Strong and Weak Cooperative Federalism: Its Impact on the Gender Infrastructure in Germany and Austria

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1. Introduction

Germany and Austria have long been considered conservative and male-breadwinner oriented welfare states. Throughout the latter half of the 20th century, both were among the laggards in Western Europe in terms of promoting labor market participation by women, in effect nourishing a family fabric with a male breadwinner and a stay-at-home or only part-time employed mother. In this light, the fact that both countries have established substantial women’s policy infrastructures seems counterintuitive. Women’s policy agencies, defined as “any structure established by government with its main purpose being the betterment of women’s social status” (McBride Stetson and Mazur 1995: 3) have developed in both countries from the local to the national level. By all accounts, Germany at present has the most developed network of women’s policy agencies (WPA) in Europe, with roughly 1900 equality offices from the national to the local level organized within state or state-dependent agencies. Austria’s WPA structure, while somewhat less ubiquitous, features a stable network of equality oriented agencies that has gained steady influence, in particular with gender budgeting having been made a constitutional provision to be implemented on all levels of the Austrian polity by 2013. Thus, while in both countries women remained socially and economically disadvantaged for much of the 20th century, demands to institutionalize a gender equality infrastructure resulted in more substantive action than in other European countries. In this article, we explore the hypothesis that it is the federal organization of both polities that has posited engrained advantages for the establishment and sustainability of WPAs in both Germany and Austria. Gender related infrastructure was not primarily the result of civic mobilization; instead, in both federalist systems, WPAs gained salience through party efforts on multiple levels at institutionalizing offices directly aimed at promoting women, combating discrimination, and mainstreaming gender. Our main question thus is: To what degree has the federalist architecture contributed to the success story of WPAs, and in what way might federal reform debates or actual changes in the structure of federalist arrangements impact WPAs?

Germany and Austria are considered poster children of unitarian and cooperative federalism in the European Union. Both countries have multiparty systems within rather homogeneous societies. Both are “party-democracies” in which political decision making
processes on all levels are fueled by party mobilization and organization, thus inviting the label “Parteienbundesstaat”, party-federal-states (von Beyme 2007; Decker 2011; Gabriel 1989) or “party federalism”.

While Austria and Germany share central features of federalism, they also expose differences: Some of these differences are due to size: Austria has a tenth of the population of Germany. Austria has nine federal states (Länder), while Germany is made up of 16 Länder, six of which were only recently recreated after unification in 1990. Cultural cleavages are stronger in Germany, amplified by the division between the Western and the new Eastern Länder. In terms of religion, Austria is much more homogenous with 90% of the population being Catholic (Fallend 2006: 1026). In Germany, by contrast, Protestants, Catholics, and agnostics each make up roughly 32% of the population, with about 5% of German residents having a Muslim background. Austrian federalism, with its smaller scale, has stronger corporatist and informal components with a tendency to consensual decision-making. In general, Austrian federalism is considered weak, a mere constitutional principle, with fewer policies being decided on the Länder level and less Länder influence on the federal level (Erk 2004 and 2008). In both Austria and Germany the central government collects roughly 60 to 75 percent of total state revenues. Yet while in Germany central government spending is relatively small (between 30 and 40 percent), in Austria it is much higher (between 45 and 60 percent) (Anderson 2008: 33ff.). These differences notwithstanding, the two federalisms expose enough common features to warrant analysis as ‘most similar cases’ (Przeworski and Teune 1970) and thus to hold extraneous variance at a minimum. Comparing the gender infrastructure in these rather similar cooperative and centralized federalist states will enable us to highlight the impact of federalist structure on WPAs while also pointing towards exogenous factors influencing the gender equality agenda, in particular party alignment.

Previous gendering research on federalism dealt primarily with the question if and under which conditions specific forms of federations are favorable towards women’s movements demands. The focus was on how federalist structures influenced “how women’s movements organize” (Sawer and Vickers 2010: 3) and how women’s movements utilized different levels of policy making in federations in order to gender policy making and to bring forward gender equality policies (McRae 2010; Chappell 2000). Of particular interest was how
“organized women can change or circumvent obstructive federal arrangements” (Vickers 2010: 413). It was established that several “vertical” and “horizontal” conditions seem to build windows of opportunity for movement activism, such as “access to multiple decision-making sites; forum shopping which lets women work around blockage at one governance level and take advantage of an opening at another level; and policy innovations in one jurisdiction which spread to others.” (Vickers, Haussmann and Sawer 2010: 229)

This article proposes an additional dimension to the study of federalism and gender. We follow Benz (2001: 40) in arguing that comparative federalism research needs to take into account institutional settings. Studies of the “Research Network on Gender, Politics, and the State” (RNGS) found that women’s policy agencies play an important mediating role in helping women’s movement actors to bring their frames and ideas into the policy process (Outshoorn and Kantola 2007; McBride and Mazur 2010). Thus, WPAs can become allies for women’s movement actors in their attempts to gender the policy agenda, policy processes, and policy outcomes. This is particularly relevant in states where policy-making involves closed decision-making, as it is often the case in parliamentary federations with the effect that “the question of gender impact tends to ‘fall off the table’” (Vickers, Haussmann and Sawer 2010: 235). Hence, studying the role of women’s policy agencies in federalist states is an important contribution to gendering studies on federalism (see also Chappell 2002; Meier and Celis 2008; Lang 2011; Celis and Meier 2011; Lang and Sauer 2011).

Utilizing Erk’s (2007) guiding questions regarding federalism, this article explores to what extent federalism matters for the development of an institutional gender architecture, and to what degree differences in federalism arrangements influence gender equality institutions in Germany and Austria. In particular, we ask how strong German and weak Austrian cooperative federalism shaped women’s policy architecture, and how they affect the capacities of WPA. Does the interlocking federalism in Germany provide a better environment for a gender equality architecture than the weaker, more centralized informal federalism of Austria? Is informal corporatist federalism in Austria more favorable to women’s policy agencies than the recent turn towards a more competitive federalism in Germany? As institutional change depends on the actors involved in institutions we look at capacities and resources of women’s policy machineries as important actors in the field of
gender equality policy. This approach does not make the study of policies less important, but it intends to add an institutional dimension to the gendering of federalism.

First, we will sketch the main features of German and Austrian federalisms. The following section will compare the role of women’s policy agencies in both countries and specifically address similarities and differences as effects of the federalist architecture. Finally, we will discuss the impact of parties and economic imperatives on the make up of the Länder WPAs in both countries. In conclusion, we will attempt to theorize the scope of explanatory power that our cases award to federalism.

To assess WPAs’ characteristics and capacities, we have conducted interviews with heads or deputies of 14 of the 16 Länder women’s units in Germany and with all of the 9 Länder women’s units in Austria between December 2010 and March 2011. For Germany, two WPAs (Rhine-Palatinat and Saxony) delined to answer questions f.e. related to personnel structure due to upcoming elections or other concerns. Beyond interviews, we rely on the websites of the WPAs in the Länder, on government and WPA reports as well as on secondary sources.

**Germany and Austria: Outlines of strong and weak cooperative federalism**

Federalism is an engrained part of both the German and Austrian polities. Its strength is generally captured as a trias of cultural diversity, capacity for innovation, and checks and balances. In West Germany, 11 Länder were reinstated as a central pillar of the post WWII political architecture in order to avoid centralization and abuses of power (Gabriel 1989: 66). In East Germany, by contrast, the Länder were dissolved in 1952, and reinstated only after unification in 1990. The first Austrian constitution of 1920, which has been re-instituted in 1945, established a federal model with nine Länder (Grotz and Poier 2010: 245; Fallend 2006; Öhlinger 2004; Erk and Koning 2010: 368). Both countries can be classified as cooperative federalist systems, relying on a wide array of shared competencies vertically between the federal and subfederal units as well as horizontally between the Länder. Vertical cooperation is also stipulated in both countries’ constitutional provision to guarantee “uniform living conditions” among the Länder by redistributing considerable funds from the rich to the poorer states. In 1994, the German provision was softened and amended to “equivalent living conditions”. Opinion polls show that unitarism is seen as an
important feature of German and Austrian federalism and that the notion of competition is disliked in both countries (for Germany Petersen, Scheller and Wintermann 2008: 473; for Austria Bußjäger and Seeber 2010: 41). Austrian as well as German federalism are characterized as cooperative or as interwoven and highly centralized (Erk and Koning 2010: 371). Although both federations incentivize cooperation and ‘codetermination’, they differ strongly with respect to the Länder influence. Germany’s strong federalism’s staples are (1) a powerful second Parliamentary Chamber, the Bundesrat, in which the Länder governments are represented according to a proportional system and whose powers include all matters of taxation and central policy initiatives, (2) a strong intergovernmentalism between the Länder and between Länder and the federal state; (3) the power of the Länder in administering not only their own Länder policies, but also many federal and European Union policies. German Länder have much autonomy in legislation with respect to important policy fields such as education, environment, and labor market. Yet the strength of the Länder does not primarily lie in their autonomy from the federal level, but in their institutionalized role as interlocutor, partner, and frequently powerful opponent of the federal government (Huegl and Fenna 2006: 235f). This strength is most visible in the Second Chamber, the Bundesrat, which votes on roughly half of legislation originating in the First Chamber, the Bundestag. In addition, Länder can initiate laws through the Bundesrat (“Second Chamber Initiative”). By contrast, Austrian Länder have only limited autonomy and their influence in the policy-making process via official channels is weak (Fallend 2006: 1024ff.; Erk 2004: 5). In Austria’s “weak bicameralism” (Karlhofer 2010: 132) the Second Chamber of Parliament, the Federal Council, which represents the Länder (Bundesrat) plays only a minor role in the law making process (Fallend 2006: 1028). Most decision and laws are made on the federal level (Nationalrat), while the implementation and enforcement is duty of the Länder.¹ Policy areas of this shared responsibility include for instance social welfare (Sozialhilfe), mother’s and youth welfare, elderly care or hospitals (Fallend 2006: 1029). Only in very few areas do Austrian Länder have legislative rights, such as community law (Gemeinderecht), f.e. in regard to public housing, sports, kindergartens, and citizenship. In effect, Austria has been labeled as a “federation without federalism” (Erk 2004).
Whereas German unification strained the unitary fabric of federalism and exacerbated already existing asymmetries and conflicts, in particular around matters of financial distribution (Benz 1999; Moore, Jacoby and Gunlicks 2008; Jacoby 2008), Austria’s weak federalism is characterized by largely symmetrical, less competitive relations between the Länder (Gamper 2003). In both countries, a wide variety of intergovernmental connections organize federal vertical and horizontal interaction. Yet, in particular in Austria, these exist side by side with strong informal ties that fuel negotiations between Bund and Länder and between Länder. Lack of formal legislative Länder power in Austria and informalization of executive ties under the auspices of the central government have led to a process of “unitarization” as well as centralization, which makes Austria one of the “most centralized federal states in the world” (Bußjäger 2004; Erk 2004). The resulting “executive federalism” appears as closed and intransparent, with only limited information available to the public and public debate or parliamentary deliberation scarce (Fallend 2006: 1035). Both federations are characterized by a strong “party federalism”. Parties provide formal as well as “informal connective mechanisms” (Karlhofer 2010: 142). Most policy processes on the Länder as well as on the federal level are dominated by party interests and party mobilization. In contrast to Germany where policy cleavages have long been dominated by party alignment, Austria’s federalism is based on stronger corporatism with a long tradition of consensus democracy. Increasingly, though, also in Austria party differences override corporatism and consensus since the 1990s. Today, both federalisms exhibit competition and conflict between Länder with different parties in government as well as between the national and the Länder level if different parties are in power.

Finally, with respect to critiques of and attempts to reform federalism, the two countries differ fundamentally. While Germany went through heated reform debates in the aftermath of unification (Gunlicks 2005) and passed two federalism reforms in 2006 and 2009, attempts to reform the federal structure of Austria stalled in 2005 (Grotz and Poier 2010). It is important to note that the stakes were quite different in both countries: In Austria, the debate centered on abolishing federalism; in Germany, it focused on disentangling joint decision making as well as on the equalization principle between the Länder. Although the Austrian federalism was blamed to be too costly and ineffective for such a small country, the Länder were successfully defending their power. In Germany, by contrast, Länder
autonomy was strengthened in areas such as education and environment policies while in return federal efforts to disentangle the “joint decision trap” (Scharpf 1988) resulted in fewer laws needing to get Second Chamber approval.³

In sum, while both federations share aspects of institutionalized vertical and horizontal cooperation, Austrian Länder are overall weaker in political agenda setting and policy implementation, more consensus focused and therefore more prone to follow federal initiative than German Länder with their stronger ability to initiate innovation independently. Both these similarities and differences in federal organization have impacted the institutionalization of WPAs.

The institutionalization of WPAs

In both Austria and Germany, the institutionalization of women’s policy infrastructure was the result of strategic decisions by women activists to work in and through the state system in order to achieve gender equality. With respective federalist structures allowing for multiple entry points for women’s activism, it is worth exploring on which level and in which arenas WPAs were pursued. We argue that the specific contours of institutionalization point to differences in power leverage of federalist actors in the two states.

WPA – such as Ministries for Women’s Affairs, women’s bureaus and equality offices – in both countries were initiated strategically on the level of governance that promised to deliver the most returns, this being the Länder and communal level in Germany and the national level in Austria. In order to substantiate this point, we need to explore the levels of WPA in more depth. A constitutive element of WPAs in federalist states is their increased presence not just on the federal and the Länder level, but within small governance units of counties, cities, and also in rural areas. In most advanced democracies, such small-scale and regional WPAs have grown substantially over the last decades (Outshoorn and Kantola 2007: 367). Ever since in 1982 the city of Cologne established the first WPA, Germany has developed one of the most dense infrastructures of women’s policy agencies and offices in Europe. Women’s Equality Officers on the municipal and regional level operate in the cities and counties. They have, albeit limited, funds to sponsor women’s projects, organize public events, and serve as interlocutors with city agencies. Their umbrella organization, the
“Federal Association of Local and County Women’s Offices” (BAG – Bundesarbeitsgemeinschaft kommunaler Frauenbüros) identifies itself as “a professionalized network of the institutionalized women’s movement” and it sees its role as a lobbyist for local women’s interests on the Länder and national level. The BAG is a nationally visible and vocal advocate for gender equality, not only engaging with local and regional issues, but also acting as a public voice for women on the Länder and national level. In the 1980s and 1990s, local level WPAs received not only their own budgets, but also recognition in the communal constitutions of the German Länder, thus cementing their status as visible equality actors in the German context.

By contrast, regional and municipal WPAs in Austria are not as well established. Only a few major cities like Linz, Innsbruck, Salzburg, Graz, and Vienna have municipal WPAs and of these even fewer, for instance the Vienna Municipal Department 57, have their own budget to fund women’s projects (Considerations 2004: 27).

A second organizational tier in both federations represents the Women’s Ministries or Women’s Units within Ministries of the German and Austrian Länder. In both countries these units are in charge of implementing state equality laws and working with the civic women’s project infrastructure as well as with state parliaments, parties, business, and unions to advance equality within the Länder. They communicate with equality officers in public institutions such as the courts, universities, research institutes, hospitals, and public media as well as the municipal and regional WPAs. All 16 German Länder have institutionalized such WPAs since the early 1980s, albeit on different levels of Länder executive bureaucracy and with very different infrastructures and budgets. Moreover, all German Länder have established gender equality laws for the civil service and most have antidiscrimination laws. Through the power of the Second Chamber, they have initiated a number of initiatives to change federal law, thus maximizing influence within their federalist position.

Women’s policy agencies on the Austrian Länder and municipal level have been – compared to the national level – for a long time “underdeveloped”, with the exception of Vienna (Pelinka and Rosenberger 2007: 227). The nine Austrian provinces established ministries or departments for women’s issues only since the mid-1990s, all of them responsible not only for women, but for what is referred to as the “women plus” agendas, including mostly
family affairs, social affairs, youth and other related fields. Much like social organisations but with just as little formal power, the Austrian Länder WPAs have the right to comment on national bills – yet it appears that only the Vienna minister regularly takes advantage of this opportunity in order to survey gendered impacts of national bills. Lack of formal influence on the Austrian Länder level is thus compensated with informal attempts to articulate gender impact; yet visibility of Austrian Länder level WPAs is low.

The third organizational tier in both countries’ federal WPA structure are the Federal Women’s Ministries. In Germany, it is the Ministry for Family, Youth, Women and Seniors with its mandate to devise and implement laws and regulations as well as to initiate model projects advancing the status of women. Representation of women’s affairs on the Federal level started in 1972 when the Minister for Youth, Family, and Health created a subdivision for women’s affairs. In 1986, ‘Women’ was added to the Ministerial title. The first decade of this new Ministry was shaped by three conservative Women’s Ministers, the last being the present German Chancellor Angela Merkel, who was Women’s Minister in the first government of united Germany between 1991 and 1994. The influence of Women’s Ministers was insignificant, being limited only to the right to initiate legislation if cabinet colleagues were not willing to do so; the right to comment on all legislation affecting women, and finally the right to delay legislation that was deemed by the national WPA as having a negative effect on women. In broad perspective, the national WPA was completely dependent on the Chancellors’ and all cabinet colleagues cooperation and thus in effect under the 16 years era of conservative Chancellor Kohl for the most part sidestepped and silent. Since the mid-1990s, left/center social democratic women led the Ministry and accelerated policy successes such as a 1996 law to create the right to a child care space for every child 3 years and older, a 1997 law to ban marital rape, and a law of 2001 that establishes parental leave. Within the German federal WPA levels, the federal level is considered to be the weakest entity, leaving the initiation of most policy initiatives to the Länder level.

This stands in striking contrast to the weak cooperative federalism of Austria, in which the federal level WPA historically has taken the centre stage in gender equality matters. In 1979, the first Austrian women’s policy agency on the federal level, the State Secretary’s office for “general women’s issues” was installed in the Federal Chancellery. Johanna
Dohnal, a well-known SPÖ feminist with backing from the party’s women’s organization and with strong ties to the autonomous women’s movement, was appointed to head the office. In 1990, negotiations to form a new coalition government included an upgrade for the national WPA, turning the position of State Secretary for general women’s issues into a full-fledged Federal Ministry of Women’s Affairs. The minister’s powers expanded at the beginning of the 1990s beyond the previously limited advisory function. She gained a veto right in the Cabinet of Ministers as well as the right to initiate women’s policy initiatives. The most prominent initiative at the time was the 1996 law fighting violence against women in the family, which was the first anti-violence legislation in Europe.

When Austria elected its first post-war conservative/right-wing government in 2000, the federal Women’s Ministry was abolished. A unit for women’s affairs became part of the Ministry of Social Security and the Generations and was complemented in 2001 by a “men’s unit”, appointed to coordinate and initiate research into men’s roles and needs and to support those men facing discrimination such as fathers claiming their rights to children in the case of divorce. Only after the 2007 election that led to a Grand Coalition could Social Democrats negotiate that a full-fleshed Women’s Ministry be re-established under Social Democratic leadership. In the following years, major gender legislation was passed such as quotas for corporate boards of public enterprise.

For Austria, Pelinka and Rosenberger (2007: 228) judge the Länder level overall as more “gender equality resistant” than the federal level.⁹ Only when massive blockages occur at the national level – as f.e. when the right-wing/conservative government shut down the Women’s Ministry – progressive Länder politicians and their WPAs step in.¹⁰ Thus, even though the federalization of WPAs in Austria, similar to Germany, produced a network of agencies that broadened the basis for state-feminist intervention, Austrian WPA interventions are organized for the most part top-down. With Austrian Länder having no basis to initiate federal law, they foster a gender equality agenda not primarily via legal means but via utilizing formal and informal discursive arenas of cooperation, mainly party channels as well as through the sponsoring of women’s projects.

By contrast, the ability of the German Länder to initiate laws has resulted in many highly visible attempts by center/left Land coalitions or parties to introduce legislation on the federal level, such as recent attempts by Nordrhyne-Westphalia to introduce a quota for
women on corporate boards or a 2005 Second Chamber Initiative by the State of Berlin against forced marriage. Even if initiatives by center/left governed Länder tend not to pass in a center/right Federal Parliament, they get public attention and create discursive institutional platforms to promote gender equality.

In sum: There is evidence that the three-tiered network of WPAs in Germany and Austria profited in several respects from cooperative and interwoven federalism. (1) In Germany as well as in Austria the institutionalization of women’s policy agencies on the Länder and municipal levels produced richer and denser institutionalized gender equality networks than we see in many unitarian states. (2) Federalized WPAs provided the political opportunity structure for the creation of locally and regionally based women’s projects.11 (3) Blockages on one level of government, as with the conservative parties’ rule in both countries, can to some degree be offset by engagement of women’s actors on another level of government.

Yet, empirical evidence also points to differences of WPA influence between the strong cooperative federalism in Germany and the more centralized federalism of Austria. We have established that Länder strength matters for WPAs, and in particular the Länder right to initiative legislation as well as their ability to work through established and formalized communication routes with other federal levels above and below. In the absence of such a political opportunity in the Austrian case, it needed the party commitment of a Social Democratic party in national government to push a gender equality agenda into the public arena. In effect, the political opportunities that federalist organization creates for institutionalized WPAs are in both cases only valuable if there are parties that utilize them. We will elaborate this point in the final section of this article.

**Party federalism and WPAs**

Party alignment has in both states had substantial impact on WPA institutionalization. The creation and expansion of WPAs can be almost exclusively credited to Social Democrats and Greens being in government. The fact that policy initiatives in both countries are channeled exclusively through parties means that innovation from above and from below has to be launched via parties. WPAs are thus in both states best situated and protected if they operate under the reign of social-democratic or green parties. While this is not a surprising
finding, what is in fact noteworthy is how WPAs have spread and multiplied even in settings and under conditions of conservative government. We attribute this ‘contagion' effect to the dynamics of party federalism. At the same time as party alignment is central, cooperative federalism in both federalist settings has encouraged what Dimaggio and Powell call “upward isomorphism” (DiMaggio and Powell 1991). Assuming that “organizations tend to model themselves after similar organizations in their field that they perceive to be more legitimate or successful” (Szelznick 1996), WPA success on one level of government increased the chances of institutionalization in other horizontal or vertical contexts. In effect, the history of WPA institutionalization in the two federation shows similar contagion effects, just that they run in the opposite direction: From the top down in Austria; from the bottom up and horizontally in Germany. For Austria, we have already established the central role of the Social Democrats in creating a federal Women’s Ministry and using the means of centralized federalism to push a left leaning policy agenda from above. It was the Social Democratic federal government and its WPA that created pressure on the left and right Länder governments to establish gender equality institutions. Hence, with a time lag, all Länder governments in the 1990s upgraded their WPA infrastructure and established Women’s Ministries. Party alignment, however, remained relevant insofar as leftist Länder governments institutionalized and expanded WPAs on a larger scale than conservative Länder.

But even under conditions of stronger Länder autonomy and more formalized cooperation in Germany, party alignment mattered. As in Austria, Germany’s women’s policy architecture is a result of efforts by women activists in and through left/center parties, in particular the Social Democrats and the Greens. Yet in contrast to Austria, contagion in Germany happened from below. The left/center Länder coalitions in Germany adopted WPAs as early as the beginning 1980s, when conservative Länder still had almost no women in parliament and the executive.12 Yet women activists from within the conservative party could point to the success of WPAs in other Länder and thereby draw their own government into action. Cooperative federalism thus provided the basis for the institutionalization of Länder WPAs with differing economic, social, religious, and ideological backgrounds. It provided for routinized communication venues in which contagion could occur. Länder that had not yet developed a women’s policy infrastructure
were scrutinized and ‘shamed’ by women activists from within and by other Länder representatives from outside. A similar process could be witnessed under time-warp conditions during unification and the accession of five new Länder after 1990. All Eastern Länder entered co-operations with Western Länder for administrative guidance and assistance in building state bureaucratic infrastructure.\textsuperscript{13} The western states delivered the blueprints; the new Länder adopted them with slight variations. Cooperative federalism did not just guarantee the adoption of the women’s policy machinery in the East, it also replicated specific kinds of institutionalization according to party-federalist blueprints.\textsuperscript{14} In effect, after 1990, all eastern states adopted versions of western states’ equality laws and equality machinery. Typically, the type of women’s policy machinery created in the five new states mirrored that of their western partner. Thus, the state of Brandenburg, with its social democratic partner state North Rhine-Westphalia, devised one of the most progressive gender equality laws and a strong women’s policy machinery; Saxonia, on the other hand, with the rather uncommitted and conservative state of Baden-Württemberg as partner, ended up with a weak legal equality framework and a precarious institutionalization of equality offices. At work in this adaptation process were thus federalist cooperations alongside party alignments.

**WPAs in times of fiscal austerity**

At the same time as cooperative federalism allows for the upward adaptation of gender issues, it makes these very institutions volatile to Länder-specific prioritizing in fiscal crisis. Under fiscal strain and with increasing Länder competition under purely economic imperatives, downward adaptation can take place. This has become dramatically evident in recent years as a weak German economy combined with increasing public debate about a more competitive federalism (Jeffery 2008) has put WPAs increasingly on the defensive. During the past decade, the women’s policy infrastructure in several states has been substantially reduced on the Länder as well as the municipal and communal level. A look at the personnel situation in the Länder women’s units reveals that most WPAs have been downsized since 2000 while overall the WPAs in Länder with center/left governments have remained substantially larger than in Länder with center/right governments. This latter
observation is independent of Länder size: Berlin for example, a city state with 3.4 Mio. inhabitants, has the largest WPA; Baden-Württemberg, a traditionally conservative state with 10.7 Mio. inhabitants, has a combined WPA with less than a quarter of Berlin’s employees.
<table>
<thead>
<tr>
<th>Land</th>
<th>Positions</th>
<th>Comparison to 2000</th>
<th>Land</th>
<th>Positions</th>
<th>Comparison to 2000</th>
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<tbody>
<tr>
<td>Baden-Württemberg</td>
<td>4 full, time</td>
<td></td>
<td>Lower Saxony</td>
<td>14 full time</td>
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<tr>
<td></td>
<td>4 part time</td>
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<tr>
<td>Bavaria</td>
<td>--</td>
<td></td>
<td>North Rhine-Westphalia</td>
<td>25 full time</td>
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</tr>
<tr>
<td>Berlin</td>
<td>33 full time</td>
<td></td>
<td>Rhineland-Palatinat</td>
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<tr>
<td>Brandenburg</td>
<td>14 full time</td>
<td></td>
<td>Saarland</td>
<td>4 full time</td>
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<tr>
<td>Bremen</td>
<td>10 fulltime</td>
<td></td>
<td>Saxony</td>
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<tr>
<td>Hamburg</td>
<td>9 full time</td>
<td></td>
<td>Saxony-Anhalt</td>
<td>3 full time</td>
<td>6 part time</td>
</tr>
<tr>
<td>Hesse</td>
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<td></td>
<td>Schleswig-Holstein</td>
<td>11 full time</td>
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<tr>
<td>Mecklenburg-West Pomerania</td>
<td>7 full time</td>
<td></td>
<td>Thuringia</td>
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Source: Interviews with leaders of women’s ministries administration on German Länder; Lang and Sauer 2011
As table 1 shows, ten of the 14 German Länder WPAs we interviewed have seen their budgets for personnel shrink in the past decade.

As opposed to Germany, Austria has not experienced a turn towards stronger competitive federalism and less of a public austerity program. Reviewing the development of resources of personnel in the last year of the ministerial administrations in the Länder we find party alignment to be the strongest predictor of strong WPA commitment (see table 2): Länder with social-democratic governments either kept the staff the same or even raised the WPAs’ resources (f.e. Burgenland, Salzburg, Vienna and Carinthia with a proportional government), while WPAs in conservative Länder experienced more cuts in personnel or were only able to secure the status quo (f.e. Lower Austria, Upper Austria and Tyrol). We can interpret this as an effect of the strength of the social-democratic women’s organizations on the Länder level on one hand. On the other this might also be due to the party competition between the conservative federal government, which abolished the federal women’s ministry at the beginning of the new century, and the left Länder governments, using women friendliness as part of their mobilizing strategy for federal elections.
### Table 2

<table>
<thead>
<tr>
<th>Land</th>
<th>Positions</th>
<th>Comparison to 2000</th>
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<tbody>
<tr>
<td>Burgenland (SPÖ)</td>
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<tr>
<td>Carynthia (FPÖ/SPÖ)</td>
<td>2 full time, 2 part time, plus free-lancer</td>
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<tr>
<td>Lower Austria (ÖVP)</td>
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<td></td>
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<tr>
<td>Upper Austria (ÖVP)</td>
<td>2 full time, 1 part time</td>
<td></td>
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<tr>
<td>Salzburg (SPÖ)</td>
<td>8 full time, 2 part time</td>
<td></td>
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<tr>
<td>Styria (SPÖ)</td>
<td>1 FT, 1 Trainee</td>
<td>--</td>
</tr>
<tr>
<td>Tyrol (ÖVP)</td>
<td>3 FT</td>
<td></td>
</tr>
<tr>
<td>Vorarlberg (ÖVP)</td>
<td>2 FT, 1 PT</td>
<td></td>
</tr>
<tr>
<td>Vienna (SPÖ)</td>
<td>29 FT, 11 PT</td>
<td></td>
</tr>
</tbody>
</table>

Source: Interviews with Landesfrauenreferentinnen of 9 Austrian Länder; Lang and Sauer 2011

In Germany, reform of federalism and the introduction of competitive elements as well as budget cuts have led to a downsizing of the Länder women’s policy machinery. By contrast, despite a discourse of federalism being too costly, budget cuts did not affect the Austrian Länder WPAs dramatically. This might on the one hand be explained by the government change on the federal level in 2000. The social democratic governments on the Länder level promised to compensate the lack of national funding for women’s projects and increased the Länder resources of the WPAs. Moreover, the threat to abolish the Länder altogether in
the Austrian discourse of federal reform might have in effect reduced (party) competition and fostered solidarity. Inadvertently, it might have aided to solidify and strengthen the Länder administrations – including their women’s policy machineries.

**Conclusion: The conditionality of party-federalism for gender equality architecture**

This article attempted to untangle the federal dimensions that affect the women’s policy architectures in Germany and Austria, starting with the hypothesis that federalism impacts WPA architecture. We provided evidence in support of such an impact, but also found that strong and weak federalism create different institutional anchors for WPAs. The more detailed analysis also pointed to the importance of party alignment as an intervening variable.

In sum, we would like to put forward several cautious findings:

1. **Cooperative federalism helps to advance a vertically and horizontally dense WPA infrastructure.**

   Even though cooperative federalism is in essence consensus oriented, conservative and rather averse to individual Länders’ experiments and innovation (Wiesenthal 2004), it did produce a strong WPA structure in both countries. Rather than women’s movement actors utilizing federalism from the outside, it was feminists moving *inside* the state that advanced WPAs. Hence, cooperative federalism offers more opportunities on different levels for WPAs being allies for women’s projects – and, thus, for “state-feminism” (McBride Stetson and Mazur 1995).

2. **Left/center parties are crucial for advancing gender equality in federalist states.**

   We have found indicators that in strong party states, women’s movement demands are channeled primarily through center/left parties (social-democratic and green parties) and embodied in a strong women’s policy agency infrastructure. Women’s voice and policies as well as visible gender infrastructure would thus have to be more prevalent in sub-national level politics in which center/left parties are in power. The metaphor of “marble cake federalism” (Sawer and Vickers 2010: 6) denotes this interplay between state scales and party influence. Resources in the Austrian and German context seem to be not much fragmented, but controlled by – more or less centralized – parties. WPAs appear to be
integrated into a hierarchical network of party-affiliated local, regional and national networks.

(3) *Interlocking federalism in economically stable times advantageous for women’s equality.* Interlocking federalism should not just be interpreted negatively as creating joint decision traps. In our cases, interlocking federalism early on generated the push to establish at least a baseline of WPAs. Hesitant political actors were forced to consistently engage with more advanced players in women’s policy fields – in more informal contexts in Austria, more formalized contexts in Germany. Contagion and upward adaptation seem to have been driving the process of gender politics.

(4) *Interlocking federalism in economically challenging times can produce downward adaptation and the marginalization of women’s equality agendas.*

As Austrian and German Länder increasingly face fiscal constraints, we have found that even in center/left Länder governments, gender politics competes with what are deemed economically more ‘central’ or ‘system-relevant’ fields and tends to be subsumed under other diversity agendas or marginalized, unless – as we see in the City States of Vienna and Berlin – a vital women’s project culture and a vocal women’s movement exist. Downward adaptation seems to take place less the case in Austrian Länder where the WPA infrastructure is perceived as a counterbalance against a dominant and centralized federal WPA.

(5) *Unlocking interlocking federalism in economically challenging times can produce downward adaptation and marginalization of women’s equality agendas.*

Both Austria and Germany faced attempts to reform their federalist structure. The more radical Austrian debate aimed at increasing centralization and abolishing the Länder had created a push-back from the Länder and might have increased leverage of WPAs and solidarity. Germany, in contrast, embarked on two federalist reforms in 2006 and 2009, the first aimed at disentangling federalized co-decision-making, the second reform aimed at the financial structure. Both reforms fell short of their intentions (Grotz and Poier 2010: 234; Burkhart 2009; Blumenthal 2010), but created frames for public discourse aimed at fiscal austerity and shedding of ‘non-essential’ state functions. Under conditions of more competitive federalism, WPAs are perceived to be as non-essential and therefore under
strain. This leads us to argue that competitive devolution might endanger progressive women’s policies even in strong federal states.

(6) National steering capacity remains central in the area of gender equality
With the tax base of Länder increasingly eroding at the same time as the federal level downloads more policy implementation onto the Länder level, we see the Länder as fiscally squeezed in austerity frameworks, both, in Austria and in Germany. The choices that they make reflect a focus on ‘hard politics’ – gender equality gets often subsumed under other diversity issues. Only if the national level remains committed to exercising its steering capacity towards gender equality will WPAs be able to maintain their status a central institutionalized hubs for gender equality.

Notes

1 In the transposition process, Länder parliaments do not have much say, which leads to what critics have termed deparliamentarization (for Austria Bußjäger 2010: 126; for Germany von Westphalen and Bellers 2010: 152).
2 For instance the regular “Conference of the Länder Prime Ministers” (in Germany: Ministerpräsidentenkonferenz; in Austria: Landeshauptleute-Konferenz), regular conferences of head of Ministries and administrative divisions; working groups between federal and Länder level (Goetz 1999; Fallend 2010; Erk 2004).
3 Commentators agree that German federalism reform, while addressing the right issues, did not achieve substantial results. Yet, it discursively put the idea of a more competitive federalism squarely into the German public arena.
5 www.noel.gv.at, access 10/12/2010.
6 Just in 2010 for example a legislative initiative against genital mutilation (Hesse and Baden-Württemberg); an initiative for quotation of executive boards of private companies (Bremen, Northrhine-Westphalia, Berlin), or an initiative to regulate the operation of so-called ‘flat-rate brothels’ (Baden-Württemberg 2010).
7 These are: family and youth (Burgenland, SPÖ), social affairs, work, family and women (Lower Austria, ÖVP); education, science, women, youth (Upper Austria, ÖVP); in the province of Salzburg the office is established at the office of the provincial governor, a SPÖ women; education, family, women youth (Styria, SPÖ); economy, family, youth, elderly people (Tyrol, ÖVP); social affairs, women, children, generations (Vorarlberg, ÖVP); in Carinthia the women’s section is institutionalised at the office of the deputy provincial governor, the SPÖ chairwomen in Carinthia. In Vienna the women’s minister from SPÖ is responsible for women and public personnel.
8 State Secretaries are “junior ministers” and subordinated to the head of the Ministry.
9 Examples are the objections of the then ÖVP dominated Bundesrat against the liberal abortion law in 1974 and the parental leave regulations in 1986 (Pelinka and Rosenberger 2007: 228).
10 At the time, the Land Vienna for example took over funding for many women’s projects.
11 At the same time, institutionalization of a women’s equality agenda under the auspices of federalism might have to some degree weakened attempts of non-institutionalized actors to influence policies. Women’s movement actors in both states are more on the ‘receiving’ end of implementation and not on the initiating front of policy intervention.
12 The woman who became the first State Secretary for Women in conservative Baden-Württemberg in 1988 recalls as late as 1980 being the only women in her party fraction among 66 men.
13 Mecklenburg-West Pomerania established ties primarily to Schleswig-Holstein, Hamburg, and Bremen; Brandenburg to North Rhine-Westphalia and Berlin; Saxony-Anhalt to Lower Saxony; Thuringia to Rhineland-Palatinate, and Saxony to Baden-Württemberg and Bavaria (Goetz 1999: 111 fn 19).

14 By 1992, about 8.400 members of Western Länder civil service worked in their respective Eastern partner administrations in central positions and performed key functions in administrative build up (Goetz 1999: 92). And even though home institutional features were not copied one-to-one, central arrangements can be traced to the influence of the Western partners, also in the case of the women’s policy infrastructure.

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