



Institute of Advanced Legal Studies

(University of London)

Charles Clore House
17 Russell Square
London WC1B 5DR

Telephone: 01-637 1731
Telex: 269 400 SH UL (ref. IALS)
Fax: 01-436 8824

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Equal Opportunities For Women in the Federal Republic of Germany

Joesphine Shaw
(University of Exeter)

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EQUAL OPPORTUNITIES FOR WOMEN
IN THE
FEDERAL REPUBLIC OF GERMANY:
Institutional developments

Josephine Shaw,*
Lecturer in Law,
University of Exeter.

INTRODUCTION

There can be no doubt that Equal Opportunities Policies now lay claim to a political respectability in many countries which was unheard of just a decade ago. In particular, progress has been made towards opening up the space within local, regional and national administrative and governmental bureaucracies in which the politics of gender, race, disability, etc. may validly be articulated. In the case of women, that progress has frequently taken the form of the institutionalization of equality issues, through the creation of separate and more or less independent bodies with a specific brief to further gender equality (United Nations, 1989).

In so far as the scale of institutional developments, such as the creation of Ministries for Women and of Equal Opportunities Units within central, regional and local government, is a measure of success, the Federal Republic of Germany can justly lay claim to recognition of its achievements in that regard. As we shall see, the Federal Republic has acquired within a remarkably short time, a relatively comprehensive network of administrative bodies which, although differing in their specifics, all have the broad remit of furthering the achievement of the goal of equal rights for men and women set out in the Federal Basic Law.

The aim of this brief paper is to provide an overview of the extent and typology of equality units currently existing at various levels of government and administration in the Federal Republic, to give an outline of the type of work that they do and to make some brief assessment of that work. It does not cover the work of equality units or pressure groups within private organisations such as unions, political parties and private sector companies. The paper draws on primary materials, in the form of a sample of official reports by and about the work of equality units and a number of interviews with workers in such units conducted by the author, and on secondary materials in the form of the growing literature which, while largely descriptive, also

seeks in part to contextualise the role of institutional responses to equality demands.

EQUALITY UNITS IN THE FEDERAL REPUBLIC OF GERMANY

A recent report presented to the Bundestag by the Federal Government documents in full the explosion of activity since the early 1980s aimed at the creation of equality opportunities agencies of all types at all levels of government and administration (Deutscher Bundestag, 1989). The Report develops a concept of the *Gleichstellungsstelle*, or equality unit as characteristic of such bodies. This is an independent unit with a variety of participatory, supervisory and policy-initiating functions inside and outside the bureaucracy.

In reality such institutions have a plethora of names ranging from the Federal Ministry of Youth, Family, Women and Health, with its Department for Women's Politics at the Federal level, through the Women's Ministry in Schleswig-Holstein, the Parliamentary Secretary of State for Equality in Nordrhein-Westfalen, and the Unit for the Equality of Women and Men, situated in the Bavarian Ministry of Labour and Social Affairs, to name just three examples at *Land* level, to the Women's Officers and Women's Offices in many towns and *Landkreise* (districts) at local level. Moreover the institutions are endowed such a variety of political tasks, legal powers and financial and human resources that it is difficult to generalise about them.

It should be noted, at this stage, that there is in the Federal Republic no autonomous government funded body akin to the Equal Opportunities Commission in the United Kingdom with administrative and enforcement powers in relation to anti-discrimination law.

The crucial characteristic of the equality unit is that it operates across the traditional departmental boundaries of government and administration, with a brief in respect of a single issue: the legal fact of the constitutional mandate to achieve equal rights for both sexes in Article 3 II of the Basic Law, and the social fact that women are discriminated against and disadvantaged in all spheres of life. Moreover, a common feature is the consistent tension between detachment and involvement. Thus, on the one hand, there is the task of advising and commenting upon and where necessary criticizing government and administrative policy initiatives in so far as these concern women, for which political power and independence are necessary. On the other hand, there is the desire to formulate autonomous policy initiatives with a special focus on women and with the active involvement of women, as well as to act as a resource centre for women, all of which

activities will require financial resources. To this formidable array of tasks must be added the role of exercising a supervisory and advisory function over local and national government employment policies, and the pursuit of positive action strategies in the civil service.

The equality unit will therefore be constantly required to reconcile the conflicting demands of the bureaucracy which gives it its life-blood - money - and the needs of the constituency which gives it its *raison d'être* - women.

THE EMERGENCE OF EQUALITY UNITS

Randzio-Plath and Rust (undated) attribute the emergence of equality units to the pressure of the women's movement. It is clear that this pressure has yielded far greater institutional fruit than could ever have been anticipated.

At the Federal level, the significant date is May 2 1979, when a resolution of the Federal Cabinet set up the Women's Policy Working Group in the Federal Ministry of Youth Family and Health. This Group was later transformed into the Department of Women's Politics at the same time as the Ministry was transformed into the Ministry for Youth, Women, Family and Health ("BMJFFG").

The first equality unit at *Land* level was set up in Hamburg in January 1979. By 1986, all the *Länder* had some form of independent equality unit along the lines sketched out above. 1988/89 also saw the setting up of two new Ministries of Women at *Land* level: the *Frauenministerium* in Schleswig-Holstein, and the *Senatorin* for Women, Youth and the Family in Berlin. Both these initiatives came as a result of changes in the regional government from conservative to social-democrat (in Berlin's case supported by the Green's).

At a local level, the development of equality units was specifically encouraged by the Committee of Enquiry on Women and Society, set up by the Federal Government in 1974, which reported in 1980 (Deutscher Bundestag, 1980). The first local unit was set up in 1982 in Cologne. It was followed in 1984 by a further 7; by 1986 there were 100 such units, and by June 1989 there were 459, with the numbers growing almost daily. These units are situated in towns, cities and *Landkreise*.

It is also important to mention units or women's officers situated in individual ministries and administrative departments with specific briefs to cover women's issues within a defined policy area, and/or to monitor the application of equal opportunities policies for staff in that department/section (Meyer-Mönnich & Weg, 1988).

THE WORK OF THE FEDERAL MINISTRY FOR YOUTH, WOMEN, FAMILY AND HEALTH

According to the Government Report on Equality Units, the BMJFFG and in particular its Department of Women's Politics (*Abteilung Frauenpolitik*) fulfils the role of an equality unit at Federal level. That is, it operates across the traditional subject divisions between Ministries in order to bring together issues of particular concern to women. Its main areas of work are the following:

- Women in the family; women in special situations;
- Women and work;
- Reconciliation of family and work; reintegration into the world of work.
- Social security for women;
- Equal rights;
- Violence against women;
- Women and the media and culture;
- Publicising women's issues;
- Women and health;
- Women and the criminal process;
- International Women's Politics; women in politics and society.

Of course, the primary competence in relation to many of these areas of work lies outside the BMJFFG itself, and thus the Ministry will only be able to make a meaningful contribution to the formulation of policy if it has certain procedural rights to intervene in the policy making process.

The rights of participation introduced when the policy portfolio "women" was first located within the BMJFFG in 1979, were considerably strengthened in 1987. The Federal Cabinet granted to the Minister the following rights: the right of initiative, that is the right to bring women's issues before the Government for advice and decision; the right of address, that is the exclusive right, with the Ministry with substantive competence, to address the relevant committees of the Bundesrat and Bundestag; the right of postponement, that is the right to alter the cabinet's agenda, so that if an issue of particular relevance to women is to be discussed by the Cabinet, and the Minister considers that she has been insufficiently involved in the preparation of the documents before the Cabinet, she can demand that discussion is delayed, unless the Federal Chancellor insists that immediate consideration is necessary. In any documents going before the Cabinet, or in any draft laws the relevance to women of the proposal must be specifically

cited. Finally, the participation of the Ministry in the work of other Ministries is intended to be secured through a special provision in the Rules of Procedure governing Federal Ministries. There should also in some circumstances be co-leadership on certain core policy issues, such as for example, the proposed criminalization of marital rape, a proposal within the Federal Justice Ministry.

The BMJFFG possesses a sizeable budget for the support of its work on the improvement of the legal and social situation of women: DM 3.8m in 1986, DM 6.2m in 1987; DM 8.5m in 1988, DM 9.5m in 1989. To that should be added DM 25m over five years from 1989 for a special programme on the reintegration of women into working life, a programme which mirrors similar government developments in the UK and is a reflection of an anticipated labour shortage in the final years of the twentieth century.¹

These monies are used to finance research projects and other projects which aim at increasing information about the situation of women and at developing novel solutions to their particular difficulties. The Ministry also supports publicity work aimed at raising the consciousness of society generally about women's issues. Finally, a tranche of its budget goes towards supporting women's organisations, in particular the *Deutsche Frauenrat* and support for numerous conferences on women's issues. Within the BMJFFG itself there is a scientific commission which advises the Minister on priorities as regards the research projects to be commissioned and the work to be pursued.

At the Federal level there are also a number of units in individual Ministries or federal bodies which have a specific brief in relation to women's issues. These may have the role of coordinating work with the Ministry of Women (e.g. the unit for "Women in Education and Science" in the Federal Ministry for Education and Science) or of overseeing positive action plans in favour of women (e.g. a women's officer in the Federal Ministry for Post and Telecommunications with a specific brief to monitor the employment of more than 200,000 women in that field).

THE WORK OF THE EQUALITY UNITS IN THE LÄNDER

There are broadly four types of equality unit functioning at the level of the *Länder*. In the first group, there is the Ministry of Women in Schleswig-Holstein and the *Senatorin* for Women, Youth and Family in Berlin. Both bodies

¹As an aside it is interesting to speculate whether with the coming of German reunification such measures specifically in favour of women, which are motivated less by a concern for women and more by the concerns of economic well-being will come under threat with the influx of cheap labour from the erstwhile GDR.

are headed by a politician with a seat in the *Land* cabinet. In the second group there are the equality units situated in the office of the Prime Minister or State Chancellery: the *Leitstelle Gleichstellung der Frau* in Hamburg, the *Landesbeauftragte für Frauenfragen* in Niedersachsen, the *Parlamentarische Staatssekretärin für die Gleichstellung der Frau* in Nordrhein-Westfalen, and the *Leitstelle zur Durchsetzung der Gleichberechtigung der Frauen* in the Saarland. The third group consists of equality units set up as autonomous governmental agencies: the *Zentralstelle für die Verwirklichung der Gleichberechtigung der Frau* in Bremen and the *Bevollmächtigte für Frauenangelegenheiten* in Hessen. Finally, in the fourth group there are equality units situated within a particular ministry, but with similar cross-boundary roles to those of the other units: the *Leitstelle für Frauenfragen* in the Ministry of Labour, Health, Family and Social Affairs in Baden-Württemberg, the *Leitstelle für die Gleichstellung von Frauen und Männern* in the Ministry of Labour and Social Affairs in Bayern, and the *Leitstelle für Frauenfragen* in the Ministry of Social Affairs and the Family in Rheinland-Pfalz (Stein, 1987).

The following points are useful to situate this pattern in its political context: the Ministries in Berlin and Schleswig-Holstein were set up by incoming SPD/Green and SPD governments where the parties at *Land* level had developed a special commitment to women's issues. In Schleswig-Holstein this occurred in the context of a party which was thought of as having little prospect of real power (thus apparently making commitments to women rhetorical rather than costly) which was then swept into power on the wave of a CDU party and government scandal.²

The units in Bremen, Hamburg, Saarland, Nordrhein-Westfalen are all well established in *Länder* which are generally, if not in all cases invariably, governed by the SPD, or the SPD in coalition. Similar conditions have applied to the development of the unit in Niedersachsen, a *Land* where political control has switched regularly between the SPD and the CDU. The unit in Hessen, now governed by a conservative coalition, is a legacy from the Red-Green coalition of 1983-1987, where a radical programme has been at least in part carried over by the conservative successors (Haibach, 1988).

However, in Bayern, Baden-Württemberg and Rheinland-Pfalz, all *Länder* which are conservative governed, the relatively low status of the units in the governmental hierarchy and their location in Ministries primarily concerned with "family" and "social" affairs is a reflection of the type of policy on

²The Barschel scandal: the CDU Prime Minister was alleged to have fought a dirty tricks election campaign and later committed suicide.

women which is pursued. It has more in common with aspects of the Federal policy (also under conservative coalition rule) than with those pursued by the units in some of the northern *Länder*.

It is not possible to give more than a brief overview of the work of these various units in this article. It will already be clear that the policy headings give little clue about actual policy content which may be dominated by government concerns, thus leaving relatively little margin of manoeuvre to the units themselves. Some of the smaller units are also handicapped by being barely over the critical mass in terms of personnel to make any meaningful policy input at all: e.g. the units in the two Hanseatic States of Bremen and Hamburg, and in the Saarland. This impression was forcefully brought home by interviews with workers in the first two units who indicated that the effectiveness of their work was hindered because they are each forced to concentrate on too wide a policy portfolio.

Most of the work of the equality units has been in the following broad areas: education and training, work and positive action, work and the family, reintegration into working life, violence against women, the countering gender stereotypes, e.g. in legal language, the media, and school text books. The units must, of course, operate within the general constitutional division of competence within the Federal system between *Bund* and *Länder*.

Typically, an equality unit will be involved in some or all of the following types of work:

- a) the monitoring of guidelines on positive action for women in the public service; pressure for the adoption of laws compelling positive action in the public services;³ negotiating with private-sector companies and with unions on the introduction of positive action plans, including quotas for apprenticeship programmes, preference to be given to women where equally qualified men and women apply for jobs, special training measures for women;
- b) promoting equality in education, monitoring school books, giving special career counselling to girls;
- c) support for local women's centres and women's refuges; development of pilot projects on, for example, safe houses for girls who have been abused; promoting the adoption of sexual harassment policies;
- d) commenting upon a multitude of policy initiatives: not just those which originate within that particular *Land*, but also those of the Federal Government which are sent to the *Länder* for comment via the Bundesrat;
- e) advising individual women in relation to legal questions, or difficulties with administrative bodies. This type of work falls particularly heavily upon

³The first State law compelling affirmative action in the public service has now been adopted in Nordrhein-Westfalen (*Women of Europe*, No. 62, November/December 1989, p13).

the overstretched units in the Hamburg and Bremen, where no supplementary support system exists at the town or local level;

f) commissioning and publishing reports and documents in all the above areas (e.g. Bayern, 1988, 1988a; Bremen, 1983, 1985; Hamburg, 1986, 1988; Nordrhein-Westfalen, 1989).

THE WORK OF THE WOMEN'S OFFICES AND EQUALITY UNITS IN TOWNS AND LANDKREISEN

The explosive growth in numerical terms of local equality units and women's offices (*Frauenbüros*) has been one of the most remarkable features of the institutional developments charted in this article. Nordrhein-Westfalen alone now has 150 units. However, it is not a development which is confined to the largely SPD governed north. 90 Bavarian towns and districts and nearly 40 in Baden-Württemberg have opened up *Frauenbüros* in very recent years.

However, in the view of some, this development should not be regarded as entirely positive (Schlapeit-Beck, 1988; Gattermann, 1987; Vollmer, 1987). For many of these units have been staffed on a purely voluntary and honorary basis by pillars of the (often conservative) political establishment who have no experience of working with and for women. Such a unit is regarded as the epitome of tokenism. It is naturally very limited in the work it can do, and it cannot meaningfully influence policy within local government. Such a development leads to the deprofessionalization of the work of women's officers, can be excessively party political and perpetuates the general stereotype of women performing unpaid voluntary labour for the general good of society. Even more numerous are the numbers of *Frauenbüros* where the workers are simply released from a part of their normal load in order to carry out equal opportunities functions. Very few of the units are adequately resourced and staffed on a full-time, professional basis (Frauenforschung 1987; Deutscher Bundestag, 1989).

Ideally, the local equality unit should fulfil the following roles (Deutscher Bundestag, 1989):

- a) it should participate in the formulation of local policy, and supervise policy initiatives as regards their effects on women;
- b) it should monitor the operation of positive action programmes and plans in the local bureaucracy;
- c) it should offer a resource for women in the locality: advice and assistance for citizens, maintain contacts with the traditional and autonomous women's movements, organise events and support projects by women and for women and elaborate a report on the situation of women in the locality.

The Greens in Rheinland-Pfalz have elaborated a law on the creation of local women's offices and the employment of women's officers which would, if

adopted, ensure that every town and district had a unit equal to those tasks (Burgsmüller, 1989).

Finally, like the equality units in the *Länder*, the local *Frauenbüro* needs a position on the bureaucratic and political ladder, preferably in the office of the Mayor or *Stadtdirektor* from which it can effectively exercise its powers of supervision and control.

ASSESSMENT

When assessing the work of the equality units described here, it may be useful to bear in mind a distinction between assessing the work of the equality unit itself, in particular its effectiveness in the performance of its multitude of tasks, and assessing the impact of the process of institutionalization of the "woman question" on the politics of gender generally.

As regards the first question, it is not easy to carry out such an assessment, not least because of the operation of the crucial variables of power, resources and independence within equality units (Stein, 1988; Haibach, 1988). Work so far in the Federal Republic has established that the vital factors conditioning the success of equality units are the following: direct access to the *Bund* or *Land* Cabinet, Mayor or local council (as appropriate); situation within the governmental or administrative hierarchy (and therefore political power); level of staffing; budget for support for projects, research etc; the right to criticize (in public if necessary) and if possible, the right of veto over policy initiatives damaging to women's interests; a network of contacts and supportive colleagues in other departments or Ministries; an effective and mutually supportive network of contacts in both the autonomous and traditional women's movements.

Problems remain, of course. In her study of the equality units in the *Länder*, Krautkrämer-Wagner (1989) has criticized those units for tending to take insufficient account in their work of the plurality and variety of women's experiences. Certainly, surveys of work done by the equality units indicates a relatively low priority being placed on integrating anti-racism into work on women, even though some units have taken up the multiple problems faced by *Ausländerinnen* (foreigners) and *Gastarbeiterinnen* (guest workers) (e.g. Hamburg, 1986). That is a criticism which can equally be level at many equal opportunities (gender) units in the United Kingdom, where the majority of appointments have come from a predominantly privileged white background, and their work has tended to reflect their heritage (Stone, 1988). It is

never easy to overcome the prevailing tendency of a bureaucracy to simplify the varieties of political subjectivities which are affected by its work.

Second, it is one of the contradictions of an equal opportunities policy pursued in the hands of institutional bodies which may have a limited conception of the meaning of gender equality, that measures (e.g. part-time work, child care, parenting leave etc) which can be seen as stepping stones on the road to a policy of breaking down gender divisions in society, can also form the concrete output of a policy on women which is focussed not on making society change to fit in with women's needs, but on making women change to fit in with society's needs. That such a policy lurks not far behind the equality rhetoric, certainly at the federal level can be discerned by the frequent occurrence of policy headings which link together women, work and the family (Wiegmann, 1988).

Thus, while the Government Report on equality units asserts that the BMJFFG has made an important and successful contribution to raising the profile of women's issues within government and has successfully influenced the policy-making process on numerous occasions, feminist commentators are not so sure. Weg, for instance, acknowledges the apparent change in the status of gender politics, and the considerably increased formal powers of the BMJFFG, but argues that these powers are mere paper powers (Weg, 1988). There is for instance a gap between the apparently feminist rhetoric of the Minister, formerly Dr. Rita Süßmuth and now Dr. Ursula Lehr, and the reality of anti-women policies pursued by the conservative dominated coalition: on rights at work, on abortion and health; on the family.⁴

Weg attributes this gap between the appearance and reality of power to a number of causes: first, the fact that a Ministry of Women is not a grassroots demand amongst the women's organisations within the parties in the coalition (CDU and FDP), so that the BMJFFG's role in relation to women lacks a firm basis. The title "Ministry of Women", was created for Dr. Süßmuth solely by impetus from above. This in turn means that the BMJFFG is insufficiently linked through networks to the women's movement. Second, the work of the Ministry is heavily focussed on publicity work aimed at altering attitudes, thus depriving research and project work of much-needed resources. Finally, on closer inspection, the much vaunted powers of the Minister in relation to other Ministries are lacking in substance: the BMJFFG does not have core responsibility for issues affecting women or a veto over proposed

⁴Dr. Süßmuth was removed from her office and "promoted" to the largely honorary position of President of the Bundestag on the grounds of the policies she sought to pursue as Minister of Women, and her liberal policies on AIDS.

measures and the idea of co-leadership on certain problems is not guaranteed in writing, but based on a mere verbal assurance.

Moreover, Dr. Süßmuth's conception of the organization of women's issues at Federal level was based on a strong centre and did not provide for an effective and comprehensive network of units or offices in the individual Ministries. The failure to institute such a network at a time when the idea of a Ministry of Women was being conceived represents a serious weakness in the political structure at federal level. Indeed, in some senses the situation is worse as specialised units are being wound up and their competence transferred to the BMJFFG which has neither the powers nor the personnel to be an effective substitute.

Of course, in the long term, the discrepancy between rhetoric and reality for conservative policies will reveal the strength of underlying opposition to equal rights for women still present in German political life (Wiegmann, 1988).

The fear that the legitimization of regressive policies would be the role of equality units in the local, regional and national state was at the root of the ambivalence of many in the women's movement towards these developments, at least in the beginning. In practice, opposition has largely been overcome simply on account of the manifest success, at least in terms of numbers, of the equality units. Conventional wisdom also has it that the women's movement is now sufficiently well-established not to be damaged by the effects of the institutionalization of certain aspects of feminism. In contrast, less concern seems to have been directed at the question whether the institutions themselves have overcome the customary lot of women politicians and the politics of gender: that of marginalization, although Wülffing notes the continuing failure of feminism to carve out its own distinctive "politics" resistant to co-optation by male power (Wülffing, 1988). Nor does there appear to have been any attempt to use the by now well-documented experience of the equality units to investigate further the crucial relationship between feminism, patriarchy and the State.

The tone of comment upon the work of the equality units so far has largely been descriptive rather than analytical. With the exception of Krautkrämer-Wagner's work, little attempt has been made to develop a theoretical framework within which the equality units can be situated. Nor, in contrast to the work that has been done on positive and affirmative action programmes, has any attempt so far been made to develop a comparative analysis of institutional developments either within the European Community, or outside it. It is by now a well-established thesis in feminist work "that the conceptual terrain on which contemporary political theory rests is inadequate

when political analysis is approached from the perspective of gender" (Jones and Jónasdóttir, 1988:1). The work of the equality units represents an as yet under-researched field where the perspective of gender can fruitfully be put together with an increasing body of empirical and anecdotal evidence to assist in the development of feminist political theory.

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