QUING

Quality in Gender+ Equality Policies

European Commission Sixth Framework Programme
Integrated Project

Doris Urbanek

with input from Birgit Sauer

Report Analysing Intersectionality
in Gender Equality Policies
for Germany and the EU

Institute for Human Sciences (IWM)
Vienna
2008

Table of Contents

Abbreviations

ADO	Federal Anti-Discrimination Office
BMFSFJ: Bundes-ministerium für Familie, Senioren, Frauen und Jugend	Federal Ministry of Family Affairs, Senior Citizens, Women and Youth
BT: Bundestag	Parliament
BR: Bundesrat	Federal Council
CSO	Civil Society Organisation
DF: Deutscher Frauenrat	German Women's Council
DGB: Deutscher Gewerk-Schaftsbund	Confederation of German Trade Unions
DJB: Deutscher Juristinnen-Bund	German Women Lawyers Association
FCC: Bundesverfassungs-gerichtshof	Federal Constitutional Court
FEA	Federal Equality Act
GETA	General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz)
GG: Grundgesetz	Basic Law (Constitutional Law)
GM	Gender Mainstream(ed)
Länder	Federal States of Germany
LSVD: Lesben- und Schwulenverband Deutschlands	Lesbian and Gay Association of Germany
Parties:	
CDU/CSU	Christian Democratic Union/ Christian Socialist Union
SPD	Social Democratic Party
FDP	Free Democratic Party (Liberals)
DIE LINKE (Linkspartei PDS)	Party of Democratic Socialism; merged with the party WASG into the new party "DIE LINKE" in June 2007
Bündnis 90/ Die Grünen	Alliance 90/The Greens
Ver.di	Union for Services

1. Introduction

Diversity, intersectionality or interdependency – there are many terms circulating in current feminist research trying to grasp and theorise the interdependence of social categories such as gender, class, race/ethnicity, sexuality, age, disability, religion/belief, marital/family status, nationality/citizenship status, regional differences and the distinction of rural and urban. It is the aim of the STRIQ activity to 'study how intersectionality is currently dealt with in gender+ equality policies across the European Union and its Member States, including the study of occurrences of intersectional bias'[1].

The key question of this report is: What are the implications of the intersection of multiple inequalities for the quality of gender+ equality policies?
Furthermore, the report aims to answer how inequalities and their intersections are conceptualised in terms of their structure and mechanisms; to what extent context matters in the (re)production of inequalities across Europe and what attention must be paid to other structural (in)equalities in the making and implementing of European gender equality policies.

The report is structured into six sections. In the second chapter, the report will outline theoretical discussions that have informed the author's thinking about intersectionality. These theoretical foundations will provide for the more specific research questions that are relevant for the German context. In the third section, the range of meanings of gender equality that have been constructed in selected policy debates in Germany will be described. This analysis will be divided into the four main issues studied: general gender equality policies, non-employment, intimate citizenship and gender-based violence. In the fourth section, an overview of the range of intersecting inequalities will be presented before the fifth section which will outline in more detail what and how intersectionalities are applied in the four issues. The sixth section then will summarise the main changes within the issues before drawing some conclusions in the seventh chapter.

2. Literature review

Intersectionality theory is at the core of current feminist theorising across various disciplines, from women's / gender studies, sociology, political science to legal studies. While there seems to be a consensus that 'gender is not enough' and monolithic conceptualisations of social inequalities have to be avoided, there is still much vagueness regarding how to conceptualise their intersection and how many social categories should or can be dealt with. The classical triad of gender, class and race/ethnicity has been challenged by including sexuality, age, disability, religion/belief, marital/family status, nationality/citizenship status, regional and the distinction of rural and urban into feminist theorising. Contrary to the sociological endeavour of understanding how intersecting social categories structure a society in a time and context specific setting (called 'structural intersectionality'), political

---

[1] Source: QUING project website at http://www.quing.eu.

intersectionality seeks to understand how intersectionalities are re/constructed by the political realm.

This theoretical academic interest has been fuelled during the last couple of years by an increasing political concern with various grounds of discrimination or (multiple) inequalities, also called diversity politics. For the European context this has to be seen in close relation to the issuing of various EU anti-discrimination directives around the social categories of gender, ethnicity/race, religion/belief, sexuality, age and disability that have to be transposed into the national law of the member states. Given that there are already (gender) equality policies existing in many EU member states, there is a continuing political need for feminist knowledge of how to conceptualise these new challenges to gender and other equality policies.

As researchers (e.g. Yuval-Davis 2006a) have stressed, intersectionality is not a new phenomenon. Crenshaw coined the term intersectionality in 1987 (Crenshaw 1991), but it had been subject to feminist theorising for many years prior to this date; for example, in the 1970s feminists attempted to operationalise Marxism in order to address the interaction between the social categories of class and gender. Black feminism had also pointed to the intersections of race and gender (e.g. bell hooks 1981, Patricia Hill Collins 1998, 2000). Essential contributions regarding the intersection of race, ethnicity and gender in the frame of identity politics also stem from Floya Anthias and/or Nira Yuval-Davis (1983, 1992, 1994 and more). Further influential shifts were initiated by postcolonial feminism, where texts such as Mohanty's 'Under Western Eyes' (1991) alerted scholars to the biases of feminist thinking. Critical whiteness studies as well as disability and queer studies have challenged monolithic conceptualisations such that there is an increasing awareness that the privileged, 'unmarked' sides of social categories need to be addressed.

The current concern with intersectionality within feminist research is reflected in the high number of recently published special issues of renowned peer reviewed journals such as: *Politics and Gender* (2007, Vol 3, Issue 2) with contributions from American political scientists (e.g. Hancock, Jordan-Zackery, Simien); the *European Journal of Women's Studies* (2006, Vol 13, Issue 3) with contributions from sociologists and political scientists (Phoenix/Pattynama, Yuval-Davis, Verloo, Prins); and the *Journal of Women, Politics and Policy* (2006, Vol. 28, Issue 3/4). A special issue on 'Institutionalising Intersectionality' with contributions from Judith Squires, Kantola/Nousianinen, Verloo/Lombardo and Hege Skejeie (among others) is planned by the *International Feminist Journal of Politics.* There is also attention to intersectionality among researchers investigating strategies to achieve gender equality, such as gender and diversity mainstreaming (Walby 2005, Verloo 2006, Squires 2005, 2007a, 2007b).

Recent fruitful contributions to *intersectionality theory* have come from McCall 2005, Verloo 2006, Yuval-Davis 2006, Walby 2007, Hancock 2007, Lenz 2007, Walgenbach 2007 and

Ferree 2008[2]. McCall (2005) for example differentiates between anti-categorical, intra-categorical and inter-categorical dimensions of intersectionality; Yuval-Davis (2006a) alerts us to the confusion of structural and political intersectionality and warns against the trap of identity politics; Walby (2007) develops a social theory that encompasses intersecting social relations and domains in the frame of complexity theory; Hancock (2007) scrutinises and categorises intersectional analyses and calls for intersectionality as a research paradigm; and Ferree (2008) discusses how traditional discursive frameworks structure the ways in which political debates and frames are intersectionalised. Important contributions are also found in the volumes edited by Gudrun-Axeli Knapp, Cornelia Klinger and Birgit Sauer. The editors come from different disciplinary backgrounds (sociology/social psychology, philosophy and political science) and gather a multitude of theoretical perspectives[3]. Political scientist Birgit Sauer (2007a and Sauer/Wöhl (2008 forthcoming)) for example places diversity politics and intersectionality theory in the context of state and hegemonic theory.

In addition, a range of *intersectional empirical work* has been undertaken: Considerable input in German research has come from the disciplines of migration and postcolonial studies where, for example, Helma Lutz has conducted an intersectional analysis of illegal female domestic workers, based on Floya Anthias/Yuval-Davis four levels of analysis (in Klinger/Knapp/Sauer (eds.) 2007). Encarnación Gutiérrez Rodríguez works on the intersection of gender, ethnicity, sexuality and class; Maria do Mar Castro Varela has worked on gender and ethnicity/migration (Castro Varela 2003) and reflected on political intersectionality in a compilation on migration, citizenship and gender (Roß 2004) and in a volume on redistributive justice (Degener 2006); and a 2007 edited volume on heteronormativity (Hartmann 2007) provides of a section on intersectionality. Though not within the scope of the current review, literature from gendered disability studies or from a gendered lifecycle approach could also be considered in terms of its contribution to the area of intersectionality.

However, despite this high number of empirical and theoretical publications, the impact on *feminist analyses of gender and diversity politics* in Germany has been limited; research on gender equality politics has been lagging behind in encompassing intersectionality theory into its work. As evident from the literature review compiled for the QUING State of the Art Germany[4], most research seemed to be confined to a gender-only analysis. If there is a consideration of 'multiple inequalities' or diversity, much of the German debate seems to confine itself to evaluating the impact of diversity politics, often discussing the problematic origin of diversity concepts and diagnosing the possible threats of diversity to gender politics. This is the case in publications such as Wetterer (2003), Ohms/Schenk (2003), Purtschert (2007) or Pagels (2004). A new compilation on gender and diversity, subtitled 'A nightmare or a Dream Couple' (Andresen, forthcoming) is planned for publication in autumn 2008; it is still to be seen what the evaluations of the shift from gender to diversity politics will be.

---

[2] Other recent and forthcoming German publications on intersectionality are Dietze (2008 forthcoming), Lorey in Tißberger 2006 and Degele/Winkler (2007, 2008 forthcoming).
[3] For publications see Knapp 2001, Knapp/Wetterer 2003, Knapp 2005, Knapp/Klinger/Sauer 2007 and Klinger/Knapp 2008 forthcoming.
[4] QUING State of the Art on Germany, available at www.quing.eu (Research Results).

Generally speaking, the 'diversity issue' only slowly finds its way into the study of gender politics and somehow still faces the status of an 'add-on', presented as an additional challenge that has been raised in recent years. This status appears to be reflected in recent publications, such as 'Changing State Feminism', ed. by Joyce Outshoorn and Johanna Kantola (2007), and 'Women and British Party Politics' by Sarah Child (2008); and only to a lesser degree in Judith Squires 'The New Politics of Gender Equality' (2007a). Overall, there still seems to be a difficulty in placing intersectionality into current political analyses[5].

So, while intersectionality seems to have become the most popular 'buzz word'[6] in feminist research, this does not necessarily mean that intersectionality has become a research paradigm as demanded by political scientist Ange-Marie Hancock (2007). Without a doubt, feminist political research is increasingly concerned with the concept of intersectionality, sometimes also called interdependency or diversity. But while this concept is intensively addressed at a theoretical level, intersectional policy analysis is still in its early stages. A strategic exploration of how intersecting social divisions are construed by the political realm, which can also be called 'political intersectionality', is rare[7]; yet from the point of state and hegemonic theory, this may be more important as the production of categories in the form of intersectionalised policies re/produces power relations in states and supranational processes (Sauer/Wöhl 2008 forthcoming). An intersectional policy analysis might be an important part of a multi-level analysis that seeks to understand processes that produce privilege or disadvantage, inclusion or exclusion.

What would be a useful concept of intersectionality to apply in policy analysis? As stated above, there are many inspiring ways of thinking about intersectionality, mostly stemming from feminist sociology, but also from political science. However, it is first and foremost the discipline of sociology that theorises ways of conducting intersectional research (Lepperhoff/Rüling/Scheele 2007). As a starting point, it might be helpful to scrutinise whether there are useful sociological contributions that an intersectional policy analysis could draw from.

Sociologist McCall's (2005) distinction between anti-categorical, intra-categorical and inter-categorical approaches to intersectionality is a useful concept that maps out possible ways of thinking about intersectionality. Researchers have emphasised that these approaches are not mutually exclusive, and that it can be productive to think about them together (Knapp 2005, Sauer/Wöhl 2008 forthcoming). Also Yuval-Davis' (2006) distinction between social

---

[5] There are several limitations to this statement as this literature review is confined to European research and thus omits direct consideration of the US literature. Nevertheless, a US political scientist Ange-Marie Hancock (2007) states in her article that: 'In positing interconnected relationships between race, gender, class, and often sexual orientation, scholars have continued to note an imbalance between the plethora of theoretical studies and the relative paucity of empirical work in intersectionality' (2007, 66).

[6] Davis, Kathy. 2008. Intersectionality as Buzzword. *Feminist Theory* 9 (1): 67-85.

[7] This distinction follows Crenshaw's (1991) differentiation between structural and political intersectionality.

positioning (locational intersectionality), social groupings/identities and values has proved fruitful in clarifying dimensions of intersectionality.

It has been argued that intra-categorical diversity or a locational understanding of intersectionality (people at intersections) has dominated intersectionality theory and empirical research (Lenz 2007, Hancock 2007, Ferree 2008). It is claimed that an inter-categorical approach that seeks to understand the relationship and interdependence of social categories, i.e. a macro-level analysis, is needed (Klinger 2003, Knapp 2005). The individual or locational approach is criticised for failing to conceptualise social processes on a larger scale; analysis should also comprise social practices, structures and institutions. I am slightly hesitant towards a total juxtaposition of intersecting structures and intersectionalised subject positions. While I agree that a purely descriptive account of social intersectional positionings is not enough and that research should try to understand wider societal structures and practices causing them, analysis still has to take into account that structures materialise in concrete social positionings of subjects (see also Lenz 2007, Walgenbach 2007). This is the more important as the 'Rückkoppelung' (feedback) from subjects embodying and experiencing intersecting social categories is an important corrective to theories that sometimes threaten to 'go theoretical' without considering 'the practical'. Eventually, an analysis will always need to explain how these structures will play out for certain persons/groups at intersections.

There are different solutions to this diagnosed need for a concept of 'inequality structures' and their intersectionalised character. For example, Cornelia Klinger (2003) has developed a model of how race/ethnicity, class and gender are constituted by the regimes of imperialism, capitalism and patriarchy in relation to labour. There are several criticisms of this approach (see also Walgenbach 2007), but I will point to only a selection. Firstly, I wonder whether the abstraction into separate axes of inequality is helping us to conceptualise the dynamics of privilege and disadvantage given the fact that these 'axes' have no correspondence 'in reality'. As Yuval-Davis (2006) states, there is no such thing as essential 'Blackness' or 'womanhood'. Secondly, apart from the observation that other categories might also figure as important structuralising principles and that patterns of dominance have to be understood in their spatial, temporal and culturally specific setting (Walgenbach 2007, Lenz 2007), taking labour as the main organising field ignores the complexities of other (interconnected) social institutions where social relations are re/produced (Kabeer 1994, Verloo 2006, Walby 2007). Thirdly, talking about axes or structures seems to promote a 'pillarised' or segregated understanding of social categories that makes it hard to apply the model to an intersectional policy analysis. A useful input in this regard stems from Katherina Walgenbach (2007) who suggests thinking about gender as an interdependent category in order to avoid the above mentioned 'pillarised' understanding that can confer a 'genuine essence' to axes of inequality. Another approach, developed by sociologist Ilse Lenz (2007), claims that social theory (Gesellschaftstheorie) needs to conceptualise the intersectionalised structuring of social relations ('configurations'). She seeks to develop a method by which structures and practices producing patterns of inequality can be detected. This analysis, based on a constructivist perspective, does not start by asking 'how the social power axes such as gender, migration and class structure these practices, but rather the other way round, I shall

first look at the social structures and practices of doing intersectionality or equalisation' (2007:106). Similarly, political scientist Ange-Marie Hancock (2007) focuses on the relationship between the social categories subject to analysis. Such analysis does not depart from a pre-given or assumed relationship, but seeks to discover intersectionalised patterns.

Additional questions to be addressed

Informed by this literature, I am interested in addressing the following three questions:

a) Intersectional strategies

The report analyses what inequality axes are applied in the various parts of the analysed texts and whether this is done in an intersectionalised way. It is the aim to deduce time and context specific characteristics that determine political intersectionality in Germany. I will explore whether there are recognisable patterns in the application of intersectionalities and whether these patterns diverge across social categories, actors, issues and over time. Also, following Bacchi's 'What's the problem' approach (1999), the most striking absences in the application of intersectionalities will be addressed.

b) Meta-framing

A further question might explore whether these patterns can be linked to the meta-framing of a policy. The meta-framing of a policy refers to its categorisation as gender equality, diversity or any other issue/target group specific policy. These findings might be important in terms of political strategies for agenda setting.

c) Discursive networks (Ferree 2008)

The specific question that aims to explicitly address the context of Germany is informed by Myra Marx Ferree's article (2008) on discursive frameworks: The authors sheds interesting light on Germany's political tradition of framing gender equality and its relation to the class issue: 'Germany's discursive opportunity structure' has been shaped far more by class struggle than by racist struggle' (Ferree 2008, 17). Following this logic, gender inequality was mostly conceptualised as something relational, women in relation to the system of reproduction, and less in terms of difference among individuals who have inherent rights.

Consequently, the understanding that gender equality is almost exclusively related to the division of labour has impacted on what is considered part of gender equality policies and what is not. Ferree argues that such logic favours policies around childcare leaves and subsidies, abortion and contraception laws and affirmative action towards mothers. 'But women's lives outside the institutional context of family and reproduction are much harder to describe critically in ways that will generate a strong response from either state or society' (Ferree 2008, 36). This discursive trajectory has not conceptualised women as rights bearing subjects but as disadvantaged in relation to men and the labour market. Traditionally, migration issues have not been part of gender equality policies.

By means of the following analysis I will scrutinise whether these discursive networks can be verified by the selected sample of texts.

3. The range of the meanings or frames concerning gender equality in gender+ equality policies

This section will describe the policies selected for close analysis (see also list in Table 1).

For **General Gender Equality Policies**, the General Equal Treatment Act (GETA) (2006) which also set up the Anti-Discrimination Office (ADO) (the first (and single) equality body dealing with six grounds of discrimination) was chosen for analysis. The GETA as well as the new institution of the ADO represent the most important change in legislation in this field since the Second Equal Treatment Act (1994) and the amendment of the Constitution (1994). The GETA transposes four EU Anti-Discrimination Directives[8]; it legislates on discrimination due to race[9] and ethnic origin, gender, age, disability, religion or belief and sexual identity. It refers to labour and civil law (with a restricted field of application in the latter) and mentions briefly the case of multiple discrimination without further investigating in this issue.

Regarding the policy process, it took more than five years for the transposition of EU directives to pass the German legislative bodies under the General Equal Treatment Act. Even the final draft split the party landscape in two: for some, the act was not reaching far enough, whereas for the others it had already gone too far[10].

With the coming into force of the General Equal Treatment Act, a Federal Anti-Discrimination Office (ADO) at the BMFSFJ was established. In February 2007, Martina Köppen was assigned director. Given her background as an officer for European Affairs of the Commission of German Bishops, Catholic Office in Berlin, the Lesbian and Gay Association (LSVD) raised concerns about the choice. The ADO is mostly a counselling office and has the assignment to fulfil its tasks together with actors from civil society. Further, it has to report to the German parliament once every four years. Its independence is legally provided for by the General Equal Treatment Act (2006); however, the structural set-up (part of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth) and the procedure of appointment (by the Federal Government) have provoked many NGOs to question this

---

[8] These are the Directive on Race/Ethnicity 2000/43/EC, The Framework Directive 2000/78/EC, The Amendment of the Gender Equality Directive 2002/73/EC and the Directive on Access to Goods and Services 2004/113/EC.

[9] Only Ilja Seifert from the leftist party DIE LINE rejects the application of the term 'race' in the parliamentary debate. The draft is also rejected for not considering social strata/class as a ground of discrimination.

[10] On 31 January 2008 Germany received a letter of formal notice by The European Commission, which is the first step of an infringement procedure. Germany has two months to respond. The GETA is criticised for the following provisions:
- The GETA does not cover dismissal regulations
- Deadline for lodging a complaint is too short (2 months)
- Limitation of NGOs' right to participate in legal proceedings to defend victims of discrimination
- The obligation to make reasonable accommodation applies only to severely disabled employees
- The exception to the ban on age discrimination does not contain any of the conditions required by the Directive

Source:
http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/155&format=HTML&aged=0&language=EN&guiLanguage=en

independence. Regarding its approach to discrimination, it is stated that the ADO follows a 'horizontal approach' to inequalities in order to avoid the notion of competing inequalities. The argument continues to explain that everyone is constituted by several identity markers and thus inequalities have to be considered together.

In August 2007, one year after the coming into force of the General Equal Treatment Act, the head, Martina Köppen, announced alliance with the private sector as a strategy to be taken up by the office. The first annual report documents 2,340 inquiries on discrimination on grounds of gender (26.5%), disability (25.3%) and age (24.9%). At the same time, criticism about the late and weak implementation of the Anti-Discrimination Office is raised by the FDP and the Alliance 90/The Greens. In October 2007, the Advisory Board of the ADO was set up. It consists of 16 representatives of national NGOs and recognised experts. Seven members come from NGO umbrella organisations covering several grounds of discrimination; the social partners, experts from academia as well as representatives from the private sector and from the communal and regional level are appointed. The honorary appointed advisors provide advice to the ADO and establish contact with civil society organisations active in the field of anti-discrimination.

Currently, a further EU directive on 'Equal treatment irrespective of religion or belief, disability, age or sexual orientation' is being discussed at the European and national level, with Germany trying to weaken the directive[11]; the statements of the head of the Anti-Discrimination Office, Martina Köppen, that considered an extended level of protection from discrimination as detrimental for the German economy, have caused harsh criticism from the side of CSOs[12]. Making these criticisms more absurd is the fact that the provisions of the proposed directive are already transposed in German national law by the General Equal Treatment Act.

---

[11] Proposal for a Council Directive as of 2 July 2008, available at
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0426:FIN:EN:PDF
[12] See for example the press release of the Anti-Discrimination Association advd available at
http://www.antidiskriminierung.org/?q=node/257.

Table 1: Selected German Policy Debates

General Gender Equality Policies
(such as general anti-discrimination legislation)
1. General Equal Treatment Act (2006)
2. Anti-Discrimination Office (2006)
Non-Employment Policies
(such as child care leave, leave for elderly or sick care, tax and benefits, access to employment, voluntary work, citizen engagement)
3. Federal Equal Treatment Act (2001) – public employment
and Voluntary Agreement between the Federal Government and the Key Associations of the Private Sector (2001)
4. Parental Benefit Act (2006) - child care leave and benefit
5. Tax splitting models (2007) – spouse/family splitting models
6. Care Time Act (2007) – elderly care
Intimate Citizenship Policies
(rights attached to partnerships (heterosexual, non-married, same sex) in relation to child custody, reproduction and migration etc.)
7. Life Partnership Act (2001) – same sex partnership
8. Life Partnership Revision Act (2004) – same sex partnership/stepchild adoption
9. New Immigration Act (2007) – family reunion
10. Contestation of Paternity Acknowledgement Act (2007) – in relation to migration
Gender-Based Violence Policies
(such as marital rape, sexual harassment, gender-specific reasons for asylum, forced marriage, trafficking, forced prostitution)
11. Marital Rape (1997/8)
12. Violence Protection Act (2001) – domestic violence
13. Forced Marriage (2005-2007)

For **Non-Employment**, important regulations regarding equal treatment in public and private employment were the Federal Equality Act (2001) and Voluntary Agreement between the Federal Government and the Key Associations of the Private Sector (2001). While an equality act for the private sector of the economy was initially promoted in the government programme 'Women and Work' (1999), this policy plan was watered down to result in a Voluntary Agreement (2001). This legislative gap continues to be addressed by the women's movement though there is no resolution in sight.

Regarding child-care and reconciliation, the recently introduced Parental Benefit Act (decided in 2006, entered into force in 2007) is promoted by the Federal Government and the Federal Family and Women's Minister Ursula von der Leyen (Christian conservative party CDU/CSU) as a shift of paradigm. For the first time, this childcare policy amounts to something like a

wage-substituting model; however, it is criticised for being especially attractive to higher middle-class couples, thus potentially serving as a selective fertility instrument.

The existing income tax model, called the 'Spouse Splitting Model', to which only married heterosexual couples are eligible, has been under attack for decades. Individual taxing instead of the 'Spouse Splitting Model' that enshrines the male breadwinner model and pushes married women out of the labour market (with all the problematic consequences of financial dependence) has been on the feminist agenda for over 20 years. Nevertheless, an end to the 'Spouse Splitting Model' is far from sight. Also, neither of the two reform models has been pushed through in the current legislative period: The adaptation of the 'Spouse Splitting Model' with a fairer distribution of the tax burden (coalition agreement) was eventually taken out of a respective bill (Jahressteuergesetz/Annual Tax Law 2008); the 'Family Splitting Model' as envisaged by the CDU/CSU never made it into legislation. Eventually, the reform of the 'Spouse Splitting Model' was postponed to the next legislative period. The analysed speeches were held in the frame of a parliamentary reading of a motion of the Alliance 90/The Greens in 2007; the CSO text calling for individual taxing is a common appeal signed by 16 NGOs and women's departments of the trade unions (DGB and ver.di).

Regarding elderly and sick care, the Long-Term Care Insurance Act of 1995 was celebrated as 'milestone legislation', but has since been criticised in feminist research. When a reform of the Act was eventually discussed in 2007, the gender dimensions of care work were once again left out of the mainstream debate. The Care Time Act (passed 2008), regulating for a six month unpaid leave to organise care with a right to return to the workplace, was set up by the Reform of the Long-Term Care Insurance Act. However, this detail was not the major point of concern during the political debates which focused on the usefulness of establishing of care counselling centres. Only two of the five parliamentary factions referred to the introduction of care leave for persons whose relatives are in need for care. By neglecting to discuss the care leave in the debate, the gender blindness of the whole caring discourse was reproduced. It ignored that women represent not only a high percentage of people in need for care, but are also the main family carers. Apart from the CSO/social partners' text, the gender dimensions of care issues were not evoked in the debates.

For policies on **Intimate Citizenship**, two pieces of milestone legislation on the recognition of same sex partnerships (Life Partnership Act 2001 and 2004) were chosen for analysis. While the first one acknowledged same sex partnerships as a family institute for the first time, the second act extended the duties and rights attached to this partnership (especially stepchild adoption).

Intimate citizenship issues in relation to migration and citizenship status are more problematic. The issue of family reunion debated and regulated by the New Immigration Act (2007) was closely connected to the problem of forced marriage, one of 'the popular topics' on traditionally/religiously/culturally informed gender-based violence[13]. The stricter regulations are deemed to prevent forced marriages and the abuse of residence law in

---

[13] Another salient debate is the one on 'honour killings'.

Germany. The Passing of the New Immigration Act in July 2007 caused several migrant associations to abstain from the Second Integration Summit, where the National Integration Plan, the prestige project of the Federal Government, was presented. Harsh criticisms, especially against stricter regulations on family reunion, not only came from opposition parties and civil society, but also from within the coalition.

Debates around the right to contest paternity acknowledgements of unmarried parents to which residence rights might be attached legitimised the act by apparently preventing the abuse of residence rights and the social security system in Germany. Strong opposition came from the opposition parties and various NGOs. Despite this protest, the Paternity Acknowledgement Contestation Act was passed in 2008.

In the field of **Gender-Based Violence**, milestone legislations were the introduction of Marital Rape into the Penal Code in 1997/8 as well as the Violence Protection Act of 2001 (entered into force in 2002) that regulated civil law and penal law in relation to domestic violence. The fact that women's shelters were set up in 1976 and respective legislation took another 20 to 25 years to be passed also reflects the significance of these laws. After ten years of debate over whether marital rape should be included in the agenda, progress was eventually made in the mid 1990s. However, problematic regulations such as the antinomy clause were hard to tackle. Eventually in 1997, a cross-factional group of female parliamentarians pushed the act through. On the issue of domestic violence, the close co-operation of women's shelters and the state in the form of the Berlin Intervention Project eventually led to the unanimous adoption of the Violence Protection Act in 2001.

In recent years, a concern for traditionally/religiously/culturally based gender-based violence has become visible; this tendency is accompanied by an increasing concern with trafficking in women and forced prostitution. While both strands are important, the issue of forced marriage in particular dominates the public and political debate. In February 2005, under the Social-democratic and Green government coalition (1998-2005), the crime 'forced marriage' was included into the Penal Code; it provides for prison sentences of between 6 months and 5 years. It was also included in the coalition agreement (2005) that further measures against forced marriage would be taken. Since then, the Federal Council (Bundesrat) adopted a bill from the federal state Baden-Württemberg with further penal law and civil law amendments. The topic is also in focus in the National Integration Plan (2007) and the Second Action Plan of the Federal Government to Combat Violence against Women (2007). Legislation and policies around forced marriages are 'popular' as there is a high societal consensus on the need for action to combat this form of violence against women. While the diagnosis of the problem is relatively coherent in the sense that all major political actors identify forced marriage as a human rights violation, the policy actions attached to the diagnosis vary. The crucial difference is whether measures are primarily located in the realm of penal law (with the potential of criminalising migrants), victim protection or rights such as an independent residence right or the right to return after abduction abroad for forced marriage. Conservative political actors from the CDU/CSU (such as the federal state Baden-Württemberg) push for further penal law regulations, whereas other actors stress the need for positive rights.

3.1 The range of the meanings or frames of gender equality in general legislation and machinery

General Equal Treatment Act (GETA)
The law lists the six grounds on which discrimination is to be prohibited, though there is no no explicit problem or objective statement nor is the problem located in a certain social sphere. However, the policy actions are located in the realm of economy (labour law) and wider society (civil law).

The CEDAW report (policy plan) states that women discriminated against refrain from claiming their rights and need to be supported in their rights claims. It also emphasises that the grounds of discrimination have been extended. There is a tendency of government texts and speeches not to portray the existing legislation in a favourable way. The prognosis part of the CEDAW is rather descriptive.

What is striking about many texts is that they seem to begin from a common understanding that discrimination is to be avoided and mitigated; this might explain the lack of problem statements. A lack of problem statements might also be caused by the fact that EU pressure to transpose the respective directives is very high which takes the focus away from the content (the problem of discrimination) and towards the formal level (legal obligations due to EU membership). The Federal Minister of Justice, Brigitte Zypries, also points to the difficult nature of the policy process and to her relief that the transposition of EU directives has eventually succeeded. However, her text does not stay exclusively at this formal level but states that the values of freedom and tolerance of German society implied non-tolerance and prevention of discrimination. Her speech reflects the search for political compromise that also legitimises the final draft.

With regard to the voice of the main government party, the CDU/CSU, there is a principle disagreement with EU guided anti-discrimination legislation. It is considered as having an unjustified impact on national law since the latter is viewed as sufficient to mitigate discrimination, which is not explicitly framed as problematic anyway (CDU/CSU). The policy actions are informed by a strong liberal rationale. The oppositional FDP speaker does not address discrimination as a societal problem; deducing from other statements discrimination is construed as affecting minorities who are not supported by this kind of legislation. An act would also harm middle sized businesses and increase bureaucracy. It also follows a strong liberal rationale (too much state regulation). What is striking about the texts of the opposition parties of the Alliance 90/The Greens and the leftist party DIE LINKE is that they refrain from explicit problem and objective statements. The Green party mostly criticises the draft for not complying with EU directives; a deduced aim would be a more extensive protection from discrimination, also in civil law. The leftist party DIE LINKE criticises the draft for failing to establish a comprehensive anti-discrimination culture in Germany.

The civil society text of the German Women Lawyers' Association DJB is directed towards the EU commission in order to report the insufficient transposition of EU Directives by the

GETA. Thus, there is also no explicit problem and objective statement. The text argues from a gender perspective, and only marginally takes intersectionalities (e.g. age) into account.

Thus, the **underlying norms** of the GETA are **anti-discrimination** (applied by all parties and texts, apart from the CDU/CSU), **democracy, efficiency** (combat discrimination effectively), **EU obligations, realisation of rights** (CEDAW report) and from the opposition parties **liberalism, anti-bureaucracy, national sovereignty, EU law making**. EU norms are the major framing in the CSO text on the GETA that is directed to the EU commission in order to inform about the insufficient transposition of the EU Directives.

Gender equality as a norm does not appear.

Anti-Discrimination Office (ADO)

Compared to the GETA which is not discussed under an explicit gender or intersectionality lens, it is striking that in the discussion on the ADO intersectionality is addressed relatively often. The law text also mentions the issue of multiple discrimination as one that should be addressed in the work of the ADO but it does not elaborate on this issue. Anti-discrimination and participation of civil society are the underlying norms that inform the set-up of the ADO and the Advisory Board. The policy plan (ADO, Köppen) also raises the problem of multiple discrimination and emphasises that it is especially gender that intersects with the other markers such as age and migration/citizenship. The goals are a sensitisation of the public and its acceptance of the GETA as well as close co-operation of the ADO with civil society and other organisations combating discrimination.

With regard to the parliamentary debate, the motion of the leftist party DIE LINKE stresses the need for institutional independence of the ADO and its director. It lists social groups according to the grounds of discrimination and demands their fair representation in the Advisory Board of the ADO. This reflects a 'separate' understanding of social inequalities. The government answer argues that the independence of the ADO is provided for in the regulations of the GETA. It does not consider either the set-up of the ADO as a part of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth or the procedures of appointment of the director as contradicting the principle of independence.

The civil society text of the German Women Lawyers' Association DJB also mentions the issue of multiple discrimination that the ADO should address. Intersectionality is alluded to in that it is believed that the composition of the Advisory Board should reflect women's special situation within other discriminated groups. Again, the independence of the ADO is stated as a goal.

The major **underlying norms** in the texts are thus **anti-discrimination** (with a consideration of intersectionalities in the CSO text and government programme); the other texts revolve around the question of **law implementation** and the **institutional independence** of the Anti-Discrimination Office ADO and the **participation** of CSOs in the work of the ADO.

Gender equality as a norm does not appear.

3.2 The range of the meanings or frames of gender equality in non employment

Underlying norms

In the Agreement (coded in the group on the Federal Equality Act) it is only **economic development** that is considered.

The government programme 'Women and Work' dating from 1999 comprises an interesting combination of frames: there is a notion of realising **gender equality as a principle in its own right and as a means to achieve economic development** (use potential of highly educated women in the labour market). It seems that gender equality gains legitimacy by being associated with economic growth. At the same time, **reconciliation** is a strong objective and strategy. There is also the use of EU and international (UN CEDAW) norms (PDS) and national norms (constitutionality, PDS and FDP). However, there is the impression that there was a political consensus at the time that **gender equality** is a norm that should be acknowledged by the whole of society.

This signifies a difference between the FEA which is predominantly framed under **gender equality** (at least in all the parliamentary speeches) and the other sub-issues of non-employment. Contrary to this strong and explicit gender equality framing, the texts (apart from CSO texts) around care, Parental Benefit and the tax system are composed of **multiple framings**.

In the case of Parental Benefit, it seems that **reconciliation** of work and family life has become an independent norm which is not necessarily attached to considerations of gender equality[14]. It establishes the norm of the self-responsible double-earner-family. It seems to be the accepted norm that social security is only to be achieved via the labour market. In the speech of Family and Women's Minister of the CDU/CSU it becomes explicit that child-raising responsibilities should not signify dependence on the state; the Parental Benefit aims to signal that work pays off. There is a legitimisation strategy that I call '**needs interpretation**' that we can find in this speech and also to a high degree in the government draft of the Care Time Act and the 'justification' speech by the Minister of Health. In both of these areas (child caring and care of sick and elderly) the Ministers purport to respond to the needs and wishes of people (without referring to principles such as human rights).

It is also interesting that the government programme on the Parental Benefit has two co-existing (but also somehow conflicting) frames: One is a strong **demography/economic development** rationale which is then supplemented by notions of **securing the financial stability of families** (welfare state, anti-poverty), but also that of parents, individually (possibly a small allusion to gender equality?) which may represent the contribution of the

---

[14] There is still a gender equality framing in the text of the Greens and the CSO, whereas the LINKE points more to the duty of the state (welfare state?).There are still residuals of the 'freedom of choice' rationale to be found in the FDP speech and the CSO text.

SPD coalition partner. Also interesting is that in the speech of the SPD social justice and gender equality are combined; it is stated that the reform will achieve both. **Class** therefore seems to play a dominant role in the justification process (of the left parties, but also for the CSO). This leads to the thesis that there might be a re-emergence of the social category of class (as a consequence of the Hartz Reforms, the Agenda 2010); a thesis which might be supported by the argumentation strategies around the tax system (2007).

It is not easy to identify the underlying norms of the speech of the Greens on the tax system, but it is clear that it is **not explicitly about gender equality** any more. There are notions of **economic development, child well-being and social justice**. Reconciliation and women's labour market participation are stated as objectives without discussing why this should be the case. **Reconciliation** has become something of an unquestioned norm. Interestingly, the speaker also alludes to a modern society (**modernity**, also used by the SPD). But there is the impression that poverty/social justice/class have gained momentum. This is also the case in the CSO text, an appeal signed by various NGOs (and unions). While there is an explicit reference to the problematic gender dimension of the spouse splitting model, the major concerns are **child well-being** and **anti-poverty of families** (combat poverty/social exclusion/class). The FDP states that tax class V is problematic (because it provides the wrong incentives – it can be deduced that this refers to female labour market participation), but that the spouse splitting model must not be abolished due to the constitutional protection of marriage and family (**constitutionality, heteronormativity**). The CDU/CSU also uses the same line of argument (constitutionality and heteronormativity) and emphasises that the state has to respond to the economic needs for children (**economic development**).

In the case of the Care Time Act, it is the wishes of people in need of care (high quality care, **human rights – dignity, participation, but also needs interpretation**) that are emphasised and played out against those of family members. Given the hegemonic **needs interpretation** that people want to be cared for at home by their family members, **reconciliation of work and care** is made a norm, which obscures the even deeper underlying traditional understanding that the family is the place where care should be performed. Like in the case of child care, reconciliation is not underpinned by gender equality considerations, but results more from considerations regarding how the traditional form of home care can be maintained. Social security aspects of the family carers (i.e. mostly women) are not touched upon except in the speech by the Green party and the CSO text.

3.3 The range of the meanings or frames of gender equality in intimate citizenship

Underlying norms

It is difficult to see overarching patterns among the selected issues in intimate citizenship. This is probably due to the selection of documents. Whereas the Life Partnership Act is more located at the intersection of sexuality and marital status, the New Immigration Act and the Paternity Act are situated at the intersection of citizenship and marital status, together with dimensions of ethnicity and class. Hence, the use of underlying norms shows different patterns.

The dominant underlying norms of the texts promoting the Life Partnership Act are **equality, equal rights, human rights and anti-discrimination**. The **Constitution** and Federal Constitutional Court Rulings are referred to in order to support the arguments. Also, the Greens, the SPD and the CSO text speak about equal rights for same sex partners as a matter of **justice**. There seems to have been a **shift** in thinking about same sex partnerships in the SPD: whereas there was a strong 'othering' discourse of the governing party in pushing for the 2001 Act, this seems to have shifted towards a more egalitarian understanding in 2004. The FDP has also undergone an interesting transformation, while at the same time maintaining a strange tension in their thinking with the co-existence of liberalism and heteronomativity. The shift was from a strong 'othering' discourse in 2001 to the promotion of joint adoption in 2004, while simultaneously defending the special protection of family and marriage. This principle formulated by the **Constitution (Art.6)** is the primary site where legitimacy is drawn from by the opposition (CDU). These considerations are backed by **child well-being**, challenged by the views of the FDP that same sex partners are equally good parents. The Life Partnership Acts are also discussed under a classical **citizenship rationale** that negotiates the relation of between the rights and duties of citizens. Surprisingly, there is a consensus (apart from the CDU/CSU) about the **value of family**; persons that engage in stable relationships and take on mutual **responsibilities** should be supported by the state (Greens, the SPD, the FDP, CSO).

Contrary to the Life Partnership Acts, the sub-issues on family reunion (New Immigration Act) and the Paternity Act have **manifold legitimacy strategies** – both on the defending and the opposing sides. The argumentation strategies of the draft and the CDU/CSU draw from 'successful' **integration, human rights (forced marriage), crime and justice, economic development and EU obligations**. The Minister of Interior additionally talks about tolerance and openness in society, security of citizens and facts and reality (globalisation/migration). Obviously, there is a strong need to gain legitimacy for the Act. The SPD plays one human right against other rights (right to abode vs. right to return and rights to family reunion). The Greens allude to integration, human rights, constitutionality, **anti-discrimination/anti-racism/anti-misogyny, victim protection** and EU obligation. What follows from these examples is that the frames of reference are similar, but filled with different content. Also the LINKE stresses human rights, but also anti-discrimination on grounds of **class**, which is hardly ever discussed in the speeches. Interestingly, the CSO also engages in an integration-rationale, but emphasises the (positive) rights and the public support needed.

What the argumentation strategies of the New Immigration Act and of the Paternity Act have in common are the **crime and justice rationale** by the CDU/CSU and in the latter case additionally backed by the SPD; also the **economic development/social security system** argumentation strategy is drawn upon. While the opposition parties reject the draft on grounds of discrimination, the explanation of the bill argues that the government draft will prevent discrimination and xenophobia of bi-national unmarried couples in society. Additionally, **child well-being** is alluded to from different angles; from an understanding of biological parenthood and the constitutional right of the child by the conservatives and from the CSO in terms of legal certainty for the child.

There is no explicit **gender equality framing** in the section on intimate citizenship.

3.4 The range of the meanings or frames of gender equality in gender based violence

Underlying norms

In the first issue on marital rape the strongest frames are **human rights** and **crime and justice** (what is perceived in social norms as a crime or not), followed by **gender equality** and equality between married and unmarried women. **Gender awareness** is also a strong norm.

In the second issue on domestic violence, the norm shifts from an explicit human rights language to an implied one, where the underlying norm seems to be **freedom from violence** which appears to be agreed upon without further discussion. **Crime and justice** also stays as an underlying norm (what is perceived in social norms as a crime or not). Strong norms are effective **violence prevention** and **victim protection** (together with state-service provision). Interestingly, there is the norm of **security** in the talk of the governing parties SPD and the Greens – probably due to the time period of the debate (soon after 9/11). Gender awareness and education also figure. Less dominant norms are **economic development** (the costs of domestic violence) and the need for legal certainty for the victim. **Gender equality** only appears once in the policy plan of 1999, where it is seen as an important factor in combating violence against women. **Effective** legislation, measures and co-operation in combating violence against women are also important.

In the issue of forced marriage, the common agreement seems to be that forced marriage is a **human rights** violation (also **constitutional** rights) and a matter of **crime and justice**. The other norms diverge more: (gender) equality is only referred to marginally (LINKE, SPD, CDU); other concerns are a **multicultural society** and **integration** (Greens, CSO text); and again there is an underlying notion of freedom from violence and coercion. **Gender equality** is also present in the speech of SPD and DIE LINKE and the CDU. In the latter case, religion and ethnic origin are juxtaposed to the realisation of an equal and self-determined life for women and men. **Education** and **state-service provision** also figure. The discrepancy in this sub-issue lies in the norm of human rights. It has become something of a buzz word in the context of forced marriage but actually carries many different contents and implies different policy actions. **Liberal** norms like freedom of choice and self-determination are also raised, and to a lesser extent capabilities and **well-being**.

It thus seems that **gender equality** as an explicit norm is not the most dominant in the issue of GBV. While it was relatively prominent in the debates around marital rape, it decreased in the domestic violence issue and only marginally appeared in forced marriage. Human rights and crime and justice seem to be much more prominent.

3.5 Summary and comparison
How is gender equality named?
Gender equality is not strategically applied as a term or underlying norm in the texts. As we have seen in the sections 3.1. to 3.4., there are many different underlying norms that inform gender equality policies. The four issues vary in the degree to which gender equality is explicitly referred to. The overall picture is that **gender equality** ('Gleichstellung') is not a norm in general (gender) equality policies, nor in intimate citizenship. There are several adjacent frames in these policies. Gender equality is most frequently and explicitly referred to in non-employment and in the earlier policies on gender-based violence.

More specifically, in non-employment gender equality appears especially in the sub-issue of equal treatment in employment at the beginning of the 2000s, when the Federal Equality Act (2001) was explicitly referred to as a gender equality law as well as in the respective government programme (Women and Work, 1999) and the parliamentary debates. There was a high societal consensus on the goal of gender equality (while the crucial question of a respective act for the private sector continues to remain unresolved). Already then gender equality appeared in relation to economic development and reconciliation. Later, reconciliation (for parents) has become a dominant underlying norm whereas gender equality is less often referred to.

In the issue of gender based violence, gender equality was explicitly referred to in the issue of marital rape 1997/8 and in the policy plan of 1999. However, in the debates on domestic violence the explicit application of the term has also already decreased (with the exception of the CSO text). In the issue of forced marriage, gender equality figures in some parliamentary speeches, but it is not the most common norm.

What is included in various definitions of gender equality policy? (for instance in non employment, is it equal pay, flexible working hours, equal share of domestic work etc)
As indicated above, there are many more underlying norms or rationales informing the debates than gender equality. These range from reconciliation, human rights and freedom from violence to economic development and crime and justice. In the following section, I will explore the meaning of statements that are <u>explicitly</u> referring to 'equality' or 'gender equality'.

In **non-employment** in the sub-issue of the **tax system** we have various understandings of 'equality': The LINKE mentions processes due to which the labour of women is devalued; the speaker also states that the tax splitting model discriminates against other living arrangements (marital status) and demands equal treatment; the Greens state that tax classes disadvantage women; the CDU/CSU defends the spouse splitting model as a recognition of child raising duties due to an understanding of equality as difference. The SPD also demand a transformation of gender roles within the family and a transformation of the gender division of labour and a higher female labour force participation rate.

In the texts on **care** (which are rarely gendered), the few applications of gender equality address the gender division of labour (CSO/ver.di). The problem is the allocation of caring

duties to women and the fact that care work is less recognised and remunerated than child caring duties.

In the texts on the **Parental Benefit** we find a more general equality rationale in the speech of the FDP that demands freedom of choice for all parents and equal possibilities for reconciliation for all parents; the CSO/DGB text demands that caring fathers should become the norm; the CDU/CSU talk about shared responsibilities in child raising and household income; the Greens also state that families want to share responsibilities ('partnerschaftliches Lebenskonzept'). Most explicitly, the SPD talks about the goal of gender equality ('Geschlechtergerechtigkeit') and diminishing the risks for women and the socially weaker in starting a family. The SPD points out that young women are often only earning little and that they are facing insecurity in old age due to long absences from gainful employment. The Greens address the problem of the spouse splitting model in terms of providing the wrong initiatives for well-educated young women to stay at home. While this may point to a gender equality rationale, this norm is weakened by the fact that the problem then seems to be that highly qualified workers will be missing on the job market.

In the sub-issue on **equal treatment in employment**, gender equality is referred to by all texts. The diagnosed gender inequality refers to the whole range of discrimination women face on the labour market, from part time work, difficulties of reconciliation, and the presence of women in low paid jobs with little future prospects, to the observation that discrimination exists despite high qualifications among women. Gender equality objectives include reconciliation, better opportunities in job starts and promotions, and increasing the number of women in leading positions. The positive economic developments resulting from gender equality are often underlined. The CSO text from 2006 also refers to the role of fathers in child caring that should be supported.

In **intimate citizenship** the situation of **same sex partners** is referred to as an equality or anti-discrimination problem, but not a gender equality one. In the sub-issue on the New Immigration Act and the Paternity Acknowledgement Act, there are no gender equality norms.

In **gender based violence**, more specifically in the texts around **marital rape**, equality considerations also refer to the equality between married and unmarried women (CSO); the SPD talks about problematic traditional gender relations that sanctioned the (physical) dominance and violence of the husband over the wife; also the CDU/CSU states that the regulations against marital rape can be considered as central to human rights and gender equality policies ('Kernstück der Menschrechts- und Gleichberechtigungspolitik') and that the circle of violence and coercion needs to be stopped. Throughout the texts it is demanded that this special form of gender based violence is publicly recognised and no longer downplayed. The FDP state that the prohibition of marital rape is part of the promotion of equality among women and a matter of gender equality ('Gleichberechtigung').

In **domestic violence**, some problems are attributed to the fact that there is little gender awareness, such as low sentences for culturally based violence (CSO); only in the National

Action Plan to Combat Violence against Women (1999) is it considered necessary to combat gender inequality in order to stop violence.

In **forced marriage**, the problem is sometimes allocated to patriarchy and thus points to an understanding of gender equality. The SPD for example states that women are in a more vulnerable position in a patriarchal society; DIE LINKE states that forced marriage always appears in patriarchal societies and authoritarian family structures. The CDU/CSU demands that an equal and self-determined life be realisable for women and men regardless of their origin or religion.

What does gender mean in gender equality policies: women? Men and women? Men? Social relations? Structures? Else?
As stated above, gender equality is not the dominant norm in gender equality policies. However, if it is explicitly mentioned, than we find a relative awareness of **social relations or structures/policy impacts** through which gender relations are constituted. However, women are predominantly seen as those who suffer from these unequal gender relations; men come into view especially in the issue of reconciliation and in relation to the transformation of family models and child caring responsibilities. Intimate citizenship is not dealt with using a gender equality perspective, though there is an un-gendered equality perspective in same sex partnership issues. Nor do we find a gender equality perspective in migration related regulations.

In gender based violence, especially in marital rape, the social norms that sanctioned the violence of the husband against the wife are acknowledged and the regulation is placed in the frame of gender equality. In domestic violence, structural problems such as financial dependence of the women or culturally legitimated violence (CSO) are mentioned.

Cases where **women and men** are addressed are the sub-issues of the Parental Benefit and the tax system; also in forced marriage the life perspectives of (migrant) boys and girls and men and women are addressed (CDU/CSU).

Is gender equality de-gendered? In what ways?
It seems that gender equality issues become de-gendered when the **family** is present. This is the case in reconciliation matters (Parental Benefit, elderly and sick care), but also in relation to low income families or parents (e.g. tax system). Single parents are also usually talked about in an un-gendered way, together with **children** and **same sex partners**.

Thus, it can be observed that when other inequalities come into play- such as class, marital status, age, sexuality or disability- a process of de-gendering takes place.

For whom is gender equality to be achieved? (target group)
Equality for same sex partners/gays and lesbians; equal treatment of living communities (tax) and single parents; free and equal choice for all parents, all tax payers, people capable and incapable of resistance.

Gender equality for women, wives, equality between married and un-married women, economic independence for women, modern family model for mothers and fathers
Target groups of gender awareness raising measures are society, migrant mothers and fathers, husbands, and the police.

By whom is gender equality to be achieved? (responsible)

For the general gender equality part, it is mostly the formal political actors such as the parties, the government, the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth and the Anti-Discrimination Office that should work towards anti-discrimination; but also responsible are all civil contracting persons as well as employers.

For non-employment, it is also the official political actors and public administration/agencies as well as employers that are considered responsible; only in two cases is the society as a whole seen as responsible (CARE/policy plan and FEA/SPD); in the FEA/SPD teachers are also seen as influencing the choice of jobs for girls. Also, an undifferentiated 'we' is sometimes used (FEA/SPD, FEA/Greens, FEA/CDU).

In intimate citizenship issues, it is mostly political actors and public agencies that are considered responsible. In one case (Immigra/CDU), it is considered that migrant Turkish communities should promote German language proficiency among their members.

In gender-based violence, a more diverse spectrum of actors is considered responsible: apart from the political actors, the public agencies responsible range from the courts, to counselling centres, to the police force.

Where are the demands for gender equality coming from (voice and institution/level)

Gender equality demands come from civil society organisations, though they also apply different underlying norms such as reconciliation, human rights and social inclusion in their texts. But it is also implicitly demanded by all parliamentary parties. Only the policy plans of 1999 (Women and Work and the National Action Plan to Combat Violence against Women) have explicit gender equality norms.

Is gender equality a means or an end?

When gender equality is explicitly mentioned (which is not often the case), it is more often an end in itself; sometimes balanced and very rarely only a means. In the latter case, the most important underlying norm is then economic development.

Is gender equality present in policy, but made invisible?

If gender equality is not explicitly mentioned, the underlying norms are usually expressed differently e.g. in terms of human rights or social justice. It depends on the definition of gender equality in how far these other frames are considered a sub-type of a gender equality framing.

Are the core issues in gender equality represented in adjacent frames such as human rights, justice, or economic growth?

Yes; for the list of frames see the sections from 3.1. to 3.4.

4. The range of intersecting inequalities

Identification of inequalities intersecting with gender[15]

The most visible intersection over the last years has been **migration/ethnicity/religion** as migration issues have reached the mainstream public and political agenda. Migration/ethnicity/sometimes religion and **citizenship status** have an important intersection with gender in the issues on intimate citizenship (family reunion, paternity acknowledgements, only marginally in same sex partnership) and gender based violence (domestic violence, forced marriage, forced prostitution, trafficking); and to a lesser extent in the other issues. In the case of general (gender) equality such as the texts around the General Equal Treatment Act, debates revolved around the question of the practice of anti-discrimination itself, how much legislation was needed and to what fields it should apply. For some, the law was not far reaching enough, for others it was already too extensive. The situation of people at intersections did not figure much in the debates. In relation to non-employment, migration/ethnicity/religion rarely appears except in the sense of 'access to employment' in the frame of the headscarf debate. Another example would be the benefit for migrants with a humanitarian residence title; however, this was not widely publicly discussed.

Religion in combination with migration/ethnicity mostly appears in gender based violence (honour killing), but has also been connected to intimate citizenship issues (forced marriage and family reunion). Also, the Catholic Church lobbied for religion in the issue of general (gender) equality, where exemptions to anti-discrimination are allowed for in the General Equal Treatment Act for religious institutions in their role as employers.

Disability (in relation to gender) was especially addressed in the early 2000s with general legislation (2002) and legislation related to non-employment (social code, FEA). Also, the Federal Commission for Disability Affairs was set up in this time period (2002). Sensitisation to the issue has been especially strong since the late 1990s in gender-based violence (sexual assault/penal code 1997-2004) and since then has also been addressed in the National Action Plans to Combat Violence against Women (1999 and 2007). In relation to care work, it is mostly the rights of people in need of care that are considered; however, the degree to which these are gendered varies. The gender dimension of the rights of care givers is hardly ever addressed except by CSOs or the unions.

Marital status has recently played a role especially in intimate citizenship (e.g. maintenance payments, paternity acknowledgement, family reunion) and non-employment (e.g. tax system, special parental benefits for single parents) and to a lesser degree in the other

---

[15] In relation to general gender equality, early policies were not intersectionalised; the General Equal Treatment Act lists the 6 EU grounds of discrimination. Besides awareness of multiple discrimination, there is also a 'pillarised' understanding of social categories.
In relation to non-employment, class, marital status and, to a lesser degree, regional differences, sexuality and disability figure. Migration plays a role especially in employment related matters.
In relation to intimate citizenship, important social categories are sexual orientation, marital status, citizenship status and ethnicity/religion.
In relation to gender based violence it is ethnicity/religion, citizenship status, disability, age that matter the most.

issues. In earlier debates, however, the issue of gender based violence was closely connected to marital status (marital rape and domestic violence).

Class predominantly appears in the issue of non-employment (e.g. equal treatment in employment, Parental Benefit, tax system), but is also subject to intersectional bias in the intimate citizenship issue (family reunion, paternity acknowledgements, only marginally in same sex partnership). Marginally, it figures in gender based violence (domestic violence, forced marriage). **Regional differences** (East/West Germany) are often addressed in relation to class and un/employment and the issue of the child care infrastructure.

Age is especially prominent in relation to care (elderly and sick care); with regard to children, they are mostly considered in the issue of gender based violence (Violence Protection Act/domestic violence, forced marriage), but also in intimate citizenship (paternity acknowledgement and same sex partnership), and in relation to non-employment (tax system and Parental Benefit). Usually, children are addressed in an un-gendered way; one exception to this is the debate on forced marriages where migrant boys (possible future perpetrators) are distinguished from migrant girls (possible future affected victims).
In relation to non-employment, the focus is on young women, who should be encouraged to start a family (Parental Benefit).

Sexual orientation mostly figures in intimate citizenship (same sex partnership). In the other issues it figures at least on a formal-legal level in almost all the regulations that are eligible to married individuals. An exemption to this is the non-employment/tax system where the exclusion of same sex life partners is explicitly addressed. In relation to gender based violence, sexual orientations apart from the heteronormative one are almost entirely absent. One exception is found in the issue on forced marriage, where homosexual men with migrant Islamic backgrounds are considered as passive actors.

While these intersectionalities are important in the content of the policies, they are not represented by a separate political actor; various actors engage in discussions around intersectionalities. Clearly, it depends on the type of actor as to how these social categories are addressed in the political debates and to what ends. Political parties are not exclusively split along intersectional lines, even if there are seemingly traditional connections of the left parties (SPD and DIE LINKE) and the Greens to class issues; and the CDU/CSU, carrying religion in their names. Gender issues have, depending on the issue, found allies within the left parties and the Greens; however, in cases of high societal consensus, the CDU/CSU has also voted in favour. Rights for people regarding sexual orientation have been promoted by all parties except the CDU/CSU. The FDP is located somewhere between these two poles, with classical liberal attitudes in economic policies and libertarian attitudes in same sex partnership regulations, while at the same time maintaining the heteronormative bias[16].

Intersectionality can also mean intersectional bias and disadvantageous provisions. To some degree, political institutions engage in more inequalities than the named ones. For instance,

---

[16] However, this bias can also be found within the SPD.

the equality machinery, formally separated along the lines of gender, migration and disability, engages in more inequalities than their main 'named' focus.

How does intersectionality work in civil society organisations? Is there organisation by strand or do civil society organisations take into account multiple inequalities? Is there a 'hierarchy' amongst the equality strands and are some combinations (e.g. gender and ethnicity) more common than others?

Principally, civil society organisations are organised by strand; but increasingly, these strands become intersectionalised in their work. Examples of this are the German Women Lawyer's Association or the umbrella organisation of the German Women's Council, but also the Lesbian and Gay Association of Germany (LSVD)[17]. The German Trade Unions, representing class issues, have special departments for women, sometimes one for sexual orientation, but only rarely for migration.

We also find 'specialised' organisations that aim at representing women at intersections such as the Women's Net (gender and disability); or specialised organisations regarding gender and migration/citizenship status. Examples of self-organisation are the Federal Association of Women Migrants, ADEFRA or HUDA.

On the other hand, there are mainstream associations organised along the lines of ethnicity or religion that have also been increasingly addressed in the political process, e.g. in the frame of the Integration Summit (National Integration Plan) and the Islam Conferences. However, women or women's issues are rather invisible in, for example, most of the Turkish or Islamic organisations; exemptions are the Turkish Community of Germany and the Turkish Union in Berlin Brandenburg.

Regarding the social category of religion, it is also the Catholic Church that is considered a legitimate player in the political process (besides the Protestant Church). However, its visions are mostly contrary to gender equality concerns. Within the Christian churches, there are more progressive, but less influential, women's departments. Another intersectionalised example is the ecumenical working group on sexuality.

Using especially your policy document analysis, what is the meaning of intersectionality? What is the range of terms that might indicate intersectionality? What kind of terms are these? Are intersecting axis named as multiple disadvantage, additional vulnerability, or specific intersections, groups at intersections, or else?

I would argue that intersectionalities have always been present (although to a varying extent) in policy making during the past decade. This is visible, for example, in the National Action to

---

[17] While the LSVD claims to address also migrant issues, the CSO has been criticised for not reflecting on internal racism and xenophobia. See El-Tayeb, Fatima (2003): Begrenzte Horizonte. Queer Identity in der Festung Europa. In: Steyerl, Hito; Gutiérrez Rodriguez, Encarnación (Hg.): Spricht die Subalterne deutsch? Migration und postkoloniale Kritik. Münster: Unrast Verlag. S. 129-145.

Combat Violence against Women (1999), but also in the gendered legislations on disability in the early 2000s. But it is only recently that the actual term 'multiple discrimination' has attracted attention on the political agenda.

As stated above, the term most often used in political texts around the General Equal Treatment Act[18] is multiple discrimination ('Mehrfachdiskriminierung'). At the same time, with the rise of the term multiple discrimination, a mechanical listing of social categories has become commonplace in the political field, which often seems to forget that people are located at the intersections of these social categories rather than being representative of only one of them. Increasingly, the Gender Competence Centre seeks to introduce the notion of diverse 'social positionings' (vielfältige Lebenslagen und Lebensformen) that need to be taken into account in the political process.

In the earlier texts, the special situation of certain groups such as migrant women, elderly women or disabled women (National Action Plan to Combat Violence Against Women 1999) was addressed. Sometimes, intersectionalised groups are named as having special needs that need to be met (e.g. single mothers in Parental Benefit regulations, lesbians and the right to artificial insemination). Hence, I would argue that intersectionality was practiced in earlier policy processes but without referring explicitly to it. On the other hand, we continue to witness debates around laws (with a strong gender+ dimension, such as the Care Time Act) that are not even gendered. Here, the focus is on the people in need of care.

Thinking about intersectionality and the way it is absent or present, would you say that civil society organisations are 'better' at 'doing intersectionality' than state bodies? If so, why do you think this might be?
No, CSOs are not necessarily better at doing intersectionality, they are sometimes just more specialised with regard to their target (e.g. migrant women) than parties. However, parties like the Alliance 90/The Greens of the leftist party DIE LINKE usually consider intersectionality in their work. The degree to which other parties such as SPD, the CDU/CSU and the FDP 'do intersectionality' depends on the issue and it is done for different purposes (intersectional policy making or intersectional bias).

---

[18] The name of the Act does not properly reflect its content which is based on an anti-discrimination terminology. The effective realisation of equality is not the subject of the Act.

5. What are the implications of different versions of intersectionality for the meaning and practice of gender+ equality?

5.1 Inequalities in general gender equality legislation and gender machinery

What inequalities are named/mentioned as having an impact on gender equality, or as being a part of gender+ equality?

We have to distinguish between the texts around the General Equal Treatment Act (GETA) and the texts around the Anti-Discrimination Office (which was formally set up by the GETA, but not finally established until one year later).

In the law text of the General Equal Treatment Act there is a formal acknowledgement that something like multiple discrimination does exist, however, this is not further elaborated upon. What we find in the other texts is a listing of the six grounds as provided by the EU directives on which discrimination is to be prohibited. Thus, a somewhat 'pillarised' or separate understanding of social categories prevails. There is neither a problematisation of the forms of discrimination a certain social group faces nor the identification of an intersectionalised target group. An exception to this is the speech of DIE LINKE that talks about the discrimination of female and male migrants and Black (Non-) Germans on the labour market, in education or in renting accommodation. Given the type of text, the CEDAW report discusses women and how the GETA will help them to realise their rights claims. The CSO text from the German Women's Lawyers Association speaks mostly for women, but takes intersectionality only marginally into account (e.g. age).

Thus, while the texts on the GETA were not very much gendered or intersectionalised, the two texts around the ADO explicitly talk about the problem of multiple discrimination. In particular, the CSO text, but also the policy plan, point to the special situation of women within discriminated groups (elderly women, migrant women). However, there are no special solutions attached to these particular problems. The motion of the party DIE LINKE and the government response again have a 'pillarised' understanding of discriminated social groups.

What are the most 'visible' intersections in the issue/country?

There was a mechanical listing of grounds of discrimination in the texts around the GETA; they marginally contained an allusion to gender, but were mainly not discussed with a particular gender+ lens; intersectionality did not figure to a large degree. There was a slight indication of intersectionality in the texts on the ADO, where multiple discrimination was talked about explicitly in two texts. However, a 'pillarised' understanding of social categories is predominant.

Is intersectionality central to the policy? Is it marginal? Is it merely a reference to such groups being consulted?

Intersectionality in the sense of a dynamic, interdependent concept appears in very few documents; central to the GETA and the ADO texts is the 6 grounds of discrimination as

social categories. In the case of the ADO, the motion of DIE LINKE refers to the set up of the ADO that should represent the listed inequalities.

Is there a tendency for intersectionality to be present in particular types of documents?
The presence of intersectionality is relatively high in the CSO text on the ADO of the German Women Lawyer's Association. In the reporting of tasks, the head of the ADO briefly addresses the case of multiple discrimination. In the parliamentary debate on the GETA and the motion of DIE LINKE, intersectionality in the proper sense is absent.

While there may be increased focus on some groups at intersections, is there at same time a tendency to de-gender (discursively or non discursively) (e.g. lone parents)?
Together with a formal consideration of social categories one can observe a tendency to 'de-humanise' the issue. It seems that the discourse about 'markers of discrimination', as they are called in German (Diskriminierungsmerkmale), outweighs depictions of specific experiences and situations of discrimination. This is visible in the GETA; the parliamentary debate is a very 'technical' one, where at some point the focus on people discriminated against fades out and general mechanisms (to combat discrimination) and fields of application come to dominate the debate.

Does intersectionality enter the equation when particular groups represent a 'barrier' to reaching gender equality goals? E.g. full employment. Or is intersectionality forced onto the agenda by civil society groups? E.g. gender-based violence. Is it raised only or largely by NGOs?
NO

Are there intersections which you see as absent because they may carry a stigma for already marginalized people, or axis? E.g. gender-based violence in Crenshaw's analysis.
NO

Is the equalities legislation consistent with the equalities machinery (e.g. separate legislation for each strand, separate equality bodies, or integrated legislation, integrated equality body)? If not, do you know whether there are any changes planned to make the legislation and machinery consistent?
The legislation, the General Equal Treatment Act of 2006, transposing the four EU anti-discrimination directives, also set up the Anti-Discrimination Office (ADO), the first equality body in general. It is, just like the GETA, addressing the 6 grounds of discrimination (gender, ethnicity/race, sexual orientation, age, disability and religion or belief). The Advisory Board of the ADO, set up in October 2007, is composed of umbrella organisations of CSOs addressing several grounds of discrimination: ethnicity/religion (Centre for Research on Anti-Semitism), sexual orientation (LSVD), race/ethnicity (Anti-Discrimination Office; Association of Roma and Sinti), disability (German Disability Council), gender (German Women's Council); as well as representatives from unions (Department of Women's Policies, Federation of German Trade Unions DGB, and other state levels (German City and

Municipal Association; former integration officer of the federal state Berlin, Länder ministry for generations, family, women and integration) and representatives from the Caritas and the private sector (Telekom). Experts are Dr. Ezhar Cezairli and Prof. Dr. Sibylle Raasch (legal expert and member of German Women Lawyers' Association DJB).

Legislation affecting 'inequality strands' usually stems from the respective ministries or commissions. While the Commission for Integration was situated at the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth, it was transferred to the Chancellery and upgraded to a state ministry in 2005. In 2002, the Commission of Disability Affairs was established at the Federal Ministry for Employment and Social Affairs. Today, the governmental machinery is segregated along the lines of gender (Federal Ministry for Families, Senior Citizens, Women and Youth), migration/ethnicity (Federal Commissioner for Migration, Refugees and Integration) and disability (Federal Commissioner for Disability Affairs).

There are several levels of competitions within the governmental machinery. The ADO, the BMFSFJ as well as the Commission for Integration follow their own agendas and seek to distinguish themselves from each other. This competitive rationale impedes cooperation and coordination between these organisations. Their actions are not concerted.

Does the gender / equality machinery take into account all or some (which) categories? How do they refer to the categories – do they use the concept intersectionality, others?

It is stated that the **ADO** follows a 'horizontal approach' to inequalities in order to avoid the notion of competing inequalities. The argument continues to explain that everyone is constituted by several identity markers and thus, discrimination takes specific forms; inequalities have to be considered together. The term used is 'multiple discrimination'.

A current policy measure of the **Commissioner of Integration** is the '**Charter of Diversity**' (Charta der Vielfalt[19]), to which private businesses can voluntarily sign up to. Interestingly, it promotes 'appreciation' of all employees regardless of the 'traditional' 6 grounds of discrimination plus nationality. This Charter is presented as a highly successful project by the commissioner. (Similarly, the ADO runs a strategy to enter an agreement with the private economy (Pakt mit der Wirtschaft); however, these initiatives are not concerted).

In a second important initiative of the Commission of Integration, the **National Integration Plan**, gender was also considered. At the federal level, the government plans the extension of integration courses, the promotion of language skills, the availability of child care for participants of the integration courses, co-operation with the private economy to promote access to labour market for young migrants, the advancement of migrant women as a motor

---

[19]The Charter for Diversity: 'The aim of implementing the 'Charter for Diversity' within our company is to create a working environment that is free of prejudice. All of our employees should experience appreciation – regardless of gender, race, nationality, ethnicity, religion or philosophy of life, disability, age, sexual orientation and identity. Recognising and promoting this diverse potential creates economic advantages for our company.' Source: http://www.vielfalt-als-chance.de/index.php?id=3.

of integration and online-counselling for women affected by forced marriages. Special measures in the fields of sports, media and civil engagement also aim at enhancing the integration of migrants.

The plan has a separate chapter on 'Improving the situation of women and girls, realising equality':

- 1. Integration through rights: It contains considerations of the problem of forced marriage and how to protect women migrants from domestic violence. Underlying norms: Human rights (residence rights etc. (although only in diagnosis and not in prognosis); victim protection/freedom from violence); Anti-Discrimination; Crime and Justice. Intersectionality: gender/migration/citizenship status.
- 2. Participation: Education and employment, awareness raising, transformation of gender roles, self-representation – needs interpretation. Underlying norms: Successful integration/use potential of migrants; Citizenship/democracy: social and political participation of women migrants; Intersectionality: gender/migration/marital status.
- 3. Health system and sexual education: access to health prevention and services, sexual education, elderly care, approbation (license to practice medicine). Underlying norms: Health, Participation; Intersectionality: gender/migration/class, gender/citizenship status, gender/age/ethnicity + class.

Earlier equality initiatives in the private sector stemmed from the **Federal Ministry of Family Affairs, Senior Citizens, Women and Youth** (**BMFSFJ)** and have a gender-only perspective. The gender equality law did not come through at the turn of millennium, but was watered down into a voluntary agreement in 2001. This first measure targeting the realisation of gender equality in private businesses was not intersectionalised. Recently, the Third Implementation Report of this **Voluntary Agreement between the Federal Government and the Key Associations of the Private Sector** was issued (June 2008). Apart from discussing the achievements, it also admits that: the employment rate of women with children under five years is over proportionally low in international comparison; that women are underrepresented in high executive positions; and that the gender pay gap remains. The report is intersectionalised with regard to age (young/but not elderly) and there are two measures addressing youth and women with migrant background. (Young) single mothers are addressed twice. In order to promote the reconciliation of work and family life, the BMFSFJ follows the strategy of 'soft' measures with the private economy as expressed in the Local Alliances for Family (Lokales Bündnis Familie) and the Company Network 'Family as a factor of success'.

Apart from the issue of employment, the focus of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth on gender issues has been transformed in order to include other inequalities that intersect with gender, especially in the field of gender based violence. This was already visible in the First National Plan and is especially visible in the **Second National Plan to Combat Violence against Women**, where a concern for migration, disability and age is expressed.

The concern for intersectionality has been a development visible over the last 3 to 4 years (see studies 2004, 2005 etc). Particularly popular is the 'life cycle' approach to gender; the recently commissioned 'equality report' will tackle the gender issue from this perspective. The Gender Data Report of 2005 took into account the intersectionality of gender with age, disability, sexual orientation and partially migration/citizenship status.

5.2 Intersections in non employment

What inequalities are named/mentioned as having an impact on gender equality, or as being a part of gender+ equality?

Regarding passive actors/diagnosis and target groups/prognosis, it is interesting to look at what social categories are addressed and whether there are intersections. Starting with the texts around the FEA (1999-2001), the category **gender** in relation to **class** is applied; some exceptions refer to the intersection of **gender and disability**. There seems to have been a sensitisation towards this intersection (given also that extensive legislation tackling disability has been passed in this period).

Looking at the more recent texts, there is consideration of social categories as demanded by the issue of **disability** and **age** in the Care Time Act (2007) – however, there is no intersection of these categories with gender or other categories.

While the texts around the Parental Benefit Act (2006) recognise a large number of **social categories such as gender, class, marital status, sexuality (and marginally citizenship status)**, the question on intersectionality is difficult to answer. It seems that there is a strong focus on poverty/social inclusion = **class**; however, there also seems to be an understanding of certain gender dimensions in the problem of poverty.

With regard to the texts around income tax (2007), the impact of the law on family forms was differentiated along the lines of **marital status, class, sexuality, age and migration**. The question of whether the social category of class overrules gender in this respect and the question of intersectionality remains open.

It will be interesting to investigate further when and where **children** and their well-being/development come into play. This is certainly the case with the Parental Benefit Act and the texts around the tax system. Interestingly, it is especially the Greens that engage in this rationale.

When and how does intersectionality appear?

The degree to which the texts are gendered does not depend so much on the time period as on the question of **whether they are perceived to be gender equality policies** or not. In the case of the Federal Equality Act there is no doubt about the gender dimension as it is explicitly framed as a gender equality policy. However, addressing intersectionalities at this point in time was not common, at least for this issue; in the policy plan against gender based

violence (1999) there was already a more prominent understanding of intersectionalities. Nevertheless, there are class and disability dimensions in the texts around the FEA.

The other sub-issues, such as the Parental Benefit Act, the debates on the tax system and the Care Time Act all stem from the same time period, but the extent to which they are gendered varies. While Parental Benefit tends to be seen partly as a family and a class issue, gender dimensions (intersected with class and marital status) are still present. The debates on the tax system are sometimes seen explicitly as being about gender equality (tax class V pushes married women out of the labour market), but then again more about marital status and living arrangements (also sexuality). The lack of debate of the Care Time Act in the frame of the Reform of the Long-term Care Insurance Act and the lack of any gender dimension points to the fact that the Care Time Act is not considered a gender equality policy.

The Parental Benefit Act is gendered and intersected mostly with marital status and class, but also age (there are few considerations of disability, ethnicity and nationality). The debates on the tax system are mostly gendered, while there is disagreement over whether it is a problem or not. The intersectionality of gender is mostly with class and with marital status. The CSO text talks about many axes of inequalities (class and region, sexuality, disability, nationality/citizenship status, marital status) that position families in society that are affected by the tax system, but seems to lack an understanding of intersectionality. For the prognosis, it seems that when class or marital status becomes present, the discussion becomes de-gendered (DIE LINKE); this is also the case when the Greens talk about tax rights for same sex partnerships (sexuality). In contrast, the debates on the Care Time Act are hardly ever gendered except for the CSO text.

What are the most 'visible' intersections in the issue/country?
Throughout this analysis we have to consider that it is often not about intersectionality that we are speaking, but about a more pillar-like concept of social categories. It often happens that when another social category comes in, gender goes out (marital status/single parents, class/low-income parents or families). At the same time, there are also intersections where single mothers **(marital status)** and young women are mentioned as earning little (**class**, Parental Benefit) or when the devaluation of female labour (FEA, tax system) or the horizontal or vertical segregation of the labour market is referred to (FEA). Also, **gender** and **marital status** are considered in relation to the labour market participation of women in the tax system. **Age** also comes in when speaking about 'young families' or 'young women' (Parental Benefit) or about elderly married women (tax system) or about the lack of middle-aged women in high executive positions (FEA). There is also an additional intersection with **regional** dimensions (East/West) such as the higher labour-force participation of mothers in the East, higher child poverty in the East and the worse child care infrastructure in the West). **Ethnicity** (PB/Leyen) and **citizenship status** (FEA/CSO, PB/LINKE, tax/CSO) are only mentioned marginally. **Disability** is only very rarely mentioned; **age** is also not applied systematically.

Is intersectionality central to the policy? Is it marginal? Is it merely a reference to such groups being consulted?

It is definitely not about a group being consulted, but intersectionalities are referred to in order to speak about the special features of a target group of a certain policy or special social mechanisms/policy impacts that affect a target group (e.g. the devaluation of female labour; the wrong incentives for a high female employment rate and disadvantages for women in tax class V, disadvantages of income tax law for unmarried or same sex couples, special measures for low income families). I would say that class and marital status are central to the policy; sometimes intersected with gender, sometimes not. Regional differences with regard to infrastructure and (gendered) patterns relating to employment and poverty are sometimes considered.

Does intersectionality appear in the diagnosis or in the prognosis part of the policy?

Interestingly, there are more social categories mentioned in the prognosis, which can partly be explained by the fact that laws mostly have no diagnosis. But still, it has to be recognised that social categories are mentioned more often and in more documents than in diagnosis. With regard to intersectionality it is also striking – compared to other issues – that there are a relatively high number of non-intersecting social categories.

Is there a tendency for intersectionality to be present in particular types of documents?

With regard to the law texts, the Parental Benefit Act is very much intersectionalised, although it might be also an example of intersectional bias (persons with a humanitarian residence permit are not eligible to parental benefit); the FEA only considers gender and disability.

In the parliamentary debates, it is mostly the same kinds of social categories that are mentioned; however, they are filled with different content (e.g. what should be done about the privileging of marriage in the tax system). Some also consider sexuality (e.g. Tax/Greens) or more often, regional differences.

Clearly, it is mostly the CSO texts that are the most thoroughly gendered. The degree to which they are intersectionalised also depends on which CSO text was chosen as being 'representative' for the CS landscape in this regard. Most typically for non-employment issues this would be the women's departments of the unions (ver.di, DGB) whose texts are gendered; the one from the DGB on equality in private sector employment from 2006 shows clearly the intersection of gender, class (and also age) and also refers to illegal housework (citizenship status).

However, ethnicity and citizenship status are hardly ever addressed in non-employment policies, nor is disability.

While there may be increased focus on some groups at intersections, is there at same time a tendency to de-gender (discursively or non discursively) (e.g. lone parents)?

While gender seemed the 'master category' in the FEA (intersected with class), it seems that in the Parental Benefit there is the tendency to do both: to gender and de-gender class (low income families, and marital status (lone parents and single mothers). In the debates on the tax system, we also have a more pillarised understanding of social categories which also brings about de-gendered categories.

Does intersectionality enter the equation when particular groups represent a 'barrier' to reaching gender equality goals? E.g. full employment. Or is intersectionality forced onto the agenda by civil society groups? E.g. gender-based violence. Is it raised only or largely by NGOs?

Intersectionality does not enter the agenda as a problematic feature of a certain group hindering gender equality in non-employment. With regard to neglected gender dimensions (Care Time Act) and intersectional dimensions (sexuality/marital status in the tax system), it is only the CSO/union text in the first case and the CSO text and the parliamentary debate of the Alliance 90/The Greens that refers to sexuality in the second case. Disability is – apart from the law – only mentioned by the CSO/union text on Parental Benefit.

Are there intersections which you see as absent because they may carry a stigma for already marginalized people, or axis? E.g. gender-based violence in Crenshaw's analysis.

Ethnicity and citizenship status are almost absent in the texts on non-employment, exemptions are the migrant background of kindergarten children (PB/Leyen), illegal work performed in households (FEA/CSO), the eligibility of foreigners to parental benefit (PB/Linke) and bi-national and migrant families (tax/CSO); however, this absence cannot be attributed to a certain stigma, I would attribute it to intersectional blindness and ignorance. While there is a focus on migrant groups (ethnicity/citizenship status) in employment policies, they seem to be completely absent in non-employment policies.

Is there a focus on different employment rates amongst women by minority ethnic or religious group? If so, how is this framed (e.g. choice, discrimination) and by whom (e.g. equality body, government)?

No, there is no specific focus amongst women by minority ethnic or religious group.

Is there a focus on different employment rates amongst women and amongst men by ethnicity, religion, sexual orientation (or family status), dis/abilty (or mobility, strength, physical features), age (or social/employment status) etc.? If so, how is this framed (e.g. choice, discrimination) and by whom (e.g. equality body, government)?

In the debates on the tax system, it is suggested that married women (marital status) have no incentive to work because of the spouse splitting model (Greens, FDP).

In the debate on the Care Time Act, it is the gender division of labour (gender) that allocates caring duties to women that is constraining women's gainful employment (CSO).

In the debate on equality in employment, the focus is not so much on the employment rate, but on the position of women in the labour market (leadership positions, volume of work, precarious jobs (CSO)).

In the debate on the Parental Benefit, the problems of mothers associated with their return to gainful employment and to reconcile family and work are addressed: Leyen/CDU states that young persons, young women and men nowadays find it difficult to reconcile education, professional life, partnership, career and child rearing because societal and political structures prevent a realisation of a happy and fulfilling life consisting of all of these (UNDERLYINGNORM: well-being, reconciliation, needs interpretation). As it is hard to combine family values and a career, they decide (problematically) on either a family or a job. (norm: well-being, reconciliation). The Greens also state that there will be a lack of key workers within a few years (norm: economic development). The long absence of women from work due to child-caring also causes losses in social security in old age (SPD, norm: gender equality, social justice).

5.3 Intersections in intimate citizenship

What inequalities are named/mentioned as having an impact on gender equality, or as being a part of gender+ equality?

Regarding **actors**, the sub-issues treated under this section all depart from an intersection of two/three main social categories:
- **sexuality and marital status** (Life Partnership Act)
- **citizenship and marital status** (New Immigration Act)
- **gender and citizenship and marital status** (Paternity Act)

Other social categories are addressed less strategically. The extent to which these sub-issues integrate a gender perspective differs among the types of texts within the sub-issues and among the sub-issues.

In the case of the Life Partnership Act, the category of **gender** is hardly ever explicitly discussed. In the 2001 debate, only once is the right to artificial insemination for lesbians demanded (PDS). In 2004, the Minister of Justice (SPD) talks about the need to introduce stepchild adoption, also for cases of artificial insemination (not addressing the legislative gap that evolves around this issue). Usually same sex partnership is contrasted with heterosexual marriage; the gender dimension of both forms of partnership is not addressed. Apart from these main social categories, **race** and **religion** are addressed randomly in one speech stating that equal rights should be valid for all (Greens, 2004); **citizenship status** is raised twice (by the CSO). **Class** dimensions are raised by the CSO and the SPD (given the assumption that same sex couples are mostly double earners, the social security system will not be burdened). Children (**age**) are addressed in some texts (CSO, CDU, SPD, FDP).

In the texts around the New Immigration Act and the Paternity Act **gender** dimensions are evoked; these are usually stronger in the parliamentary speeches than in the bills (gender-neutral language). The topics have been discussed in a gendered way in the media (mostly women immigrating via family reunion and women receiving a residence permit by fake paternity acknowledgements) and also have a gender dimension in the parliamentary speeches. **Age** is an important marker as a criterion for family reunion that has been raised (in order to prevent forced marriages). Trafficking in children is addressed once (law). **Ethnicity** is another important category evoked in some texts in both sub-issues. In the case of the New Immigration Act it is evoked by the CDU/CSU (problem of second and third generation immigrants that marry spouses from their home countries without language proficiency); a distinction on grounds of nationality/ethnicity is rejected by the Greens and the SPD.

Interestingly, there are also **class** dimensions in both sub-issues. In the case of the New Immigration Act, the law and the government programme exclude dependents of social benefit recipients from the right to family reunion; in the parliamentary debates this is only addressed by the leftist party DIE LINKE. In the case of the Paternity Acknowledgement Act, the government programme, and the speeches of the SPD and the CDU/CSU stress the economic dimensions and problems arising with fake paternity acknowledgements. The New Immigration Act also considers a **disability** dimension, insofar as disabled or sick partners are excluded from the duty to prove language proficiency.

The degree to which **age (children)** are considered varies. There are considerations of child well-being in the texts around the Life Partnership Act and the Paternity Act. Children are taken into account less in the New Immigration Act.

With regard to the Paternity Acknowledgement Act, a perpetrator of fake paternity acknowledgement is characterised by economic situation (**class**) which has clear **regional** connotations (East Germany).

It seems that differences are not so much associated with time periods, but with the sub-issues being considered. Whereas the texts on same sex partnerships are mostly un-gendered, the texts on citizenship issues, as regulated by the New Immigration Act and the Contestation of Paternity Acknowledgement Act, are highly gendered and intersectionalised (gender, citizenship, ethnicity, marital status, age and class). Marginally, there is intersection of sexuality and class and sexuality and citizenship in the CSO text on same sex partnerships (marital status).

What are the most 'visible' intersections in the issue/country?
Given the two areas of the intimate citizenship issue, we have **sexuality and marital status** in the same sex partnership sub-issue and **gender, citizenship, marital status, ethnicity, age and class** in the immigration and paternity acknowledgement sub-issues.

Is intersectionality central to the policy? Is it marginal? Is it merely a reference to such groups being consulted?

In the sub-issue of same sex partnership, intersectionality of sexuality and marital status is central to the policy because the policy is about sexuality and marital status. Gender is sidelined.

In the second immigration-related area, legal citizenship status is the crucial social category that the policies revolve around. Age is a criterion for legitimate citizenship as well as language proficiency – regulations on this have a clear ethnic bias. Class is also a criterion for legitimate citizenship. The ethnicity bias is addressed by the Greens and the SPD. The gender dimensions of the Act are supposedly addressed. In a closer analysis, these intersectionalised provisions (especially age and language proficiency) are 'played off' against gender; it is claimed that these regulations will prevent forced marriage and thus promote gender equality. However, it is not explained how and where gender equality will be promoted: in Turkey?

For those texts that consider paternity acknowledgement as a problem, it is presented in an intersectionalised way (gender, citizenship status, marital status, ethnicity, regional divisions and class). The Paternity Acknowledgement Act is scrutinised regarding the consequences it might have for (the rights of) children (age).

Is there a tendency for intersectionality to be present in particular types of documents?

The documents are relatively homogenous with regard to which intersectionalities are being addressed; however, they are addressed for different reasons.

While there may be increased focus on some groups at intersections, is there at same time a tendency to de-gender (discursively or non discursively) (e.g. lone parents)?

Same sex partners are usually addressed using a gender-neutral term like 'homosexuals' or by reference to 'gays and lesbians' where formally gender is distinguished but no meaning is attached to this distinction.

Children are usually talked about in an un-gendered way.

Does intersectionality enter the equation when particular groups represent a 'barrier' to reaching gender equality goals? E.g. full employment. Or is intersectionality forced onto the agenda by civil society groups? E.g. gender-based violence. Is it raised only or largely by NGOs?

Immigration policies and access to citizenship (citizenship status/nationality/ethnicity) are clearly regulated by an apparent concern with gender equality (forced marriage). Also, the tendency of especially 2nd and 3rd generation migrants of Turkish origin to marry women from abroad is considered problematic, if not necessarily for reasons of forced marriage, but of integration.

The goals of the Life Partnership Acts and the Paternity Acknowledgement Act are not framed as gender equality goals. Indeed, in the latter case, the CSO emphasises the discriminatory effect it has on bi-national couples generally and on single foreign mothers in particular.

Are there intersections which you see as absent because they may carry a stigma for already marginalized people, or axis? E.g. gender-based violence in Crenshaw's analysis.
No; intersectionalities are clearly applied in this issue.

Where is gender in the issue of intimate citizenship?
As indicated above, gender is rather absent in the issue of same sex partnerships. In immigration issues, it is present in discussions of family reunion in relation to forced marriage where the perpetrator is usually the migrant man and his family and the (young) migrant woman is the victim. On a formal level, forced marriage and family reunion with life partners (sexuality) are also included in the Act. In the Paternity Acknowledgement Act, the perpetrators are usually depicted as a single foreign mother and a man residing in Germany, thus also clearly gendered. Transgender persons are not considered.

How is gender constructed in these debates: gay men, male homosexuality, lesbians, others? Does race, class, age, disability, class figure? Regarding which issue, and by whom?
As indicated above, the Life Partnership Acts are hardly ever gendered with the exception of lesbians in relation to artificial insemination (2001, PDS) and children growing up in a life partnership of two women (2004, SPD).

Have issues been discussed in relation to immigration, i.e. the axis of race? Does "race" figure elsewhere as well?
The sub-issues of the New Immigration Act and the Paternity Acknowledgement Act are explicitly about immigration and questions of gaining legitimate citizenship. Ethnic origin/nationality, class and age play crucial a role in this. Citizenship issues in relation to same sex partnership are only raised by the CSO.

The term 'race' is usually not used in political texts in the German speaking context, given its problematic history in National Socialism. An exception is the General Equal Treatment Act that follows the EU directives in talking about race; problematically, it neglects to underline that discrimination on grounds of <u>assumed or attributed</u> identity markers such as 'race' is prohibited. The way the term is applied in the General Equal Treatment Act shows a lack of reflection in its application and use of the term as an empirical category.

Are marriage/partnership policies framed relating to any category? Which one? With what effect? E.g. class and divorce/separation regulations, race and immigration?
Marriage in relation to family reunion is framed relating to the categories of gender, citizenship status, ethnicity/nationality, class, age (and disability).

Marriage/partnerships in relation to paternity acknowledgement are framed relating to gender, citizenship status, marital status, class and regional differences. Age in the sense of children plays a major role.

Marriage/partnerships in relation to same sex partnership are framed relating to sexuality, marital status and marginally class, citizenship status and gender. Age in the sense of children also plays a role in the question of (stepchild) adoption.

Are there discussions around the legitimacy of legal recognition of intimacy, as in "fake marriage"? Which categories are raised?

As stated above, the legitimacy of legal recognition of intimacy is addressed in all three sub-issues.

In relation to family reunion, the legitimacy of family reunion is negotiated in order to prevent forced marriages and abuse of residence law.

In relation to paternity acknowledgement, the legitimacy of intimate non-married relations is negotiated in order to prevent abuse of residence law.

In relation to same sex partnerships, the legitimacy of intimate same sex relations is questioned/assured vis-à-vis the constitutionally protected family and institute of marriage; the legitimacy of same sex partners as parents is negotiated in relation to stepchild and joint adoption.

5.4 Intersections in gender based violence

What inequalities are named/mentioned as having an impact on gender equality, or as being a part of gender+ equality?

Regarding passive actors, it is only **gender and marital status** (wives and husbands, as compared to non-married women as a norm group) for the issue of marital rape.

In the domestic violence sub-issue however, the passive actors identified by the policy plan[20] and the CSO text are already intersected with **citizenship status** (and marginally with **ethnicity**). The parliamentary speeches only talk about women/wives (**marital status**), children, and sometimes men as victims of domestic violence. The CDU/CSU focuses on the role of parents. Throughout all texts, children (**age**) are considered. The CSO text also considers **class** in relation to the financial dependence of women, **marital status** and **disability**. The action plan is intersectionalised, including **class** dimensions and **citizenship status**. The law rules that the Violence Protection Act is to be applied also in cases of mental illness of the perpetrator (disability).

With regard to the issue of forced marriage, the presence of intersections has increased to now consist of **gender and marital status and migration/ethnicity and age** and to a varying degree **citizenship status, religion and sexual orientation** (young Muslim

---

[20] The National Action Plan to Combat Violence against women not only deals with domestic violence, but also with violence against **older people** and violence against women with **disabilities**. The Action Plan and the FDP text also consider **citizenship status** in relation to trafficking in women.

homosexual men as also affected; mentioned once). Interestingly, the CDU/CSU speech, the policy plan and the Federal Council draft even acknowledge **class** dimensions as partly responsible for the problem, though class is less present in prognosis. Still, the Federal Council draft talks about resources and regulation of inheritance and maintenance law that should benefit the victims of forced marriage. Explicit reference to a certain ethnicity is hardly ever made (Turkish in SPD and CDU/CSU (also Arabic)); however, it is common knowledge that the biggest migrant population is Turkish. Increasingly, **citizenship** rights (independent resident right, right to return) are addressed in prognosis.

The sub-issues addressed in the section on GBV are gendered and to a varying degree intersectionalised. An emergence of intersectionality over time has become visible.

What are the most 'visible' intersections in the issue/country?
The issue of GBV is clearly an issue that is perceived in a **gendered** way. While marital rape is confined to gender and **marital status**, more intersections begin to emerge[21] in the domestic violence issue with the government programme and the CSO text that takes into account **citizenship status/migration**. Children (age) are frequently mentioned too.
The most intersectionalised sub-issue is the one on forced marriage with the intersections of **gender and age and citizenship status and marital status, sometimes together with religion and ethnicity**; the social categories of class and sexual orientation are only marginal. There is a close connection of forced marriage with the intimate citizenship sub-issue of family reunion.

Is intersectionality central to the policy? Is it marginal? Is it merely a reference to such groups being consulted?
Marital status is central to the sub-issue of marital rape.
Citizenship status is playing a relatively important role in the domestic violence sub-issue in the Action Plan and the CSO text; class also plays an important role, especially in the diagnosis.
Citizenship status and migration background are central to the forced marriage sub-issue. However, it depends on the author of the political text as to whether migration is in relation to a certain ethnicity or religion. Even though some texts avoid speaking about a certain ethnicity and/or religion, the 'common knowledge' and the way this issue is debated in the media is that it is about Turkish migrants (but not necessarily religious Muslims). The texts therefore differ in their sensitivity towards cultural stereotyping.

Is there a tendency for intersectionality to be present in particular types of documents?
As indicated above, the application of intersectionality is homogenous in the case of marital status.
In the case of domestic violence, it is the policy programme and the CSO text that show awareness of the citizenship dimensions of the problem; also the FDP once talks about the

---

[21] The reason why disability appears in the issue of marital rape is because of the inclusion of a debate that also discussed a paragraph of the sexual penal code on sexual violence against persons not capable of resistance; however, this was not the focus of the coding.

achievements in alien law with regards to eligibility to social benefits. In the parliamentary speeches, it again tends to be presented as a gender-only problem.

In the case of forced marriage, the formal application of intersectionality is rather homogenous, with considerations of especially age, marital status and migrant background. As stated above, the texts vary on the extent to which the problem of forced marriage is identified as an ethnic problem, a religious or cultural problem, a problem of a patriarchal society, and/or a problem exacerbated by citizenship status or a problem of a pluralistic society with integration problems.

While there may be increased focus on some groups at intersections, is there at same time a tendency to de-gender (discursively or non discursively) (e.g. lone parents)?

No, the problem is clearly gendered and intersectionalised across all texts. An interesting combination is found in the text of the party DIE LINKE that talks about the issue in un-gendered terms ('spouses') but clearly identifies patriarchal societies as causal in forced marriage.

Does intersectionality enter the equation when particular groups represent a 'barrier' to reaching gender equality goals? E.g. full employment. Or is intersectionality forced onto the agenda by civil society groups? E.g. gender-based violence. Is it raised only or largely by NGOs?

In cases where forced marriages are located in an ethnic or migrant background, ethnicity/religion/culture is seen to a varying extent as causing a human rights violation and as contrary to gender equality (although not termed explicitly as such) (CDU). For DIE LINKE that tries to avoid cultural stereotyping, it is patriarchy that causes forced marriages.

For the SPD it is also patriarchal structures that are responsible for forced marriages, but these patriarchal structures are closely related to migration and Islamic communities (also homosexual men as affected).

Are there intersections which you see as absent because they may carry a stigma for already marginalized people, or axis? E.g. gender-based violence in Crenshaw's analysis.

See below question on whether forms of GBV are intersectionalised, e.g. racialised.

Where does gender violence begin? What is defined as gender violence in which country, and in which policy context, and by whom?

The most important regulations regarding gender violence within the last decade include (the debates analysed are underlined):

a) <u>Marital rape</u>
b) Violence against persons with disabilities
c) Sexual abuse/violence against children
d) Sexual harassment
e) Stalking
f) <u>Domestic violence</u>
g) Domestic violence in relation to citizenship
h) <u>Forced marriage</u>

i) Gender-based reasons for asylum
j) Trafficking
k) Female genital mutilation

Who is discussed as victim or perpetrator of which kind of gender-based violence? E.g. are men (when?) victims? Are women perpetrators and when?

The table below shows the victims and perpetrators identified in the analysed texts.

Table 2: Victims and Perpetrators of Gender Based Violence

	Victims	Perpetrators
Marital Rape	Wives (with children), women	Husbands
Domestic Violence	(Migrant) Women, Children, Women with disabilities	Male partner, husband, violent parents
	Some men (CDU) Some men, but minor problem (Greens)	
Forced Marriage	Migrant girls and (young) women, with and without secure residence status	Male migrants in Germany (spouses, fiancés) and their families, boys, brothers, fathers, mothers
	Some young men with migrant (Islamic) background (NAPCVWII); some homosexual young men with Islamic background (SPD)	

Are causes of violence related to specific categories, e.g. racialised?
The problem of forced marriage is mostly located in the realm of families with migration backgrounds; however, as indicated above, the extent to which the problem is ethnicised varies. The FDP argues that domestic violence is also a problem in majority German society and in migrant parallel societies. DIE LINKE is trying to avoid cultural stereotyping and talks about patriarchy; the Greens talk about migrants, but do not specify a certain group; the SPD locate it in Muslim Turkish families; the Federal Council draft identifies various groups of migrants practicing forced marriage; and the National Action Plan to Combat Violence Against Women II states that forced marriage is not confined to those with Muslim backgrounds (but does not mention any other group) and that it is related to social problems in the family. The CSO text also states that it is not only about Muslim communities (religion) but that it is about traditions; however, from the rest of the text one can deduce that this is the major affected group.

More specifically, which inequalities feature around which type of violence, like trafficking, prostitution, forced marriage, honour crimes, FGM, domestic violence, rape, sexual assault, harassment?
A comprehensive answer to this question is not within the scope of the current report.

Are services around gender based violence directed at specific groups, people related to categories? Which ones?
Women's shelters; only a few are directed explicitly toward women migrants with specific ethnic backgrounds.

Do your findings on intersectionality support or contradict Crenshaw's analysis?
In Germany, the conflict is resolved differently. It is not the case that certain groups are made invisible (as in the case of, for example, Black women rape victims in the US). In the case of forced marriage, gender-based violence is increasingly addressed in relation to stigmatised groups with migration backgrounds, different ethnic origin or religion. The ways in which left-wing parties like the Greens and DIE LINKE or CSOs have reacted is not by sidelining the conflict, but by pointing out that the problem can also be attributed to other dimensions such as patriarchal family relations or traditions that cut across religions, ethnicities and class. However, it is somehow a societal consensus that it is mostly migrant women that are affected by this phenomenon. The parties that try to avoid cultural or ethnic stigmatisation have not at the same time sidelined their gender-sensitive demands for independent residence permits for spouses and they still urge for sufficient funding of counselling centres and victim protection services.

5.5 Summary and comparison

Is the focus on intersectionality largely ephemeral? Or is it becoming embedded in gender+ equality policy?
As we have seen in the above detailed analysis, intersectionalities have always been present, and have been present in the time before the emergence of terms such as 'multiple discrimination'. However, the application of intersectionality has always been far from consistent or even, with some social categories featuring more in certain issues than in others. Also, different actors address various social categories to differing degrees and for different purposes. In concluding one can say that the application of intersectionality varies across social categories, issues and by political actor. It is assumed that there is also variation over time (in combination with changes of government).
In section a) below I will discuss the major strategies that characterise the application of intersectionality across inequalities, issues, actors and over time.

To what extent does a focus on equalities other than gender produce a detriment to the development of the gender+ equality policy?
See below.

Compare the definitions and practice of gender equality and the definitions and practice of intersectionality – how do they relate, do the meanings of intersectionality change the meaning of gender equality?

The following section will answer the additional questions as outlined on pp. 7-8 of this report.

a) Intersectional strategies

The author's approach to intersectionality is not characterised by a juxtaposition of gender equality and intersectionality, gender is seen as an integral part of intersectionality. In this view, intersectional policy making that considers that people are positioned in society according to interdependent social categories should be the overall normative objective in the policy process.

The analysis identified four major intersectional strategies applied in the policy debates (see Table 3): intersectional policy making, intersectional bias, equality policy making/intersectional blindness and listing of inequalities. Before discussing how intersectional strategies are applied in relation to social categories, actors, issues and over time, the classifications will be briefly described.

Table 3: Intersectional strategies in policy making

1. Intersectional policy making   a) Intersectional policy making   b) Intersectional bias   **2. Pillarised equality policy**   a) Equality policy making/intersectional blindness   b) Listing inequalities

The first category, **intersectional policy making**, refers to what I consider a 'best practice model' of policy making. 'Intersectional policy making' could also be called intersectionality mainstreaming as it departs from an understanding similar to gender mainstreaming but increases the focus of attention to the interdependent category of gender that is informed by other social categories. The criterion to be included into this kind of category is whether a policy action or a target group is intersectionalised.

The same logic – but to exclusionary ends – is applied in the policy strategy of 'intersectional bias', where social categories are applied in an intersectionalised way in order to narrow down the eligibility to benefits or to rights.

The second category, **pillarised inequalities**, comprises of two sub-strategies. 'Equality policy making' refers to the tradition of policies segregated along certain target groups such as migration policies, policies for persons with disabilities or same sex partnership policies. This strategy is similar to intersectional policy making, with a crucial difference; it departs from one social category such as disability or sexual orientation and does not intersect it with other social categories. This form is similar to what is called identity politics in the Anglo-American tradition. The category of intersectional blindness is the extended version of what

was previously often referred to as gender blindness; thus, in the worst case scenario a policy does not even acknowledge one inequality axis but operates with a neutral subject. The strategy 'listing inequalities' refers to a mechanical listing of grounds of inequalities in a policy that also does not consider their intersections.

As indicated above, intersectional strategies will differ in relation to social categories, actors, issues and over time. A preliminary categorisation of the analysed texts shows the following results as listed in the ANNEX. As a general observation it can be stated that intersectionality has always 'been done' though to a varying extent and with different inequalities involved.

While at the beginning of our research period it was mostly gender and disability that was intersected, **intersectional policy making** has now increasingly become applied to the social categories of migration/ethnicity as well citizenship status. Throughout almost all policies, marital status is an important category; statistically speaking, it is the second most frequently applied category after gender (according to the software statistics). The intersection of gender and class is important in non-employment policies, but also serves to produce intersectional bias in intimate citizenship/migration policies. It is less prominent in gender based violence. In the debates on the Life Partnership Act we find intersections of sexuality, marital status, citizenship status, but gender to a lesser extent. Also, in the case of paternity acknowledgement, the issue often becomes de-gendered in the sense that bi-national couples should not be put under suspicion. Regional differences come into play especially in relation to non-employment (childcare) and the female labour force participation rate.

The strategy of **intersectional bias** is closely related to gender, citizenship status (with connotations of ethnicity and religion), together with a concern for class, and also age (family reunion). The heteronormativity of marriage and family (special protection as provided by the Constitution) serves to produce bias around marital status.

The strategy of (in)**equality policy making/intersectional blindness** (i.e. policies that are mostly directed towards one social category) can be found in relation to sexuality, age/disability (elderly and sick care) as well as gender (equal treatment in employment). The strongest tendency to 'de-gender' an issue is found in relation to the social category of sexuality (intimate citizenship). Also, in the issue of elderly and sick care (non-employment), the view of the person in need of care overrules the concern for the care giver (and thus, the gender dimension). Also, gender equality policies such as the FEA have ignored other social categories (apart from a few considerations of disability). Class is a 'hybrid' category in the sense that it is partly applied in relation to gender (poverty risk amongst single mothers), but it is often used in an un-gendered way (poor families). Only two examples fall under the category of total **intersectional blindness** where no social categories are considered at all (GETA).

The strategy of **listing inequalities** is only applied in relation to the General Equal Treatment Act; compared to the other policies which are much more intersectionalised, this proceeding can be regarded as a step backwards.

Regarding political **actors**, the most frequent inclusion of intersections can be allocated to the Greens, the PDS/LINKE and the CSOs. But the SPD/Green government coalition (1998-2005) has also considered intersectionality in relation to domestic violence (First Action Plan to Combat Violence Against Women 1999) and less strongly, the FEA. The present government coalition has demonstrated awareness of a number of intersections in the Parental Benefit Act and in relation to forced marriage. However, the present government coalition has also been active in producing intersectional bias; it is mostly speeches of the CDU/CSU, the government plans of the CDU/CSU and SPD coalition that produce intersectional bias on citizenship status (with connotations of ethnicity). In relation to marital status and sexuality, the CDU/CSU rejected both Life Partnership Acts; the FDP only the first act of 2001.

The strategies of equality policy making and listing of inequalities cannot be attributed to a specific political actor.

Regarding **issues**, gender based violence seems to be the most intersectionalised issue with gender and marital status increasingly being intersected with migration and citizenship status. The intimate citizenship issue has a tendency to be de-gendered especially in relation to sexuality; and in relation to citizenship status it is often biased. There is a mixed conclusion on non-employment since it is partly intersectionalised (childcare), but is also subject to de-gendering (care) and gendered equality policy making (FEA). Intersectional bias is found especially in tax policies. The general gender equality section is also mixed, with partly intersectional policy making (especially CSOs) and the listing of inequalities.

Adopting a **time** perspective, the most obvious development is an increasing concern with citizenship status and migration (with connotations of ethnicity and religion) throughout intimate citizenship and GBV policies; it is less present in general gender equality and non-employment policies. In relation to sexuality, the intersectional bias of the CDU/CSU has been constant. Relatively recent is the listing of inequalities in the General Equal Treatment Act which has to be understood in relation to the EU anti-discrimination directives.

The most striking **absences** are:

- class in GBV
- citizenship, ethnicity/religion in NON
- gender in INT/sexuality
- marital status in GEN
- disability in almost all except for GBV
- age rarely except in relation to forced marriage (INT(GBV); mostly de-gendered in relation to children
- sexuality in GBV

b) Meta-framing (see Annex)

The assumption that the meta-framing of a policy would have an impact on intersectional strategies has to be revised. There is no special pattern observable in the application of

intersectionalities, apart from the prevalence of intersectional bias in migration related policies and the listing of inequalities in diversity policies.

c) Discursive networks (Ferree 2008)

The analysis showed that migration issues have been increasingly integrated into a gender equality agenda; thus, Ferree's thesis of discursive networks that exclude migration is no longer entirely applicable. While there has been a traditionally strong emphasis on the labour market and class issues in the government gender equality agenda, the second strong agenda, the one on gender-based violence, has always been equally important. Also, Ferree's thesis is not able to grasp developments in relation to family policy which are not directly connected to the labour market. Intimate citizenship issues such as rights attached to partnerships (income tax, joint adoption, reproduction) have been demanded for non-married heterosexual and registered same sex couples. Opposition to these demands follows a clearly heteronormative rationale (heterosexual marriage and family) which cannot be reduced to labour market or class issues.

To what extent is there commonality of a specific policy issue across several strands, or an inequality, that leads to enhanced and constructive attention to the issue? Or are differences between inequality strands a source of controversy and division?

The most obvious commonality between inequality strands is the income tax debate where several CSOs (and women's departments of the unions) across several strands have gathered in order to demand a fairer income tax system (individual taxation). However, no relevant tax policy on this issue has yet been decided.

Is intersectionality a source of controversy and debate in gender+ equalities policies or not? If yes, what is the nature of this controversy and debate?

The conflicting intersection is the one on gender and migration/ethnicity/religion: In relation to gender-based violence (forced marriage, 'honour' crimes) and access to employment/public service (headscarf debate). In the first case, gender is played out against ethnicity (and against citizenship status in relation to family reunion); in the second case, gender is juxtaposed to religion.

If responsible for more than one country, can you compare and contrast intersections between countries?

Only responsible for Germany.

If there is an absence of intersectionality in the documents analysed, are there explanations for this? Why would such a finding be surprising or expected?

The above mentioned absences were not surprising; especially in relation to sexuality it was to be expected that gender would be invisible. Also, the relative absence of disability apart from GBV and policies that are explicitly directed at persons with disabilities (which were not chosen for analysis) was not surprising.

6. Identifying changes and the relevance of different forms of intersectionality

6.1 Changes in general legislation and machinery

Have there been changes in the structure of the equalities machinery to take into account multiple inequalities and intersectionality (e.g. becoming an integrated equality body)? If so, what consequences has this had for gender equality policies?

The introduction of the General Equal Treatment Act (GETA) which also set up the Anti-Discrimination Office (ADO) is the most important change in the field of general gender equality policy in the QUING period. It is a direct result of the EU anti-discrimination directives, the implementation of which met fierce opposition from conservative and liberal parties (CDU/CSU and FDP). The previous government coalition of the Social Democratic Party SPD and the Alliance 90/The Greens (1998-2005) would have voted for an even more extensive draft. Given the fierce opposition, the draft was only passed in the current legislative period (2006) and this was also only due to EU pressure. Again today, the decision of another EU directive on access to goods and services and grounds of discrimination (additional to gender) is opposed by the private sector and - ironically- also by the head of the Anti-Discrimination Office (ADO), Martina Köppen.

While the policies of the GETA and the ADO include previously addressed social categories such as gender or disability, their field of application and action has to be understood as an addition to previous equality policies. The GETA and its focus on anti-discrimination is dealt with as a policy field on its own, additional to traditional gender equality policies (which now increasingly become subsumed under family policy). The set-up of the first equality body in the form of the ADO is also unique and to be considered an additional tool, which is not yet well integrated into the work of the existing gender equality machinery. As described in detail in the WHY Country Context Study on Germany, the government machinery on migration, family and anti-discrimination (which is formally independent) operate in relative isolation.

The impact of these developments on gender equality policies is difficult to assess as the legislation has only been passed in the last two years. However, the impression is that these policies are dealt with on a different level and by different actors than 'traditional gender equality policies' (dealt with by the Ministry of Family Affairs, Senior Citizens, Women and Youth, BMFSFJ).

A change within this policy field of anti-discrimination legislation and policy machinery is an increasing awareness for 'multiple discrimination'. It seems that this term (as well as the extensive list of inequalities) causes insecurity as to how to deal with them rather than an effective operationalisation. As described above, intersectionality has always been done and was not only introduced into policy making by the EU directives. An important step would be to synthesise this 'new' policy field with traditional equality policies to strengthen co-operation between the machineries in order to promote intersectional policy making.

6.2 Changes in non employment

The most obvious shift is probably the one from a clear focus on gender equality in employment to reconciliation as a family policy issue (although also attributed to gender equality policy). Generally, this shift or reduction of gender equality policy to mean reconciliation/family policy has been observed and criticised by researchers and activists alike. This is not to say that there are no more gender equality policies in employment, but that there is a lack of 'hard laws'. 'Popular' gender equality topics in employment are equal pay and the gender pay gap and the vertical (and horizontal) gender segregation of the labour market (women in high executive positions and advisory boards; women into technical jobs); however, as there is no legislation in these fields the policy debates were not selected for analysis.

With regard to the application of intersectionalities, the focus on reconciliation and family policy has not meant a reduction of social categories; on the contrary, the Parental Benefit Act was one of the most intersectionalised acts. However, when thinking about non-employment on a larger scale, the gender absences in specific policy debates are particularly revealing: The Reform of the Long-Term Care Insurance Act was mostly discussed in an un-gendered way; the same applies with regard to the introduction of the Hartz reforms (the most important labour market reforms of the Social Democratic and Green government coalition). The reform of the tax system, i.e. the amendment of the spouse splitting model, is considered and dealt with by CSOs in a highly intersectionalised way and less so by the parties; the strong intersectional bias (heteronormative gender bias) of the opposition parties also remains.

Whether the application of intersectionalities has changed over time is difficult to assess given the heterogeneity of the issue; though it is certainly not applied systematically.

Has the issue of demographic change done something to the presence of gender, sexual orientation, race, or class?

The issue of demographic change is one of the underlying norms for reconciliation policies; Germany's diagnosed need for children seems to have class, ethnic and sexual biases: it is especially heterosexual, well-educated, well-off couples/ German (speaking) women that should be encouraged to have children (through the Parental Benefit Act). The special protection of (German heterosexual) families and marriages is still a strong underlying norm for the conservative and liberal parties. The class dimension is most visible in the Parental Benefit Act where well-paid parents benefit the most from it; the ethnic dimension is most visible in relation to family reunion (and clearly in the issue of paternity acknowledgements in intimate citizenship); the sexual dimension is most visible in relation to income tax (spouse splitting model).

6.3 Changes in intimate citizenship

The issue of intimate citizenship is characterised by a rising concern for migrant families and generally migration related issues. Migration issues are especially addressed in relation to the abuse of residence rights (paternity acknowledgement, family reunion, forced marriage) and gender based violence (family reunion and forced marriage). Intersectionalities then seem to serve exclusionary ends (intersectional bias), a tendency that has increased during the term of the current government coalition (Christian conservative party CDU/CSU and Social Democratic Party SPD). In relation to same sex partnership policies, sexuality de-genders partnership issues; this tendency has been maintained throughout the QUING period. No legislative changes happened in relation to medically assisted reproduction and genetic diagnosis where legislative gaps persist; however, it is clear from an administrative order of the Association of Medics that medically assisted reproduction should only be performed for heterosexual married couples or for those in stable relationships.

6.4 Changes in gender based violence

As indicated above, GBV is the most systematically intersectionalised issue. The more traditional intersection of gender and marital status has been extended to include ethnicity, religion and citizenship status. Migration related issues like forced marriage and honour killings have been high on the public and political agenda; the emergence of these debates has been connected to actual violent incidents. Over recent years, a general awareness for integration and migration issues has grown, reflected in the high importance the integration and migration commission was given during the current government coalition (extensions into a ministry at the chancellery). Denying its status as an immigration country for many years, it is only recently that Germany acknowledged the need to deal with migration issues. However, this has increasingly happened in a restrictive and homophobic way. Similar to policies for the labour market that follow the principles of 'support and demand' ('fordern und fördern'), the same motto applies to migration policies.

Probably related to wider European and international developments, the phenomenon of trafficking in human beings/women, often related to forced prostitution, has also been on the domestic agenda.

The sensitisation to gender at the intersection with disability was especially high in legislative changes between the end of the 1990s and the beginning of the 2000s; today it is still considered but to a lesser extent. Sexuality is also hardly ever considered in GBV, and indeed overall; it is only prominent in policies explicitly regarding same sex partnership.

6.5 Summary and comparisons

As we have seen, the application of intersectionalities varies across the four issues and across policy debates within the issues. Hence, it is difficult to draw an overall conclusion. One overarching observation seems to be that where ever ethnicity/religion and citizenship dimensions arise, they are hotly debated. Integration and migration are the most salient policy fields which are also often discussed in relation to gender equality. Migration issues become increasingly important for gender equality policies which had traditionally neglected these dimensions; however, on the part of the policy machinery, co-ordination is weak. Traditional gender equality policies such as child care or sick/elderly care vary a lot in the ways that they are intersectionalised.

Thus, there are different co-existing logics that lead a somehow parallel existence: from gender/intersectional blindness to the extension of gender equality policies to include also migration issues to 'new' diversity policies.

7. Conclusions

What are the implications of different versions and forms of intersectionality for the quality of gender+ equality policies?

Distinguishing between various intersectional strategies such as intersectional policy making, intersectional bias, equality policy making and listing of inequalities, helps in assessing the implications for gender+ equality policies. In the best case, intersectional policy making takes into consideration that multiple social categories intersect with gender to result in different living situations and social positionings. In the worst case, policy making still assumes a gender+ neutral subject.

Intersectional policy making tries to respond to different social positionings in order to achieve factual equity. While there are attempts to consider people at various intersections in policy making, this strategy is far from being systematically applied. It is mostly CSOs and the Alliance 90/The Greens and the leftist party DIE LINKE that apply an intersectional focus in their statements on selected policy debates. As argued before, intersectional policy making is sometimes carried out and should be promoted by all political actors.

The problematic strategy of intersectional bias is first and foremost applied in relation to migration policies (intimate citizenship) and is often legitimised by an apparent concern with gender-based violence; if the accuracy by which intersectional biases are applied was used for inclusionary ends, intersectional policy making would be achieved.

The strategy of equality policy making could be regarded as a useful starting point; if these equality strategies (e.g. disability, sexuality) were taking an intersectional focus, their range of application could be easily extended to meet the goal of intersectional policy making. Especially in the field of same sex partnership policies, gender and class aspects would need to be incorporated into the agenda.

'Listing of inequalities' means a separate addressing of social categories; this strategy misses intersections just like the strategy of equality policy making, but an interdependent conceptualisation of social categories could be easily achieved. Thinking about social categories as intertwined would change a mechanical listing into a more dynamic concept.

Having mapped out these strategies it becomes clear that each of them provides a good starting point to integrate an intersectional focus into policy making. Nevertheless, there are obvious limitations to the promising strategy of intersectional policy making. While it might represent a first success that the living situations of people at various intersections are addressed and no longer completely sidelined, the diagnosis of the problem and solutions proposed will always vary according to political and societal understanding. Nevertheless, intersectional policy making might serve as a useful tool for some actors to make specific social positionings and living situations visible.

How are inequalities and their intersections conceptualised in terms of their structure and mechanisms?

Within the QUING project there are different ways of defining structures or locations of inequalities. Verloo (2006) distinguishes labour, intimacy and citizenship as locations where inequalities are reproduced; structures that produce inequalities are economy, sexuality, citizenship and knowledge and truth institutions like schools, universities and the media. Walby (QUING Deliverable Nr. 13, 2007) distinguishes the domains of economy, polity, civil society and violence. The terms 'locations', 'domains' and 'structures' seem to be used interchangeably; however, I am hesitant about such use. Structures that produce inequalities might not be tied to a specific location: e.g. the organisation of labour affects so many more locations than the economy, such as intimacy and so on. Thus, for the purposes of this report the terms are used in the following way:

Table 4: Locations, structures and mechanisms

Locations: Economy (market), intimacy (family, kinship), polity (state, also state service provision), civil society, transnational polity   **Structures**: The organisation of labour, sexuality, citizenship   **Mechanisms**: Material (resources), discursive (norms, knowledge), violence (pressure, coercion, psychology (?)

With regard to structures, the three main structures are covered in the analysis of non-employment, intimate citizenship and gender-based violence. However, it is difficult to assess how inequalities and their intersections are conceptualised in terms of their structures and mechanisms. Intersectionalities are mostly applied in order to define a certain target group or figure as conditions to include/exclude a certain target group.

In the issue of general gender equality policies, it is mostly about the organisation of labour (but also in civil law) in relation to separate inequality axes.

In the issue of non-employment the dominant structure is the organisation of labour (and social benefits), mostly conceptualised in relation to gender, gender and disability, gender and marital status and class; but then again led in a gender+ blind way (e.g. long-term care issue).

In the issue of intimate citizenship, the organisation of sexuality is the dominant structure in same sex partnership policies (with some notions of citizenship). In migration and related policies the organisation of sexuality meets with the organisation of citizenship (family reunion, paternity acknowledgements) and has clear gender and class dimensions, with some allusions to religion.

In the issue of gender-based violence, the organisation of sexuality (gender/marital status in the sub-issues of marital rape and domestic violence) also meets with the organisation of citizenship (forced marriage/family reunion, trafficking) and has ethnic/religious dimensions. With regard to the organisation of sexuality, gender at the intersection with disability was addressed especially at the end of the 1990s and the beginning of the 2000s.

With regard to mechanisms it seems that the most obvious one is neglected in the above mentioned list: that of the granting (or not) of rights (e.g. residence right), often the most determining mechanism. This raises the question of where rights figure in the list.

To what extent does context matter in the (re)production of inequalities across Europe? How important is institutional context, legal tradition, issue history (even beyond the period we focused on in QUING)?

Context matters, both at the European and the national level. Without the legal duty to transpose EU anti-discrimination directives, important national legislation would be missing. At the national level, an important shift in government took place in 2006; the government coalition of CDU/CSU and SPD substituted for the SPD and Green Coalition from 1998-2005. With regard to intersectionalities, important legislation was passed under the previous government coalition (a focus on gender and disability in employment and gender-based violence as well as same partnership policies). Gender issues in relation to employment were pushed forward; also improvements at the intersection of gender and citizenship status were made (residence permit, hardship clauses in cases of domestic violence etc.). At the same time, and on a more negative note, the Hartz reforms of the very same coalition have been passed without considering gender+ dimensions. Powerful political actors also play an important role in agenda setting and policy processes (e.g. the previous chancellor Gerhard Schröder did not back the equality law for the private sector, which was initially favoured by the then Family and Women's Minister Christine Bergmann).

In neo-corporatist states, class usually is an important battleground; as Myra Marx Ferree (2008) argued, gender issues are also usually framed as a class issue and in relation to labour. While I would agree with this statement to some degree, I would add that gender issues such as gender-based violence were very central to the women's movement from the very beginning. Thus, a focus only on class would neglect important initiatives and developments in violence related fields. Indeed, while there might be a strong focus on class and the labour market in neo-corporatist states, at the same time this field has proven to be very resistant to the demands from the women's movements. This is visible in the reluctance to introduce an equality law for the private sector. Also, while a higher female labour force participation rate might also be envisaged by the conservative and the liberal parties from an economic point of view, traditional gender roles that allocate non-remunerated (home) care of children, sick and elderly to women still persist. Regulations like the spouse splitting model (income tax) that have a proven disincentive effect on women's labour market participation are defended by Christian-conservative politicians; the heteronormative ideal of the special protection of marriage and family continues to overrule economic calculations (at least to some extent).

The powerful legislative chamber of the Federal Council which can even block majority decisions taken by the Bundestag has made more far reaching legislation in the field of same sex partnership impossible. Restrictive immigration policies have also been passed under the current Christian conservative and social democratic government.

What attention must be paid to other structural (in)equalities, in the making and implementing of European gender equality policies?

Migration, which sometimes has an explicit ethnic and religion dimension, is the social category that has gained the most obvious political and public attention over recent years. Citizenship issues (citizenship/nationality) have also been intensively discussed in relation to gender-based violence, but also - from an exclusionary point of view- the abuse of residence rights has also been frequently debated. Thus, these social categories have proven to be rather 'complex' ones in the sense that they are evoked for different purposes and connected to different problems and solutions.

Apart from these more obvious social categories, we find less explicitly addressed social categories that are nevertheless crucial in the construction of social positioning. The analysis has shown that marital status is one of the crucial inequality axes that determines the rights and duties of citizens. However, in political debates this social category often goes unrecognised – apart from the situation of single parents/mothers. It is implicitly dealt with under gender and explicitly dealt with in same sex partnership policies; a strategic consideration is however missing. Regional differences also mostly go unrecognised in political debates. It is only in relation to (non) employment (labour force participation, day care places) that East/West differences are mentioned.

Bibliography

Andresen, Sünne et.al. (eds.) (2008 forthcoming). *Gender and Diversity. Albtraum oder Traumpaar?* Wiesbaden: VS Verlag.

Anthias, Floya and Nira Yuval-Davis. 1983. Contextualizing Feminism: Gender, Ethnic and Class Divisions. *Feminist Review* 15: 62-75.

Anthias, Floya and Nira Yuval-Davis. 1992. *Racialized Boundaries: Race, Nation, Gender, Colour and Class and the Anti-Racist Struggle.* London: Routeledge.

Appelt, Erna. 2000. Identität, Diversität und Demokratie. Grundsätzliche Überlegungen zu einer feministischen Demokratiepolitik. In *Politik und Geschlecht*, ed. Elisabeth Wolfgruber and Petra Grabner, 11-28. Innsbruck: Studienverlag.

Bacchi, Carol Lee. 1999. *Women, Policy and Politics. The Construction of Policy Problems.* London, Thousand Oaks: Sage [Reprint 2001].

Castro Varela, María do Mar and Dimitria Clayton (eds.) 2003. *Migration, Gender, Arbeitsmarkt.* Königstein, Taunus: Ulrike Helmer Verlag.

Childs, Sarah. 2008. *Women in British Party Politics: Participation and Representation: Descriptive, Substantive and Symbolic Representation.* Routeledge.

Collins, Patrica Hill. 1998. *Fighting Words: Black Women and the Search for Justice.* Minneapolis: University of Minnesota Press.

Collins, Patricia Hill. 2000. *Black Feminist Thought: Knowledge, Consciousness and the Politics of Empowerment.* New York: Routeledge.

Crenshaw, Kimberle. 1991. Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color. *Stanford Law Review* 43 (6): 1241-1299.

Degele, Nina und Gabriele Winkler. *Intersektionalität als Mehrebenenanalyse.* [http://www.tu-harburg.de/agentec/winkler/pdf/Intersektionalitaet_mehrebenen.pdf, accessed on 14 May 2008].

Degele, Nina and Gabriele Winkler. (2008 forthcoming). Praxeologisch differenzieren. Ein Beitrag zu intersektionalen Gesellschaftsanalyse. In *Über Kreuzungen. Ungleichheit, Fremdheit, Differenz,* ed. Cornelia Klinger and Gudrun-Axeli Knapp (in preparation).

Degener, Ursula et.al. (eds.) 2006. *Die Neuverhandlung sozialer Gerechtigkeit.* Wiesbaden: VS Verlag

Dietze, Gabriele. 2008 (forthcoming). *Weiße Frauen in Bewegung. Genealogien und Konkurrenzen von Race- und Genderpolitiken.* Bielefeld: Transkript.

femina politica. 2007. *Von Gender zu Diversity Politics? Politikwissenschaftliche Perspektiven.* 1/2007.

Ferree, Myra Marx (2008 forthcoming). Inequality, Intersectionality and the Politics of Discourse: How Frames Matter for Feminist Alliances. In *The Discursive Politics of Gender Equality. Streching, Bending and Policy Making*, ed. Emanuela Lombardo, Petra Meier and Mieke Verloo. [Copy from an editor].

Gaventa, John (2005) *'Seeing like a Citizen' Re-claiming citizenship in a neoliberal world.* Paper prepared for the Citizenship DRC synthesis conference November 28-29, 2005. Brighton, Institute of Development Studies.

Hancock, Ange-Marie. 2007. When Multiplication Doesn't Equal Quick Addition : Examining Intersectionality as a Research Paradigm. *Perspective on Politics* 5 (1): 63-79.

Hartmann, Jutta et.al. (eds.) 2007. *Heteronormativität. Empirische Studien zu Geschlecht, Sexualität und Macht.* Wiesbaden: VS Verlag

hooks, bell. 1981. *Ain't I a Woman.* Boston: MA: South End Press.

Isin, Engin F. and Patricia K. Wood. 1999. *Citizenship and Identity.* London: Sage.

Jones, Emma and John Gaventa (2002) *Concepts of Citizenship: a review.* IDS Development Bibliographie 19. Brighton, Institute of Development Studies.

Kabeer, Naila. 1994. *Reversed Realities. Gender Hierarchies in Development Thought.* London: Verso.

Kabeer, Naila. 2002. *Citizenship and the boundaries of the acknowledged community: identity, affiliation and exclusion.* IDS Working Paper 171. Institute of Development Studies, Brighton.

Kabeer, Naila (ed.). 2005. *Inclusive Citizenship. Meanings and Expressions.* London, Zed Books.

Klinger, Cornelia. 2003. Ungleichheit in den Verhältnissen von Klasse, Rasse und Geschlecht. In *Achsen der Differenz*, ed. Gudrun Axeli-Knapp and Angelika Wetterer, 14-48. Westfälisches Dampfboot.

Klinger, Cornelia, Gudrun-Axeli Knapp and Birgit Sauer (eds.). 2007. *Achsen der Ungleichheit. Zum Verhältnis von Klasse, Geschlecht und Ethnizität.* Frankfurt a.M., New York: Campus.

Klinger, Cornelia and Gudrun-Axeli Knapp (eds.) (forthcoming 2008). *Über Kreuzungen. Ungleichheit, Fremdheit, Differenz.* Münster.

Knapp, Gudrun-Axeli. 2005. Race, Class, Gender. Reclaiming Baggage in Fast Travelling Theories. *European Journal of Women's Studies* 12 (3): 249-265.

Lepperhoff, Julia, Anneli Rüling and Alexandra Scheele. 2007 Von Gender zu Diversity Politics. Kategorien feministischer Politikwissenschaft auf dem Prüfstand. Einleitung. *femina politica* 2007 (1): 9-22.

Lister, Ruth. 2003. *Citizenship. Feminist Perspectives.* Houndsmill, Basingstoke: Palgrave Macmillan. [Second Edition.]

Lenz, Ilse. 2007. Power People, Working People, Shadow People… Gender, Migration, Class and Practices of (In)Equality. In Gender orders unbound, ed. Ilse Lenz et.al., 99-119. Opladen and Farmington Hill: Barbara Budrich Publishers.

McCall, Leslie. 2005. The complexity of intersectionality. *Signs* 30 (3): 1771-1800.

Mohanty, Chandra Taplade. 1991. Under western eyes. In *Third World Women and the Politics of Feminism*, ed. Chandra Taplade Mohanty et.al. Bloomington: Indiana University Press.

Ohms, Constance and Christina Schenk. 2003. *Diversity – Vielfalt als Politikansatz in Theorie und Praxis: Von einer Zielgruppenpolitik hin zu einer 'Politik der Verschiedenheit' (Politics of Diversity).* [http://www.christina-schenk.de/politik/diversity-management/diversity-wiesbaden-03.pdf, accessed on]

Outshoorn, Joyce and Johanna Kantola. 2007. *Changing State Feminism.* Houndsmill: Palgrave/Macmillan.

Pagels, Nils. 2004. Diversity-Management als Instrument für feministische und antirassistische Praxen? In *Migration, Geschlecht und Staatsbürgerschaft*, ed. Bettina Roß, 163-178. Wiesbaden: VS Verlag.

Purtschert, Patricia. 2007. Diversity Management: Mehr Gewinn durch weniger Diskriminierung? Von der Differenz im Umgang mit Differenzen. In *femina politica* 1: 88-96.

Roß, Bettina (ed.) 2004. *Migration, Geschlecht und Staatsbürgerschaft.* Wiesbaden: VS Verlag.

Sauer, Birgit. 2007a. Diversity. Eine staats- und hegeomonietheoretische Reflexion. In *femina politica* 2007 (1): 33-44.

Sauer, Birgit. 2007b. Review of methodologies for policy analysis - towards a 'discursive institutionalism'. Appendix in Walby, Sylvia. 2007. *Review of literature on gender equality policies in the EU and Its Member States.* QUING Report (Deliverable 12). Vienna: Institute for Human Sciences IWM.

Sauer, Birgit and Stefanie Wöhl (forthcoming 2008). Governing intersectionality. Ein kritischer Ansatz zur Analyse von Diversitätspolitiken. In *Über Kreuzungen. Ungleichheit, Fremdheit, Differenz*, ed. Cornelia Klinger and Gudrun-Axeli Knapp (in preparation).

Shaw, Jo. 2005. Mainstreaming Equality and Diversity in the European Union. *Current Legal Problems* 58:255-312.

Squires, Judith. 2005. Is Mainstreaming Transformative? Theorizing Mainstreaming in the Context of Diversity and Deliberation. *Social Politics* 12 (3): 366-388.

Squires, Judith. 2007a. *The New Politics of Gender Equality*. Houndsmill, Basingstoke: Palgrave Macmillan.

Squires, Judith. 2007b. Diversity Mainstreaming. Moving Beyond Technocratic and Additive Approaches. *femina politica* 1:45-56.

Tißberger, Martina et.al. 2006: *Weiß – Weißsein – Whiteness. Kritische Studien zu Gender und Rassismus*. Frankfurt am Main u.a.: Peter Lang.

Verloo, Mieke. 2005. Mainstreaming Gender Equality in Europe. A Frame Analysis Approach. *The Greek Review of Social Research* 117 (B'):11-34.

Verloo, Mieke. 2006. Multiple Inequalities, Intersectionality and the European Union. European *Journal of Women's Studies* 13 (3): 211-228.

Verloo, Mieke (ed.) 2007. *Multiple Meanings of Gender Equality. A Critical Frame Analysis of Gender Policies in Europe.* Budapest, New York: CPS Books, Central European University Press.

Walby, Sylvia. 2005. Gender Mainstreaming: Productive Tensions in Theory and Practice. *Social Politics* 12 (3):321-343.

Walby, Sylvia. 2007. Complexity Theory, Systems Theory, and Multiple Intersecting Social Inequalities. *Philosophy of the Social Sciences* 37 (4): 449-470.

Walgenbach, Katherina et.al. (eds.). 2007. *Gender als interdependente Kategorie. Neue Perspektiven auf Intersektionalität, Diversität und Heterogenität.* Opladen and Farmington Hill.

Wetterer, Angelika. 2003. Gender Mainstreaming and Managing Diversity. Rhetorische Modernisierung oder Paradigmenwechsel in der Gleichstellungspolitik. In *Gender Mainstreaming. Kritische Reflexionen*, ed. Ingrid Schacherl, 131-151. Innbruck: Studia Universitätsverlag.

Yuval-Davis, Nira. 1994. Identity Politics and Women's Ethnicity. In: Moghadam, Valentine (ed.) *Identity Politics and Women*. Boulder, Westview Press, 408-423.

Yuval-Davis, Nira.1997. *Gender and Nation*. London: Sage.

Yuval-Davis, Nira. 2006. Intersectionality and Feminist Politics. *European Journal of Women's Studies* 13 (3): 193-209.

ANNEX

1. Policy debates segregated according to intersectional strategies

Annotation: The coloured policy debates are listed in two categories.

Meta-frame	Year	Intersectional strategy	Intersections/Inequalities (list not completed)
		Intersectional policy making	
Diversity	2006	GEN_Law_ADO	Gender, sexuality, disability, ethnicity, religion, age
Diversity	2006	GEN_CSO_ADO	Gender, sexuality, disability, ethnicity, religion, age
Diversity	2007	GEN_Plan_ADO	Gender, sexuality, disability, ethnicity, religion, age
Diversity	2006	GEN_Law_GETA	Gender, sexuality, disability, ethnicity, religion, age
Diversity	2007	GEN_CSO_GETA	Gender, sexuality, disability, ethnicity, religion, age
Diversity	2006	GEN_Parl_GETA_Linke	Gender, ethnicity
Gender	2001	NON_Law_FEA	gender, disability, marital status, class
Gender		NON_Parl_FEA_SPD	diagnosis: gender, class, regional
Gender		NON_Parl_FEA_FDP	gender, disability
Gender		NON_Parl_FEA_Greens	diagnosis: gender, class (weak)
Gender		NON_CSO_FEA	Gender, class, age, citizenship
Gender/Family		NON_Law_Parent	Marital status, citizenship status, class, disability,
Gender/Family		NON_Plan_Parent	Gender, class, marital status
Gender/Family		NON_CSO_Parent	Marital status, class, gender
Gender/Family		NON_Parl_Parent_SPD	Gender, marital status, class
Gender/Family		NON_Parl_Parent_FDP	Gender, marital status, class
Gender/Family		NON_Parl_Parent_CDU	Gender, age, regional, class, marital status, (+ ethnicity/migration)
Gender/Family		NON_Parl_Parent_Greens	Marital status, gender, class, regional
		NON_Parl_Parent_Linke	Gender, citizenship status, class, marital status
Gender/Family		NON_Parl_Tax_SPD	Gender, regional/rural, marital status, class

Gender/Family		NON_Parl_Tax_Greens	Gender, class, marital status, sexuality,
Gender/Family		NON_Parl_Tax_FDP	Marital status
Gender/Family		NON_Parl_Tax_Linke	Gender, class, marital status, regional
Gender/Family		NON_CSO_Tax	Gender, marital status, class, sexuality, regional, citizenship status
Migration		INT_CSO_Immigra	Gender, citizenship status, marital status, age
Migration		INT_Parl_Immigra_Linke	Gender, citizenship status, marital status,
Migration		INT_Parl_Immigra_Greens	Gender, citizenship status, ethnicity, marital status
Migration		Problem: INT_Parl_Immigra_SPD	Gender, citizenship status, marital status, ethnicity
Family		INT_CSO_LifePart2001	sexuality, marital status, citizenship status, class (gender in relation to gender equality and spouse splitting and housewife marriage)
Family		INT_Parl_LifePart_Greens2001	(no gender), sexuality, nationality/citizenship status, marital status
Family		INT_Parl_LifePart_Linke2001	gender, sexuality, marital status
Family		INT_CSO_LifePart2004	(no gender), class, sexuality, age, marital status, nationality/citizenship status
Family		INT_Parl_LifePart2004_SPD	weak gender, class, sexuality, marital status
Family/Migration		INT_CSO_Paternity	(gender), class, age, marital status, nationality/citizenship status
Family/Migration		INT_Parl_Paternity_FDP	(no gender), marital status, nationality/citizenship status
Family/Migration		INT_Parl_Paternity_Greens	(no gender), age, marital status, nationality/citizenship status
Family/Migration		INT_Parl_Paternity_Linke	(gender), marital status, nationality/citizenship status

Gender/Migration		VIO_Plan_ForcedM_AP	Gender, age, migrant, ethnicity, religion, class, citizenship status (family reunion)
Gender/Migration		VIO_Plan_ForcedM_Bundesrat	Gender, ethnicity, religion, class, age, citizenship status (diagnosis)
Gender/Migration		VIO_Parl_ForcedM_Linke	Gender, citizenship status,
Gender/Migration		VIO_Parl_ForcedM_SPD	Gender, age, migrant, religion, sexuality, citizenship status, religion,
Gender/Migration		VIO_Parl_ForcedM_FDP	Migrant, religion, gender, citizenship status
Gender/Migration		VIO_Parl_ForcedM_CDU	Gender, ethnicity/migrant, religion, , age
Gender/Migration		VIO_Parl_ForcedM_Greens	Gender, migrant, age, citizenship status
Gender/Migration		VIO_CSO_ForcedM	Gender, age, religion, ethnicity, citizenship status
Gender		VIO_CSO_Marital	Gender, marital status
Gender		VIO_Plan_Marital	Gender, marital status
Gender		VIO_Parl_Marital_FDP	Gender, marital status
Gender		VIO_Parl_Marital_SPD	Gender, marital status
Gender		VIO_Parl_Marital_Greens	Gender, marital status
		VIO_Parl_Marital_CDU	Gender, marital status
Gender	1999	VIO_Plan_DomVio	Gender, migration, citizenship status
Gender	2003	VIO_CSO_DomVio	Gender, class, citizenship status, disability, marital status
		VIO_Parl_DomVio_SPD	Gender, marital status
		VIO_Parl_DomVio_FDP	Gender, citizenship status,
		VIO_Parl_DomVio_FDP	Gender, marital status
		Intersectional bias	
Gender/Family		NON_Parl_Tax_CDU	Marital status
Gender/Family		NON_Parl_Tax_CDU	Marital status
Migration		INT_Law_Immigra	Age, citizenship status, marital status, class, disability
Migration		INT_Plan_Immigra	Gender, Age, citizenship status, marital status, class, disability
Migration		INT_Parl_Immigra_CDU	Ethnicity, marital status, citizenship status

Family/Migration		INT_Plan_Paternity	Gender, marital status, nationality/citizenship status
Family/Migration		INT_Parl_Paternity_SPD	Gender, class, marital status, nationality/citizenship status
Family/Migration		INT_Parl_Paternity_CDU	Gender, class, marital status, nationality/citizenship status
Family		INT_Parl_LifePart_CDU2001	Sexuality, marital status
Family		INT_Parl_LifePart_FDP2001	Sexuality, marital status
Family		INT_Parl_LifePart_CDU2004	Sexuality, marital status
Gender/Migration		VIO_Plan_ForcedM_AP	Gender, age, migrant, religion, class, marital status, citizenship status (family reunion)
Gender		VIO_Plan_Marital	Gender, marital
		In/Equality policy making	
Diversity	2007	GEN_Plan_GETA	(gender)
Social		NON_Plan_Care	(age, disability)
Social		NON_CSO_Care	(gender)
Social		NON_Parl_Care_Greens	(age, disability)
Social		NON_Parl_Care_SPD	(age, disability)
Gender		NON_Plan_AgreementFEA	(gender)
Gender		NON_Plan_FEA	gender
Gender		NON_Parl_FEA_PDS	(gender)
Gender		NON_Parl_FEA_CDU	(gender)
Family		INT_Law_LifePart	Sexuality, marital status
Family		INT_Parl_LifePart_SPD	Sexuality, marital status
Family		INT_Parl_LifePart_Greens2004	Sexuality, marital status
Family		INT_Parl_LifePart_FDP2004	Sexuality, marital status
		VIO_Parl_DomVio_PDS	gender
		VIO_Parl_DomVio_CDU	gender
		Intersectional blindness	
Diversity		GEN_Parl_GETA_CDU	none
Diversity		GEN_Parl_GETA_FDP	none

		Listing inequalities	
Diversity	2006	GEN_Law_GETA	
Diversity	2007	GEN_Plan_GETA	
Diversity	2006	GEN_Parl_GETA_Greens	
Diversity	2006	GEN_Parl_GETA_SPD	
Diversity	2006	GEN_Law_ADO	
Diversity	2006	GEN_Parl_ADO_Linke	
Diversity	2006	GEN_Parl_ADO_Gov	
Family		INT_Parl_LifePart_Greens2004	Sexuality, marital status, ethnicity, religion

2. Underlying norms as applied by CSO texts (all texts)

anti-discrimination (3/3); anti-discrimination - intersectionality (1/1); care system (1/1); crime and justice (1/1); economic development (1/1); education (1/1); equality (1/1); equality - married/unmarried women (1/1); EU law (1/1); family as norm regardless of sexuality (1/1); freedom from violence (1/1); gender division of labour - change (1/1); gender equality (4/2); health (1/1); human rights - freedom from violence and coercion (1/1); human rights - positive rights (1/1); independence - law implementation (1/1); integration (1/1); justice (1/1); legal protection (1/1); quality in service provision (2/1); reconciliation - care (2/1); social inclusion (1/1); welfare state (1/1); well-being (1/1);