

PARI...WHAT?

Questions and Answers on
Gender Parity and Parity Laws

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Liberté, égalité,
parité!

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Foreword

The parity debate has certainly arrived in Germany. On 31 January 2019 the state parliament of Brandenburg passed the “Parité-Gesetz”. This parity law requires all political parties to apply gender parity in state elections from 2020, with alternating male and female candidates on their party lists.

The advocates of parity largely agree about the **objective**, which is to achieve equal representation of women and men in the parliaments. But different ideas exist about **how to get there**.

With this publication Friedrich-Ebert-Stiftung hopes to advance the debate about the best way to achieve equal representation. Ultimately, parity in parliaments affects all of us!

Germany introduced universal suffrage in 1918, more than a century ago. All citizens have the right to vote and to put themselves forward as candidates. In reality not everyone actually uses their right to vote: At the last Bundestag election in 2017 just 76.2 percent of the electorate actually voted. Of those who did vote, slightly more were women (51.5 percent) than men (48.5 percent).¹ Yet there are always many more men standing for election. In the last Bundestag election the overall figure was 29 percent women and 71 percent men.² The proportion varies widely between the parties. Of the parties currently represented in the Bundestag, Alliance 90/The Greens nominated the highest proportion of female candidates with 46.9 percent, the far-right AfD the lowest with 12.1 percent.³

Parliaments, whether national, regional or local, are the central organ for negotiating how we live together as a society. So their composition should concern us all. If parliaments are to make good decisions on behalf of the population as

¹ Der Bundeswahlleiter and Statistisches Bundesamt (Destatis), *Wahl zum 19. Deutschen Bundestag am 24. September 2017*, vol. 4, *Wahlbeteiligung und Stimmabgabe der Frauen und Männer nach Altersgruppen* (2018), p. 11.

² Der Bundeswahlleiter and Statistisches Bundesamt (Destatis), *Wahl zum 19. Deutschen Bundestag am 24. September 2017: Sonderheft Wahlbewerber* (2018), p. 14.

³ Ibid.

a whole then their make-up needs to reflect the diversity of the population. That has unfortunately never been the case – and the challenges facing modern democracies make this an increasingly pressing issue.

Parity describes a state of affairs where the gender diversity in parliament is the same as that in the population as a whole, in other words roughly half women and half men.⁴ This is not only a question of the quality of parliamentary decision-making, but also one of gender equality. Both are core concerns for social democracy, and thus also for Friedrich-Ebert-Stiftung.

This publication will hopefully contribute to parity being recognised as a condition for successful parliamentary democracy and gender justice, and ultimately finding its way into parliamentary practice.

We hope you will be able to gain new insights from this publication, and that it might even motivate you to take action. We expect to see dynamic developments unfolding in the sphere of parity, and will keep you informed. You will find updates on this and other aspects of gender equality on the **FES “Gender Matters – Gender Equality Counts!” website** (www.fes.de/gender).

Dr. Stefanie Elies

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- **You are a politician?** Then speak up for parity!
- **You are interested in politics?** Then learn about why parity is such an important issue in politics. And spread the word.
- **You are not (yet) interested in politics?** Then give yourself a chance to change that by reading this publication! Parity is an issue for all of us.
- **You are a woman and entitled to vote?** Then apply to stand for one of the democratic parties at the next Bundestag, state or local election! The current parity debate and the first parity laws are on your side.

⁴ “Roughly” because women and men do not account for exactly 100 percent of the population. There are also individuals who cannot be assigned male or female, or do not wish to be. This “third option” is given due consideration in the German parity debate and in the parity laws adopted to date in Brandenburg and Thuringia.

FAQ 1: Parity and Parity Laws – What Is It All About?



The word “**parity**” originates in Middle French or Late Latin and means “equality, especially of position or pay”, with specific nuances depending on context.⁵ In the current discussion of parity laws the question is **equality of women and men** (in other words gender parity) in politics and specifically in the parliaments as the central decision-making organs of a society.

Gender equality in parliaments will have been achieved when about half the deputies are women and half are men, in line with the proportion of women and men in the population.

Parity is the goal. The next question is how to achieve it. That is the central issue in the current debate about **parity laws**: Is a parity law the **right** way? Is it the **only** way, or are there also others? Is it a way that is **legally** backed by our constitution or is a parity law in fact unconstitutional?

The question of the right ways – in other words the most effective ways – to go about achieving this goal has been simmering for two years now. There are several reasons for this: In 2018/2019 Germany celebrated the one hundredth anniversary of universal and equal suffrage, in other words the women’s right to vote. At that time, one hundred years ago, women were able to vote – and stand for election to parliament – for the very first time. Today the question is why, one hundred years later, this has not yet led to equal representation of women and men in the parliaments.

The good news is that there is no shortage of research-based answers to this question. Achieving parity in parliaments is not a problem of **awareness**, but one of **implementation**. The goal of parity and the potential consequences of

⁵ Cambridge English Dictionary, online, <https://dictionary.cambridge.org/dictionary/english/parity>.

consistent implementation go to the heart of the question of gender and power. That means concerns, resistance, delaying tactics and efforts to stop it outright. All the more important is the debate!

This publication structures the discussion into **Frequently Asked Questions** or **FAQs**, in the interests of clarity and accessibility. Because parity affects all of us, the debate needs to be conducted more broadly and not just in the “ivory towers” of academia.

The following **eight contributions** answer the most important questions for **beginners** who are learning about the question of parity and parity law for the first time and seeking to form an opinion. But the same questions are relevant for those who are already engaged as **activists, multipliers and/or decision-makers** and want to argue and campaign for parity and parity law.

The chapters are **structured** around the central questions of the parity debate in Germany and Europe.

The way parity is discussed in Germany sometimes creates the impression – as so often with issues of gender equality – that we were the first to think of this and that our parity project and the first parity laws were unprecedented and ground-breaking innovations. That is not in fact the case, as becomes very quickly clear in the first section, which asks **What Examples Already Exist for Parity Laws?**:

- There are already many examples of parity laws in Europe and elsewhere. The French case is examined more closely in the first two contributions: **Where Did the French Parity Law Come From and How Does It Function?** and **What Can We Learn from France?**
- The state of Brandenburg has the first parity law in Germany, as described in detail in the third contribution: **How Did the Parity Law in Brandenburg Come About? And How Does it Function?**

Since 2000 **France** has introduced parity rules at all political levels: national, regional, municipal. This makes it the European country with the second-longest record of experience with parity – after Belgium, which introduced its parity law in 1994. France’s parity laws become a model and touchstone for the German parity debate. So it is all the more important to harness the positive experience for Germany – and to learn from the weaknesses of the French parity laws and their implementation. When the idea for this publication was first discussed in summer 2018 nobody was yet thinking about successful examples in Germany. So it is all the more gratifying that political developments have unfolded so rapidly. That said, **Brandenburg** – like France – is a very good example of how the parity laws are a glass half full – and half empty.

The implementation of the new parity law in Brandenburg is in itself a **glass half full**, an important victory for gender equality and a milestone of success. While it is too soon to judge the effectiveness of the Brandenburg legislation, there is no doubt that the French parity laws have demonstrably increased the proportion of women in the parliaments at all levels. That justifies regarding

them as a symbolic glass half full, the parity laws to date as an important **stage** on the road to full gender equality in politics.

So why a **glass half empty**? Parity laws are tools for compensating and hopefully overturning a **political culture** that treats men and masculinity as the normality and women and femininity as “deviant” and the “exception”. This is never explicit, it is ingrained in the culture. Although parity laws create a legal framework for initiating the long overdue transformation of the political culture, they will never contain enough rules to stamp out all these cultural phenomena for good. Without parity laws there will be no movement towards a political culture of gender equality. But to fill the glass of gender equality in politics to the top, the political culture will need to change and that will require more than parity laws.

It is therefore worth looking a little further afield to consider other factors that are decisive for parity, and how they interact with one another. To that end, the next four contributions examine the question: **What Are the Decisive Factors for Achieving Parity in Parliaments?**

A comparison of European countries (**Table 1**) shows very clearly how a range of factors are relevant for achieving parity: An election system conducive to parity combined with binding gender quotas in the parties’ internal rules can potentially achieve more (as the case of Norway shows) than half-hearted laws in a political culture of gender inequity (Poland). In fact, Norway has almost achieved parity without a parity law while Poland has a parity law but no parity.

The decisive factors for achieving parity in parliaments are examined in greater detail in four contributions.

To what extent are the electoral system and electoral law relevant for achieving parity? **What Does Election Law Have to Do With Parity?** Election systems and laws define specific rules that the parties must obey when selecting candidates, and as such must be relevant. The legal framework of the **voting system** is the first decisive aspect, with proportional representation and majority-based systems creating different starting points for moving towards parity. A second crucial point is anchoring explicit parity rules in law. This is possible in either voting system but must be specifically tailored to the case in point. The changes should reform the supposedly gender-neutral but actually gender-blind (and discriminatory) **electoral law** in such a way as to address and remedy the disadvantages currently faced by women seeking nomination as candidates.

A country’s laws must conform to its “supreme law”, its **constitution**. Any legal reform – and any change to electoral law introducing parity – is therefore subject to challenge on the grounds of unconstitutionality. In Brandenburg the fascist NPD and the Pirate Party have both brought cases against the parity law that are still pending before the State Constitutional Court.

How effective are changes to electoral law in the form of parity reforms? And can parity be achieved by other means? A comparison of developments in Poland and Norway speaks volumes. **Why Is There No Parity in the Polish Sejm**

Table 1:
Parity in politics in European countries

<i>italics = non-EU countries</i> bold = countries discussed in this publication ■ = countries with parity laws ■ = countries without parity laws	Proportion of women in national parliament	Voting system	Parity laws for national parliament (year adopted)	Party has internal gender quotas*
Sweden	47.3%	PR	no	yes
Finland	41.5%	PR	no	yes
Spain	41.1%	PR/M	yes (2007)	yes
Norway	40.8%	PR	no	yes
France	39.7%	PR/M	yes (2000)	yes
<i>Macedonia</i>	38.3%	PR	yes (2002)	no
<i>Iceland</i>	38.1%	PR	no	no
<i>Belgium</i>	38.0%	PR	yes (2002)	no
<i>Serbia</i>	37.7%	PR	yes (2011)	no
Denmark	37.4%	PR	no	no
Austria	37.2%	PR	no	yes
Portugal	35.7%	PR	yes (2006)	no
Italy	35.7%	PR/M	yes (2003)	yes
<i>Switzerland</i>	32.5%	PR/M	no	yes
United Kingdom	32.0%	M	no	yes
Netherlands	31.3%	PR	no	yes
Latvia	31.0%	PR	no	no
<i>Kosovo</i>	31.9%**	PR	yes (2000)	no
Germany	30.9%	PR/M	no	yes
<i>Albania</i>	29.3%	PR	yes (2009)	no
European average	28.8%			
Poland	28.1%	PR	yes (2011)	no
Estonia	28.7%	PR	no	no
Bulgaria	25.8%	PR	no	no
Luxembourg	25.0%	PR	yes (2016)	yes
Slovenia	24.4%	PR	yes (2006)	yes
<i>Montenegro</i>	23.5%	PR	yes (2011)	no
Czech Republic	22.5%	PR/M	no	yes
Ireland	22.2%	PR	yes (2012)	no
<i>Bosnia and Herzegovina</i>	21.4%	PR	yes (2013)	no
Lithuania	21.3%	PR/M	no	yes
Romania	21.4%	PR	no	yes
Croatia	20.5%	PR	yes (2008)	yes
Slovakia	20.0%	PR	no	yes
Greece	18.7%	PR	yes (2008)	yes
Cyprus	17.9%	PR	no	yes
<i>Turkey</i>	17.4%	PR	no	yes
Hungary	12.6%	PR/M	no	yes
<i>Liechtenstein</i>	12.0%	PR	no	no
Malta	11.9%	PR	no	yes

Legend: PR = proportional representation, M = majority voting system

* A “yes” does not necessarily mean that all parties have adopted gender quotas.

** As of November 2018, EIGE database (not in IPU database)

Data sources: https://eurogender.eige.europa.eu/system/.../fgsd_note_wop.pdf

<https://www.idea.int/data-tools/data/gender-quotas> and <https://www.idea.int/data-tools/tools/interactive-electoral-systems-quota-types>
<https://www.ipu.org/resources/publications/infographics/2019-03/women-in-politics-2019>



Despite a Parity Law? How Come Norway Has 41 Percent Women in the Storting Without a Parity Law?

The Polish national parliament, the *Sejm* has no parity because the gender quota introduced in 2011 for party lists at all political levels is not fifty/fifty but merely reserves 35 percent of places for each gender. As the author of the contribution puts it, this cannot function “in a country where wrong convictions are deeply rooted” concerning the place of women and men in politics.

The Norwegian national parliament, the *Storting*, on the other hand achieves almost complete parity without any parity law. Norway’s system of pure proportional representation certainly helped, but it is also a reflection of a culture of equality throughout politics and society that makes a parity law superfluous. Women’s representation in Norwegian politics and parliaments has the political culture behind it and not – as in Germany – against it.

The subsequent contribution goes on to address this broader question of gender equality in the political culture: **What Is Parity Actually All About?** A shift to a political culture that – like in Norway – makes parity laws superfluous. But to set such a shift in motion legislative reforms are needed.

High-quality parliamentary decision-making and gender equality are not only effects of parity but also core objectives of social democracy. In conclusion the publication therefore turns to the social democratic agenda for realising these core objectives: **Where Does Social Democracy Stand Concerning Parity Legislation? What Needs to Be Done?** The two states that passed parity laws in 2019, Brandenburg and Thuringia, are both governed by coalitions of progressive parties including the SPD: Brandenburg on 31 January 2019, Thuringia on 5 July 2019. This shows that if parties are serious about parity, it can be successfully codified in law. We need to work for parity at the national level too. The German Bundestag currently has just 30 percent female deputies, which is the lowest figure for any point in the past twenty years. When, if not now – in view of those figures and the one hundredth anniversary of women winning the right to vote – has the need for legislative action been so clearly apparent? Justice needs gender equality – and gender equality needs justice!



What Examples Already Exist for Parity Laws?

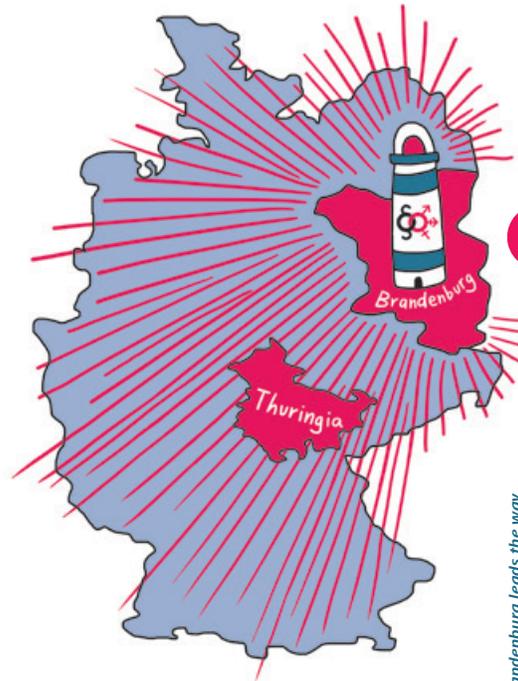


Savoir vivre – the good life from France!

FAQ 2:

Where Did the French Parity Law Come From and How Does It Function? What Can a Parity Law Achieve – and What Can It Not?

Laurence Rossignol and Yseline Fourtic



Brandenburg leads the way

FAQ 3:

What Can We Learn from France? Three Lessons for a Parity Law in Germany

Christian Steg

FAQ 4:

How Did the Parity Law in Brandenburg Come About? And How Does it Function? Pioneering a Political Breakthrough

Uta Kletzing

FAQ 2: Where Did the French Parity Law Come From and How Does It Function? What Can a Parity Law Achieve – and What Can It Not?



"In the various spheres of public, political, professional and social life parity is both an instrument and an objective of equal distribution of representative and decision-making powers between women and men. It is an inherent requirement of justice and democracy." High Council for Equality between Women and Men,⁶ in its guide to French parity laws.⁷

The road to equal sharing of political responsibility in France has been long and winding, littered with empty promises. The mechanisms for establishing and expanding parity have largely been initiated and carried through by political initiatives from the left. Gender equality long remained on the political sidelines, until the feminist movement stepped up its demands and campaigning. Today leading politicians from many parties support the objective of equal political representation for women and men as an indicator of a healthy democracy.

The ramifications of loss of male power should not be underestimated. We are

⁶ The High Council for Equality between Women and Men is the French national advisory body on questions of women's policy and equality.

⁷ Haut Conseil à l'Égalité entre les femmes et les hommes, *Guide de la parité – Des lois pour le partage à égalité des responsabilités politiques, professionnelles et sociales*, version of 24 August 2016.

reminded again how men have simply assumed a right to political authority. Even today, women in positions of leadership are sometimes treated as subversives threatening the traditions of a patriarchal society. And one occasionally still hears sexist or sarcastic remarks about the impropriety of women pursuing political careers.

But society demonstrates ever less tolerance of behaviour of that type. Gender equality has become institutionalised and the public demands forms of democratic representation that adequately reflect society as a whole. This has done much to dispel the resentment and rejection initially provoked by what many male politicians saw as an "invasion of their territory".

The political scientist **Mariette Sineau** said after the 2009 presidential election: *"The growing efforts of women to fight their way to the very top of the power pyramid have shifted public opinion from a kind of general mistrust against women to a point where we see great support for gender equality. In 1974 almost 70 percent of the population rejected the idea of a woman becoming president, today more than 90 percent like the idea. French people, women and men alike, want to be governed by diverse and cosmopolitan leaders. They believe that a process of replacing elected representatives would make the country more democratic, and challenge the monopoly of seats, posts and thus also power accumulated by the few. In other words, women's wish to participate in public affairs finds open ears in an increasingly critical and educated society that has grown tired of being governed by an elite composed of ageing, inflexible chauvinists."*⁸

"If the French national motto had been 'liberté, égalité, sororité' it would have been criticised for its unfairness to men. What we have to realise is that, exactly like 'sororité', 'fraternité' was never – and could never be – neutral and universal." (Réjane Senac, lecturer at Sciences Po)

Parity and the French parity laws are a glass half full – and half empty. It is good that they exist, and their effects are felt. But achieving full gender equality is very much still work in progress. The following contribution assesses progress to date and outlines where work remains to be done.

REPUBLICAN UNIVERSALISM – MALE UNIVERSALISM

If we consider the French revolution, as the formative event of modern France, it is striking that the crucial role of women in the initial insurrections was quickly followed by male reaction. Public assemblies of more than five women were banned and the first free election was open only to male citizens. Napoleon's Code civil of 1804 also created a legal barrier to any attempt to grant rights to women, treating them as eternal minors dependent on their husbands. The Second and Third Republics also restricted suffrage to men. And despite wom-

⁸ Mariette Sineau: *La force du nombre. Femmes et démocratie présidentielle, Éditions de l'aube*, März 2009.



en taking on work and responsibilities when the men went off to fight in the First World War, they still had to wait for the decree of 21 April 1944 for the right to vote.

The philosopher **Sylviane Agacinski** points out that republican universalism is an abstract and purely male universalism: *“From 1789 to 1944 all proposals referring to ‘the people’ in general or ‘all citizens’ actually meant an exclusively male commonality. ... The term ‘man’ itself is obviously subject to the same scheme of male commonality.”*⁹

The first obstacle to any attempt to improve the status of women as a whole or to initiate state action to promote the equality of women and men is the illusion that equality has already been achieved. This myth, which is itself a reflection of male universalism, can best be dispelled by getting women into positions of political leadership. Women gaining such positions is a necessary precondition for equality to find a place on the political agenda. As experts in their own experience female political representatives are in a position to politically spotlight the potential gender repercussions of state action. Only if women and men participate as equals in political decision-making can true equality emerge in society.

Marquis de Condorcet wrote in 1790: *“Habit can familiarise men with the violation of their natural rights to the point that among those who have lost them no one dreams of reclaiming them or believes that he has suffered an injustice. ... For example, have they not all violated the principle of equality of rights by quietly depriving half of mankind of the right to participate in the formation of the laws, by excluding women from the rights of citizenship? Is there a stronger proof of the power of habit ...?”* From *“On the Admission of Women to the Rights of Citizenship”*.

Access to politics is also guarded by male universalism. In theory the French universalist principle grants everyone equal opportunity to stand for election and exercise power. But this alone is not enough to enable both genders to participate as equals in the country’s democratic life. Laws are therefore needed to ensure that the elected representatives are more representative.

France’s institutions have been dragged to this conclusion – partly through the efforts of the feminist movement in France, partly encouraged by simultaneous developments at the international level.

TWO SUCCESSFUL DECADES IN THE STRUGGLE FOR PARITY: CONSTITUTIONAL AMENDMENT IN 1999 AND PARITY LAWS SINCE 2000

The 1992 European Summit of Women in Power declared parity to be a principle of democracy. A few years later, Article 23 of the Charter of Fundamental Rights of the European Union stated: “The principle of equality shall not prevent

⁹ Mariette Sineau: *La force du nombre. Femmes et démocratie présidentielle*, Éditions de l’aube, März 2009.

the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex.” Articles 2 and 3 of the Treaty on European Union declare that the Union is based on the shared values of its member states, which include solidarity and “equality between women and men”.

The French constitutional amendment of 8 July 1999 removed obstacles to laws promoting parity in politics and in other areas of society. The amendment was an absolute precondition for introducing quotas, which the constitution had hitherto prohibited on the grounds that civil rights had to be gender-neutral. Article 1 of the Constitution now reads: “Statutes shall promote equal access by women and men to elective offices and posts as well as to positions of professional and social responsibility.” The areas where parity is mandatory were further expanded by a second constitutional amendment on 23 July 2008. This formed the basis for parity laws to be introduced at the different political levels. Each political level has its own election system, to which the respective parity arrangements need to be carefully tailored. **Tables 2 and 3** show the election systems and their parity arrangements.

PARITY LAWS AT NATIONAL LEVEL: NATIONAL ASSEMBLY AND SENATE

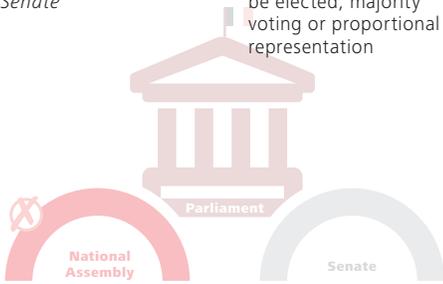
In 1993 just 5.9 percent of deputies in the French National Assembly were women – scarcely higher than the 5.6 percent women in the Constituent Assembly of 1945. The proportion first exceeded 10 percent in 1997, when 63 female deputies were elected. Despite the introduction of the first parity law in 2000, the 2002 elections only saw the figure increase by eight. But steady progress has been recorded since then. By 2007 18.5 percent of deputies were female, and **2012 saw a jump to 26.9 percent**, or 155 – 103 of whom were from the Parti Socialiste. After the most recent election, in 2017, women represented 38.3 percent of members of parliament, another leap of more than 10 percentage points.

A mechanism to **financially penalise lack of parity** was introduced in 2000 for elections to the National Assembly. A proportion of the entitlement to vote-based party funding was withheld depending on how far the party was from achieving the target of fifty/fifty gender representation among individual candidates in single-member constituencies. The penalty was increased again in 2007 and doubled in 2012 in order to ensure that it is taken seriously in the parties’ financial planning.

As the figures for women in the National Assembly clearly show, financial penalties have had an effect, but to date not enough to determine who stands in the single-member constituencies. The parties still prefer to lose a proportion of their state funding rather than stand male and female candidates in equal numbers. Between 2012 and 2016 the parties left an average 15 percent of their state funding on the table each year, representing a cumulative fine of more than €5 million. And even if the parties do stand equal numbers of male and female candidates for the National Assembly that does not necessarily mean that the women will be elected. A tendency is observed for women to be selected for constituencies their party expects to lose. That cannot be affected by financial penalties that apply only to parity among candidates (rather than elected representatives).

Table 2:
Overview of electoral systems at national level

Institution	Electoral system	
Lower house of French parliament: <i>National Assembly</i>	Direct election with absolute majority (first round) or relative majority (second round)	One deputy is elected from each single-member constituency. To win election a candidate must gain an absolute majority in the first round of voting or a relative majority in the second round.
Upper house of the French parliament: <i>Senate</i>	Depending on the number of senators to be elected, majority voting or proportional representation	In each constituency senators are elected indirectly by an electoral college comprising elected representatives. The system used depends on the size of the constituency: <ul style="list-style-type: none"> – In most constituencies, where more than two senators are elected, proportional representation is used. – In less populous constituencies, where there are only one or two senators, majority voting with up to two rounds is used (as in elections to the National Assembly).



Apart from financial penalties, the following developments since 2012 have also played a role in the growth in the number of women in the National Assembly: Major gains for the Parti Socialiste in the 2012 election broke male dominance in the National Assembly and saw the proportion of female deputies pass one-quarter for the first time. The **equality policies** of that parliament had effects that are still felt today. The presidential election campaign of the same year already saw demands for more equality between women and men, parity, power-sharing and the need to fight for women’s rights.

When François Hollande entered the Élysée Palace he made good on these campaign promises. He appointed a cabinet with equal numbers of women and men and created a separate Ministry of Women’s Rights, which also ran the government press office. During his presidency numerous decrees were issued to address equality issues, for example introducing female/male pairing for the departmental elections (on which more below) and the aforementioned tightening of financial penalties for political parties that fail to meet parity targets.

In the course of this parliament, however, support for the leaders of the main-stream parties that formed the government at the time (Parti Socialiste and Les Républicains) collapsed, and they were eclipsed by a new political formation: *La République en Marche* condemned the old style of politics and was naturally careful to steer clear of anything that might suggest otherwise. The movement founded by Emmanuel Macron also takes a progressive line on gender issues and has boosted the trend towards parity in the National Assembly **since 2017**; women now represent almost 40 percent of deputies. Parity in the lists for parliamentary elections has become a mark of quality within the political apparatus and a campaign issue in its own right.

The case of France confirms that the specific **election system** used at a particular political level can positively or negatively influence the actual implementation of parity. In direct elections, as is the case with the French National Assembly,

parity of candidates and seats is considerably harder to achieve than under proportional representation, which applies to the French Senate.¹⁰

In the case of the Senate, where almost 75 percent of senators are chosen by proportional representation, the equality laws gain much better traction. In the most populous constituencies, which elect more than two senators, the party lists must alternate male and female candidates (zipper system). Yet still just one-third of senators are women. One aspect is that one-quarter of Senate seats (in the less populous constituencies) are elected by pure direct majority voting. Another is that political operators find ways to bypass the equality rules, even in the case of list-based proportional representation. For example the first place on most lists is still usually occupied by a man. This effect is exacerbated in cases where linked lists are all led by the same male candidate.

In broader terms the various **initiatives to discourage accumulation of offices** at both national and local level have led to politicians becoming younger and more diverse.

PARITY LAWS AT REGIONAL AND LOCAL LEVEL: REGIONS, DEPARTMENTS AND MUNICIPALITIES

The first parity law of 6 June 2000 for regional and local elections has been reformed several times: On 11 April 2003 the zipper system was introduced for regional elections, requiring alternation of gender on party lists. From 31 January 2007 the same rule was also introduced for municipal elections, initially only for larger municipalities with more than 3,500 residents. At the same time parity was also made obligatory for the respective executives of these entities. The municipal elections of 2014 and the departmental and regional elections of 2015 brought about the desired shift in composition of the executives with more or less incisive change at the top levels of local administrations – especially where political majorities also shifted.

The most recent French parity law of 17 May 2013 reformed the system used to elect municipal councils, inter-municipal councils, and departmental councils:

Now municipalities with 1,000 or more residents elect their municipal and inter-municipal councils by proportional representation with closed party lists following the zipper system. Here again, however, the first place on the list – who is essentially the candidate for the position of head of the executive – is usually occupied by a man. And when they are elected they tend to name another man as their deputy, rather than the woman who was second on the list.

Since the introduction of the law of 17 May 2013, departmental councils have been elected by direct majority voting with mixed female/male candidate pairings: each party must nominate a female/male pair for each constituency.

¹⁰ On the fundamental influence of the election system – majority voting or proportional representation – on parity see “FAQ 5: What Does Election Law Have to Do With Parity?”



Table 3:
Overview of electoral systems at regional and local level

	Electoral system for councils		Electoral system for executives
Region: <i>regional council</i> (<i>conseil régional</i>)	proportional representation	In each region the members of the regional council are elected using a party list with zipper system.	The president and vice-president of the regional council head the regional executive. They are elected from the ranks of the regional council as a female/male pairing.
Department: <i>departmental council</i> (<i>conseil départemental</i>)	majority voting	In each constituency (<i>canton</i>) of the department each party nominates a female/male pair of candidates. The pairing with the most votes is elected to the departmental council.	The president and vice-president of the departmental council head the departmental executive. They are elected from the ranks of the departmental council as a female/male pairing.
Municipality: <i>municipal council</i> (<i>conseil municipal</i>)	proportional representation or majority voting, depending on population	<p>The system used depends on the population of the municipality:</p> <ul style="list-style-type: none"> - In municipalities with <i>more than 1,000 residents</i> the members of the municipal council (and of the inter-municipal councils) are elected by proportional representation using a party list with zipper system. - In municipalities with <i>fewer than 1,000 residents</i> the parity requirement does not apply. <p>The candidates are presented on a party list with the zipper system, but voters may give their votes to whichever candidates they wish without heed to gender.</p> <p>To win election a candidate must gain an absolute majority in the first round of voting or a relative majority in the second round (majority voting).</p>	The mayor and deputy mayor head the executive of the municipality. They are elected from the ranks of the municipal council as a female/male pairing.

The departmental executive is headed by the president and the vice-president of the departmental council, who are also subject to parity. So each candidate for the top post must have a deputy of the other gender. The first elections under rules designed for full parity in the departmental councils and executives were held in March 2015.

Parity within the executives remains a weak point, however. Even if their numbers have doubled, female presidents of departmental councils remain a tiny minority, rising only from 5 to 10 percent. There are also more male than female first deputy mayors, even where the mayor is a man: “Male power is especially tenacious where the law does not reach. (...) And what about the most highly sought-after positions, starting with that of mayor? They are again grabbed up by men, all of whom have good reasons why they should remain top of the list. (...) That’s how ‘symbolic violence’ works.”¹¹

STOCKTAKING PARITY IN 2019: ARITHMETICAL EQUALITY OR REAL POWER-SHARING?

The succession of new laws described above represent a victory for the feminist activists who campaigned persistently and rallied supporters to their cause. And there can be no doubt that they create mechanisms permitting women to advance into politics. Now that purely arithmetical parity has been achieved, it is time to consider more closely the expected and real consequences in politics, in particular concerning power.

The departmental councils provide a good example of the limits of parity laws when it comes to real power-sharing. The top criterion when selecting candidates for the female/male candidate pairings is often whether the applicant already occupies a local position and is known locally. This tends to favour male applicants, who are often selected first. This frequently gives then an initial advantage over the woman they stand with. Equality between women and men is more likely to be observed in cases where neither member of the candidate pairing has previously held office and both are therefore relatively unknown.

Other aspects of male universalism exacerbate the power imbalance between female and male departmental council members. The expansion of parity rules to the departments did not play out without tensions. To cite but one example, the departmental council of Orne had just four female members (out of forty-one) before the 2015 election; after the election the numbers were equal on account of the new rule. Nevertheless, entrenched traditions made it hard to establish real power-sharing. Male members who lost their seats or had been displaced by the parity rule were not prepared to leave quietly. Their statements were often characterised by condescension, implicit paternalism and gender stereotypes.

On the one hand the vice-president of the departmental council said that “it has changed the atmosphere, it is much more pleasant now”. On the other, he

¹¹ Michel Koebel, *Les hiérarchies du pouvoir local, Les enjeux des élections municipales, Savoir/Agir*, no. 25, 2013.

described the female members as “much less political than we are, they have a confusing naturalness ... they find it harder to fit in.”¹² The fact that most of the male politicians already have years of experience and know each other very well appears to lead to devaluation of their female colleagues, to the point of hierarchical treatment within the pairings. “She is finding her place, and doing pretty well”, the vice-president commented about his colleague. “If I’m not happy about something, we talk about it. But if it’s going to work well I have to prepare her a little.”¹³

The question of how exclusion of women changes over time, including the issue of gender-specific division of responsibilities must remain under observation. Informal reputational hierarchies have often become politically and socially entrenched through deeply rooted gender power relations.¹⁴ Equality also touches on the possibility to change the norms and habits of politics and for women and men to (learn to) transgress the tightly defined stereotypes within which they often move and against which they are judged.

The shift from incomplete parity to real power-sharing will be primarily a matter of broad public recognition that sexism is a systemic matter. Implementing numerical parity can increase the attention paid to women’s rights and the possibilities to defend them, and expands campaigning resources simply by increasing the numbers of female representatives. But that does not automatically lead to equal power-sharing.

As the French High Council for Equality between Women and Men puts it, power-sharing is not a purely quantitative matter: “The goal of equality is not restricted to the mere presence of 50 percent women. It is also an opportunity to challenge the gender roles of men and women. In fact, men remain the majority in typically male committees, such as financial committees, while women represent the majority in typically female committees, such as those responsible for childcare. The typically male committees are generally perceived to be more complex, are more highly regarded and grant their members greater political power.”¹⁵

¹² “A new generation of female political scientists ... examines from a [broad historical] perspective the contemporary methods of discrimination over access to elected political office. They analyse the ambiguous use of characteristics regarded as ‘feminine’, inferior or even unsuitable for positions of power: ‘sense of closeness’, ‘down-to-earth’, ‘feeling for contact’, ‘able to listen’ and ‘availability’.” Marlène Coulomb-Gully and Juliette Rennes, *Genre, politique et analyse du discours: Une tradition épistémologique française gender blind*, *Mots: Les langues du politique*, no. 94, 2010.

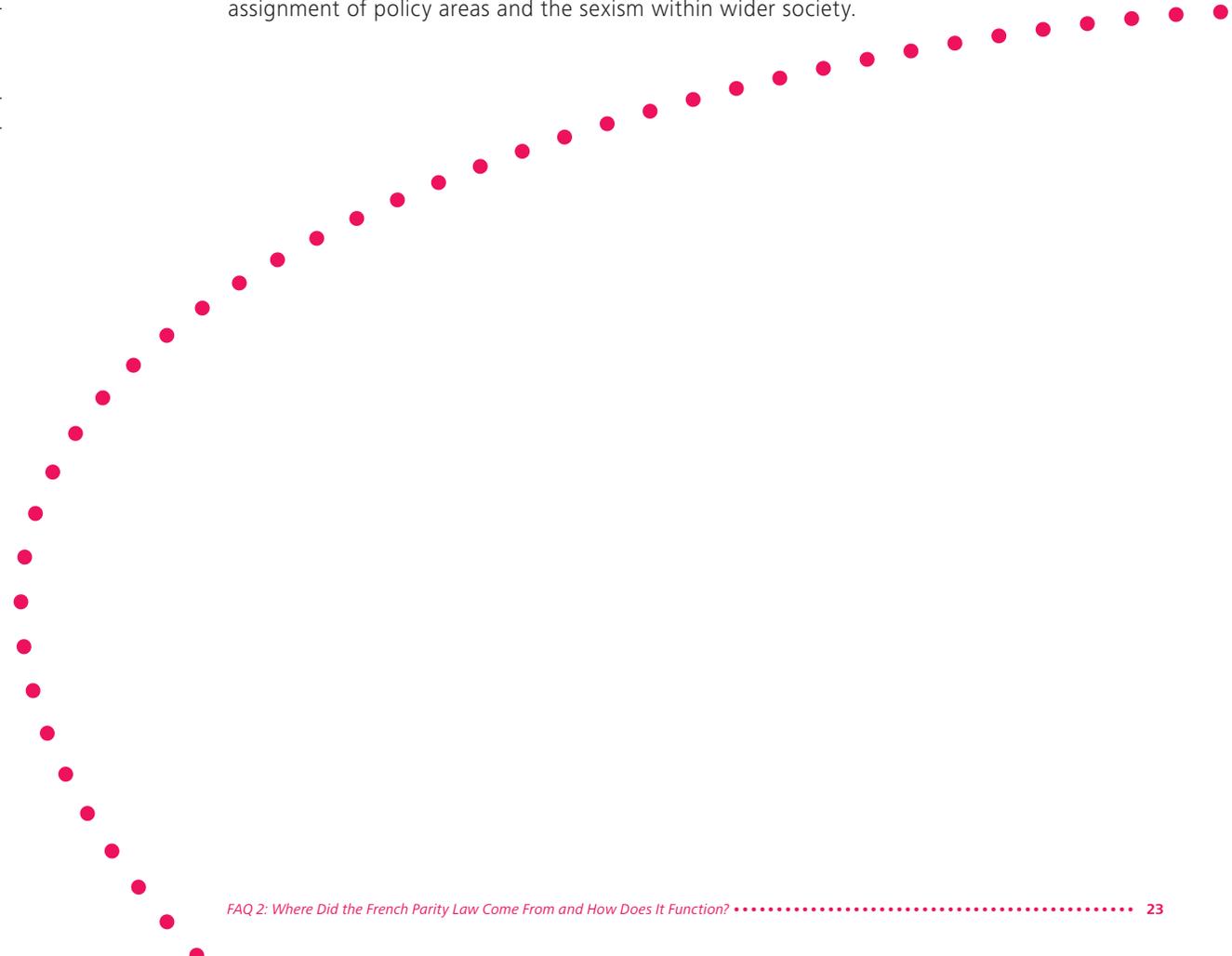
¹³ Béatrice Jérôme: Les départements à l’heure de la parité, *Le Monde*, 24/25 April 2016.

¹⁴ As far as the continuing gender-specific distribution of positions of power and symbolic resources among politicians is concerned, the statutory local gender equality report casts light on the persistence of gender roles among municipal representatives and executives. Haut Conseil à l’Egalité entre les femmes et les hommes, *Rapport des collectivités en matière d’égalité femmes – hommes: Poursuivre le déploiement pour atteindre l’égalité partout*, November 2018. <https://www.lagazette-descommunes.com/telechargements/2018/12/rapport-13-juin-final-synthese-vf.pdf>.

¹⁵ Haut Conseil à l’Egalité entre les femmes et les hommes, *Guide de la parité – Des lois pour le partage à égale des responsabilités politiques, professionnelles et sociales*, version of 24 August 2016.

Qualitative power-sharing also means finding a balance in the way responsibilities are assigned. In this connection it is essential to take into account the persistent gender-specific division of responsibilities in committees and other bodies at all political levels. The policy areas of social protection, social assistance, support for the needy, older people and children, culture, education and so on are no less a priority, no less strategically important than public finances or legal affairs. In other words the cards of political decision-making need to be thoroughly reshuffled and redealt in ways that avoid cementing traditional gender roles.

Equality between women and men requires a society in which both substantive and symbolic responsibilities and decision-making processes are shared, in which doing good is no sign of weakness, and in which people are judged on their qualities rather than on their gender. In this respect the new laws have set in motion a domino effect and strengthened the idea that power must be shared equally between women and men. The public’s views are in flux: This dynamic must continue, gathering expanding support and increasingly persuading the public. The determination of the women’s movement and the achievement of actual parity in a growing number of contexts now lead to increasing thought being directed to the work that is still to be done on qualitative power-sharing. The process of completing that work must also address the gender bias in the assignment of policy areas and the sexism within wider society.



FAQ 3: What Can We Learn from France? Three Lessons for a Parity Law in Germany

As shown in the previous contribution, the introduction of parity laws was central to the process of French women gaining greater equality of parliamentary representation. As recently as the early 1990s women were almost completely absent from French political life. At a time when women were taking 20.5 percent of the seats in the German Bundestag (in the 1990 election), the proportion of women in the French National Assembly rose only from 5.7 to 6.1 percent (March 1993 election). While women were elected to the Bundestag largely via the state-level party lists (proportional representation), the French system of electing all members of the National Assembly in single-member constituencies (majority voting system) represented an obstacle.

Now, in 2019, the situation is reversed. The French parliament has a higher proportion of women than its German counterpart, above all thanks to the parity laws. But even if the parity laws are responsible for parity having been (almost) achieved in French parliaments at all political levels, they are not a panacea for all questions of gender equality. As described in the preceding contribution, the patriarchal political culture persists and appears to find ways to coexist with the parity laws. Men still share out the key positions between them and search for loopholes that allow them to bypass parity rules.

It is understandable if French party activists are disappointed by the moderate impact of the parity laws. Nevertheless the story of how the parity laws came into being, and the legislative solutions that were found, can certainly provide inspiration for the steps that Germany needs to take: **How can we create a majority for parity here too? What instruments should a parity law include?**

And what measures could support a parity law? This contribution lays out three lessons that Germany can learn from France's experience with its parity laws.¹⁶

FIRST LESSON: POLITICAL CONSENSUS BEFORE CONSTITUTIONAL AMENDMENT.

The French parity laws are the outcome of a campaign inspired by the publication in 1992 of *Au pouvoir citoyennes! Liberté, égalité, parité*.¹⁷ Its authors analysed why women had so little influence in politics, business and society, and called for parliamentary parity. They triggered a mobilisation, partly because male politicians initially ignored their proposals. Across the country women founded organisations to campaign for parity. One early highlight was the "Manifesto of the 577 for Democratic Parity" of November 1993.¹⁸ It was signed by 289 female public figures and 288 male counterparts, to symbolise the size of the National Assembly.

Public support for the idea grew, and the political establishment began to respond after all. The 1994 European election saw France sending more women to Strasbourg than ever before. And the call for parity dominated the 1995 presidential election campaign. Both main candidates, Jacques Chirac and Lionel Jospin, declared that they would promote parity if they won. The conservative victor Chirac stood by his word, establishing as a first step a body to monitor progress on gender equality. In 1996 a manifesto published by ten former female cabinet ministers (five from the left and five from the right) boosted the project.¹⁹ The next year Jospin, the loser of the presidential election, won the National Assembly elections with his left alliance. During the "cohabitation" between the two political camps Jospin and Chirac laid the groundwork for the parity laws. Through their efforts the equality of women and men was added to article one of the **constitution**, and now became a **state objective**.

Four factors were decisive for the parity legislation in France:

1. The situation created a need to act;
2. A broad public coalition drove the project;
3. The public supported the project; and
4. The project enjoyed cross-party support.

The parliamentary representation of women in Germany in 2019 is certainly not as poor as in France in the early 1990s. But as the fall in the proportion of women in the German Bundestag from 36.3 to 30.7 percent after the 2017

¹⁶ This contribution is a revised version of Christian Steg, *Mehr Frauen braucht das Land: Wie ein Paritätsgesetz zur Gleichberechtigung in der Politik beiträgt*, in *Demokratie in unruhigen Zeiten*, ed. Sebastian Liebold et al., pp. 345–54 (Baden-Baden, 2018).

¹⁷ Françoise Gaspard, Claude Servan-Schreiber and Anne Le Gall, *Au pouvoir citoyennes! Liberté, égalité, parité* (Paris, 1992).

¹⁸ Manifeste des 577 pour une démocratie paritaire, *Le Monde*, 10 November 1993.

¹⁹ Michèle Barzach et al., *Le Manifeste des dix*, L'Express, 6 June 1993, www.lexpress.fr/actualite/politique/le-manifeste-des-dix_492498.html.

Bundestag election shows, parity does not come automatically – not in the Bundestag and even less in state and local politics. That is why the state of Brandenburg forged ahead with its parity law of 31 January 2019. Other states and national government are now feeling the pressure to do likewise.

For years the Deutscher Frauenrat, EAF Berlin²⁰ and other activists have been calling for a parity law at national level. Even if the project has been boosted by the one hundredth anniversary of German women winning the right to vote, a broad alliance comparable with France in the 1990s is nowhere in sight. The mobilisation is growing steadily but there is still a great deal to do to popularise the idea and win the public's support.

Alliance 90/The Greens were pioneers of parity and it was their draft law that formed the basis for the parity law in Brandenburg. The SPD and the Left Party amended the Greens' proposal to make it acceptable to their own groups in the state parliament, and thus capable of gaining a majority. Given public pressure, they would also be likely to support a parity law at national level. All three parties already have internal parity rules for choosing their party lists (but not their direct constituency candidates). Passing a national parity law will require more than these three parties, however.

If parity is to be permanent and constitutionally secure, a broad political consensus of the kind that emerged in France will be needed. That means both anchoring parity as a state objective in the constitution and reaching an understanding about the modalities of a parity law. As well as the three parties just mentioned, at least the CDU/CSU will have to be brought on board, not least in order to achieve the two-thirds majority in the Bundestag that is required to amend the constitution.

The CDU and CSU do not generally apply parity when choosing their party lists, and in the 2017 Bundestag election they selected women as direct candidates in only 21 percent of constituencies. So a legislative solution would mean greater change for the CDU and CSU, and it will therefore be a challenge to persuade them of the need for a parity law and a constitutional amendment. In France the conservative Chirac had been put in a tight spot in the presidential campaign and supported parity for tactical reasons. There is no sign of that kind of momentum in Germany. It could perhaps be forced if the issue was carried with great energy into the CDU and CSU. Openings would exist: In 2005 the CDU's women's organisation called for the French parity law to be taken as a model and for at least one-third of direct constituency candidates to be women.²¹ And

²⁰ Relevant recent publications by Deutscher Frauenrat and EAF Berlin: Deutscher Frauenrat, *Mehr Frauen in die Parlamente! Informationen über und Argumente für Paritätsgesetze in Bund und Ländern* (Berlin, 2019), <https://www.frauenrat.de/wp-content/uploads/2019/05/Broschuere-MehrFrauenindieParlamente.pdf>; EAF Berlin, *Macht zu gleichen Teilen: Ein Wegweiser zu Parität in der Politik* (Berlin, 2019), https://www.eaf-berlin.de/fileadmin/eaf/Publikationen/Dokumente/Wegweiser-Parita%CC%88t_190x265_online_190927.pdf.

²¹ Frauen Union der CDU Deutschlands, Männer und Frauen sind gleichberechtigt, Beschluss des 26. Bundesdelegiertentages der Frauen Union der CDU Deutschlands, 12/13 November 2005.

the initial signatories of the Deutscher Frauenrat's January 2019 appeal for electoral reform to introduce gender parity for the parliaments included eight Bundestag deputies from the CDU and CSU.²² But in view of the small proportion of women in the two parties' memberships (CDU: 26.3 percent, CSU: 20.7 percent²³) a lot of men would have to get behind the issue and campaign for it within the CDU and CSU.

SECOND LESSON: COPY CONSTITUENCY RULE BUT MAKE IT MORE EFFECTIVE

The French parity laws cover elections at all political levels. For all elections with party lists (proportional representation) there are obligatory **statutory list quotas** using the zipper system; it is left to the parties themselves whether the list begins with a woman or a man. Since they were introduced the statutory list quotas have contributed very effectively to ensuring equal representation of women and men in France's municipal and regional parliaments.

For the election to the National Assembly, where all deputies are elected directly in single-member constituencies (majority voting system), a **statutory constituency quota** was introduced. Under this arrangement the parties should stand as many female as male candidates in the 577 constituencies across the country. Failure to meet the constituency quota is associated with penalties in connection with the state party funding. If women (or men) represent less than 49 percent of the party's candidates the funding to which the party is entitled on the basis of its results is reduced. For each percentage point deviation the party lost initially 0.5 percent (2002 election), later 0.75 percent (2007 and 2012) and today 1.5 percent (from 2017).

The statutory constituency quota for the election to the National Assembly was initially rather ineffective. After its introduction in 2002 the proportion of female candidates leapt from 23.0 to 38.9 percent, yet the proportion of women in the National Assembly grew only from 10.9 to 12.3 percent. But it continued to grow in 2007 (18.5 percent) and 2012 (26.9 percent) and in 2017 reached 38.8 percent and surpassed the figure for the German Bundestag.

It was the 2017 election to the National Assembly that brought the breakthrough for French women. This occurred on the basis of the statutory constituency quota, but was boosted by turmoil in the French party system: The election was won by Emmanuel Macron's new political formation La République en Marche, which selected equal numbers of women and men as constituency candidates and stood women in many winnable seats.

²² Deutscher Frauenrat, Aufruf #mehrfrauenindieparlamente, www.frauenrat.de/petition-mehrfrauenindieparlamente/.

²³ Oskar Niedermayer, *Parteimitglieder in Deutschland, Version 2019*, p. 23, www.polsoz.fu-berlin.de/polwiss/forschung/systeme/empsoz/news/Ressourcen/Arbeitsheft-Nr-30.pdf.



Practical experience with the statutory constituency quota in France reveals three weaknesses:

- **Half:** It turned out to be almost impossible for the parties to select women for at least 49 percent of constituencies. To achieve the target the party leaderships would have to control the selection process, which is not compatible with the independence of local branches.
- **Immediate:** Because the statutory constituency quota required the immediate (rather than incremental) introduction of parity of constituencies, women are to this day largely selected for unwinnable seats. A proportion of deputies chose not to stand again in the 2002 election, but those who did were generally reselected for the same seat, where they enjoyed an incumbency bonus. Because the parties nonetheless wanted to (largely) follow the principle of parity in their candidate selections, they selected women above all in their vacant seats. These were seats they had not won in the 1997 election, and were mostly fundamentally unwinnable for the party.²⁴ Where parties use these means to (almost) meet the constituency quota, they lack an incentive to select women for the winnable seats that become vacant in subsequent following elections. This practically ties women to unwinnable seats.²⁵
- **Weak penalties:** Many of the parties ignore the statutory constituency quota despite the financial penalties. In the 14th legislature from 2012 to 2017 this cost the Union pour un mouvement populaire and its successor Les Républicains €18.1 million and the Parti Socialiste €6.4 million. But the doubling of penalties for the 2017 election did have an effect: The proportion of women standing for the Parti Socialiste rose slightly to 44.2 percent (from 42.6 percent in 2012), for Les Républicains the proportion grew quite strongly from 25.5 to 39.0 percent.

In Germany a mixed electoral system is used for the Bundestag elections and almost all state parliament elections. One group of deputies are elected via party lists (proportional representation), another via single-member constituencies (majority voting system). A German parity law should therefore include both components of the French parity arrangements, statutory list quotas and statutory constituency quotas.

Statutory list quotas using the zipper system are also compatible with internal party structures in Germany, and are already used by Alliance 90/The Greens, the Left Party and the SPD. The CDU and CSU are by no means enthralled by the idea of list quotas. But given that the CDU has introduced a one-third quorum (at least one woman for each three successive places on the list) and the

²⁴ Pippa Norris and Mona Lena Krook, *Gender Equality in Elected Office: A Six-Step Action Plan* (OSCE, 2011, p. 21, www.osce.org/odihr/78432).

²⁵ This mechanism did not apply to Emmanuel Macron's La République en Marche in the 2017 elections to the National Assembly. Because his movement was new, it had no male incumbents to take account of, nor had there been time for male-dominance to become entrenched in local branches.

CSU already uses its lists to promote women, the resistance is likely to be surmountable.

To make the constituency quota more effective than in France, addressing the weaknesses identified above and building a bridge to the CDU and CSU, it could be configured as follows:

- **45 percent:** The statutory constituency quota should be 45 rather than 49 percent. In terms of the Bundestag elections that would mean parties standing female candidates in between 135 and 164 of the 299 constituencies. That would be achievable by way of incentives without placing undue constraints on local party organisations. One important incentive for standing a woman in a constituency could lie in the connection between constituency and list candidacies: Parties give the list places they expect to win almost exclusively to candidates who are also standing in a constituency. Because to date more men stand in the constituencies and then compete for places on the party list, local party organisations could be incentivised by the hope that choosing a female candidate for a constituency would also secure a better place on the list. The party could also promise higher funding or more appearances by prominent party figures to constituency organisations that chose a female direct candidate.
- **Incremental:** The constituency quota of 45 percent should not apply immediately, but be introduced incrementally over the course of several elections. For example it could be set at 30 percent for the first election, raised to 40 percent for the second election and reach 45 percent from the third election. As in France, serving deputies in Germany tend to be reselected when they wish to stand again.²⁶ This means that the number of winnable seats vacated at any one election will never be enough to introduce parity at one go. In order to satisfy the "full" constituency quota the parties would tend – as in France – to stand women largely in unwinnable seats. And that would entrench a disadvantageous constituency distribution of female and male for future elections too. In subsequent elections there would be no incentive to ensure that retiring male deputies were succeeded by women.

An incremental increase takes account of the way winnable seats become vacant successively. However, under the proposed arrangement, the CDU in Baden-Württemberg and the CSU in Bavaria would be unlikely to satisfy even the lower quota for the Bundestag election. In 2017 the CDU won all the constituency seats in Baden-Württemberg (with 8 percent women) and the CSU managed the same in Bavaria (with 17 percent women). Because many of the male deputies are likely to want to stand again at the next election those parties would be unlikely to achieve even the lower parity targets. For that reason the parity targets should be national and applied jointly to the CDU and CSU.

²⁶ Christian Steg, *Die Kandidatenaufstellung zur Bundestagswahl: Analyse der Nominierungen von CDU und SPD in Baden-Württemberg zur Bundestagswahl 2009* (Baden-Baden, 2016), pp. 346 f.



- **Meaningful penalties:** As in France, a statutory constituency quota could be applied in conjunction with the state party funding system. One part of the entitlement to state funding is calculated on the basis of the party's vote at Bundestag and state elections. That makes it possible to apply penalties to those elections – but not to local elections. A statutory constituency quota that is fulfillable by all the parties needs to be backed up by rigid penalties. A party that misses the parity target by 1 percentage point could for example lose 4 percent of the state party funding due to it on the basis of its election result. In the first stage a party that selected only 5 percent female candidates would receive nothing; the thresholds for the second and third stages would be 15 and 20 percent respectively.

A parity law of this kind, with **immediate parity in party lists and a constituency quota rising successively to 45 percent in association with meaningful penalties** would lead to a rapid rise in the proportion of women in parliaments, on account of the list quota. The proportion of women elected directly from the single-member constituencies would rise more gradually, but because women would increasingly be standing in winnable seats the proportion of women elected would likely increase more quickly than in France. Within a decade the proportion of women in state parliaments and Bundestag could be expected to be consistently above 40 percent.

THIRD LESSON: PARITY IS NOT JUST A MATTER OF LEGISLATION

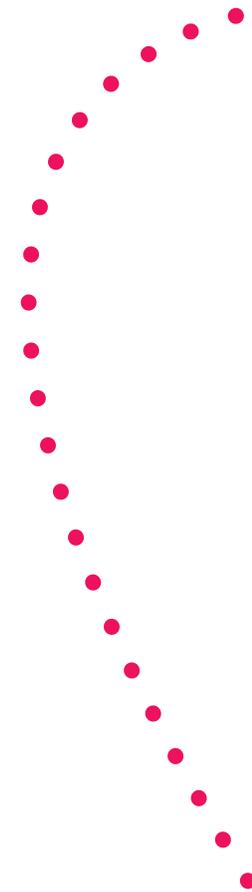
Legislation on parity is an important aspect of ensuring that women and men are able to participate equally in politics. But the French example also reveals that it neither guarantees parity in the distribution of all political offices nor does it lead to equal sharing of power between female and male politicians (for example in the female/male pairings for the departmental councils or in appointments to influential committees), nor does it alter the political culture to such an extent that women and men engage equally.

Neither in France nor in Germany is any of the parties able to motivate women to join or participate in the same numbers as men. The prevailing “culture of omnipresence” restricts engagement to those who can reconcile it with the rest of their life (career, family, etc.). Currently that generally means male single earners supported by a partner.²⁷ Culturally too, politics is characterised by opaque back-room deals and an archaic hierarchical mentality, both of which again tend to be traditionally male.²⁸ If they are to achieve real gender equality, the parliaments and parties will have to acknowledge that their exclusive structures deter women, and show willingness to rethink accustomed rituals.

²⁷ Uta Kletzing, *Die ausgeschlossenen Eingeschlossenen: Wahlsituation und Regierungssituation von Bürgermeisterinnen und Bürgermeistern im Geschlechtervergleich* (Hagen, 2017).

²⁸ Idem, Engagiert vor Ort: Wege und Erfahrungen von Kommunalpolitikerinnen, *Aus Politik und Zeitgeschichte*, 50/2009, pp. 22–28.

One hundred years after women won the right to vote in Germany a woman leads the government. But it will take a parity law and other measures to make the political culture more equal – to realise the equality of women and men laid out in Article 3 of the Basic Law.



FAQ 4: How Did the Parity Law in Brandenburg Come About? And How Does it Function? Pioneering a Political Breakthrough



The extract on the right generated both praise and damnation when the parity law for the state of Brandenburg was adopted on 31 January 2019:²⁹ →

²⁹ Zweites Gesetz zur Änderung des Brandenburgischen Landeswahlgesetzes – Parité-Gesetz, https://www.landtag.brandenburg.de/de/parlament/plenium/gesetzgebung/beschlossene_gesetze_der_6_wahlperiode/658313?skip=40

³⁰ “Party’s state election assembly” refers to the meetings of party delegates at which parties and political organisations select their lists for state parliament elections.

“Women and men are to be included in equal numbers in the state party lists. To this end each party’s state election assembly³⁰ determines

1. the list of candidates and the sequence in which they appear in the state list reserved for women,
2. the list of candidates and the sequence in which they appear in the state list reserved for men and
3. from which of the two lists the candidate in the first place on the state list will be taken.

Conforming to gender parity, the state list will be composed of candidates taken alternately from the two lists in the order determined by the respective party’s state election assembly [...] taking into account the decision concerning the first place. If in the process of creating the state list under parity rules [...] one of the two [...] aforementioned lists is exhausted, only one further person from the other list may be nominated on the state list.”

WHAT DOES THAT MEAN? AND HOW HAS THE LAW BEEN RECEIVED

Translated into **non-legalese**, what the passage means is: In all state elections after 30 June 2020 all parties and political organisations must stand equal numbers of female and male candidates. The procedure will be that they each submit two separate party lists to the state election commissioner: a “women’s list” and a “men’s list”. For each party or political organisation the state election commissioner combines the two lists into a final party list. The following decisions of the parties and political organisations are taken into account:

- whether a female or male candidate should head the party list and
- in which sequence the female and male candidates should then alternate in the list.

If the “women’s list” and “men’s list” differ in length, the shorter list defines the number of candidates on the final party list. All the candidates from the shorter list are included in the final party list. Exactly the same number from the longer list are included, plus one single “extra candidate” who receives the last place on the list. This ensures that the difference between the numbers of female and male candidates on the final party list can never be greater than one.

The final party list may also include persons legally classified as “**diverse**”, who cannot be assigned male or female, or do not wish to be. They may choose whether they wish to stand on the “women’s list” or the “men’s list”.³¹

The pros and cons of the law have been hotly debated. Its proponents were thrilled and succeeded in having a similar law passed in Thuringia on 5 July 2019. Opposition became visible in the form of cases brought before the State Constitutional Court by the fascist NPD in March 2019 and the Pirate Party in May 2019, against the Brandenburg parity law respectively against the state parliament as its originator.³² The far-right AfD sought to annul the parity law in June 2019 but failed to achieve a majority.³³

The constitutional court cases are good news for the parity debate. While there are endless media stories, reports and statements professing opinions on the law’s constitutionality, there has been no formal ruling by the instance with the requisite authority to do so, namely the constitutional court. The passing of the Brandenburg parity law now provides the necessary legal case that makes that step possible.

³¹ If “diverse” persons are included in the longer list below the “extra candidate” who receives the last place on the final party list, the final party list will be extended “to include all remaining applicants in the state list” even it this means that “gender parity does not apply to the last places on the list” (para. 30 (1)).

³² For further details on the case before the State Constitutional Court (including the statement by the representative of the state parliament, Prof. Dr. Jelena von Achenbach), see Drucksache 6/11559.

³³ Drucksache 6/11477

The heart of the test of constitutionality will be to weigh the state's constitutional responsibility to "promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist" (Basic Law Article 3 (2)) against its obligations to protect the rights of political parties (Article 21), free elections (Articles 28, 38) and the principle of democracy (Article 79). The cases will clarify whether Article 3 (2) as presently formulated legitimises a parity law or whether constitutionality of parity legislation would require that article to be couched in stronger terms.

Where a parliament has found the political will to achieve parity among its own ranks, a legal way will also be found. If not under the constitution as it stands, then through an amendment. The advocates of parity in Brandenburg and their supporters at the national level are anything but pessimistic. Whatever comes next, Brandenburg's parity law is here to stay and represents a breakthrough for gender equality: That applies to both the law itself and the pioneering work that made it possible.

JOINING FORCES IN ALL DIRECTIONS – BRANDENBURG'S PARITY LAW AS AN EXAMPLE OF DEMOCRATIC AND GENDER EQUALITY GOOD PRACTICE

The adoption of the parity law is a victory for a range of forces and their effective cooperation. A window of opportunity created by auspicious circumstances also helped a good political idea achieve its breakthrough. Because the road to the Brandenburg parity law is already historic,³⁴ and because it could be path-breaking for the success of future (gender) policy revolutions, it is described in greater detail here.

The parity process in Brandenburg was initiated by the **draft inclusive parity law** that Alliance 90/The Greens introduced to the state parliament on 8 March 2018.³⁵ The timing of the debate – on International Women's Day, and specifically International Women's Day in the year of the one hundredth anniversary of women winning the right to vote in Germany – was without doubt very auspicious for a draft bill introduced by an opposition group. It was not rejected out of hand but instead taken up in various forms by the parliamentary groups of the SPD and the Left Party, which formed the governing coalition at the time. During the same session the state parliament passed a **resolution marking the anniversary of the right to vote and calling for gender parity in politics**.³⁶

³⁴ Inter alia, Ministerium für Arbeit, Soziales, Gesundheit, Frauen und Familie des Landes Brandenburg, *100 Jahre später: Wege zu Parität in Brandenburg* (May 2019), <https://masgf.brandenburg.de/masgf/de/service/publikationen/detail/~21-05-2019-100-jahre-spaeter--wege-zur-paritaet>.

³⁵ Inklusives Parität-Gesetz (Drittes Gesetz zur Änderung des Brandenburgischen Landeswahlgesetzes), https://www.parlamentsdokumentation.brandenburg.de/starweb/LBB/ELVIS/parladoku/w6/drs/ab_8200/8210.pdf

³⁶ Entschließungsantrag und Landtagsbeschluss "100 Jahre Frauenwahlrecht in Deutschland: Geschlechterparität in der Politik herstellen", <https://www.parlamentsdokumentation.brandenburg.de/starweb/LBB/ELVIS/parladoku/w6/bschlpr/anlagen/8296-B.pdf>

The draft bill had a **back story** that prepared the ground for moves towards parity in Brandenburg: In 2016 and 2017 EAF Berlin initiated various activities designed to encourage public debate on the issue of parity and parity laws (on behalf of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth). One of these was a Brandenburg **parity forum** held in September 2016 in close cooperation with the state equality commissioner and the State Ministry of Labour, Social Affairs, Health and Women's and Family Affairs, which was followed by a national parity forum in May 2017. The discussion was initially driven by various (gender equality) actors in the state's civil society and government:

- The annual **Brandenburg Women's Week** in March 2017 took up the issue of parity in its theme and in many of its events.
- The cross-party state women's council (Frauenpolitischer Rat des Landes Brandenburg) founded a **working group on parity** in 2017, which began in September 2018 with preparations for a conference on parliamentary gender parity. At that time the organisers could not know that just a few months later they would be supporting decisive political moves by the state parliament and the government and that the conference itself would fall in a crucial phase of the legislative process.
- The state equality commissioner published a **brochure** on encouraging women's political participation and commissioned an expert report on the legal framework for political parity in the state.

In that context the legislative initiative from Alliance 90/The Greens and the resolution put forward by the SPD and the Left Party can certainly be interpreted as parliamentary responses to a growing movement for parity among the state's gender equality actors.

A twin-track **legislative process** began on 8 March 2018. The draft law from Alliance 90/The Greens entered the parliamentary process and was discussed in depth at a public hearing with experts held by the relevant committees on 25 May 2018.³⁷ In parallel the SPD/Left Party resolution instructed the state government to examine the possibility of amending the electoral law and other possibilities to improve parity in state parliament and to report back to the state parliament in the third quarter of 2018. The women's affairs spokespersons of the four democratic groups in the state parliament (SPD, Left Party, Alliance 90/The Greens and CDU) maintained close ongoing contact with each other and with the state equality commissioner, and in some cases also addressed the media and public jointly.³⁸

³⁷ Minutes of the hearing, including written and verbal experts' statements: <https://www.parlamentsdokumentation.brandenburg.de/starweb/LBB/ELVIS/parladoku/w6/apr/AIK/45-001.pdf>.

³⁸ One example being an appeal for more women in politics in Brandenburg.

The legislative process was **closely followed by civil society**, especially by the state women's council. On 8 September 2018, before the state government's parity report had even been published, the women's council held a conference in the state parliament building on achieving fifty/fifty parity in parliament.³⁹ One outcome of the conference was that from October 2018 the women's council opened its internal parity working group to all those interested in achieving parity in Brandenburg and nationally in the form of an **alliance for parity in Brandenburg**. The last straw that led activists to found this alliance was the **state government's report on gender in the state parliament and local government**,⁴⁰ which sought to bury once and for all the idea of amending the state's electoral law by declaring parity to be unconstitutional, and simply ignored the resolution's instruction to propose and initiate (alternative) effective solutions for the problem of under-representation of women in politics in Brandenburg.

The report was publicly criticised in an official statement by the state women's council,⁴¹ and a public petition was initiated in response.⁴² The plenary debate on the report on 15 November 2018 was fairly critical. **Internal party decisions** also made it clear that the two governing parties, SPD and Left Party, did not wish to follow the recommendations of their state government on this issue.⁴³

Two **important anniversaries** fell in this period: the women's right to vote (12 November 1918) and the first election in which women were able to vote (19 January 1919). Both events were marked by commemorations across the country. Highly visible events were also held in Brandenburg, most notably those staged by the cross-party Frauenwahllokal Potsdam.⁴⁴

This meant that the two decisive sessions of the state parliament, namely the committee meeting and the plenary debate (and their preparation behind the scenes), occurred during a phase where the issue of parity stood in the public eye as never before. The committee for internal and local government affairs adopted the **amendment proposed by the SPD and the Left Party** to the draft law from Alliance 90/The Greens on 24 January 2019 and recommended that parliament adopt this reform of the state electoral law. The **new parity**

³⁹ Conference documentation: <https://www.frauenpolitischer-rat.de/ein-historischer-moment-dokumentation-der-frauenkonferenz-frauen-in-die-parlamente-haelftehaelfte-am-8-september-2018-im-landtag-brandenburg/>.

⁴⁰ Geschlechterparitätische Regelungen im Landtags- und Kommunalwahlrecht, https://www.parlamentsdokumentation.brandenburg.de/starweb/LBB/ELVIS/parladoku/w6/drs/ab_9600/9699.pdf

⁴¹ <https://www.frauenpolitischer-rat.de/project/presse-rundmail/>

⁴² Statement by the president of the state parliament concerning the petition: https://www.parlamentsdokumentation.brandenburg.de/starweb/LBB/ELVIS/parladoku/w6/inf/ab_0100/167.pdf

⁴³ Resolution of the SPD state party conference on 17 November 2018, <https://parteitag-spd-brandenburg.de/antraege/paritaet/>.

⁴⁴ Frauenwahllokal Potsdam (<https://frauenwahllokal.com/>) received the Marie Juchacz Prize of the SPD parliamentary group in the Bundestag in February 2019 (<https://www.spdfraktion.de/themen/gewinnerin-marie-juchacz-preises-2019-rennen-um-deutschen-engagementpreis>).

law was adopted on 31 January 2019 with the votes of the SPD, the Left Party and Alliance 90/The Greens.⁴⁵

It will be interesting to see whether this exemplary coalition of diverse political and civil society actors in the state can be revived when the question of **completing parity in Brandenburg** comes up in the next legislative period: Namely, a legal solution is still required to ensure that men and women are equally represented in the district councils, which also have single-member constituencies.

And effective solutions also need to be found for the under-representation of women in local politics in Brandenburg. In this sense the parity law is an **important milestone** on the road to equal representation of women and men in state and local politics in Brandenburg – nothing more than that, but nothing less either.

⁴⁵ Zweites Gesetz zur Änderung des Brandenburgischen Landeswahlgesetzes – Parität-Gesetz, https://www.parlamentsdokumentation.brandenburg.de/starweb/LBB/ELVIS/parladoku/w6/drs/ab_10400/10466.pdf.parladoku/w6/drs/ab_10400/10466.pdf



What Are the Decisive Factors for Achieving Parity in Parliaments?

FAQ 5:

What Does Election Law Have to Do With Parity? Electoral Systems from the Parity Perspective

*Petra Meier and
Petra Ahrens*

FAQ 6:

Why Is There No Parity in the Polish Sejm Despite a Parity Law? Half-Hearted Laws and Gender-Discriminatory Political Cultures

Monika Platek

FAQ 7:

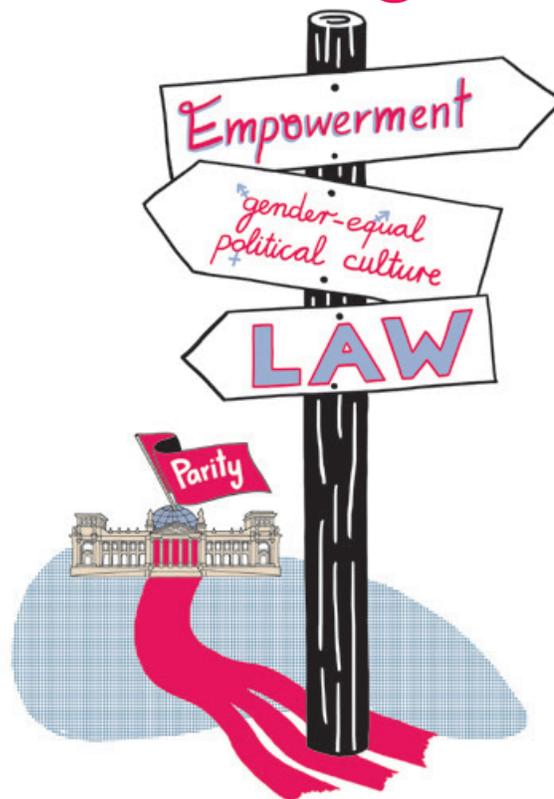
How Come Norway Has 41 Percent Women in the Storting Without a Parity Law? Parties as Central Drivers of Parity

Jana Belschner

FAQ 8:

What Is Parity Actually All About? How Do We Achieve a Political Culture of Gender Equality?

Yasmina Banaszczuk



FAQ 5: What Does Election Law Have to Do With Parity? Electoral Systems from the Parity Perspective

Numerical parity in representation of women is achieved in only a handful of parliaments worldwide. The **electoral systems** (how votes are cast and how they are represented in seats) and the associated **election laws** (the rules governing the organisation of elections, from how constituency boundaries are drawn and candidates are selected to the way votes are counted) are crucial for increasing the representation of women and other underrepresented groups.⁴⁶ Taken together, electoral systems and election laws create a set of **election rules** under which parties select and field their candidates.⁴⁷

These election rules operate in circumstances where particular habits and customs of male privilege exist within parties. They may permit them to operate untrammelled – or place constraints on the parties in the interests of promoting gender parity. So taking account of parity in election law means understanding the **effects of the existing electoral system** on the parliamentary representation of women and designing legislation to correct or **reform the electoral system to enhance parity**. That is what this contribution sets out to do.

There is a widespread assumption that proportional representation systems are advantageous for increasing the proportion of women, whereas majority voting

⁴⁶ Joni Lovenduski and Pippa Norris (eds.), *Gender and Party Politics* (London, 1993); Tremblay, Manon (ed.), *Women and Legislative Representation: Electoral Systems, Political Parties and Sex Quotas* (New York, 2012).

⁴⁷ Petra Meier, Belgium: The Collateral Damage of Electoral System Design, in *Women and Legislative Representation – Electoral Systems, Political Parties and Sex Quotas*, ed. Manon Tremblay, rev. and updated ed., pp. 143–53 (New York, 2012).

systems are supposedly much more problematic. Even if the proportion of women does tend to be higher in parliaments elected by proportional representation, we show in this contribution that **proportional representation systems are not per se better**. Instead most electoral systems would permit gender parity to be achieved relatively easily – if the political will existed to revise the rules in such a way as to promote parity.

Before considering the parity question itself, we first outline the two main types of electoral systems in terms of the facets most relevant for parity.

PROPORTIONAL REPRESENTATION AND MAJORITY VOTING SYSTEMS: CHARACTERISTICS AND EXAMPLES

The classic **proportional representation system** involves parties selecting **groups of candidates** in the form of party lists. Each party receives seats in proportion to the number of votes cast for it. So a party that receives 20 percent of votes cast receives 20 percent of the seats, one that receives 30 percent of votes has 30 percent of the seats and so on. In some countries cases a minimum threshold must be passed in order to receive any seats at all (including Germany, where the threshold is 5 percent). By definition all proportional representation systems are based on larger constituencies with multiple members, because it would not otherwise be possible to distribute seats in proportion to vote share.

In the proportional representation system parties often include a range of candidates with different profiles in the hope of attracting as many different voters as possible. The greater the likelihood of a party winning seats in a constituency – in other words if more of the nominated candidates are expected to win seats – the more diverse the list usually is.⁴⁸ **Multi-member constituencies** therefore promote the nomination of **female candidates**, especially where a party expects to do well. The same also applies to **other underrepresented groups**.

While this is an important aspect, it has less to do with the proportional representation/majority voting dichotomy itself than with the fact that more than one candidate is elected per constituency. The number of constituencies is a factor here: In some countries there are multiple constituencies (for example regions), others have a single constituency for the whole country (Israel being an example). In some proportional representation systems the number of winnable seats is limited and a party cannot necessarily expect to have more than one candidate elected. So one must always take a closer look: How do the different systems actually function? In the **proportional representation system** we distinguish between various **different procedures**:

- Single transferable vote to elect individual deputies (a version of preferential voting) and
- Party lists, such as those used for the elections to the German Bundestag.

⁴⁸ Richard E. Matland, Frequency and Effectiveness of Quotas, in *Women, Quotas and Politics*, ed. Drude Dahlerup, pp. 275–92 (New York and London, 2006).

In the case of **single transferable vote** (which is used for example in Malta and Ireland) **voters** distribute their votes among candidates from different parties (and potentially also independents) in order of preference. Then the number of votes a candidate requires to be elected is determined. Any candidate who crosses the required threshold is elected.

In a second type of proportional representation, the **party list system**, voters are presented with party lists prepared by the **parties** according to their own internal rules. Where party lists are used, the election result is decided in two stages. First how many seats each party has won in a particular constituency, and then which candidates from the list have been elected. The second question depends on whether the list is closed or open:

- With a **closed list** the candidates are elected in the order chosen by the **party**; which candidates are ultimately elected depends only on the number of seats the party wins.
- With an **open list**, **voters** can use their preferential votes to benefit specific candidates –in other words give them a better place on the list than they were assigned by their party. So in this system the sequence of candidates can be changed by the way voters vote.

There are also electoral systems that combine aspects of **both proportional representation and majority voting** (such as the elections for the German Bundestag and most German states):

- The list vote for the Bundestag election employs the proportional representation principle: Voters choose the party list of a particular party.
- The **constituency vote** in the Bundestag election uses the **majority voting system**, where a member is elected **directly** by relative majority of the votes in a single-member constituency. The candidate who receives a relative **majority of the votes** is elected. All the other candidates are not elected.

In a pure **majority voting system** only one candidate can win the election. In each constituency each party nominates **exactly one candidate**. This is usually a person with broad public appeal and tends to mitigate towards **mainstream candidates**. Because only one deputy is elected per constituency (with very rare exceptions) this means that the seats in parliament are not distributed according to the overall vote share, but skewed towards the party that is able to win the most constituencies. The best-known and most widely used majority voting system is the British first-past-the-post system. Here there are exactly as many constituencies as members of parliament, with one MP elected from each constituency.

The question of whether majority voting systems also permit **candidates outside the mainstream** to be nominated is also of interest for the parity questions at issue here:

In the **block voting** system voters have as many votes as there are candidates in the constituency (one per party). They may give **multiple votes** to one or more candidates of their choice (potentially from different parties). If a candidate receives more than 50 percent of the votes she or he is elected directly. If no candidate reaches 50 percent the candidate with the lowest vote share is elim-

inated and their second-preference votes are added to the other candidates' totals (similar to the single transferable vote system described above). This process is repeated until one candidate has at least 50 percent.

In another variant of majority voting, **single non-transferable vote**, there are also constituencies with several candidates per party, but the voters have only **one vote** each. The candidates with the highest vote are elected; they may belong to the same party or different parties depending on how votes are distributed. For example if a party can expect 50 percent of the votes and both its candidates receive 25 percent each they will probably both be elected. But if the distribution is 40/10 percent then only one candidate from the party will be elected.

Yet another version of the majority voting system, where the “candidate” is not a person but a party, is referred to as **party block voting**. Here there are normally several members per constituency and each party submits a list containing several candidates. Voters give their vote to the party of their choice. The party with the highest vote share wins all the seats for the constituency – however small its margin of victory. So only the candidates for a single party enter parliament for the constituency (en bloc). This method is therefore also described as “winner-takes-it-all”.

Majority voting systems distinguish between absolute and relative majority, with most using the relative majority:

- With an **absolute majority** a candidate wins only if they receive at least 50 percent of the votes. Because competition from multiple candidates means this is not usually achieved in the first round voters must choose in a second (and potentially third) round between the candidates who received the highest vote shares in the previous round.
- With a **relative majority** a candidate must merely receive more votes than any other in order to be elected. So 30 percent is enough to win if the next-highest candidate has only 29 percent.

In the **preferential voting system** (another variant of majority voting) **with so-called alternative votes** there is no second round of voting. Instead the voters indicate their order of preference for all the candidates. The implicit question is: If my first preference does not win, who should get my vote instead? Here a candidate who receives more than 50 percent of first-preference votes wins. If no candidate achieves this, the candidates with the lowest vote share are eliminated and the alternative votes of those voters whose first preference was for a candidate who has been eliminated are added to the first-preference votes of the remaining candidates. This procedure is repeated until one candidate has more than 50 percent of the total of first-preference and alternative votes.

ELECTORAL SYSTEMS FROM THE PARITY PERSPECTIVE

So to what extent are the described facets of the two main types of electoral systems relevant for parity? One thing is certain: **There are options for ensuring gender parity in both the proportional representation system and the**

majority voting system. We begin by considering how parity can be ensured under **proportional representation.**

First of all, parties can be required by law to nominate female and male candidates in equal numbers:

In systems with **single transferable vote** a gender quota can be defined to ensure that equal numbers of female and male candidates are nominated.

In the case of **party lists** parity is achieved most easily using **closed lists with the zipper system** (alternating female and male candidates on the party list). In Germany the SPD, Alliance 90/The Greens and the Left Party apply the zipper system under their internal party rules. While the system is simple and produces good results, there is still a question of whether a woman or a man heads the list, and a need to ensure that the number of first list places given to women and men balances out across all the lists.

The ideal method for promoting parity would be **party block voting** (described above), as a variant of **majority voting.** Here it is sufficient for each party list (which is elected en bloc) to have **the same number of female and male candidates.** The number of elected female and male deputies will then automatically be close to parity. It would therefore be sufficient to enforce a gender quota of 50 percent when parties select their lists. This method is used in the Middle East to ensure balanced representation of religious and ethnic groups.

The majority voting systems that have **just one member of parliament per constituency (single-member constituencies)** require adaptations, because a gender quota obviously cannot be applied to a single person. In technical terms there are two solutions for this:

- One solution is **constituency pairing**, where the number of seats per constituency is increased to two (**two-member constituencies**) and each party is required to nominate a pair of candidates, one female and one male. The party that receives a relative majority wins both seats.⁴⁹ In order to avoid doubling the number of deputies the **number of constituencies** would have to be halved.
- A second solution is **twinning** constituencies, where half the constituencies are set aside for women, the other half for men. In any given constituency the candidates are all men or all women; there are no mixed-gender constituencies. This system is certain to ensure parity in the outcome, and is used in India to reserve particular constituencies for so-called scheduled castes and scheduled tribes.

If there are **several seats per constituency**, as in the block voting and single non-transferable vote systems, the seats go to different parties. Here adapting the electoral system to enhance parity demands greater creativity.

⁴⁹ In other words the election becomes a party block vote with precisely one female candidate and one male candidate on each party list, who are elected en bloc.

The parties can be required to stand exactly the same total number of female and male candidates across all constituencies. In order to ensure that parity of candidacies is also reflected in parity of elected representatives, the solution is for female and male candidates to stand as pairs. This means that it is not the individual candidate with the most votes who is elected, but the **pair with the most votes.** Potentially several (pairs of) members can be elected from one constituency. This option would necessitate **reducing the number of constituencies.**

If pairings are not used, votes can be counted separately for female and male candidates. Half the seats available for the constituency would go to the male candidates with the highest numbers of votes and the other half to the female candidates with the highest numbers of votes. In this case the members of the elected constituency pairing would not necessarily belong to the same party. Separate vote counts for specific groups of candidates are used in Belgium to ensure that underrepresented language groups receive at least a minimum number of seats.

What possibilities are there for parity in **systems with absolute majority voting?** As with pairing, the number of deputies per constituency can be increased to two with each party nominating a pair. The female/male pair of candidates that gains an absolute majority – potentially after two or more rounds of voting – is elected. Twinning also offers an option (as described above). Here parity is achieved by reserving half the constituencies for female candidates, the other half for male candidates. In other words, in any given constituency only women or only men are permitted to stand.

The same procedure can be applied to **preferential voting in the majority voting system**, for example counting votes separately for female and male candidates, with constituencies merged or twinned. That could lead to men and women from different parties being elected from the same constituency.

POLITICAL WILL TRUMPS ELECTORAL SYSTEM

The different starting points for establishing gender parity of candidates and/or elected deputies in the proportional representation and majority voting systems reveal that parity does not depend on the electoral system. It is possible in any electoral system – just by different means. The election systems offer a cornucopia of endless options.

So the electoral systems as such do not represent an obstacle to achieving parity, because there are technical solutions for every electoral system. Even if some of the described solutions might sound radical, they have all been thoroughly thought through and most of them have already been applied in practice, for example to ensure parliamentary representation for ethnic, linguistic, religious or other socio-demographic groups that were previously excluded or disadvantaged. So in technical electoral terms achieving parity is no great challenge. The problem is much more a political one. Rather than hiding behind technical arguments, a political debate needs to be conducted and the necessary political will fostered.



FAQ 6: Why Is There No Parity in the Polish Sejm Despite a Parity Law? Half-Hearted Laws and Gender-Discriminatory Political Cultures



Polish women had to fight for their active and passive suffrage, which they won in conjunction with the restoration of independence in 1918. Eight women and 442 men were elected to free Poland's first parliament.

The celebrations in 2009 marking twenty years since the end of communism restored democracy – almost one hundred years after women first won the right to vote – were organised entirely without the participation of women. This did not bother those in power, but women were mortified.

In response two women – Professor Magdalena Środa of Warsaw University and the businesswoman Henryka Bochniarz – organised the first women's congress. This was originally conceived as a one-off event, but turned into an ever-growing annual fixture and inspired the founding of countless regional conferences. It became a forum that showcased the potential of Polish women – which was otherwise overlooked, deliberately ignored and belittled. And it showed male politicians – and above all women themselves – that the idea that women were unwilling and unable to play a role in politics was simply untrue.

It was the first women's congress in 2009 that raised the question of parity of party lists and set in motion the process that led to the quota law.

THE QUOTA LAW AND OTHER LEGAL FOUNDATIONS FOR WOMEN'S PARTICIPATION IN POLISH POLITICS

In the world of Polish politics in the twentieth and early twenty-first century it was still regarded as absolutely normal that there were many men and almost no women. The fine words on gender equality in constitutions and conventions were regarded as worthy declarations of intent. They indicated a political aspiration, but were not legally enforceable. The right of members of the respective groups to enter politics was acknowledged, but there was no obligation to enable effective political participation. A minor role behind the scenes was seen as acceptable.

A real change in the situation came about with the law of 5 January 2011 amending the election regulations (Legal Gazette, 2011, no. 32, item 172). It introduced a mandatory gender quota **of 35 percent for female and male candidates in the party lists**

- for local elections (municipal councils, district councils etc.),
- for national elections (the lower and upper houses of the national parliament, the Sejm and the Senate), and
- for European elections.

The law actually passed falls far short of the original proposals, and represents only a very minor victory. The original draft law proposed parity in the sense of real equality, with party lists containing equal numbers of women and men alternating under the zipper system. But it never got through the Sejm.

The reason for this lay not in any lack of awareness or willingness on the part of women, but the fact that male politicians had grown accustomed to the lack of gender parity. The prime minister at the time, Donald Tusk, declared that reserving half the party lists places for women was too radical a solution for Poland and would never have been accepted. Everyone should be satisfied with the compromise, he said. An amendment that would have guaranteed women good places on the party lists (at least one place in the first three and two in the first five) was also rejected at the committee stage. This underlines the lack of political will and maturity in Poland.

While the draft law would truly have deserved the name "parity law", all that was achieved in 2011 was a statutory gender quota, a "quota law". Nevertheless it has shown initial effects already. The proportion of women among candidates for the Sejm reached 43.5 percent in 2015 and 2011. That is a significant increase compared to 2007 when the figure was just 23 percent. Parity and the zipper system are also increasingly used by parties and groups to demonstrate their democratic credentials.

Apart from the quota law the presence of women in Polish politics is also regulated by Articles 32 and 33 of the **Polish constitution**:

- Article 32: "All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities. No one shall be discriminated against in political, social or economic life for any reason whatsoever."



- Article 33: “Men and women shall have equal rights in family, political, social and economic life in the Republic of Poland. Men and women shall have equal rights, in particular, regarding education, employment and promotion, and shall have the right to equal compensation for work of similar value, to social security, to hold offices, and to receive public honours and decorations.”

Poland has also ratified the fundamental **international treaties** that call for equality of women and men, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, see Legal Gazette, 1982, no. 10, item 71). In September 1995 Poland also signed the Beijing Declaration and Platform for Action. Together with Poland’s constitution and laws, the ratified international treaties represent the sources of citizens’ rights.

Since Poland joined the **European Union** on 1 May 2004 there has also been a shift in attitudes towards women in politics. This is a function both of the content of European law and of the EU’s tone and standards, which support equality and assume gender mainstreaming.

WHY IS THERE NO PARITY IN THE POLISH PARLIAMENT DESPITE THE QUOTA LAW?

The quota law adopted in Poland in 2011 requires all party lists to include at least 35 percent women and 35 percent men. So in theory there is no obstacle to having 50 percent women in the party lists. In practice there is however, in view of the **immense historical advantage for men in Polish politics**.

The disproportionate number of male politicians is a consequence of historical appropriation of the public and political sphere by men, and the consolidation of this state of affairs over centuries by legislation excluding women. This male dominance is not “natural” but a consequence of cultural patterns that permitted various forms of subjugation of women. For example women were excluded for centuries from decisions concerning legislation and the policies of the state. Laws were made by men. The laws passed in Poland favoured white, free, heterosexual men of Catholic faith. Discrimination on grounds of sexual orientation and gender identification is unfortunately still prevalent.

It is usually harder to bring about political change without the support of legislation, and it takes longer. In a country where **acceptance of discrimination** is deeply rooted, the quota law does not create good or even adequate conditions for parity in parliament. The obstacles include the belief that qualifications and values alone decide the place of women and men in politics, that the existing legislation is gender-neutral, that women do not want to go into politics, and that they are not capable of so doing. Women in Poland (and elsewhere) have to fight through **a tangled web of prejudices and stereotypes** telling them that the only proper activities for a woman are childcare, housework and attending church. These prejudices and stereotypes effectively excluded women from politics until the twentieth century. The **quiescent female politician**

was also an accepted and prevalent model; independent-minded women are still too few and far between in Polish politics.

Today these prejudices and stereotypes generally come in stealthier forms, but have lost nothing of their effect. They are seen in the difficulties women have entering politics in the first place, but also in business and academia – which is where individuals earn money, grow personally and acquire independence. Women’s incomes have remained low. For legal and cultural reasons family duties, housework and care of children and other relatives are unequally shared, leaving women strongly dependent on their family situation for employment, career advancement and opportunities. The infrastructure required to break through these cultural stereotypes is lacking, as is respect for women’s reproductive rights. Some responsibility for this lies with the schools, which exclude the importance of women from their teaching content and language, and by the unequal retirement age and the feminisation of poverty.

DECISIVE FACTORS FAVOURING PARITY IN POLISH POLITICS

Some years ago – although not in the dim and distant past – there was a curious discussion about cycle paths with the mayor of a major Polish city. Should one not invest in building them, she was asked. “Why?” she responded, “Nobody cycles here anyway.” Yet after a few daring souls got on their bikes anyway and some public pressure enabled cycle paths to be built after all, it became apparent that **cycling is for everyone**.

To apply that experience to parity in politics: Under certain circumstances particular interests can never become visible because supposedly “natural” discrimination suppresses them. Cycle paths had to be built before the citizens actually went out and cycled. Analogously in politics, women are interested in becoming involved in politics but **doors need to be opened** if they are actually to do so.

In this metaphor, the city without cycle paths is the political culture (as one aspect of an overall culture in society): supposedly “natural” or gender-neutral, but in fact gender-blind to outright discriminatory. Equality here is at best unaccustomed, in the worst case unwanted. To build cycle paths would mean building solid foundations for **an egalitarian political and societal culture** that ensure balanced participation of women and men in political and public life as the assumed state of normality.

Ruth Bader Ginsburg was right: gender no longer decides what a person is capable of doing. bell hooks imagines a world where human potential can develop independently of gender. Those are visions in dimensions comparable to Martin Luther King’s famous dream. They demand political styles that guarantee every-

“A person’s sex bears no necessary relationship to ability.”
(Ruth Bader Ginsburg, U.S. Supreme Court Justice).

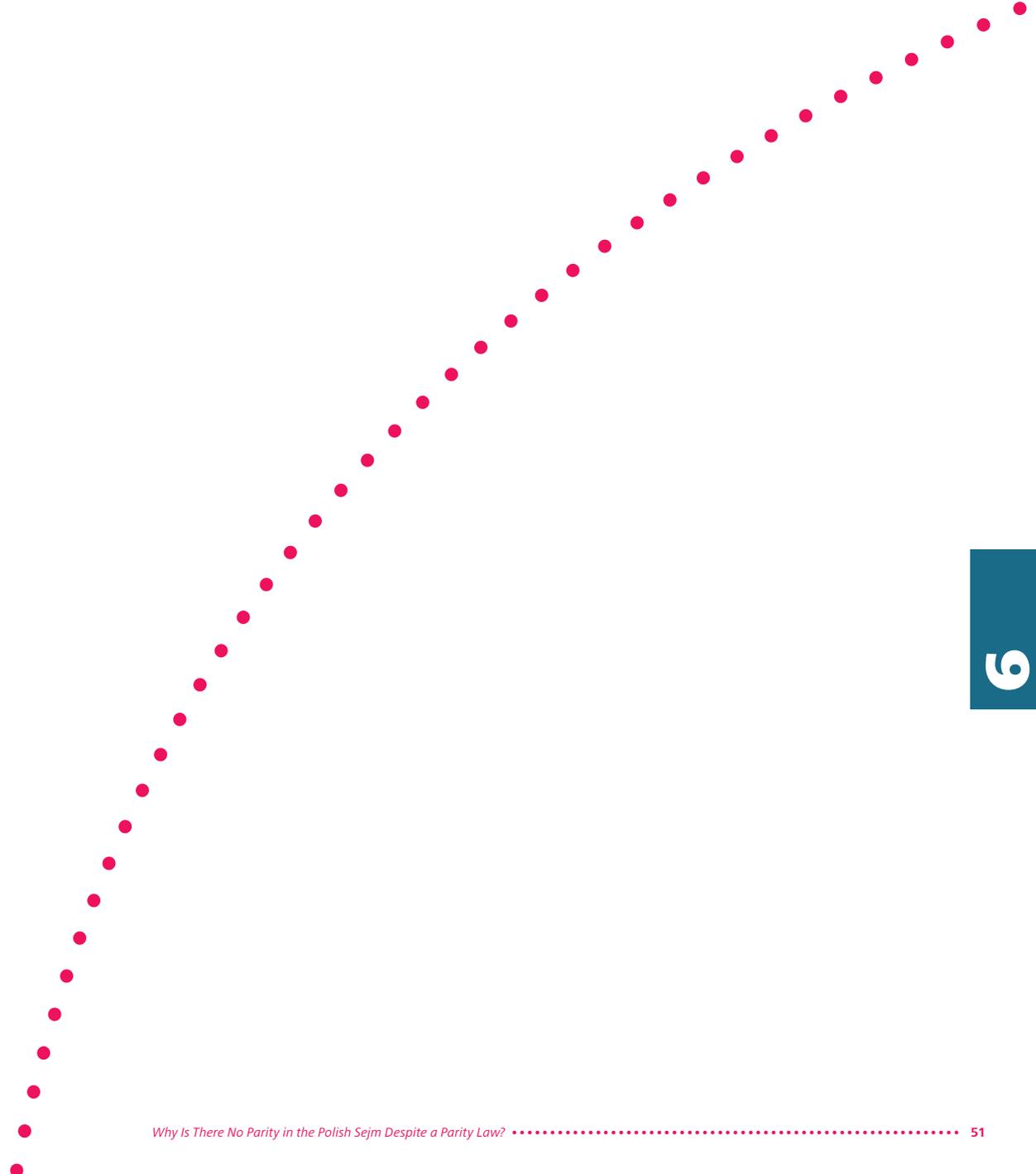
“And let’s face it: visionary feminist politics is not about having a woman president. It’s about having a person of any gender who understands deeply and fully the need for there to be respect for the embodied presence of males and females, without subordination.”

(Bell Hooks, author and activist).

one freedom from degradation, objectification, oppression and sidelining. They demand the abolition of practices that today cause poorer treatment on account of gender and (consequently) also on account of other characteristics.

Forcing equality and opening doors for political participation by women requires effective legal instruments like a **parity law**. They are the **bulldozers** needed to build cycle paths – and to create an egalitarian political culture.

And what are the decisive factors for perhaps achieving a parity law in Poland after all? This much is clear: Polish women are tired of being excluded and objectified. We saw that very clearly in the “black umbrella” protests on 3 October 2016: The women won against the government because they united behind a clear goal after experiencing how politics can touch on – and threaten – their personal lives. But everyday acts, presence and visibility of women are also important – as well as solidarity with one another – to demonstrate our collective rejection of women being ignored and silenced.



FAQ 7: How Come Norway Has 41 Percent Women in the Storting Without a Parity Law? Parties as Central Drivers of Parity



Norway is frequently cited as an example of a **Scandinavian culture of equality**: In 2006 it was the first country to introduce a 40 percent quota for women in supervisory boards, fathers and mothers have equal obligatory months of parental leave, and women and men are almost equally represented in politics. Even though Norway has **no parity law**, about 40 percent of the members of the Norwegian parliament, the Storting, are women, and this has been so since 1993.

So what is behind this situation of early and stable parity? **Figure 1** shows the proportion of women in the Storting since 1945. While the share remained under 10 percent until the late 1960s, the rise to today's level of about 40 percent occurred in the elections between 1973 and 1993. The proportion of women quadrupled within the space of just twenty years without any change in legislation. How was that possible?

Fundamentally Norway possesses a number of **social and political factors** that researchers have identified as generally conducive to a high proportion of women in politics: Firstly, it is a Nordic country with an extensive **welfare state**, which is known to favour a progressive culture of equality. Secondly, the Norwegian electoral system is a pure **proportional representation**, with election by lists and no direct constituency component. Both of these are factors that offer optimal starting conditions for parties wishing to introduce gender parity. Beyond this, the Storting has a comparably high **turnover rate**, which gener-

Figure 1
Proportion of women in the Norwegian parliament (Storting)



Data source: figures from stortinget.no.

ally makes it easier for newcomers to enter politics, and as such contributes to diversity in parliament in various dimensions.⁵⁰

This situation of virtual gender parity is principally explained by **three dynamics**: Firstly, the structure of the Norwegian electoral and party system made the promotion of women within parties appear a wise strategic (electoral) move at an early stage. Secondly several Norwegian parties already had female leaders in the 1980s, something which the German SPD as we know did not achieve until 2018. Thirdly the proportion of (in particular young) women in Norwegian local politics rose steadily and secured a supply of new talent for parliament.

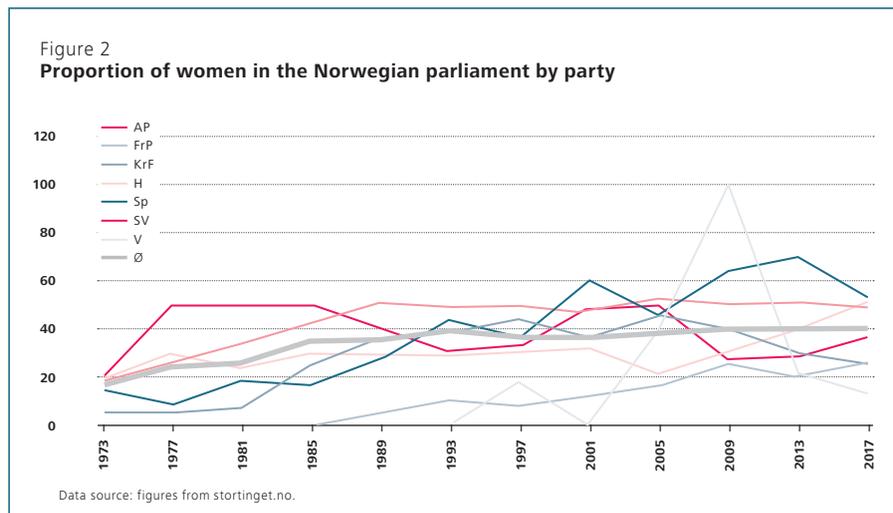
THE ROLE OF THE PARTIES: INTERNAL GENDER QUOTAS AND FEMALE LEADERS

As in most countries, the political parties in Norway are the central political actors and the gatekeepers of access to power. They choose their candidates largely autonomously and can for example consciously rebalance their party lists to represent population groups as broadly as possible.⁵¹ Alongside the fundamentally favourable underlying circumstances described above, there were also particular developments that opened the door to parity of women's representation in politics.

Studies on women's representation in Norway identify the late 1970s as a crucial period. Here growing **demands** from the women's movement for a stronger presence of women in representative organs coincided with sharpening of

⁵⁰ Richard E. Matland, Institutional Variables Affecting Female Representation in National Legislatures: The Case of Norway, *Journal of Politics* 55 (3), 1993, pp. 737–55, <https://doi.org/10.2307/2131998>.

⁵¹ Karen Celis and Silvia Erzeel, The Complementarity Advantage – Parties, Representativeness and Newcomers' Access to Power, *Parliamentary Affairs* 70 (1), 2017, pp. 43–61, <https://doi.org/10.1093/pa/gsv043>.



party-political competition.⁵² As **Figure 2** shows, all the Norwegian parties shared the same low level of women’s representation in the Storting until after the 1973 elections. Not until the elections of 1977, 1981 and 1985 do the trends diverge clearly, with the right-wing parties below average (conservative Høyre and right-populist FrP) and the left-wing parties above average (principally the Socialist Left Party and the social democratic Labour Party).

In 1975 the small Socialist Left Party (SV), introduced an **internal 40 percent gender quota**.⁵³ While this had little real effect on the parliamentary representation of women – with the party winning just four seats in the 1977 election – the symbolic effect was large.⁵⁴ The Socialist Left Party’s gender quota motivated the women’s organisation of the Labour Party (AP) to campaign actively for quotas in their own party too. Competition from the left helped female activists to persuade the party elites of the necessity of greater women’s representation in the party lists. In 1983 the Labour Party adopted its own internal 40 percent gender quota.⁵⁵ And because the Labour Party took a much larger share of the vote, this had a much greater effect on the number and proportion of women in parliament. After the 1985 election the proportion of women in the Labour Party group grew by about 10 percentage points to 42 percent.

⁵² Richard E. Matland and Donley T. Studlar, The Contagion of Women Candidates in Single-Member District and Proportional Representation Electoral Systems: Canada and Norway, *Journal of Politics* 58 (3), 1996, pp. 707–33, <https://doi.org/10.2307/2960439>.

⁵³ Lenita Freidenvall, Drude Dahlerup and Hege Skjeie, The Nordic Countries: An Incremental Model, in *Women, Quotas, and Politics*, ed. Drude Dahlerup (2006), pp. 55–82.

⁵⁴ Richard E. Matland, Institutional Variables Affecting Female Representation in National Legislatures: The Case of Norway, *Journal of Politics* 55 (3), 1993, pp. 737–55, <https://doi.org/10.2307/2131998>.

⁵⁵ 50 percent since 2005.

This effect is referred to in political science as “contagion”:⁵⁶ A small, often left-wing party forges ahead with action to promote participation by women, and this creates pressure on larger parties to do likewise. At the end of the 1980s in Norway this effect also affected the agrarian Centre Party (Senterparti, SP), which focuses on local politics. It introduced a 40 percent quota in 1989, which it has conspicuously frequently overfulfilled since then. Even the Christian Democratic Party (KrF) followed in 1993 with a 40 percent gender quota, as one of the few conservative parties in western Europe to do so. Today **four of the seven parties represented in the Storting have internal gender quotas**, which as a rule are also observed. The Labour Party, which has been the strongest party continuously since 1945, has made an especially important contribution to parity in parliament through the high and constant proportion of women in its parliamentary group.⁵⁷

Another important factor explaining the adoption and observance of internal gender quotas is the presence of **women in party leadership positions**.⁵⁸ In 1993, when the Storting almost achieved parity for the first time, three of the seven represented parties – representing almost 71 percent of the seats – had female leaders. And Gro Harlem Brundtland had been Labour Party leader from 1981 to 1992 and prime minister since 1986 (and for a short period in 1981). As prime minister she also appointed Norway’s first cabinet composed almost half of women, with economics and labour among the ministries headed by women.

While the left parties were the pioneers and guarantors of strong women’s representation in the early days, the right wing parties Høyre and FrP have been catching up since the 2000s. Erna Solberg became leader of the conservative Høyre in 2004. Since 2013 she has governed as prime minister in a minority coalition with the right-populist FrP. The latter is also led by a woman: Siv Jensen has been leader of FrP since 2006 and finance minister since 2013. Even if the right-wing government’s policies for women are at least contested (for example it initially introduced incentives for mothers to stay at home only to abolish them again soon afterwards), a clear rise in the number of female representatives of conservative parties has been observed since the mid-2000s. In the most recent elections in 2017 Høyre even overtook the Labour Party, with 23 of its 45 deputies being women (51.1 percent). The proportion of women in Solberg’s current cabinet is 42.2 percent.

LOCAL POLITICS: A PIPELINE FOR FEMALE TALENT

The Storting is not only **female** but also unusually **young**. It is one of only four parliaments worldwide where more than 10 percent of members are under 30

⁵⁶ Richard E. Matland and Donley T. Studlar, The Contagion of Women Candidates in Single-Member District and Proportional Representation Electoral Systems: Canada and Norway, *Journal of Politics* 58 (3), 1996, pp. 707–33, <https://doi.org/10.2307/2960439>.

⁵⁷ Kirsti Niskanen and Anita Nyberg, *Kön och makt i Norden*, part 1, *Landsrapporter*, TemaNord (Copenhagen: Nordisk Ministerråd, 2009), p. 569.

⁵⁸ E. Haavio-Mannila and T. Skard, *Unfinished Democracy: Women in Nordic Politics* (Elsevier Science, 2013).

years of age – and about half of these are women.⁵⁹ This brings us to another development that is relevant for the consistently high proportion of women in Norwegian politics: the steady stream of new female talent.

In the 1990s Norway was still an example of an inverted pyramid as far as representation of women in the different levels of politics was concerned.⁶⁰ While the national parliament had already almost achieved parity and half the cabinet ministers were women, the proportion of women in the local parliaments was still just 29 percent. Today the figure is almost 40 percent here too. The high proportion of young women is striking, especially when compared to Germany. As Table 4 shows, **20 to 40 percent of female local politicians are under 40 years of age**. They epitomise the “typical” Norwegian political career: from engagement in one of the influential party youth organisations to a role in local politics to a seat in the Storting. While studies on politics in the United States frequently identify problems persuading young women to go into politics,⁶¹ Norwegian local politics ensures a steady supply of female talent to the national parliament.

Table 4:
Proportion of women in Norwegian local parliaments by party

Party	Proportion of women in local parliaments	Women under 40 years of age in local parliaments
AP	43.9%	32.3%
FrP	27.1%	29.9%
KrF	34.9%	20.6%
Høyre	35.9%	26.1%
SP	40.0%	38.2%
SV	47.8%	29.7%
V	38.4%	32.7%

PROGRESSIVE CULTURE OF EQUALITY – CAUSE OR EFFECT OF NORWAY’S STRONG REPRESENTATION OF WOMEN IN POLITICS?

In conclusion we come to the question of the extent to which the much-cited Scandinavian culture of equality plays a role in women’s strong representation in Norwegian politics. While in places like Germany women are disproportion-

⁵⁹ Inter-Parliamentary Union, *Youth Participation in National Parliaments 2016* (Geneva, 2016).

⁶⁰ Richard E. Matland, Institutional Variables Affecting Female Representation in National Legislatures: The Case of Norway, *Journal of Politics* 55 (3), 1993, pp. 737–55, <https://doi.org/10.2307/2131998>.

⁶¹ Inter alia, Richard L. Fox and Jennifer L. Lawless, Uncovering the Origins of the Gender Gap in Political Ambition, *American Political Science Review* 108 (3), 2014, pp. 499–519, <https://doi.org/10.1017/S0003055414000227>.

ately affected by the triple burden of career, family and (local) politics or the incompatibility of family and political career.⁶² Norwegian women have the time and resources they need for a political career. The basis for this is **better compatibility of roles** through comprehensive childcare provision, shorter working hours and fair(er) sharing of housework.⁶³

That was not always the case. The author of this contribution would argue that the **Norwegian culture of equality – which is in essence a comprehensive culture of compatibility** – is not the cause but much more an **effect** of enduringly strong women’s representation in politics. The Norwegian women who occupied influential positions within their parties and in national politics at a comparably early stage were **pioneers** in their own country too. Politics was in fact the first sphere where any discussion about women in positions of leadership took place at all, at a time when parity in executive and supervisory boards was still just a pipe-dream.

An experimental study in 1993, the year when strong women’s representation in the Storting consolidated, investigated gender stereotypes about female politicians among Norwegian secondary school students who had been socialised under Gro Harlem Brundtland during an era of high proportions of women in parliament and government. The findings showed that gender stereotypes were in fact stronger among Norwegian school students than among their American counterparts – despite women’s representation in the United States being incomparably lower.⁶⁴

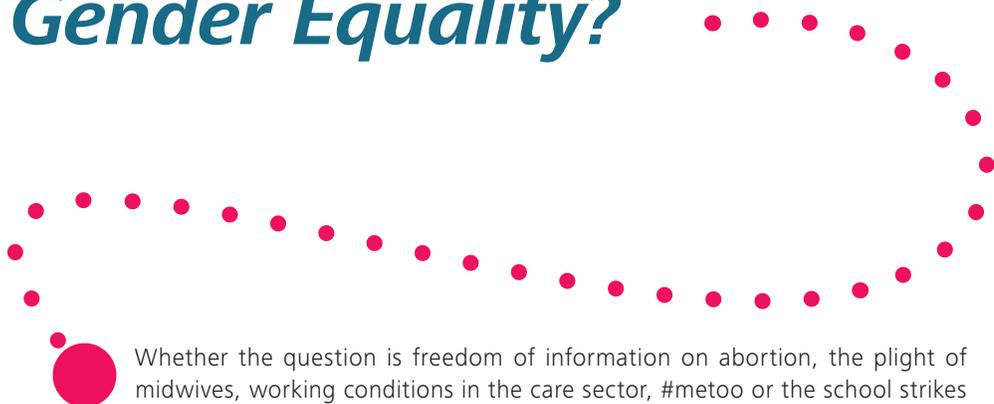
So Norway was in fact **not “culturally predestined”** to play a pioneering role in women’s representation. Instead it was the **engagement of women in the parties**, especially the Labour Party, that made the difference and laid the basis for today’s diversity in Norwegian politics.

⁶² Uta Kletzing and Helga Lukoschat, *Engagiert vor Ort: Wege und Erfahrungen von Kommunalpolitikerinnen* (Berlin, 2010).

⁶³ Lenita Freidenvall, Drude Dahlerup and Hege Skjeie, The Nordic Countries: An Incremental Model, in *Women, Quotas, and Politics*, ed. Drude Dahlerup, pp. 55–82 (2006).

⁶⁴ Richard E. Matland, Putting Scandinavian Equality to the Test: An Experimental Evaluation of Gender Stereotyping of Political Candidates in a Sample of Norwegian Voters, *British Journal of Political Science* 24 (2), 1994, pp. 273–92.

FAQ 8: What Is Parity Actually All About? How Do We Achieve a Political Culture of Gender Equality?



Whether the question is freedom of information on abortion, the plight of midwives, working conditions in the care sector, #metoo or the school strikes for action on climate change – women and especially young women are vocally engaged in public and political life. They get involved to lend weight to their political demands, on the street, at meetings and in social networks. Yet as diverse and passionate as the ways in which these different generations of women currently give voice to their ideas, this is rarely reflected within the political parties. While such structural challenges affect all the democratic parties, we will focus in the following on social democracy.

The SPD also suffers from a lack of new female talent, not only in connection with the younger generation. Parity is lacking across generations in the representation of women in political offices, parliamentary seats and internal party posts at all political levels. That the party had existed for 150 years before it was led by a woman, and how much media attention that attracted, reveals just how large the task is.

How much **catching up** there is to do is underlined by the never-ending public discussions about women in politics. The SPD's Berlin Programme of 1989 already called for the **"supposedly female and supposedly male ways of thinking and behaviour"** and the "male-dominated" culture to be overcome.⁶⁵ Three

⁶⁵ *Grundsatzprogramm der Sozialdemokratischen Partei Deutschlands*, 1989, p. 20, <https://www.spd.de/partei/organisation/das-grundsatzprogramm/>.

decades later meaningful solutions for changing that culture – especially within the party – have yet to be found.

To that extent it is naturally a challenge to describe what a **modern, inclusive and diverse political culture** could look like and how it could be arrived at. This contribution nevertheless attempts to do so, not least in order to inspire further visions in the same vein.

AWARENESS FIRST

So what would a desirable political culture look like from a perspective of gender equality? First of all, the **existing inequalities of gender and power must be acknowledged**. A political culture without the dominance of men and masculinity or, better still, completely beyond gender would be the first step. That also means acknowledging the diversity of experience within the category "woman": trans women whose gender was misassigned at birth are for example practically invisible in political space in Germany and experience transphobia as well as sexism. Non-academic women, migrant women and Afro-German women are especially underrepresented, as are women with disabilities, whether physical or mental. So it is necessary to pay careful attention to the overarching and specific mechanisms and structures that generate and maintain these forms of **(multiple) discrimination**.

The first pillar of a gender-equal, inclusive and diverse political culture thus consists above all in acknowledging the contemporary inequality of gender-structured power relations and the problems associated with them. Without that awareness it will never be possible to find solutions.

The good news is that this first step is comparably easy to take. In an age of freely available online resources and a multitude of activists from the widest spectrum of groups, the current problem of a predominantly male political culture can be productively addressed, both self-organised and with external input. Whether in articles, discussions, training sessions or workshops, are all kinds of channels are available. It is easy to address the issue of "gender equality in politics and society" – if the political will exists.

NEW DIVERSITY IN THE WAYS WE RELATE

Awareness alone is not enough. The second pillar is therefore lasting change in the ways we relate to everybody who falls outside the predominant "male default". This applies both to those who have already joined the party and to those whose engagement has to date been outside of it. Space needs to be made for diversity of perspectives.

Consciously making women visible and integrating them as experts can only be the beginning. There is no need for a discussion panel to lack a woman, and members of other marginalised groups can also be found to participate in



events.⁶⁶ It is crucial to avoid ending up with “token women”: diversity must be a root and branch affair. Where the question is to commission an article or recruit experts for interviews, for example, we need to work for the greatest possible diversity.

After women have been welcomed into party activities and possibly even joined, the question often quickly arises: What makes this party **attractive enough** to make it my political home?

Sexist comments must be addressed and rebuked, members of marginalised groups must be supported. All party members – and especially long-serving decision-makers and office-holders must work on themselves, **reflect and adapt their habits**. A party that is inclusive for parents would have childcare at its party conferences and a play corner at local branch meetings. A party that is attractive for people with learning disabilities and for non-native speakers will offer important information in easy language.

These lasting changes are not easy, not least because they have to reach into the tiniest details; they touch on sensitivities and play out at a very practical level. The time and effort initially required should not be underestimated. Publications have to be prepared, discussions held, childcare organised. That all costs **time and money**. The right **attitude** is to regard this initial outlay as an investment in greater diversity in the party.

HOW WE GET THERE: CONTINUOUS WORK

In developing the first pillar of a changing political culture, awareness, social democracy can point to progress. The project of **cultural renewal** has been high on the political agenda since the Bundestag election 2017, and the way we relate to one another is certainly in need of an overhaul.

Hectic short-term activity is no road to lasting change. Instead what is needed is a long-term process of transformation that the party leadership, paid and unpaid decision-makers, and other key figures must lead by example. As is the norm in **change management** projects these processes must be supported professionally. How exactly this process of change should look the different levels of the party needs to be fleshed out in workshops, seminars, coaching and dialogue formats.

Binding targets, such as parity of constituency candidates for state parliament and Bundestag elections, could create the pressure required to bring about action for change. Here we come full circle back to the parity law: Binding statutory targets in parity laws, requiring gender parity in all candidate selections, creates exactly the **pressure** parties need to initiate change towards a political culture of gender equality. This is unlikely to happen on a voluntary basis and has not to date been achieved by any of the political parties in any meaningful and enduring form.

⁶⁶ These can be researched for example at www.speakerinnen.org.

Such a renewal takes years. Changing the political culture is a long-term, strategic decision, not a short term end in itself. All the more reason to avoid delay and start today.

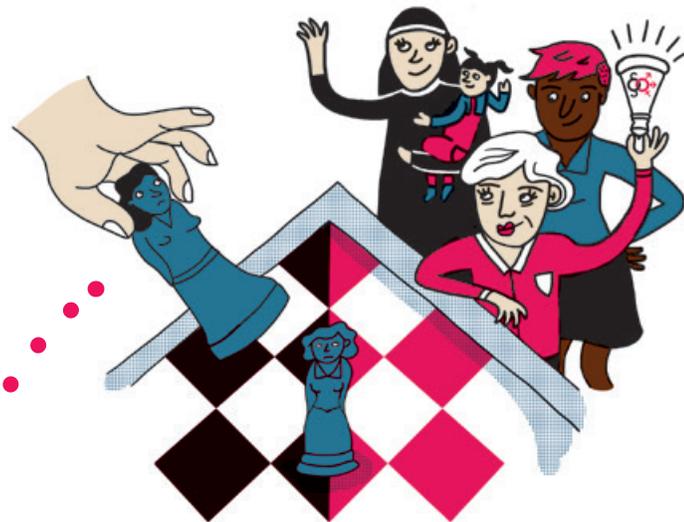
Nor is such a shift automatically from A to B, which brings us to the third and last pillar of a diverse and inclusive political culture of gender equality: **constant improvement**. That means not resting on laurels, understanding democracy as a living, changing system; not resigning but taking opportunities to exert influence as they arise. Feminist, anti-racist and other activist discourses are always changing and developing, new knowledge always emerging. A modern party cannot and must not close its eyes to these processes. **The process itself is the goal**, constant change, adaptation, opening. The two dangers to avoid here are complacency and resignation.

To that extent there is no concrete end point that can be reached where the political culture is **more open, more female, younger, more diverse**. That would imply that the way we relate to one another would stop changing and developing. Our society is in flux and our attitude to political culture must reflect this. This can be achieved above all by opening up our party, not by stewing in our own juice. It is essential to seek external input from academics and activists, voters and non-voters. Dealing with perhaps uncomfortable truths may be a little tricky, but it is vital.

In summary one can say the following. To overcome male dominance and replace it with an inclusive and diverse political culture of gender equality is a cyclical process. The frame is willingness for constant improvement and development. What is needed concretely can also be summarised: will to reflect, will to change, will to grow and will to work on togetherness in the party – even if one has supposedly achieved everything and given everything. So let’s get on with it!



Outlook: Where Does Social Democracy Stand Concerning Parity Legislation? What Needs to Be Done?



Women as players or women being played?

Equality of the sexes has always been one of the SPD's core demands. Although the social question and overcoming rampant capitalism were the central demands at the time the SPD was founded, the idea that people are **free and equal in right and possess natural and imprescriptible rights** was one of the central pillars of the SPD's values – and still is today. As long ago as 1879 SPD co-founder August Bebel outlined what was for the time a revolutionary vision of society in his *Woman and Socialism*.⁶⁷ He argued for a society where men and women were equals with the same rights and duties, a society where there was no longer discrimination on the basis of sex.

After discussing a number of further perspectives on the relationship between women and the SPD we will:

- Explore the effects and limits of internal gender quotas,
- Outline the political culture of everyday male dominance and masculinity as it appears in the SPD,
- Illuminate the SPD's role as a driver for parity legislation and
- Show what steps and measures need to be taken next.

THE HISTORICAL BEGINNINGS: THE SPD AND WOMEN

The SPD was the first political party in Germany to demand not only the right to vote "without distinction of sex" but also the abolition of all laws "that place women at a disadvantage compared with men in matters of public or private law" (1891, Erfurt Programme).⁶⁸

Alongside **equal pay**, the call for the women's right to vote was one of the central demands of the socialist women's movement – and not just on International Women's Day, which Clara Zetkin declared at the International Socialist Women's Conference in 1910 in Copenhagen. On 17 November 1918 the SPD's long-held demand for the women's right to vote became reality.

Women were able to vote and stand for election for the first time in the election to the National Assembly on 19 January 1919. 80 percent of eligible women made use of their right to vote. But they did not reward the SPD that had fought for their vote; most of them supported conservative and Christian parties. Thirty-seven female deputies were elected to the National Assembly, making up almost 9 percent of its membership. More than half of them were social democrats, nineteen in all. The social democrat Marie Juchacz was the first woman to speak in the National Assembly, on 19 February 1919.

⁶⁷ August Bebel, *Die Frau und der Sozialismus* (Stuttgart, 1879).

⁶⁸ <https://www.spd.de/partei/organisation/das-grundsatzprogramm/>.

Of course the right to vote certainly did not mean that women had achieved social and political equality. That remained true through the post-1945 era, even if the Federal Constitutional Court did require the state to “take steps to eliminate disadvantages that now exist” on the basis of Article 3 of the Basic Law (which was fought for by the social democrat Elisabeth Selbert). These efforts were later also backed by the European Court of Justice on the basis of the European treaties. But we are still waiting for the **elimination of legal disadvantages** in election law today. And for that reason the proportion of women in German parliaments still remains below parity at all levels.

INTERNAL GENDER QUOTAS DO WORK – BUT NOT EVERYWHERE AND NOT ALWAYS

The SPD also bears its share of the responsibility for the low numbers of women in German parliaments. Although the SPD had the highest proportion of women in the German Bundestag until the arrival of the Green Party (today Alliance 90/The Greens) in the mid-1980s, this was at a very low level. That was one reason why the call for internal gender quotas for party functions and party lists took hold in the SPD too.

At the SPD party conference in 1988 in Münster a large majority voted to include a **minimum quota of 40 percent for both sexes** in the SPD’s organisational statute and election rules. It states: “In accordance with this statute and the election rules at least 40% women and men must be represented in the functions and mandates of the party.”⁶⁹ Since then the proportion of women in the SPD parliamentary group in the Bundestag has risen to almost 42 percent today. The figure for most of the state parliaments is also at least 40 percent and in all of the party’s state and district executives the proportion of women is over 40 percent. This has made women more visible in the SPD, especially in its decision-making bodies. The consequence of this in turn is that more women are willing to stand for election and that the popular excuse that “There aren’t any suitable women” is no longer plausible. But the share of more than 40 percent in Bundestag and state parliaments was only achieved after the **“zipper system”** (alternating female and male candidates on party lists) was anchored in the SPD’s organisational statute.

With its gender quota the SPD is one of three parties in the Bundestag – alongside Alliance 90/The Greens and the Left Party – that have enacted passably effective internal rules for selecting their party lists – even if there are no penalties for violations. Parity laws that go no further than requiring parity in party lists with the zipper system thus basically correspond to the rules already applied internally in these three parties. Only for **parties with only “soft” internal equality rules or none at all** (AfD, CDU, CSU and FDP) would a statutory requirement for parity in party lists be an innovation.

⁶⁹ SPD, *Organisationsstatut: Wahlordnung, Schiedsordnung, Finanzordnung der Sozialdemokratischen Partei Deutschlands*, as of 9 December 2017, para. 11 (2), p. 19.

What all the parties in the Bundestag share in common is their lack of internal rules for selecting **direct candidates**. This is partly because the constituency meetings that select direct candidates operate autonomously under the laws governing political parties and higher levels of the party therefore lack leverage. Yet the direct candidates are the decisive pressure point for achieving parity. At the Bundestag election in 2017, 1,919 men stood in the 299 constituencies but only 640 women. The figures for the SPD were 186 men (62 percent) and 113 women (38 percent) – after Alliance 90/The Greens the second-highest proportion of female direct candidates.⁷⁰ Of the fifty-nine directly elected SPD deputies, forty-three were men (73 percent) and sixteen women (27 percent). The fact that disproportionately many men and disproportionately few women won seats suggests once again that the female candidates were standing in the less winnable constituencies. This is the widely researched and reported phenomenon female direct candidates typically being selected as a “stop-gap” after some problem has arisen.⁷¹

Generally speaking, if a party wins many seats directly in the constituencies and fewer via the party list, the proportion of women in the parliamentary group will fall because fewer women are selected as female direct candidates. In the state election in Lower Saxony, for example, the SPD won so many direct seats that no candidates were elected via the party list and the proportion of women in the SPD group in the state parliament fell below 40 percent. The very different systems used in state parliament elections, and also the pure list system for the European elections, show that the state has very broad room for manoeuvre in **shaping election laws**, which in turn **creates a decisive framework for the proportion of women** in the respective parliaments:

- Where a pure list system is used (proportional representation), as for example in Saarland, the SPD fulfils the quota of 40 percent in relation to its elected state parliament deputies.
- Where the election system for the state parliament is a purely constituency-based system (majority voting), as is the case in Baden-Württemberg, the proportion of women in the SPD group in the state parliament is smaller (in Baden-Württemberg currently just 24.5 percent).
- In states that combine directly elected constituency representatives and party lists, like for example North Rhine–Westphalia, the proportion of women in the SPD group in the state parliament is high when the party wins many of its seats via the list and low when many seats are won by SPD direct candidates.

So the **electoral system** is a central factor alongside **internal gender quotas**, and can certainly undermine their effectiveness. That is something the **political culture** is also capable of doing.

⁷⁰ Der Bundeswahlleiter and Statistisches Bundesamt (Destatis), *Wahl zum 19. Deutschen Bundestag am 24. September 2017: Sonderheft Wahlbewerber* (2018), p. 14.

⁷¹ Inter alia Uta Kletzing, *Die ausgeschlossenen Eingeschlossenen: Wahlsituation und Regierungssituation von Bürgermeisterinnen und Bürgermeistern im Geschlechtervergleich* (Hagen, 2017).

MALE-DOMINATED POLITICAL CULTURE – SPD NO EXCEPTION

Even in the SPD it is still more difficult for a woman to gain a nomination as a direct candidate in a winnable constituency, on account of ingrained customs and practices. As various pieces of research confirm, women are systematically disadvantaged in nominations, especially in connection with direct candidacies in winnable constituencies. Or looked at the other way round, men are systematically privileged in the application process. For example women are considerably less likely to be asked or encouraged to put themselves forward for a constituency seat. Or as already described in connection with the Bundestag election in 2017, women are nominated as direct candidates as a “stop-gap” in constituencies where the chances of being elected are poor to non-existent. Because direct candidacies are also a largely unregulated affair internally, the effect of the political culture is especially strong. And the very effective instrument of the zipper system does not apply.

Nevertheless, **even the existing rules are not implemented consistently**; some parts of the party simply do not feel bound by them. Especially in local politics it is not unusual to find party lists without women – even though there were women who wanted to stand – because the internal rules were ignored.

The truth about a male-dominated and masculine political culture also includes the familiar issue of **“compatibility sexism”**: Where politics is full-time, more or less a (temporary) **profession**, female politicians will be faced with the familiar problems of compatibility of political career and family – and plenty of plain sexism on top of that. Even today questions like “How will you manage that ... with three children / while caring for your parents / together with your family duties / etc?” are asked almost exclusively of women. The lack of arrangements to meet the needs of women and families can also make it harder to fulfil internal gender quotas, or even undermine them. This is even more the case in connection with **unpaid political activities**.

In the SPD’s sub-district and county executives the proportion of women is 38 percent, just below the minimum quota of 40 percent. The figure for branch executive committees is just 31 percent women. And here again the leading post is especially problematic. Only one sub-district, county and branch in five is led by a woman. This is closely connected to another aspect: that the proportion of women in local parliaments remains especially low (not only for the SPD).

The unpaid leadership and executive positions at levels below national and state are especially work-intensive, as are unpaid local council positions. At the same time the circumstances for compatibility of career and/or family with unpaid political engagement are inadequate or non-existent if the conventional partnership-based model is lived.

More family-friendly meeting times, a rejection of the “culture of permanent presence” and outcome-oriented debates could help to enthuse more women to seek council seats and enable men involved in local politics to find time for

their families. But that presupposes a great deal of good will, especially on the part of administrations and parties but also among the public in connection with expectations of local presence and visibility. Better possibilities to share responsibility would also make it considerably easier for many women to take the first step towards political office. The so-called leadership duo (where a man and a woman share a leadership position) is the right way to go. This allows the manifold tasks and appointments involved in (unpaid) everyday party work to be shared. A true **change in ways of thinking** needs to occur in politics and the parties – away from the “culture of presence” to a culture that values ability and commitment. Engagement cannot be measured in units of “presence”.

Despite all this, many women do take on the challenges and prove themselves capable (voluntary and paid) representatives. **Women need internal and/or statutory gender quotas to get into positions in the first place – but not to remain there.**

In the meantime there have been discussions in certain state party organisations about whether the internal gender quota and in particular the zipper system should not be abolished again. This shows that we are not only witnessing a numerical **reversal** in the participation of women in politics but also that the debates in parts of the Social Democratic Party (and parts of society) are now **backward-looking**. So vigilance is the order of the day when it comes to **defending past gains**.

But vigilance will not be enough to achieve gender parity in the German Bundestag. All the experience in the SPD, in other parties and with the actual realisation of gender equality shows that power will not be shared without binding rules: not in business and not in politics. In Germany we therefore need a parity law and/or a corresponding change in the election law governing the nomination of party lists and direct candidates, with effective penalties if the rules are broken.

THE SPD AS DRIVER OF PARITY LAWS

Two states where the SPD is part of the government have shown the way, demonstrating that parity laws are possible. This increases the pressure at the national level. The Brandenburg state parliament passed the first parity law in Germany on 31 January 2019; Thuringia followed on 5 July 2019. Even if both states have introduced parity only for party lists and not (yet) for direct constituency elections, the new laws certainly represent milestones for equality.

Campaigning for parity laws at national level and in the states also fosters progress in the implementation of gender equality in the SPD’s own ranks. But above all the parties that to date have no internal gender quotas will now be required by law to implement parity when nominating their candidates.

So what is the current **state of the SPD discussion at national level? In its legislative programme of 2017** the SPD calls for gender parity in parliaments:

“We want women and men to participate equally in parliaments at all levels. We will intensify our efforts to persuade women to become involved in politics.”⁷²

This wish became a joint project of SPD and CDU with the national **coalition agreement** of March 2018: “One hundred years after women gained the right to vote, equality of political participation has still to be achieved. The proportion of women in the Bundestag has fallen. We want women and men to be represented equally in parliaments at all levels and therefore intend to persuade more women to become involved in politics.”⁷³

In July 2018 the national conference of the SPD’s women’s organisation, the Arbeitsgemeinschaft Sozialdemokratischer Frauen, called on “the parties

- in the German Bundestag to create binding prerequisites for establishing gender parity in the course of the next reform of the election law, and
- in the state parliaments to create binding prerequisites for establishing gender parity in the laws governing state parliament and local elections”.⁷⁴

To mark the one hundredth anniversary of the women’s right to vote the **SPD group in the Bundestag** passed a resolution declaring equal participation in the Bundestag as a central project of women’s and equality policy: “The representation of women in the parliaments must be one of the central questions in the upcoming reform of the election law. The one hundredth anniversary of the women’s right to vote reminds us of our political responsibility to act on this issue. A project group on gender parity in the parliaments will prepare practicable proposals”⁷⁵

These proposals were formulated in a position paper by the male and female members of the **project group** and debated in the SPD parliamentary group (but not to date formally adopted): “Concretely the social democrats name three possibilities for a new election law in their position paper, distinguishing between options for party lists and constituency votes:

- Quotas for party lists: The election law will be amended to require parity in state lists with alternating male and female candidates. Lists that do not satisfy this condition will be rejected.
- Parity in constituency elections, option 1: For each constituency each party will stand one woman and one man. Each voter has two votes and can vote for one woman and one man, not necessarily from the same

⁷² SPD, *Zeit für mehr Gerechtigkeit: Unser Regierungsprogramm für Deutschland*, 2017, p. 82.

⁷³ CDU, CSU, SPD, *Ein neuer Aufbruch für Europa: Eine neue Dynamik für Deutschland: Ein neuer Zusammenhalt für unser Land – Koalitionsvertrag zwischen CDU, CSU und SPD – 19. Legislaturperiode*, 2018, p. 25.

⁷⁴ SPD, *Beschlüsse der ordentlichen Bundeskonferenz der Arbeitsgemeinschaft sozialdemokratischer Frauen (ASF) – Vom Frauenwahlrecht zu Parität*, 29. Juni bis 1. Juli in Saarbrücken, 2018, p. 44.

⁷⁵ SPD-Bundestagsfraktion, *Resolution 100 Jahre Frauenwahlrecht – Neue Zeiten: Neue Ideen: Wir machen mobil*, 2018.

party.

- Parity in constituency elections, option 2: For constituency each party will stand one woman and one man. Each voter has only one vote.

The options for constituency elections would require the number of constituencies to be reduced. This would also reduce the number of deputies.”⁷⁶

Some female SPD deputies are also members of the **cross-party group of women in the Bundestag**. This was set up in January 2019 to discuss the role of parity in the reform of election law that was under preparation at the time. The group called for a **commission** to be established **to investigate how the number of women in the Bundestag** could be increased.

The law governing elections to the Bundestag is being reformed to rectify difficulties associated with the constituency system, and this reform should not be restricted to the question of the overall number of members. An election law reform without parity would be a dinosaur. Both objectives could be met through a **regionalised form of proportional representation** without directly elected constituency members:

- he specified number of deputies would never be exceeded.
- The party lists would have to have alternating male and female candidates. Non-binary persons would choose whether to stand on a “female” or “male” list place. Lists contravening these rules would not be admitted to the election. In order to ensure regional representation, state lists should be permitted. A fixed proportion of seats should also be distributed via national lists to give each party the possibility to place its top candidates on a national list.

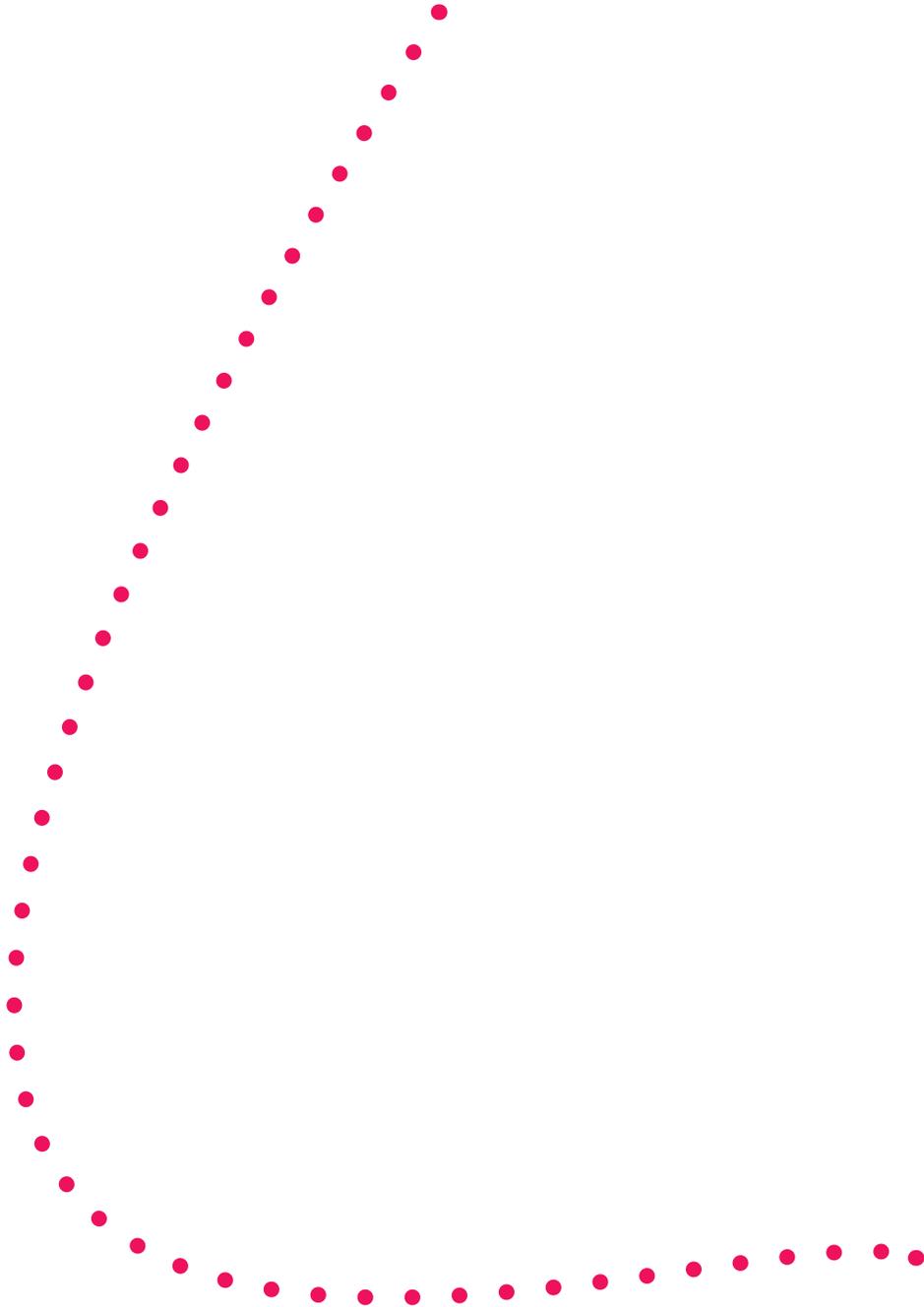
WHAT REMAINS TO BE DONE?

In the end it will be a **political decision** whether parity is pursued. If it is, ways and means will be found to codify the political decision in law. We now have a **historic window of opportunity**. If it is wasted it will be many more years, perhaps decades, before there is again movement on the issue of parity. If parity laws are legally possible and successful in practice in other European countries, then **why not in Germany?**

So much is certain: Women must be able to represent their own interests in parliament. Only then will change come. The best example for this is the question of adequate childcare. The SPD’s women’s organisation, the Arbeitsgemeinschaft Sozialdemokratischer Frauen, was already calling for this in the 1970s. But a majority only came into sight in the 2000s and the legal entitlement for children from the age of one year was not introduced until 2013. More women

⁷⁶ Christian Teevs, *So treibt die SPD das Paritätsgesetz voran*, *Der Spiegel*, 9 May 2019, <https://www.spiegel.de/politik/deutschland/bundestag-so-treibt-die-spd-das-paritaetsgesetz-voran-a-1266572.html>.

in the parliaments – or even better, full parity – would lead to a long-overdue optimisation of the balance of power and thus to a **more sustainable and forward-looking politics**. To continue to protect male monocultures is to squander away our future. There can be no good reason to exclude half the talent in our society from the most important and groundbreaking decisions.



Fair rules now!

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