENS, that promised to practice as well as to preach gender equality. The Greens' embrace of the “zipper

How has politics changed as women became more politically active?

What impact did reunification have on women's rights in eastern and western Germany?

principle,” alternating female and male candidates on electoral ballots to ensure parity, gave SPD women the leverage they needed to adopt *Quotierung* in their own camp as of the 1980s. Red-Green successes at local levels, in turn, led to the proliferation of “women’s equality” and “equal opportunity” commissioners—numbering over 1,500 by the early 1990s. They networked further with state-level “femocrats” and a growing pool of female parliamentarians, availing themselves of moral and financial support from EU organs. By 1994, even the young, eastern CDU Minister for Women and Youth, Angela Merkel, had come to appreciate the usefulness of quotas—or its conservative equivalent, a *forum*—assisting women in their quest for public office.

A third development transforming women’s “political place” in Germany relates to the **search for *innere Einheit*** (internal unity). The period 1989-1995 was a difficult one for equality activists on both sides, due to the political disruption, economic cost, and role-change inflicted on women as a result of unification. Rather than inducing deep feelings of sisterly solidarity, the unification process precipitated disenchantment, frustration, and some very hard feelings between East and West feminists. The newcomers were deemed ungrateful and “theoretically backwards” for refusing to accept warnings from their western counterparts regarding the patriarchal state (which had actually provided them with the very family/career support-systems the FRG lacked). Mostly childless *Besserwessis* (know-it-all westerners) were accused of selling-out their GDR “step sisters” over reproductive rights, while marketing themselves for new jobs requiring “western know-how.”<sup>5</sup> Women on both sides were ill-prepared to “come to terms” with two dictatorial pasts, with a present plagued by high unemployment and, especially, with each other after forty years of antithetical socialization.<sup>6</sup>

Politicians largely ignored the unemployment problems disproportionately affecting eastern women, as well as a need to reconcile diametrically opposed *gender regimes*—defining institutionalized norms, public policy preferences, support structures, and even their respective attitudes towards “the Fatherland.” Nearly 90 percent of GDR women, aged 15-60, had participated in paid labor prior to the Wall’s 1989 collapse (compared to 66 percent of females in Germany-united). The socialist state had heavily subsidized child-care, “non-traditional” occupational training, and generous leave policies targeting women. More than half lost their jobs when the D-Mark arrived, as western companies downsized “privatized” firms, and guaranteed working-mother support structures disappeared. Female *Wandel durch Annäherung* (change through rapprochement) was further impeded by noteworthy constitutional setbacks in relation to the abortion debate. Recalling Kohl’s personal promise that both sides would be “better off than before,” eastern women perceived the 1993 Federal Constitutional Court (*BVerfG*) ruling that abortion was “illegal but unpunishable” as re-criminalization of a procedure that had been legal (at no cost) for twenty years; western women felt vindicated that despite a complex set of “counseling” rules, they would finally be free to choose. What they both missed was that this verdict deliberately suspends women’s Art. 4 rights (freedom of religion, conscience) for the duration of a pregnancy.<sup>7</sup> No comparable suspension of a male constitutional right has ever been imposed by the High Court, raising further questions about “equality before the law.”

The final axis pertains to “**the balanced participation of women and men in decision-making**” and deeper challenges to male-normed institutions at multiple levels of governance. Although the European Parliament began as the least powerful EU organ, women at that level joined forces with the Commission, adding “teeth” to Art. 19 of the 1957 Rome Treaty and generating a panoply of “equal treatment” directives since the 1970s. The *Defrenne* case transformed the limited “equal pay” requirement into a positive right, enabling women throughout Europe to claim new protection—**even if no national laws guaranteed such**. Although the wording of Art. 3 was not amended in 1990, EU policies have added new weight to the Basic Law’s insistence that the German state *promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist*. All member-states have been forced to revise allegedly gender-neutral laws and to adopt pro-active anti-discrimination legislation despite a few positive-action setbacks (*Marshall, Kalanke* verdicts).

Ironically, Germany now possesses the EU’s most effective “equality agencies” networks—and some of the best EU legal experts in this domain. Activists target state labor courts for European

Court of Justice (ECJ) referrals to pre-empt potentially conservative national rulings. Indeed, by 2007, FRG judges had logged the greatest number (30 percent) of all ECJ “preliminary ruling” requests under Art 234 [claims not included under Art.119 TR/141 UT]. The ECJ declared German practices inconsistent with EU equality law in 76 percent of these cases;<sup>8</sup> the *Kreil* verdict even nullified a constitutional ban on women’s military employment involving “service with a weapon.” The *supranationalization* of policies, domestic and foreign, will continue to have a salutary effect on equality demands at the national level under *gender mainstreaming*—an idea few leaders took seriously after the 1995 UN Beijing Conference. Gender mainstreaming is now a standard operational procedure at state and local levels, e.g., in Berlin, though implementation lags behind.

The final crack, bringing down the glass ceiling in Germany, followed on the heels of the country’s first SPD-Green government (1998-2005), in which women held half of the cabinet seats. The 2005 elections repeated this pattern (6 of 13 ministries), and raised the ante by elevating Angela Merkel to serve as the first female Chancellor in post-war history. Women’s share of Bundestag mandates currently stands at 32 percent, while the proportion in state parliaments (32.6 percent overall) ranges from 22.6 percent in Baden-Württemberg to 45 percent in Bremen.<sup>9</sup> Women are still underrepresented at other levels, accounting for one-fourth of all local office holders but only 5 percent of mayors of large cities. They remain glaringly absent at the Minister-President level.

Designated a *Superwahljahr*, 2009 could demonstrate whether the selection of Madam Chancellor was an aberration, or whether the radical is on the verge of becoming the routine, as women transcend the *democratic deficit* in ever larger numbers. In May, a party-proportionate “electoral college” opted to re-instate Federal President Horst Köhler, and 7 June saw little progress in the direct election of European Parliament representatives. Saarland, Sachsen, Thüringen, and Brandenburg have scheduled Landtag elections for August and September, however, followed by national elections on 27 September, deciding Madam Chancellor’s fate for another four years. While Schumacher describes Merkel’s circle of personal supporters and advisors as a *post-feminist conservative complex*, a few pundits still deride it as “girl’s camp.”<sup>10</sup> Her exceptional rise to power notwithstanding, Angela Merkel’s fracturing of the glass ceiling has nonetheless given new life and meaning to the historical German adage, “*Ohne Frauen ist kein Staat zu machen.*”<sup>11</sup>

The American Institute for Contemporary German Studies (AICGS) strengthens the German-American relationship in an evolving Europe and changing world. Affiliated with the Johns Hopkins University, the Institute produces objective and original analyses of developments and trends in Germany, Europe, and the United States; creates new transatlantic networks; and facilitates dialogue among the business, political, and academic communities to manage differences and define and promote common interests.

Through its three program areas (Business & Economics; Foreign & Domestic Policy; and Society, Culture, & Politics), AICGS provides a comprehensive program of public forums, policy studies, research, and study groups designed to enrich the political, corporate, and scholarly constituencies it serves.

AICGS  
1755 Massachusetts Ave. NW  
Suite 700  
Washington, DC 20036  
www.aicgs.org

The views expressed in this essay are those of the author alone. They do not necessarily reflect the views of the American Institute for Contemporary German Studies.

## NOTES

- 1 Martin Greiffenhagen, with Sylvia Greiffenhagen, *Ein schwieriges Vaterland. Zur politischen Kultur im vereinigten Deutschland* (München: List, 1993).
- 2 Alice Schwarzer, *Der kleine Unterschied und seine großen Folgen: Frauen über sich, Beginn einer Befreiung* (Frankfurt/M: Fischer Verlag, 1975).
- 3 Joyce Marie Mushaben, "Feminism in Four Acts: The Changing Political Identity of Women in the German Federal Republic," in *The FRG at 40*, ed. Peter Merkl (New York University Press, 1989): 76-109.
- 4 Joyce Marie Mushaben, "Challenging the Maternalist Presumption: Welfare Reform in Germany and the United States," in *From Cradle to Grave. Feminist Perspectives on the U.S. and Europe*, ed. Nancy J. Hirschman and Ulrike Liebert (Rutgers University Press, 2000): 193-214.
- 5 Katrin Rohnstock, ed., *Stiefschwester: Was Ost-Frauen und West-Frauen von einander denken* (Frankfurt/Main, 1994).
- 6 Joyce Marie Mushaben, "Collective Memory Divided and Reunited: Mothers, Daughters and the Fascist Experience in Germany," *History and Memory* (Winter 1999): 1-34.
- 7 Joyce Marie Mushaben, "Concession or Compromise? The Politics of Abortion in United Germany," *German Politics*, Vol. 6, No. 3 (1997): 69-87.
- 8 Rachel Cichowski, *The European Court And Civil Society* (Cambridge UK: Cambridge University Press, 2007): 94.
- 9 Louise Davidson-Schmich, "Ahead of her Time: Eva Kolinsky and the Limits of German Gender Quotas," *German Politics* 16, No. 3 (2007): 392ff.
- 10 Hajo Schumacher, *Die Zwölf Gesetze der Macht. Angela Merkels Erfolgsgeheimnisse* (München: Heyne, 2007): 87.
- 11 Hard to translate, this idiom has two meanings: "Without women there can be no state," and "without women, nothing gets done."

*Dr. Joyce M. Mushaben is Professor of Comparative Politics at the University of Missouri-St. Louis.*

**AICGS is grateful to the Transatlantik-Programm der Bundesregierung der Bundesrepublik Deutschland aus Mitteln des European Recovery Program (ERP) des Bundesministeriums für Wirtschaft und Technologie (BMWi) and the Draeger Foundation for their generous support of this Web Essay.**