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# **The Adoption of Feminist Policies under Conservative Governments**

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A Dissertation

Presented to

the Faculty of the Joseph Korbel School of International Studies

University of Denver

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In Partial Fulfillment

of the Requirements for the Degree

Doctor of Philosophy

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by

Malliga Och

June 2016

Advisor: Dr. Martin Rhodes

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Degree Date: June 2016

## **Abstract**

This dissertation sheds light on the role conservative governments play in promoting feminist policies despite an inherent tension between conservative principles and feminist claims. It is critical to focus on the process by which conservative governments adopt or reject feminist policies not only because we know little about the process, but also because conservative governments represent the least likely case. As such, we can learn more from the case of conservative governments than from the experience of leftist parties as it allows us to understand the influence of variables beyond an egalitarian ideology. Specifically, the dissertation will consider feminist policies addressing economic inequalities for women: father quotas in parental leave (a specific time period reserved exclusively for fathers) and corporate board quotas. This dissertation employs a comparative within case study of three cases in Germany with four additional preliminary case studies in United Kingdom and Japan utilizing process tracing, qualitative content analysis, and elite interviews. The dissertation finds that (a) feminist policy adoption under conservative governments is successful when coalition constraints facilitate the inclusion of the feminist policy on the policy agenda of the coalition government; and (b) when critical actors occupy veto player positions enabling the passage of the feminist policy into law.

## **Acknowledgments**

This dissertation is dedicated to all the trailblazing women who came before me, especially Sarah Childs, Karen Celis, Louise K. Davidson-Schmich, Amanda Clayton, and Christina Xydias who have volunteered their time, wisdom, feedback, and support for my research endeavor. A special thank you belongs to my husband, Matthias Edrich, whose patience and proofreading made this dissertation a reality (and because he is okay with not being thanked first). This Ph.D. is as much yours than mine. I also could not have completed the dissertation without the encouragement of my parents. Sabina, Alex, Christi, Jesse, Tine, Sim, Laura, Ellen, Christoph, Thorsten, and Betsy, thank you for lending an ear and being a sounding board. Most importantly, thank you for keeping me sane for all these years. Keith, thank you for never kicking me out even though I spent more hours writing at Keith's Coffee Bar than at home or at the library. Finally, thank you to everyone on my committee, and especially Martin, for their guidance and support. I am sure you cannot wait to get rid of me.

# Table of Contents

Chapter 1 Introduction	1
1.1. Feminist Policy Solutions to Economic Inequality.....	2
1.2. Background.....	5
1.3. Conceptual Framework.....	7
1.4. Research Design.....	11
1.5. Hypotheses.....	14
1.6. Limitations and Scope.....	15
1.7. Significance.....	16
1.8. Plan of Dissertation.....	18
 Chapter 2 Literature Review and Conceptual Framework	 20
2.1. Literature Review.....	21
2.1.1. Substantive Representation of Women.....	21
2.1.2. Feminization of Conservative Parties.....	27
2.2. Conceptual Framework.....	33
2.2.1. Critical Actors.....	34
2.2.2. Coalition Constraints.....	36
2.2.3. Veto Players.....	40
2.3. Conclusion.....	52
 Chapter 3 Research Design	 54
3.1. Background of Father Leave Policies and Board Diversity Policies.....	55
3.1.1. Father Leave Policies.....	55
3.1.2. Board Diversity Policies.....	58
3.2. Rationale for Research Approach.....	61
3.3. Research Design – Case Selection.....	65
3.4. Research Design – Data Collection Methods.....	71
3.4.1. Data Collection – Germany.....	74
3.4.2. Data Collection – United Kingdom.....	75
3.4.3. Data Collection – Japan.....	76
3.5. Alternative Explanations.....	77
3.5.1. Socioeconomic Conditions.....	77
3.5.2. Political Characteristics.....	80
3.5.3. History of Gender Equality Policy.....	81
3.5.4. Cultural Attitudes.....	83
3.5.5. Women in Politics.....	86
3.6. Definition of Terms.....	86
3.7. Conclusion.....	89
 Chapter 4 Germany: The Adoption of the <i>Partnermonate</i>	 90
4.1. The CDU – Lacking a Process of Feminization.....	93

4.2. The Groundbreaking Nature of the 2006 Parental Leave Reform .....	99
4.3. Inclusion of the Father Leave Policy in the Government Agenda .....	102
4.4. The Policy Adoption Process .....	111
4.5. The Constellation of Veto Players, Critical Actors, and Opponents .....	117
4.6. Explaining the Policy Outcome .....	121
4.6.1. The Drafting Phase .....	122
4.6.2. The Legislative Process .....	127
4.7. Public Policy Discourse .....	129
4.8. Discussion .....	135
 Chapter 5 Corporate Board Quotas: From Non-Issue to Trigger of Government Crisis	139
5.1. Corporate Board Quotas on Government and Legislative Agendas .....	141
5.2. Identification of Critical Actors, Veto Players, and Opponents .....	150
5.3. The Flexi-Quota Proposal .....	154
5.4. The State Government Initiative in the <i>Bundesrat</i> .....	158
5.5. Discussion .....	175
 Chapter 6 Return of the Grand Coalition and Return of Feminist Policies	181
6.1. General Elections and Coalition Negotiations .....	182
6.2. The Constellation of Critical Actors and Veto Players .....	189
6.3. Explaining the Policy Outcome .....	197
6.4. Discussion .....	212
6.5. Conclusion .....	220
 Chapter 7 Expanding the Argument	223
7.1. Feminist Policy Adoption under the British Cameron government .....	227
7.1.1. Coalition Constraints in the British Context .....	228
7.1.2. Father Leave Policy in the United Kingdom .....	232
7.1.3. Corporate Board Quota in the United Kingdom .....	235
7.2. Extending the Argument to the Japanese Case .....	241
7.2.1. Coalition Constraints in the Japanese Context .....	241
7.2.2. The Japanese Policy Process .....	244
7.2.3. The Location of Veto Players in the Japanese Policy Process .....	248
7.2.4. The Adoption of the 2009 Father Leave Policy .....	252
7.2.5. The Adoption of the 2015 Corporate Board Quota .....	254
7.3. Conclusion .....	259
 Chapter 8 Conclusion	263
8.1. Empirical Findings .....	264
8.1.1. Legislative Agenda Setting .....	264
8.1.2. Policy Adoption .....	266
8.2. Theoretical Implications .....	268
8.3. Policy Implications .....	270
8.4. Directions for Future Research .....	271
8.5. Conclusion .....	273

Bibliography .....	286
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Appendices

Appendix A .....	307
Appendix B .....	316
Appendix C .....	318
Appendix D .....	321
Appendix E .....	322



## **List of Tables**

Table 1: Feminist Policy Adoption under Conservative Governments	8
Table 2: Policy Outcomes Across Countries	13
Table 3: Countries with Father Leave Policies	59
Table 4: Countries with Board Quotas	62
Table 5: Policy Outcomes Across Countries	67
Table 6: Socioeconomic Conditions across Germany, Japan, and the UK	79
Table 7: Party Ideology of Coalition Parties	82
Table 8: Commitment to Equality Issues in Party Platform	82
Table 9: Nature of Coalition Constraints across German and British Cases	277
Table 10: Policy Adoption: Critical Actors, Veto Players, and Opponents	278

## List of Figures

Figure 1: Adoption of Father Leave Policies and Board Quota Policies	4
Figure 2: Policy Process for Family Policies	114
Figure 3: Constellation of Political Actors in Drafting Phase	126
Figure 4: Legislative Process and Critical Actor Location	130
Figure 5: Policy Process for Corporate Board Quota Law	160
Figure 6: Policy Process of Corporate Board Quota Bill	163
Figure 7: Constellation of Veto Players, Critical Actors, and Opponents	167
Figure 8: Policy Process for Corporate Board Quota	197
Figure 9: Tweet by Henrike von Platen	201
Figure 10: Tweet by Pro-Quote	201
Figure 11: Constellation of Veto Players and Critical Actors	203
Figure 12: Tweet by Kathrin Göring-Eckhart	211
Figure 13: Tweet by Henrike von Platen	214
Figure 14: Tweet by Ramona Pisal	214
Figure 15: Tweet by Manuela Schwesig	219
Figure 16: Tweet by Heiko Maas	219
Figure 17: Tweet by Caren Lay	220
Figure 18: Formal Policy Process Japan	256
Figure 19: Location of Veto Players (Father Quota 2009)	262
Figure 20: Location of Veto Players (Corporate Board Quota 2015)	262

# Chapter 1

## Introduction

This dissertation will investigate which conditions and factors prompt conservative parties to put feminist policies on the policy agenda and adopt them when in government. Focusing on instances of feminist policy adoption under conservative governments is a particularly timely concern because we have seen important changes within conservative parties when it comes to both the descriptive (or numerical) representation and substantive representation of women, i.e., the representation of women's interests. With regard to descriptive representation, in the United Kingdom, the Conservative Party doubled its number of female representatives in the 2010 election, and the number continued to rise in the 2015 election; in South Korea, conservative Park Geun-hye became the first female president in 2013; and in Germany, Angela Merkel of the Christian Democratic Union (CDU) has governed as the first female chancellor since 2005. With regard to substantive representation, we have seen conservative governments advance feminist policies such as equitable parental leave policies in Germany and corporate board quotas in Kenya, and conservative Prime Minister Shinzo Abe in Japan even made *womenomics* a central pillar of his economic recovery strategy to build a society where women can shine. Thus, the old wisdom that conservative parties are unsympathetic to demands for integrating women's concerns and interests into their

policy platform requires us to rethink the substantive representation of women in conservative parties.

This dissertation will address instances where conservative governments adopted feminist policies in the economic realm. Adoption occurs when conservative governments introduce a government bill into the legislative process which is successfully passed into law. Specifically, I will focus on the adoption of father leave policies and board diversity policies under Merkel's conservative government in Germany as the primary case studies, as well as two additional preliminary case studies in the United Kingdom and Japan. Both types of policies aim to achieve, or at least improve, economic equality for women and have become more common in the last decade. As such these policies are inherently feminist in their nature as they attempt to challenge the traditional division of labor both in the private and the public sphere. I chose to focus on these specific policies because each policy violates the principles of both traditional and liberal conservatism and as such run contrary to the ideological underpinnings of conservative parties. While corporate board quotas infringe upon liberal conservative values such as limited state interference in the market, father leave policies challenge the traditional notions of the male breadwinner and female caregiver. Further, both types of policies tend to be opposed by business interests, long-standing and important constituencies of conservative parties.

### **1.1. Feminist Policy Solutions to Economic Inequality**

While the lack of political equality has been recognized and accepted as a problem to be solved both internationally and within individual countries, the issue of

economic equality has only recently entered public awareness and public debate. Despite a growing pool of highly educated and skilled female workers, women still make up only 39.6 per cent of the total paid labor force worldwide, the great majority of part-time workers, and only a small fraction of entrepreneurs (OECD 2015). These numbers show that politics is not the only arena where women are underrepresented and discriminated against. As a result, two topics in particular have gained traction in the past two decades: reconciliation policies and equal employment policies. In regards to the latter, countries have paid greater attention to the distribution of care responsibilities among men and women because women's caretaker status has been identified as one of the reasons why women do not advance in the workplace at the same rate as men. Typically, companies are reluctant to hire or promote women because they assume that women eventually will drop out of the workforce to take care of their children. As a result, ten countries so far have included provisions in their parental leave policies that encourage fathers to take time off work to be the primary care taker for their children. The idea behind father leave policies is that in a society where both men and women will equally share care responsibilities, employers will have fewer reasons to discriminate against women based on their childbearing capacities. Thus, several governments have adopted father leave as a means to combat workplace discrimination against women.

In terms of equal employment policies, the lack of women on corporate boards is the most glaring economic inequality. In 2014, the percentage of women on boards ranges from 0.1 per cent in Saudi Arabia to 40.5 per cent in Norway with an average of 10.2 per cent per country ('Women on Boards' 2015). To date, 16 countries have adopted

corporate board quotas ('Legislative Board Diversity' 2014, Terjesen, Aguilera, and Lorenz 2014), which set specific targets for companies to ensure a balanced gender representation on corporate boards. By dictating that companies nominate women for board positions, these policies aim to overcome the lasting influence of the so called 'old boys networks' which still represent an often insurmountable barrier to women's advancement.

**Figure 1: Adoption of Father Leave Policies and Board Quota Policies**

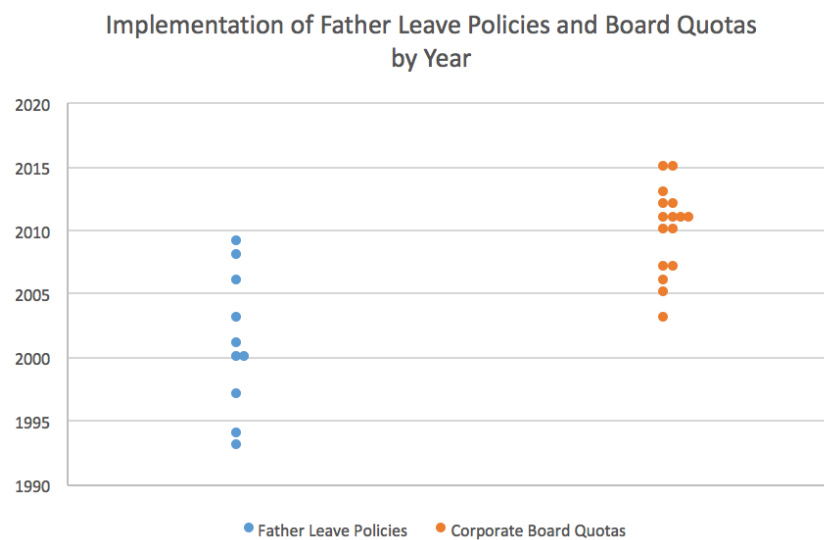


Figure 1 shows that father leave policies emerged in the early 1990s and became more ubiquitous in this century. In contrast, corporate board quotas emerged only in 2003 and have experienced an uptake in usage since 2010 when eleven of the 16 board quotas were adopted. For both policies, Scandinavian countries were the pioneers: Norway was first to adopt both a corporate board quota in 2003 and a father leave policy in 1993 while Sweden adopted father policies in 1994, Denmark in 1997, and Finland adopted the corporate board quota shortly after Norway in 2005. Conservative governments in

Sweden, Iceland, Austria, Germany, and Japan all adopted father leave policies while conservative governments in Norway, Kenya, France, the Netherlands, Germany, and Japan have adopted corporate board quota policies.

## **1.2. Background**

We still know very little about the representation of women's interests in conservative parties. This lack of knowledge, however, is not surprising. Mazur (2002), in a meta-analysis of 27 cases of feminist policy adoption, found that the most common explanatory variables were a combination of left-leaning governments and an egalitarian political culture. Egalitarian societies usually boast one of the smallest gaps in gender equality and were the first to adopt feminist policies such as electoral gender quotas and have the most equitable parental leave policies (World Economic Forum 2015; Schmitt, Ray, and Gornick 2010). Likewise, feminist policies and left-wing governments are an obvious fit because left-wing parties today share a commitment to social equality which includes gender concerns (Krook 2006). For example, left-wing parties typically have a greater number of women representatives in their ranks, they tend to be allies of the feminist movement, and they were the first to adopt electoral gender quotas (Beckwith 2010; Lovenduski 2010). As a result, a great majority of studies have focused on left-leaning parties and governments when investigating women's political representation, both descriptively (by including more women in their parties numerically) and substantively (by representing women's interests).

This dissertation will address this gap in knowledge specifically as it relates to women's substantive representation in conservative governments. Focusing on the

process by which conservative governments adopt or reject feminist policies is particularly critical not only because we know little about that process but also because conservative governments represent the least likely case of feminist policy adoption. As such, we can learn more from the cases of feminist policies approved and promoted under conservative governments than from the experience of left leaning governments, as it allows us to understand the influence of variables beyond an egalitarian ideology. As Morgan (2006, 182) so aptly puts it, “(L)ibrary shelves overflow with books on Social Democratic and other Left parties (...) but there have been few volumes on the politics of the moderate center right.”

A new burgeoning literature has started to address the political representation of women in conservative parties. These studies focus on the feminization of conservative parties which is best considered a process by which conservative parties incorporate women (descriptive representation) into the party itself and women’s concerns (substantive representation) into their party platforms (Marthaler, Webb, and Childs 2009). The majority of studies focus on the numerical representation of women.<sup>1</sup> Studies that focus on the substantive representation of women are illustrative in nature and typically count the frequency and type of arguments conservative women MPs engage in.<sup>2</sup> In the most eminent work on women’s political representation in conservative parties

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<sup>1</sup> For examples, see: Wiliarty and Gaunder (2014) for a discussion of conservative female candidates in Japan and Germany; Curtin (2014) on conservative women in executive office in Australia and New Zealand; or McIlven (2009) and Campbell et al. (2006) for women in the Conservative Party in the United Kingdom.

<sup>2</sup> For examples, see: Kantola and Saari (2014) on conservative women’s gender equality discourse in Finland; Piscopo (2014) on feminist claim making and conservative women in Argentina; or Celis and Childs (2012) on gendered claim-making by women in the Conservative Party in the United Kingdom.



edited by Celis and Childs (2014), only one author discusses the potential factors that prompt conservative governments to adopt feminist policies. Thus, even in the literature on women's representation in conservative parties and governments, few studies explore the driving forces behind the actual adoption of feminist policies under conservative governments. It is this gap in the literature that I will address.

### **1.3. Conceptual Framework**

I argue that the adoption of feminist policies must be understood through a conceptual framework that links electoral competition to the dynamics between critical actors, policy opponents, and veto players in the policy making process. While the constellation of critical actors and veto players is crucial for ensuring the successful passage of feminist policies, electoral competition determines whether the feminist policy becomes adopted by the coalition government and is thus put on the government agenda. In all instances of successful policy adoption of either father leave policies or board diversity policies, the conservative party was in a coalition government (see Table 1 below). It seems that coalition constraints matter specifically when the coalition parties have different policy preferences. The strength of coalition constraints is measured by the nature of the coalition (i.e., is the coalition one of electoral necessity) and relative strength of the coalition partner (i.e., are the coalition partners roughly equal in seats won or is there a significant difference in size).

**Table 1: Feminist Policy Adoption under Conservative Governments**

Country	Policy	Year	Coalition	> 30 per cent Women in Parliament	High female labor force participation	Fertility below replacement	Dual earner/carer	Egalitarian Culture	Feminized Cons. Party
Netherlands	Board Quota	2011	1	1	0	1	0	0	1
France	Board Quota	2011	1	0	0	0	0	0	0
Japan	Father Leave	2009	1	0	0	1	0	0	0
Japan	Board Quota	2015	1	0	0	1	0	0	0
Germany	Father Leave	2006	1	1	0	1	0	0	0
Germany	Board Quota	2015	1	1	0	1	0	0	0
Iceland	Father Leave	2000	1	1	1	0	1	1	-
Sweden	Father Leave	1994	1	1	1	1	1	1	1
Norway	Board Quota	2003	1	1	1	1	1	1	1
Austria	Father Leave	2001	1	0	0	1	0	-	0

The table above also shows that commonly proposed explanations such as a critical mass of women in parliament (i.e., over 30 per cent), high female labor force participation, demographic pressures, type of welfare regime, egalitarian culture or a feminized conservative party cannot explain feminist policy adoption under conservative governments<sup>3</sup>. Thus, my conceptual approach moves beyond macro-patterns to explain policy outcomes.

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<sup>3</sup> See for example: Dahlerup 1988, Morgan 2011/2013, Grey 2002 (on critical mass); Dalton 2015 and Karu and Poll 2011 (on low fertility); Fleckenstein and Lee 2012 or Henderson and White 2004 (on labor force participation); Sainsbury 1999 or Gornick and Meyers 2003 (on welfare regimes); Inglehart and Norris

I utilize the critical actor approach adopted in women and politics studies (Childs and Crook 2006; Chaney 2006) and combine that approach with the veto player approach from comparative politics (Huber et al 1993; Huber and Stephens 2000; Immergut 1990; Tsebelis 1995, 1999, 2002) to develop a conceptual framework that will explain why conservative governments adopt or fail to adopt feminist policies. Critical actors are

. . . those who initiate policy proposals on their own, even when women form a small minority, and embolden others to take steps to promote policies for women, regardless of the proportion of female representatives (Childs and Crook 2006, 528).

Accordingly, critical actors are typically feminist actors or – at a minimum – strong advocates for the policy under consideration. I differentiate between parliamentary critical actors, *i.e.*, those who speak up in the media as well as in the legislative process in favor of the policy, and extra-parliamentary critical actors, *i.e.*, individuals in civil society, business, and academia who speak out in the media in favor of the policy and lobby the government to adopt the policy either through petitions, open letters, or testifying in front of committees.

However, I argue that the presence of critical actors is not enough. Critical actors also need to command situational power in order to advance their policy proposals (Sawer 2012; Annesley and Gains 2010). Speaking up in favor of policies neither guarantees that the policy will become part of the policy agenda nor ensures the successful passage of the policy. This is why critical actors need to be either in a position to influence individuals who occupy strategic decision-making positions, or critical actors

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2001 (on egalitarian cultures); and Morgan 2006 or Celis and Childs 2014 (on Conservative Party Feminization)

need to hold these positions themselves. The welfare literature typically refers to individuals who occupy strategic decision-making positions as veto players. Veto players are actors whose consent is necessary to adopt a specific policy (Tsebelis 1995) and are thus crucial in the policy-making process. Tsebelis (2002) differentiates between institutional veto players (set forth by the constitution) and partisan veto players (emerging from the political game). A significant shortcoming of Tsebelis' approach is that he treats veto players as black boxes. He assumes that in cases where political parties are veto players, each policy is approved by an internal party majority. Yet he does not theorize how this approval process occurs. I maintain that veto players are also found within political parties in the form of internal party factions. Following Mule (2001), I argue that competition among party internal factions is essential in determining the policy stance of the political party. Thus, I expand on the veto player approach by recognizing the existence and importance of veto players to the policy-making process that precedes the drafting of a bill.

Further, the veto player approach does not theorize the policy preferences of veto players. Veto players themselves can be supportive, opposed, or neutral towards the feminist policy. I argue that the policy preference of veto players influences their likelihood to consent to a policy. For example, policy adoption will most likely stall if a veto player is opposed to the respective feminist policy. Similarly, if a veto player supports the proposed feminist policy, policy adoption is more likely. Thus, my conceptual framework will not only identify the relevant veto players but also specify their policy preferences to determine the likelihood of policy adoption.

By combining a modified veto player approach with the critical actor approach, I can estimate the institutional resources that critical actors have at their disposal when advancing their preferred policies. I expect that in cases where critical actors occupy veto player positions, successful policy adoption is more likely. Likewise, it is important to locate the position of policy opponents to veto players: I argue that in cases where opponents either control veto player positions or can influence veto players themselves, the feminist policy will either be stopped or at a minimum weakened.

#### **1.4. Research Design**

The dissertation will employ a qualitative comparative case study utilizing process tracing, qualitative content analysis, and elite interviews to understand the processes leading to either successful or failed policy adoption. Process tracing allows me to determine the causal sequence in each case study and test the explanatory power of my suggested hypotheses. In order to identify the causal sequence in each case of feminist policy adoption, I utilize qualitative content analysis and elite interviews.

For the qualitative content analysis, I have consulted various primary sources including legislative records, verbatim protocols of parliamentary debates and party conventions, speeches by the Prime Minister/Chancellor and responsible cabinet ministers, policy briefs and statements, press releases by the responsible ministries, and coalition agreements and relevant party platforms. Secondary sources include media coverage of the policies in major national newspapers. The study of both primary and secondary sources helps me to identify the relevant critical actors while also determining the primary arguments brought forward in favor of and against the respective policies. I

differentiate between the types of arguments brought forward for or against the policies by positional actors (veto player, opponent, or critical actor) as well as by types of actors (business representatives, civil society actors, academics etc.). I differentiate between feminist arguments and those drawing on economic interests or concerns, international examples (both positive and negative) and mandates, demographic realities, cultural attitudes, and public opinion. This allows me to gauge the motivation behind the policy proposal, particularly whether the policies were motivated by electoral calculation or gender equality concerns and whether socioeconomic and demographic pressures prompted the adoption of these policies. For example, I show that in Germany, feminist concerns were paramount while in Japan, socioeconomic and demographic pressures were the motivating factors.

I also conducted in-depth elite interviews with members of parliament, civil servants, civil society actors, journalists, and representatives of women's organizations in Germany and the United Kingdom. Together, the interviews and qualitative content analysis allow for an assessment of the influence of critical actors, opponents, and veto players during the policy making process. Further, the analysis helps me to understand under which circumstances feminist actors have built coalitions within conservative parties, across political parties, as well as with business and civil society organizations to push for feminist policies, despite potential opposition of other groups within the conservative parties.

**Table 2: Policy Outcomes Across Countries**

<i>Policy Outcome</i>	<i>Policy Proposal</i>	<i>Country</i>	<i>Legislative Period</i>
<i>Passed</i>	Father Bonus	Germany	2005 – 2009
<i>Not Passed</i>	Board Quota	Germany	2009 – 2013
<i>Passed</i>	Board Quota	Germany	2013 – current
<i>Passed</i>	Father Bonus	Japan	2005 – 2009
<i>Passed</i>	Board Target	Japan	2012 – current
<i>Not Passed</i>	Father Quota	United Kingdom	2010 – 2015
<i>Not Passed</i>	Board Quota	United Kingdom	2010 – 2015

Specifically, this dissertation considers seven cases across Germany, the United Kingdom, and Japan, including four successful cases (the adoption of father quotas in Germany 2006 and Japan 2009 and corporate board quotas in Germany and Japan both in 2015) and three failed cases (corporate board quotas in Germany 2013 and the United Kingdom 2013, and the father quota in the United Kingdom in 2013). I chose these countries because they encompass seven out of a total of nine cases where conservative governments debated both policies with varying success. The other two cases are in Sweden where a conservative government adopted a father leave policy but failed to adopt a corporate board quota. I chose to exclude the Swedish cases because they are less comparable to the other cases based on Sweden’s unique socioeconomic, demographic, and political context.

Comparing successful cases with failed attempts will allow me to isolate the importance of veto players, critical actors, and coalition constraints in each case. Further, by looking at these cases, I can follow a most-similar research design: all countries share important socioeconomic conditions such as fertility rates below replacement levels, sluggish economies, and relatively low participation of women in the labor force, which are often used to justify these types of feminist policies. They also share important

political characteristics such as programmatic parties and a parliamentary democracy. Holding these background conditions constant allows me to focus on the explanatory variables put forward in my conceptual framework.

### **1.5. Hypotheses**

I argue that two conditions need to hold for conservative governments to adopt feminist policies. First, conservative governments must adopt the feminist policy for their government agenda. Here, at least one coalition party must be in favor of the policy and coalition constraints must be permissive. For the feminist policy to be adopted, the constellation of veto players, opponents, and critical actors is such that critical actors control veto player positions while opponents remain outside the policy making process. Thus, I propose that two conditions are necessary for successful feminist policy agenda setting and policy adoption by conservative governments: (1) Coalition constraints must be permissive, facilitating the inclusion of the feminist policy on the government agenda; and (2) critical actors need to occupy veto player positions in the policy making process. If these two conditions hold, the following outcomes are possible:

1. When the ruling conservative party is against the policy, the feminist policy will be adopted when the coalition constraint is permissive, and critical actors are able to control and influence veto player positions (Germany 2006 and 2015). Here, the successful introduction of the bill, its passage, and final policy crucially depends on the constellation of critical actors, veto players, and opponents.



2. When the ruling conservative party is in favor of the policy, the feminist policy will be adopted when critical actors occupy veto player positions. Coalition constraints do not matter in this case as both parties are in favor of the policy. Here, the strength of the feminist policy will depend on the ability of opponents to influence veto players (Japan 2009 and 2015).

Further, I show that feminist policies will not be adopted when the coalition constraint is weak (i.e., the coalition partner cannot impose demands on the conservative coalition party). Here, the constellation of veto players, opponents, and critical actors yields to coalition constraints (United Kingdom 2013). Finally, feminist policies will not be adopted when neither of the two conditions holds (Germany 2013; United Kingdom 2011).

## **1.6. Limitations and Scope**

The primary focus of this dissertation is a qualitative comparative within-case study of Germany. One inherent weakness is a limited ability to generalize from this type of study. To compensate for this limitation, the dissertation includes two preliminary case studies in the United Kingdom and in Japan. Analyzing the failed attempts in the United Kingdom specifically allows me to test whether the explanatory variables I identified in the German cases are indeed absent in the British cases. Demonstrating the absence of the explanatory variables in these negative cases increases the confidence in my findings. Likewise, by considering two successful cases in Japan, I can probe whether the explanatory variables identified in the German cases also hold true in the Japanese cases

or whether the variables are unique to the German case and are not replicable in other instances.

### **1.7. Significance**

The dissertation will draw equally on key insights from the women and politics literature and the comparative welfare state literature to help me develop a framework that will better explain why political parties adopt public policies that run contrary to their ideological underpinnings. By focusing on the conditions and factors that prompt feminist policy adoption under conservative governments, this dissertation will contribute to the growing field of comparative gender studies whose aim is to move away from explaining women's political influence or behavior to understanding how specific gendered policies are adopted by utilizing both gendered and ungendered concepts (Caraway 2010). While the gender literature has focused mainly on how specific actors, such as elected women, women's agencies, or the women's movement, can individually influence the adoption of feminist policies, the comparative literature has for the most part ignored the contribution that feminist actors and gendered concepts make to the adoption of public policies. Instead, the welfare literature aims to explain welfare policies by emphasizing factors such as partisanship (Terjesen, Aguilera, and Lorenz 2014), institutionalism (Lambert 2008) or the logic of industrialism (Fleckenstein and Lee 2012). Yet, in the case of father leave policies and board diversity policies, none of these approaches in isolation is sufficient to explain the adoption of these policies. Thus, my conceptual framework bridges the divide between gender studies and comparative politics by applying both gendered (critical actors) and ungendered concepts (veto

players and coalition theory) to create a comprehensive explanatory framework which accounts for the full range of potentially explanatory variables rather than just a specific few. Further, the impact of this dissertation is not limited to the field of comparative gender studies. I have developed a conceptual framework that allows for the general study of comparative public policy adoption. Critical actors can more generally be understood as policy advocates who, depending on their institutional power both within the formal and informal policy decision making process, can shape policy outcomes. Further, coalition constraints work across all policy areas and not just feminist ones.

Due to variances across policy areas and across political systems, neither critical actors nor veto players can be defined a priori. That being so, we must remain open to the possibility that a variety of actors can be critical actors – men and women, elected MPs, civil society actors, or varying collective actors such social movements, organized interests, advocacy organizations, etc. – and can influence the adoption of public policies. The same is true for the identification of veto players which will differ across political systems due to different political traditions and institutional compositions. As a result, the conceptual framework remains flexible enough so that the analysis of the policy process can travel across varied policy areas, political systems, political cultures, and legal traditions. By incorporating the concept of critical actors with the veto player approach I am able to outline how critical actors and veto players interact to produce a policy outcome for each individual case while maintaining comparability across cases. Thus, by drawing on both the gender and welfare literature, I will be able to better answer the *who*, *what*, *where*, *when*, and *how* questions of public policy adoption.

## 1.8. Plan of Dissertation

The dissertation is split into two parts. Part I establishes the general framework for the dissertation. Chapter 2 gives first an overview of the women and politics literature and the feminization of conservative party literature. I discuss the most pertinent studies that have analyzed the adoption of board diversity and father leave policies as well as studies specifically discussing the adoption of either policy in Germany, the United Kingdom, and Japan. This chapter then presents the conceptual framework utilized to explain feminist policy adoption in Germany. I draw on the study of welfare states and the substantive representation of women to build a conceptual framework that emphasizes the importance of political background conditions (coalition constraints) and the strategic interaction between veto players and critical actors. Chapter 3 presents the research design including a discussion of alternative explanations. This chapter also contains a more detailed description of the history, spread, and background of both father leave policies and board diversity policies.

Part II applies the conceptual framework to the case of Germany. Chapter 4 analyzes the adoption of the *Elterngeld* (parental leave reform) in 2006 focusing specifically on the father leave policy contained in the overall reform package. Chapter 5 discusses the first attempt to adopt a board diversity policy in 2013 which failed despite considerable support by conservative women. I show that the failure to adopt the policy in 2013 ultimately helped secure policy success in 2015. Chapter 6 focuses on the successful adoption of the board diversity policy in 2015.

Chapter 7 takes the insight from the German case studies and extends the argument to four other cases in the United Kingdom and Japan, which allows me to verify the validity of my conceptual framework. In this chapter, I apply my conceptual framework to four additional cases in the United Kingdom and Japan to explore whether the framework potentially is able to explain these cases as well. In the United Kingdom, the chapter considers two instances of failed policy adoption under the Cameron government. Both father leave and board diversity policies were publicly debated in 2012 but the father leave policy was not ultimately included in the parental leave reform while the board diversity policy was not introduced into the legislative process at all. For Japan, the chapter will consider the successful adoption of both father leave policy in 2009 and a corporate board policy in 2015 under two different conservative governments in Japan.

The final chapter summarizes the arguments developed in the previous chapters and assesses the validity of the conceptual framework outside of the primary case studies in Germany. The dissertation will conclude with a discussion of the study's implications for the fields of comparative gender studies as well as avenues for future research.

## **Chapter 2**

### **Literature Review and Conceptual Framework**

In this chapter, I will develop a conceptual framework for understanding why feminist policy adoption occurs under conservative governments. The conceptual framework is generally grounded in the substantive representation of women literature and more specifically in literature analyzing the feminization of conservative parties. In this review, I will also touch upon the literature addressing the issue of father leave and board diversity policy and those studies that directly discuss the parental leave reform in Germany. In general terms, I will argue that the literature on the substantive representation of women lacks a consideration of institutional context and resources. Likewise, the feminization of conservative party literature cannot explain cases where conservative parties are not feminized but nevertheless adopt feminist policies. While grounded in the substantive representation of women literature, my conceptual framework addresses the identified weaknesses by also drawing on the veto player approach and the coalition bargaining literature in comparative politics. When presenting my framework, I will show how these approaches complement my conceptual framework and increase its explanatory value.

## 2.1. Literature Review

### 2.1.1. Substantive Representation of Women

The study of women in politics typically consists of three areas: the descriptive representation of women, the substantive representation of women, and the symbolic representation of women (Pitkin 1967). Studies of the descriptive representation of women explain the numerical presence of women in elected office by emphasizing the barriers that women face when running for office (Wängnerud 2009), focusing primarily on electoral, socioeconomic, and cultural variables.<sup>4</sup> In contrast, the symbolic representation of women tries to understand whether female representatives have a positive effect on women's political interest and involvement by serving as role models. Symbolic representation also argues that the presence of women in political institutions enhances the political legitimacy of these institutions and signals women's equal status as political representatives (Celis and Childs 2014).<sup>5</sup>

The substantive representation of women perspective studies how women once elected, represent women's interests (Celis 2009). As Pitkin (1967) argues, being substantively represented means 'acting in the interest of the represented, in a manner responsive to them' (209). Substantive representation consists of representative acts such as voting for women-friendly policies, speaking for women (i.e., introducing women's issues and experiences into legislative debates), proposing women-friendly policies, or

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<sup>4</sup> See for example: Wängnerud 2009; Kennworthy & Malami 1999 on the impact of electoral factors; Inglehart & Norris 2003 on cultural factors; and Norris & Lovenduski 1995 on socioeconomic context.

<sup>5</sup> See also Joshi and Och (2014) for a discussion on the different forms of representation.

testifying (i.e., drawing on personal experience to elaborate women's issues) (Celis 2009). These representative acts ultimately are thought to lead to the inclusion of women's concerns, experiences, and interests in the policy-making process. The literature always assumes a link between the presence of women and the representation of women's interest as is most clearly put forward by Phillips (1998) and her *politics of presence* argument when she holds that men alone can neither accurately nor adequately represent women's interests as a whole. The underlying assumption is that women have different policy priorities than men and are more likely to act for women (Taylor-Robinson and Heath 2003; Swers 2005). For example, women as a group are thought to be more likely to support policies as they relate to children/family, education, health care, societal welfare, and the environment (Thomas 1991; Taylor-Robinson and Heath 2003). Studies indeed have found that women more often than men engage in and initiate debates<sup>6</sup> about women's issues (Chaney 2006 and 2008 on Welsh Assembly, 2011 on the Scottish Assembly; Piscopo 2011 on the Argentinian parliament). Women are twice as likely as men to support feminist and pro-equality measures (Chaney 2008, 279; Piscopo 2011; Swers 2005 on US Congress), and women are more likely to co-sponsor or sponsor bills addressing women's issues (Reingold 2008; Swers 2005; Taylor-Robinson and Heath 2003 on Honduras).

There are two major arguments put forward regarding how the descriptive representation of women translates into the substantive representation of women: the

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<sup>6</sup> Sixty-seven percent of women initiated a debate on women's issues in the Welsh Assembly compared to 36.4 percent of men (Chaney 2006, 701).



critical mass and critical actor arguments. The critical mass argument holds that women need to make up a certain percentage of the legislature to achieve policy change (Dahlerup 1988; Kanter 1977). However, the research is inconclusive on where this threshold should be located, locating the threshold between ten and forty per cent (Celis and Childs 2012; Bochel and Bochel 2008), and whether critical mass actually matters at all (Grey 2006; Studlar and McAllister 2002). Thus, recent studies have argued that the link between critical mass and the substantive representation of women is probabilistic rather than deterministic (Wängnerud 2009).

As a response to the inconclusiveness of the critical mass debate, attention has shifted to the role of individual women - termed critical actors - in pushing for more women-friendly policies. The critical actor perspective argues that even a small number of women can make a difference in gendered discourse and outcomes. Critical actors are:

those who initiate policy proposals on their own, even when women form a small minority, and embolden others to take steps to promote policies for women, regardless of the proportion of female representatives (Childs and Krook 2006, 528).

Critical actors thus are individuals (male and female) such as femocrats (a civil servant dealing with women's issues), members of parliaments, cabinet ministers, or heads of governments or collective actors such as women's organizations or women caucuses. Often, these critical actors share backgrounds as activists or held senior positions in women's organizations prior to becoming politicians (Annesley and Gains 2010; Chaney 2006). Research has supported the claim that some women are more likely than others to act for women: In his analysis of the Scottish and Welsh parliament, Chaney (2006 and 2011) found that the same small group of women accounted for the

majority of all women-friendly initiatives in the legislature and committees. Similarly, Sawyer (2012) found that critical actors played an important role in allowing RU 486 (an abortion pill) to be sold in Australia.

This emphasis on the role of women in parliament, the party, and executive office in promoting policy change beneficial to women is reflected in the literature on board diversity and father leave. Several studies have emphasized the role of individual actors such as Angela Merkel or Ursula von der Leyen (the Minister for Families, Seniors, Women, and Youth Matters) in ensuring the passage of equitable parental leave in Germany. For example, Henninger and von Wahl (2010) ask why Ursula von der Leyen was able to push a progressive family policy. The authors find that, among others, Ursula von der Leyen's leadership was crucial in building coalitions. Likewise, Wiliarty (2010) sees the political leadership of Ursula von der Leyen as vital to the success of the policy reform. She argues that the minister was pivotal in securing support from the business community and church groups. Further, she was able to count on Angela Merkel for support. Interestingly, von Wahl (2011) finds that Angela Merkel's gender did not inform her decision to support equitable care leave, confirming the claim in the critical actor approach that not all women are critical actors.

Others such as Morgan (2013) and Lambert (2008) follow more closely the critical mass argument by holding that the greater descriptive representation of women in political parties and parliament in general is linked to the adoption of equitable parental leave. Lambert (2008) develops an index of maternal employment policy for 20 OECD countries arguing that the adoption of women-friendly maternal employment policy is

best explained by a higher percentage of women in parliament, a low number of veto points, and centralized and coordinated employer organizations. Lambert argues that female representatives are more likely to push for women- friendly policies, including maternal employment policies, than their male colleagues because of their personal experience with work-family conflicts. Morgan (2013) analyzes the expansion of work-family policies in the United Kingdom, Germany, and the Netherlands. She holds that in addition to electoral calculations, the growing significance of women in political parties has prompted the expansion of work-family policies in these three countries (see also Morgan 2011). She shows that female party members pressed for equitable parental leave policies by pointing out electoral opportunities and the ability to address socioeconomic concerns such as declining fertility, welfare dependency, and securing the future of the welfare state by increasing workforce participation among women.

One major weakness in the literature studying the substantive representation of women is that few studies specify which mechanisms or factors translate the presence of women or feminist claim-making<sup>7</sup> into tangible policy outcomes. Studies also tend to focus on individual variables thought to facilitate the representation of women's interests, most prominently women's agencies and caucuses (see Stoffel 2008; Sawyer 2012 or Mazur 2002) or the women's movement (see Beckwith and Cowell-Meyers 2007 and Weldon 2002). I argue that by testing the impact of single factors on the substantive representation of women, such as the influence of the women's movement in producing

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<sup>7</sup> The gender and politics literature uses the term 'claim making' to denote the type of arguments actors make for or against a policy. Feminist claim-making describes an instance where actors argue for or against a policy utilizing feminist arguments; for example, justifying a equal pay laws because it addresses workplace discrimination against women (Celis and Childs 2014).

women-friendly policies, these studies may overlook other more useful explanatory variables or conditions that might negate the effect of the individual variables under consideration. More importantly though, the presence of critical actors is simply not enough: speaking out on women's issues does not guarantee that policies will be adopted. This problem has been pointed out most recently by Annesley and Gains (2010) who argue that the positional power of women in the policy making process is important in determining policy outcomes:

. . . (T)o understand where the substantive representation of women occurs, it is important to be clear about where the power lies in any institutional context as well as process of policy change (...) it is not enough to focus on critical actors but (..) it is necessary to place them in their institutional context, highlighting that this both enables and constrains their ability to make substantive policy changes (...) feminists (...) need to hold positions that grant access to power and resources (913).

Likewise, Mackay (2008) also called for a conceptual approach where the 'who, what, where, when, and how of substantive representation in concrete situations' (p. 135) is not defined a priori but rather 'traces over time the critical actors, sites, and dynamics in context' (p. 135).

While my conceptual framework builds on the critical actor concept, I argue that the presence of critical actors in the policy process is not enough; instead, the position of critical actors in the policy making process is crucial in determining the policy outcome. Specifically, I will respond to the calls in the existing literature to put critical actors into their institutional context by incorporating the veto player approach from the comparative welfare literature. Some studies have already assessed the importance of veto players in explaining feminist policy adoption under conservative governments. Veto players are

political actors whose consent is necessary to adopt a policy (Tsebelis 1995), and consequently occupy important institutional positions in the policy making process. Henninger and von Wahl (2011), for example, draw on the veto player approach to analyze the composition of the government and the *Bundesrat* (upper chamber of the German parliament) and find it to be a necessary but insufficient condition for the 2006 parental leave reform. Lambert (2008) asserts that the number of veto points in the policy process in addition to the number of women in politics is important for the adoption of equitable care leave. Neither Lambert nor Henninger nor von Wahl, however, link veto players and veto points to their other explanatory variables, including, most importantly, the role of women who push for these policies. I argue that if we want to put critical actors into their institutional context, we need to theorize how the institutional position of critical actors affects their ability to influence policy outcomes. The veto player approach offers us the ability to do just that, as I will explain further below.

### **2.1.2. Feminization of Conservative Parties.**

While the substantive representation of women considers whether and to which extent women's interests are represented in politics, the study of conservative parties and women's representation asks the same question pertaining specifically to conservative parties. For a long time, conservative parties have been considered an unlikely place for the expression women's interests. Women's interests often have a distinct leftist or liberal definition, and authors tend to equate women's interest with feminist interests (Beckwith and Cowell-Meyers 2007; Saward 2008; Celis 2009; Celis and Childs 2012). Thus, conservative parties were not thought to be places where women's interests are

represented. More recent studies have attempted to broaden the understanding of women's interests by differentiating between feminist and gendered claims (Celis and Childs 2012 and 2014). Feminist claims emphasize women as individual right bearers and challenge the traditional division of labor among men and women, while gendered claims call attention to women's roles in relation to their status as women and wives. Often these gendered claims are unambiguously anti-feminist (Kantola and Saari 2014). Thus, by broadening the definition of women's interests to include gendered claim-making, the study of conservative parties became possible. The expectation is that conservative women will emphasize the traditional role of women as mothers and wives while progressive women in left leaning parties will put forward feminist claims that challenge the traditional division of labor in the public setting and the home. I argue, however, that this conclusion is premature as recent studies have shown that conservative women are 'more likely to adopt a more progressive, liberal, and feminist position than their male peers.' (Celis and Childs 2011; see also: Campbell, Childs, and Lovenduski 2006; Campbell and Childs 2013; Swers 2005). In my later case studies, I will show that conservative women indeed put forward feminist arguments to justify the need for father leave and board diversity policies.

More importantly though, recent changes in the political behavior of conservative parties, such as efforts to increase the number of conservative representatives in parliaments or the adoption of progressive policies under conservative governments, has prompted an interest in the study of conservative parties under the broader framework of women's representation. The process by which conservative parties include more women

in the party organizations and in parliament as well as the process by which conservative parties promote women's interests is called *feminization* (Celis and Childs 2014). Feminization has two distinct dimensions: the feminization of descriptive representation (*i.e.*, increasing the number of women in the conservative party) and the feminization of substantive representation (*i.e.*, proposing policies reflective of women's interests). It is the latter form of feminization that is relevant for my conceptual framework.

According to the feminization process, conservative parties will advocate for feminist policies based on electoral calculation. Not too long ago, women tended to vote for conservative parties because women shared the religious attachment and traditional family values that conservative parties supported (Inglehart and Norris 2000). This phenomenon is referred to as the traditional gender gap. This started to change in the 1980s. Women's increased participation in the workforce, the achievement of greater educational attainment, the breakdown of the traditional family, emergence of new gender roles, and the women's liberation movement changed women's political views and opinions. A new gender gap – the modern gender gap – emerged when women started to align themselves more closely with parties on the left which supported women's equality and progressive roles for women and men. As a result, conservative parties lost the women's vote, and with it, their ability to win elections. The feminization literature argues that, once conservative parties realize that women and young voters represent the keys to returning to power, conservative parties will try to reform their party image. Conservative parties hope to improve their electoral fortunes by recruiting more women into their ranks and by incorporating women's issues into their party platform

(Celis and Childs 2014). Winning back the women vote becomes a crucial strategy in returning to political power. Electoral calculation is thus the main driving factor that explains the adoption of feminist policies by conservative parties.

This explanation is reflected in several of the studies that look at the adoption of equitable care policies. Most notably, Hien (2014) presents a vote-seeking argument to explain the adoption of the 2006 parental leave law: after the breakup of the traditional electoral cleavages, conservative parties could no longer be sure of women's support. Instead, they had to compete with all other parties for the women vote. Accordingly, conservative parties started to feminize the party by encouraging women's representation in their ranks and including women's issues in their party platform. More specifically, Hien argues that the religious realignment after German unification opened a window of opportunity for modernizing family policies. Before 1990, the strongest constituency for the CDU was Catholic voters; yet with the fall of the Berlin wall the CDU slowly realigned itself with a more liberal Protestant constituency in the 2000s. Angela Merkel, being from East Germany herself, is considered to have played a major role in modernizing the CDU.

Similarly, Morgan (2013) emphasizes the role of electoral calculation when explaining the adoption of work-family policies: she argues that dominant political parties in Germany, the United Kingdom, and the Netherlands witnessed an erosion of traditional constituencies leading to electoral defeats and then embarked on organizational reforms and searched for new issues that would allow them to reach out to new constituencies. One such constituency is women voters who demand policies that



allow women to reconcile work and family life. Fleckenstein and Lee (2012) present a similar argument. The authors discuss why traditional male breadwinner countries – the United Kingdom, Germany, and South Korea – adopted equitable work family policies that are more in line with policies found in dual earner/dual career societies such as Sweden. They find that party competition is the key political driver for policy change while post-industrialization (particularly women’s increased labor force participation) provides the functional underpinnings for these reforms. The authors propose that all three cases support the argument that it is electoral competition for new constituencies, most notably women and young voters, which has driven the adoption of gender equitable family policies. Von Wahl (2011) asks whether Angela Merkel’s gender has made any difference for policies that represent women’s interests. She specifically considers the cases of the 2006 parental leave law and the anti-discrimination law. The study concludes that Merkel’s decision making was less influenced by gender equality concerns and more by considerations for supportive electoral alliances and her own socialization in Eastern Germany.

Based on a review of the literature, electoral calculation seems to be an important explanatory factor. I agree that this is the case, but nevertheless I have identified two problems with emphasizing electoral calculation alone. First, it does not explain why conservative parties, which did *not* undergo a process of feminization, also adopted feminist policies. In the empirical chapters that follow, I argue that conservative parties in Germany, Japan, and the United Kingdom are all cases where a feminization of the party did not occur. Rather, conservative parties were pushed by their coalition partners to

adopt these policies (Germany, United Kingdom) or used them as a means to achieve non-feminist ends (Japan). Second, once conservative parties are in government, electoral calculation is not the only motivating factor behind policy decisions. In all cases of father leave and board diversity policy adopted under conservative governments, the conservative party was in a coalition government. Yet, the influence of coalition constraints on policy outcomes is not theorized in the existing literature on the substantive representation of women in general or regarding father leave and board diversity policies specifically. The exception is a study by Henninger and von Wahl (2014) which investigates why the modernization course under Angela Merkel stalled in the 17th legislative period. While the 16th legislative period saw the adoption of several progressive policies such as the parental leave reform, the anti-discrimination law, and a law extending childcare services, no such policies occurred between 2009 and 2013. The authors identify three major factors that stymied the modernization course of the CDU: first, the government moved towards the center-right of the political spectrum when it formed a coalition with the liberal party (FDP) in 2009; second, traditionalists within the CDU were able to assert themselves; and third, the CDU aimed to bind conservative voters to the party who were unhappy with the ‘social democratization’ of the CDU under the previous grand coalition with the Social Democrats.

I argue that coalition constraints play an important role in determining policy outcomes. While I do not dismiss outright the explanatory value of electoral calculation, I question its utility in cases where the conservative party is not undergoing a process of feminization and where the conservative party is in a coalition government. In these

cases, electoral calculation might be a motivating factor but not an explanatory factor in itself.

To conclude then, I argue that the literature on the substantive representation of women and the literature on the feminization of conservative parties offers us important insights that must be considered when trying to explain why conservative governments adopt feminist policies. Rather than dismissing these findings, I will expand on the presence of women, the institutional setting, and the electoral context in my conceptual framework, to which I now turn. The remaining factors, such as socioeconomic and demographic pressures or cultural background conditions will be considered as alternative explanations, which I will discuss in the next chapter.

## **2.2. Conceptual Framework**

Based on a critical assessment of the existing literature, I argue that critical actors need to be put into their institutional context in an effort to assess their policy impact. To do so, I will draw upon the veto player approach in comparative welfare studies. Theorizing the link between veto players and critical actors will allow me to identify the institutional power that critical actors have at their disposal and to identify how the position of critical actors in the institutional context determines these actors' ability to affect policy outcomes. I will draw on the literature on coalition bargaining in comparative politics to illustrate that in the case of coalition governments, electoral calculations take a backseat to coalition constraints. Together, critical actors, veto players, and coalition constraints will compose the three major building blocks of my conceptual framework.

### 2.2.1. Critical Actors

Following the critical actor literature, I argue that critical actors play a necessary part in pushing for the adoption of feminist policies. To reiterate, critical actors are defined as:

...those who initiate policy proposals on their own, even when women form a small minority, and embolden others to take steps to promote policies for women, regardless of the proportion of female representatives (Childs and Krook 2006, 528)

According to this definition, for individuals to be critical actors, two conditions need to hold: (1) they must initiate policy proposals on their own; and (2) they need to encourage others to support women friendly policies. Thus, critical actors, in this definition, are considered to be legislators. This, however, is too narrow. For one, in some cases policy proposals emerge outside the legislative realm and are picked up by political actors. Further, the concept of critical actors does not account for important actors who might not be members of parliament but who nevertheless have an important say in formulating party policies, such as business or labor interests. Thus, we need to widen the concept of critical actors to include both parliamentary and extra-parliamentary roles. I therefore define critical actors as

1. Individuals who advocate for feminist policies in the public realm; *and*
2. Individuals who advocate for feminist policies during the legislative process

As a result, I differentiate between parliamentary critical actors and extra-parliamentary critical actors. *Parliamentary actors* are critical actors if they act in the parliament as well as if they speak out in the media in favor of the policy. This allows me

to account for the realities of the parliamentary order of business while recognizing the instrumental role parliamentarian actors can play in pushing topics onto the government agenda through active participation in public debates. *Extra-parliamentary actors* are critical actors if they advocate on behalf of a policy in the media and/or engage in some form of political activism to influence the outcome of the policy process by either serving as policy experts – i.e., testifying in committees – or by petitioning the government.

We also need to acknowledge the possibility that critical actors can be men because the main characteristic of critical actors is their support for women-friendly policies – or in the case of this dissertation, support for the adoption of father leave or board diversity policies – which is inherently independent of gender. If we restrict the analysis to women, we risk not only overlooking the contribution men make to feminist policy adoption but also other potentially explanatory variables. Once we determine who these critical actors are, we need to ask whether they have agenda setting powers, whether they can veto policies, and whether they have access to the most important decision makers in the policy making process. Because my conceptual framework does not limit the range of actors who could have influence on the policy outcome, I can account for the varying influence of individuals, such as women members of parliament, female members of the Executive, or femocrats, as well as collective entities such as women’s agencies, movements, or caucuses, on the adoption of feminist policies.

It is important to note that the term ‘critical actor’ builds on the term ‘critical mass’ to signify a continuation of the importance of women in politics. While the literature considers women’s presence to be ‘critical’ in terms of voicing women’s

interests, the term should not be confused with actors that are ‘critical’ in the policy making process per se. Rather, critical actors should be considered to be advocates for the inclusion of women’s interests in public policy. Whether critical actors can be considered of crucial importance in the policy making process depends on the position critical actors occupy in the policy making process.

Considering that feminist policies are contrary to conservative principles, one might argue that the adoption of these policies reflects purely instrumental reasoning and that we will not find critical actors within conservative parties who embrace gender equality on ideological grounds. I argue that this is not necessarily the case as research has shown that conservative women are often more liberal than their male counterparts (Campbell and Childs 2013). Thus, even in conservative governments we will find critical actors who support feminist policies not for instrumental reasons alone but also for feminist or ideological reasons. However, these policy advocates cannot act on their ideological preferences and become critical actors unless opportune political constellations open a window of opportunity for the passage of such policies. This window of opportunity is two-fold: (1) coalition constraints must be advantageous for policy adoption; and (2) critical actors need to be veto players.

### **2.2.2. Coalition Constraints**

In all instances where conservative governments adopted either father leave policies or board diversity policy, the conservative party was in a government coalition with a junior coalition partner. Regardless of whether a political party has promised to adopt a policy once in government, coalition negotiations and the resulting coalition

agreement will determine the type of policies a coalition partner can pursue. The goal of coalition agreements is twofold: to reduce mistrust and uncertainty among coalition partners and to limit policy conflict for the duration of coalition governance (Timmermans 2006). Typically, coalition agreements contain the policy agenda, distribution of cabinet posts, and procedural rules (Strøm, Müller, and Kare 2000). It is the first of these that is of greatest interest to the dissertation. During coalition negotiations, both parties will try to push for their preferred policy but will be forced to make policy concessions to create a coalition program acceptable to both parties. Most political parties will not be able to include their full campaign platform but will have their preferred policies amended or rejected during coalition negotiations (Laver and Schofield 1998). In the end, coalition agreements act as written expectations what type of policies a cabinet minister can initiate (Moury 2013) and more broadly set the policy agenda of the government (Schermann and Ennsner-Jedenastik 2012). Consequently, coalition negotiations represent a window of opportunity for critical actors to include their policy priorities in the coalition agreement.

I hold that coalition agreements can be considered to be an intervening variable between election promises and agenda setting (and later policy adoption) under coalition governments; yet few studies have paid attention to the role of coalition building in influencing feminist policy outcomes. Paying attention to coalition negotiations and coalition governance is crucial because the mechanism of coalition building greatly influences the chances of policy adoption under coalition governments. In a study of Western European countries – where coalition governance has been the norm – Moury

(2013) finds that 60 per cent of cabinet decisions originated from the coalition agreement and that the majority of cabinet members feels uneasy pursuing policies that are not included in the coalition agreement. The sentiment is echoed by Müller and Strøm who argue that the coalition agreement is ‘the most authoritative document which constrains party behavior’ (2000, 18). Accordingly, we need to ask whether the feminist policy under consideration was included in the coalition agreement.

This is particularly important in cases where coalition partners have different policy stances on the policy; the greater the difference among coalition partners in a policy area, the less likely it is that the policy will be included in the coalition agreement (Schermann and Ennser-Jadenastik 2014). Policy differences have been particularly pronounced in regards to feminist policies, with the conservative party typically opposing the feminist policy and the coalition partner pushing for the policy to be included in the coalition agreement. Coalition negotiations are instrumental especially in this scenario. The fate of a feminist policy is influenced by the bargaining power among the conservative party and the prospective coalition partner during the negotiations. Bargaining power is determined by the share of parliamentary seats each political party has won and whether there are alternative coalition partners available (Müller and Strøm 2000). Accordingly, the more parliamentary seats the coalition partner commands, the more likely it can push for the inclusion of the feminist policy in the coalition agreement. Bargaining power further increases when the conservative party has no other viable option for a coalition partner and a minority government is out of question. Here the coalition is one of electoral necessity. Thus, I hold that the inclusion of feminist policies



in the coalition agreement is more likely where the coalition is one of electoral necessity and where the size of coalition partners (measured in share of parliamentary seats won by each party) is roughly equal.

However, policy issues can emerge as a topic of public debate at any point during the legislative period, forcing the coalition government to decide whether it will take action or not. In this case, the coalition partners cannot revert back to the coalition agreement but must make an ad-hoc decision. Again, coalition constraints are particularly pertinent when policy preferences differ among the coalition partners. Contrary to coalition negotiations, however, here the nature of the coalition is the only decisive factor. If the coalition is one of electoral necessity for the conservative party, the coalition partner can threaten with an exit from the coalition if its preferred policy solution is not accepted. Further, if explicit or implicit policy agreements in the coalition agreement conflict with the feminist policy under consideration, either coalition partner can leverage the binding nature of the coalition agreement against the other political party. Thus, these instances require individual analysis, but it is reasonable to expect that feminist policies will not be supported where (1) feminist policies violate the terms of the coalition agreement, or (2) the opposing coalition partner is willing to exit the coalition where the coalition is one of electoral necessity.

To recap then, successful policy outcomes are more likely when the coalition government puts the feminist policy on its policy agenda. Inclusion of a feminist policy on the government agenda is likely when coalition constraints are permissive. Whether this will be the case depends on (a) the bargaining power of each coalition partner

measured by the relative share of parliamentary seats and (b) the nature of the coalition in cases where policy differences between the coalition partners exist. In instances where both coalition partners agree on the feminist policy, the policy most likely will be included in the coalition agreement regardless of the bargaining power of each political party. Yet the support for feminist policies by the coalition government is not enough. To make feminist policy adoption likely (*i.e.*, its passage into law), the constellation of critical actors and veto players is crucial.

### **2.2.3. Veto Players**

As discussed earlier, critical actors need to be located in their institutional context to understand the institutional resources at their disposal to influence the adoption of feminist policies. My assumption is that the more institutional resources critical actors have at their disposal, the more likely is feminist policy adoption. I will draw on the veto player approach found in comparative politics to determine the institutional resources available to critical actors in each instance of feminist policy adoption under consideration.

Comparative welfare studies aim to explain the adoption, retention, and retrenchment of welfare programs and policies. One commonly used explanation is the importance of veto points and veto players in explaining these policy outcomes. While the concepts of veto points and veto players are similar, they are quite distinct from one another. Veto points describe institutional elements in the political system that allow policy advocates or opponents to influence the outcome of the policy proposal. Veto points are ‘aspects of constitutional structure that disperse political power and offer

multiple points of influence on the making and adoption of policy' (Huber, Ragin, and Stephens 1993, 722). Typically veto points are expected to be found most frequently in federalism, bicameralism, proportional electoral system, and in the presence of popular referenda (Huber and Stephens 2000). Immergut (1990) highlights how veto points in the policy-making process can impede health care reform because each 'veto opportunity allows political decision to be overturned at different stages of the policy process' (413). The more veto points are present, the harder it is to adopt new policies. This argument is confirmed by several studies on parental leave reforms (see Henderson and White 2004; Huber and Stephens 2000). For example, Lambert (2008) argues that the adoption of women-friendly maternal employment policy is best explained by a higher percentage of women in parliament, a low number of veto points, and centralized and coordinated employer organizations. Her findings also confirm the common view in the literature on welfare expansion that multiple veto points in the decision-making process make it easier for opponents, who may oppose equitable family policies on cultural or fiscal grounds, to prevent meaningful policy reforms.

The veto player approach builds on the veto point approach but represents a more dynamic framework more suitable to analyzing policy processes. For one, veto points remain fixed and are considered access points for political actors to influence policy outcomes. However, the dynamics between veto points are not considered. Further, I will focus on the veto player approach because counting the number of veto points cannot explain differing outcomes. For example, the United Kingdom has few veto points but has failed to adopt both a father leave policy and a board diversity policy. Germany, in

contrast, has many veto points and has adopted both policies. I also hold that the veto player approach subsumes the veto point approach. The majority of the veto points are represented as veto players. For example, the veto point bicameralism is reflected as one form of veto player in instances where the upper chamber must support a bill before it becomes law. Thus, the conceptual framework will emphasize the veto player over the veto point approach.

Veto players are not institutional points in the policy making process but political actors who occupy important positions in the policy making process. Veto players are “individuals or collective actors whose agreement is necessary for a change of the status-quo” (Tsebelis 2002, 19). Tsebelis (1995, 1999, 2002) argues that in order for policy change to occur, unanimous consent to the policy by all veto players is necessary. Thus, the more veto players exist, the more difficult it is to bring about policy change. There are two kinds of veto players: institutional and partisan veto players. *Institutional veto players* are identified in the constitution and usually are the parliament, the head of the state or head of the government, or the government itself. *Partisan veto players* are generated by the political game, for example which party is the governing party or which parties form a governing coalition, or the role of individual members in the cabinet. In addition, there are potential veto players such as courts, specific individuals or groups whose opinion or support is crucial for policy success and who cannot easily be classified as institutional or partisan veto players. However, who these potential veto players is case specific. For example, Heidenreich’s (2012) study explains why Norway adopted corporate board quotas while Sweden did not. The author concludes that the organization

of the business community vis-à-vis the state and the political culture were the decisive factors. In Norway, state ownership of companies is extensive and capitalists are small and dispersed, which limits their influence on state policies. This is in contrast to Sweden, where companies are large private firms which pride themselves on autonomy and legitimacy from the state. Thus, in Sweden the business community acted as a de-facto veto player. Finally, institutional and partisan veto players are not created equal. Veto players with agenda setting powers are primary veto players while all other veto players are secondary ones.

In order to identify veto players, Tsebelis proposes a three-step process: The first step requires us to locate the veto players in the multi-institutional space (institutional veto players). The second step requires us to separate these institutional veto players into partisan veto players and specify whether they are individual or collective veto players. If they are collective veto players, we need to pay attention to how decisions are made: do the decisions require simple or qualified majorities? Are the votes of the government party or parties sufficient? This will determine how difficult it is to adopt policy. The third step in Tsebelis' three-step process requires us to apply the absorption rule. Under the absorption rule, players who are located in the unanimity core of the other need not necessarily be analyzed as separate veto players. For example, when both chambers in a bicameral system are dominated by the same party, it is sufficient to only look at the governing political party in the more important chamber as the key veto player because the upper chamber will automatically agree to any policy proposed in the lower house by their own party.

One common criticism of the veto player approach emphasizes the difficulties of identifying veto players and determining their policy preferences (see Ganghof 2003). It is particularly the identification of partisan veto players that sometimes can be challenging. Here, detailed knowledge of each case is imperative. To ensure that I identify the correct and all of the relevant partisan veto players, a careful reading of official documents and media reports as well as elite interviews with key actors were indispensable. In contrast, institutional veto players are determined by the constitution or the legal framework of each country and are clearly defined. However, the absorption rule needs to be applied very carefully in order to not discount the influence of potential institutional veto players, such as the upper level of parliament. Here, the political realities of each case needs to be well-known to the researcher in order to correctly identify all relevant institutional veto players. With regard to determining the policy preferences of veto players, this has been done through a precise analysis of published interviews conducted with these veto players as well as public statements, biographical accounts, and personal interviews with key stakeholders. By consulting a variety of resources and through the detailed study of each case, determining the policy preferences of veto players is indeed possible.

Because all case studies under consideration for this dissertation occurred in parliamentary democracies, I will now discuss how the veto player approach is best applied in this institutional setting. Parliamentary democracy is a synonym for party government where the majority party controls the executive and legislative branches of government (Müller and Strøm 2000). In the majority of parliamentary democracies,

majority party governments are rare. Instead, coalition or multi-party governments are more common. Thus, coalition governance becomes an important focal point when explaining policy outcomes. Tsebelis argues that each coalition partner is a partisan veto player. However, I follow the assessment of Müller and Strøm (2010) that this is not the case (see also Moury 2013): as discussed above, coalitions are governed by detailed and complicated coalition agreements that set forth the legislative agenda. Thus, as long as policy proposals follow the guidelines outlined in the coalition agreement, each coalition party waives its right to veto such a policy. As the authors aptly state:

Coalition agreements exist, and they are designed to cement deals that might otherwise come unstuck. Indeed, one of the main functions of coalition agreements is for each of the coalition parties to relinquish any veto power over policies to which the coalition specifically commits itself. As long as the coalition parties faithfully observe the agreement, their mutual veto power has then ceased to exist (Müller and Strøm 2010, 164/165).

Another characteristic of parliamentary democracies is that policy making is delegated from the legislature to the cabinet (Moury 2013). Executive dominance of the legislative process is illustrated by the passage rates for cabinet bills: for example, in the United Kingdom, 95 per cent of cabinet bills typically pass (Qvortrup 2011, 87); in Germany 73 per cent of cabinet bills passed between 1990 and 2013 (*Statistik zur Gesetzgebung* 2014), and in Japan the passage rate for cabinet bills was above 94 per cent between 2002 and 2004 (Köster-Riemann 2011, 257). The composition of the cabinet is not just important because the majority of bills that are introduced into the policy making process consists of cabinet bills and because of their high passage rates but also because party governments operate according to the principle of minister discretion, i.e., a

situation where only the responsible cabinet minister is in charge of developing the policy draft (Laver and Shepsle 1996). Because ministries have more resources than individual representatives to develop policy proposals, the minister has full control over the content of the policy draft which typically corresponds closely with his or her party's ideas for the optimal policy. Further, each cabinet minister can act fairly independent of the minister's colleagues in the cabinet. That being so, a policy will only be introduced into the legislative process if the cabinet minister responsible decides to do so (Müller 2004) and the cabinet can only modify the proposal based on the parameters set forth in the policy proposal. As such, the cabinet minister responsible has tremendous agenda setting power (Laver and Shepsle 1998). Yet cabinet ministers are far from being policy dictators (see Laver and Shepsle 1990) because their ability to initiate policies is limited by the preference of their political party and the coalition agreements (Moury 2013). Speaking to the latter, a study of coalition governance finds that 68 per cent of cabinet ministers across four European countries felt constrained by coalition agreements (Moury 2013, 108). Due to the agenda setting power of cabinet ministers, cabinet ministers are preeminent (or primary) veto players in Tsebelis' framework. In analyzing the composition of cabinets, we need to ask which cabinet minister is in charge of the issue area pertaining to the feminist policy. For example, when addressing father leave policy or board diversity policy, the departments dealing with welfare, labor, or equality issues will be more important than traditionally powerful departments such as foreign affairs or the defense.



Depending on the institutional rules and the rules of the political game, in parliamentary democracies, secondary veto players are potentially the cabinet, the head of government, the lower or upper chamber of parliament, parliamentary committees, and the head of state. Because the institutional rules outlining the steps in the legislative process will differ in each case and across policy areas, I will determine the specific number of veto players for each case study later on, applying Tsebelis' three step process as outlined above. Further, informal and formal procedures may also establish de facto veto players from outside the parliamentary process, such as labor unions, business interests, or religious organizations, which also require identification on an ad hoc basis.

Because parliamentary democracies are characterized by party government, the process by which political parties arrive at their policy preferences merits further attention. Yet Tsebelis essentially treats political parties as black boxes. He assumes that the 'government proposal has to be approved by a majority of the relevant actors within each party of the government coalition' (Tsebelis 1995, 302) but does not theorize how this approval process occurs. He squarely focuses on the formal policy adoption process alone and does not consider the prior policy adoption process that occurs internally within a party. Tsebelis is not alone in treating political parties as uniform actors – much of the political party literature does the same (Timmermans 2006; Müller and Strøm 2000). Yet it is important to open this black box if we want to understand policy adoption, because any policies need to be adopted by the political party before they are introduced into the policy-making process.

Before making policy decisions, party leaders need to consider the reaction of the electorate, internal groups, and backbenchers (Moury 2013; Timmermans 2006). This is important because the party base must ultimately support government proposals (or at least tolerate them) to allow for the proper functioning of coalition governance. I argue that dynamics between party internal groups and more importantly, the relative influence of each group within the party will affect policy adoption within political parties in two ways. First, internal group dynamics will influence whether political leaders can pursue specific policies during the adoption process. Second, internal group dynamics shape the policy content and wording (i.e., the scope, applicability, and effectiveness of the bill) during the adoption process. Mulé (2001), for example, explains changes in income distribution in four advanced industrialized countries, by referring to factional dynamics within parties. She argues that the rise of a new faction, the consolidation of a new faction, or the demise of an old faction explains the selection of policies. The emergence of a new faction can lead to new social policies particularly when new social forces dominate the electoral process. For example, the rising importance of young and female voters might bolster the case of modernizing elements in the conservative party that advocate for more progressive or equitable social policies. Here, electoral calculations intersect with inter-party group dynamics. When a new faction can consolidate its power, it might wish to change the party image to better reflect the change of guards, which may lead to policy changes. When an old faction weakens, the newly dominant faction then has the opportunity to ensure the adoption of its preferred policies without major interparty competition. Understanding which factions are powerful and the dynamics

among factions within the party is important because it allows us to better understand policy adoption and to explain the differences in the proposed and final bill language.

At least two studies which discuss the 2006 parental leave reform in Germany, partially explain the policy outcome by emphasizing internal party group dynamics. For example, Hien (2014) argues that German reunification led to a political realignment within the Christian Democratic Union (CDU) favoring the influence of protestant groups in the party. A power shift from the Catholic constituency to the Protestant one within the CDU allowed for the adoption of more progressive family policies. Likewise, Wiliarty (2010) emphasizes the importance of the *Frauenunion* (women's group within the CDU) when adopting gender friendly policies throughout the history of the CDU. She argues that whenever the *Frauenunion* was part of the dominant factional coalition within the party, the group succeeded in pushing the adoption of more progressive gender policies.

Based on the discussion above, I assume that a political party is more likely to adopt a feminist policy if women's groups or other progressive elements in the party are the dominant faction. However, because coalition governance in parliamentary democracies is typically a political necessity, coalition negotiations affect the ability of certain internal factions to push for or against a policy during coalition negotiations. Typically, political parties will have to make policy compromises to reach a coalition agreement. If coalition constraints are permissive, the need to build a coalition can facilitate feminist policy adoption because it increases the leverage of factions supportive of the feminist policies while reducing the influence of opposing factions. This is

particularly true if the coalition partner makes the feminist policy a non-negotiable item during coalition negotiations.

Once the feminist policy is introduced by the government, we need to shift our attention to modifications to the final bill language. While government bills are difficult to stop once they have been introduced into parliament, there is still plenty of room for party-internal groups and even outside groups such as business associations or women's groups, to modify the proposal before its final adoption. For example, building on Mule's argument on faction politics, I argue that even in cases where a faction opposing the policy was unable to stop the policy, the faction still has opportunities to weaken the policy or to shape the policy to reflect its concerns during the legislative process. Most often this is done in the drafting phase, where factions can voice their concerns publicly to win policy concessions, or during the committee stage when they occupy enough seats in the committee responsible for deliberating the policy.

Finally, I will also expand on the veto player approach by assessing the policy preferences of veto players and whether they are amenable to changing their initial policy preference. While Tsebelis takes the preferences of veto players as a given, I argue that veto players will not have formed opinions on every policy but sometimes can be classified as neutral or undecided. If the veto player is undecided, critical actors and opponents will attempt to convince the veto player to either support or oppose the policy. I argue that it is in these scenarios where party internal factions and external groups or actors often succeed in either stopping the policy, when the policy proposal did not

originate from the coalition agreement, or in weakening the final bill language, if the policy is part of the coalition agreement.

To summarize then, the veto player approach allows us to identify the crucial actors in the legislative process that decide the fate of a given policy. Further, opening the black box of the partisan veto player is crucial to understanding why (a) a specific policy was adopted by the political party and (b) the policy content was modified the way it was before its adoption. Finally, by considering that veto players' interests are not fixed, it opens a window of opportunity for various actors to sway a veto player in favor of or against a given policy.

Previously I argued that linking the veto player approach with critical actor theory will allow me to better explain the institutional resources critical actors have at their disposal when pursuing feminist policies. By doing so, I am able to place critical actors in their institutional context in order to explain feminist policy agenda setting and adoption. Specifically, I maintain that the ability of critical actors to push for feminist policies will vary depending on the constellations of veto players, critical actors, and opponents. I expect that the adoption of feminist policies is more likely when critical actors either occupy veto player positions themselves or are able to influence veto players. I suppose that critical actors are able to influence veto players successfully if they have ongoing and good working relationships with those veto players, emerging from either historical processes or ideological proximity. Other avenues of influence might be a supportive political culture or socioeconomic changes that enable critical actors to overcome their external position and to successfully influence veto players. Further, the position of

policy opponents vis-à-vis veto players also matters for the policy outcome. I expect feminist policies to fail when opponents control veto player positions or are in a position to sway veto players in their directions. Thus, I hold that for feminist policy adoption to be successful, critical actors need to control, or at a minimum be able to influence, veto player positions.

### **2.3. Conclusion**

Having discussed the three separate building blocks of my conceptual framework, it is now time to put them all together. I have shown that feminist policy adoption occurs in two stages: first, policy support by the political party; and second, policy adoption under coalition governance. Inclusion on the policy agenda typically occurs during the coalition negotiations where the political parties forming the coalition must agree on a common policy platform. Accordingly, coalition negotiations are a necessary but insufficient first step and affect whether the coalition government will include the feminist policy on the legislative agenda. In addition, any successful adoption of feminist policies requires an opportune constellation of political forces that allows critical actors to advance feminist policies. Here, critical actors need to control veto player positions to successfully shepherd a feminist policy through the legislative decision-making process. Accordingly, in case of coalition governments, feminist policy adoption is most likely when:

1. The Conservative Party is in a coalition with a political party supportive of the policy; *and*

2. The constellation of veto players, opponents, and critical actors is such that critical actors control veto player positions while opponents remain outside the policy making process

If these two conditions hold, the following outcome are possible:

1. When the ruling conservative party is against the policy, the feminist policy will be included in the government agenda when the coalition constraint is permissive. The policy will be adopted when critical actors are able to control or influence veto player positions. Here, the strength of the feminist policy will depend on the ability of opponents to influence veto players in the course of the policy making process.
2. When the ruling conservative party is in favor of the policy, the feminist policy will be adopted when critical actors occupy veto player positions. Coalition constraints do not matter in this case as both parties are in favor of the policy. Here, the strength of the feminist policy will depend on the ability of opponents to influence veto players.

Further, I show that the feminist policy will fail to be adopted when coalition constraints are not permissive, i.e., the coalition partner cannot impose demands on the conservative coalition partner. In this case, the feminist policy will not be included in the government's legislative agenda and policy adoption becomes impossible. Finally, when neither political party is supportive of the policy, the feminist policy will fail to be adopted.

## **Chapter 3**

### **Research Design**

The guiding research question for this dissertation is: why do conservative governments adopt feminist policies? To answer this question, I explore how coalition constraints and the constellation of critical actors, veto players, and opponents affect policy outcomes across three German cases with additional preliminary case analysis in the United Kingdom, and Japan, providing a total of seven case studies focusing on father leave policies and board diversity policies. My research seeks to understand how and if advocates of feminist policies can push for the successful adoption of these policies when an opportune institutional and electoral context exists. This context is measured by the institutional resources available to feminist policy advocates (institutional resources) and permissive coalition constraints (political resources). I draw on three major sources of evidence: parliamentary activities, public and parliamentary discourse, and civil society activities. This study is qualitative in its nature and relies on data collected from field work including 30 interviews in Germany and 10 interviews in the United Kingdom, and a qualitative content analysis of primary and secondary sources, such as verbatim protocols of parliamentary debates, policy white papers, and news coverage.

This chapter begins by providing a background on the type of feminist policies this dissertation will focus on and a brief discussion of the universe of cases. I will then provide a description of the research design and explanation of the chosen methods. This



is followed by an assessment of alternative explanations based on the existing literature discussed in chapter 2. The chapter concludes with an overview of the definition of terms used throughout this dissertation.

### **3.1. Background of Father Leave Policies and Board Diversity Policies**

#### **3.1.1. Father Leave Policies**

Father leave policies aim to encourage fathers to take significant amounts of parental leave when their children are born. Parental leave is commonly defined as a specific time period after maternity leave has ended that allows fathers or mothers, or both, to stay home with their newborn child ‘whilst giving them some degree of security in respect of employment, social security, and remuneration’ (Drew 2005, 10). Parental leave can either be a family right (i.e., the parents can decide which parent will take advantage of parental leave) or an individual right (i.e., each parent has an individual right to take leave which is either transferable to the other parent or non-transferable) (Moss 2013).

Governments typically opt to adopt one of two types of father leave policies to gently push fathers to take over care responsibilities: father quotas or father bonuses. Father quotas reserve specific periods of parental leave for fathers. For example, Sweden reserves two months of parental leave for the exclusive use of fathers. If the father does not use his entitlement, the family loses this designated time of parental leave. In contrast, father bonuses aim to reward positive behavior by extending the parental leave period for families where the father takes a certain period of parental leave. In Italy for example, if the father takes three months of parental leave, the total parental leave

entitlement becomes eleven instead of ten months. The adoption of father bonuses is considered a weaker commitment to equitable care roles in the home because families do not lose their entitlement to full parental leave if the father refuses to take parental leave. In this case, families are encouraged to challenge traditional gender care relations but are not disadvantaged if they stick with the traditional distribution of care work. In contrast, under father quotas, if the father does not take parental leave, the family is penalized with a less generous parental leave scheme. Here, the policy actively tries to change the traditional care relationship through exercising mild pressure on fathers to stay home and care for their children (Leira 2002).

Three different developments have prompted the rise of father leave policies. First, new conceptions of fatherhood have emphasized the need of fathers to care for their children and to be involved in their upbringing in order to foster greater father-child bonding (Brandth and Kvande 2009; Barclay 2013; Leira 2002). Second, father leave policies are adopted in the belief that changing the sexual division of labor will improve gender equality overall, and specifically addresses workplace discrimination against women. Because father leave policies explicitly encourage fathers to take over more responsibilities in the home, these policies have the potential to remove the care stigma from women who tend to be penalized by the labor market for their care responsibilities by limited career opportunities, a persistent gender wage gap, and lower incomes and pensions over their lifetime (Barclay 2013; Brandth and Kvande 2009; Chronholm 2009; Drew 2005; Orloff 2009). Yet for father leave policies to have gender equalizing effects, the great majority of men must take parental leave. As long as women remain the primary

caregivers, men will continue to be considered the better investment for employers, reinforcing work discrimination against working women overall (Ekberg et al. 2013; Elingsater 2012). Third, demographic and economic concerns also prompt the need to redefine or restructure the traditional care relationships between men and women. This policy development must not only be seen against the background of declining birth rates in high-income countries but also against stagnating or declining economic growth rates. On the one hand, women represent an untapped pool of (economic) resources where increasing the participation of females in the paid workforce will increase a country's national economic performances including its competitiveness, efficiency, productivity and growth (Annesley and Gains 2013). Once highly educated women exit the labor force to care for their children, businesses and the economy lose valuable human capital (Erler 2011; Ray et al 2010). On the other hand, allowing women to better combine their families and careers might also encourage more women to have children (Kamermann and Moss 2009; Karu and Poll 2009; Smith 2001). For example, studies have shown that fathers who stay at home with their first-born have a higher likelihood of having a second child (Barclay 2013). Increasing birth rates much closer to the replacement level would also help to keep the extensive social welfare regimes in these states viable.

In 1993, Norway was the first country to introduce a father quota and since then, nine other countries have introduced similar policies that encourage fathers to become more involved in the care of their children. Five of these countries adopted father leave policies while having conservative governments.

**Table 3: Countries with Father Leave Policies (as of December 2015)**

<i>Country</i>	<i>Year of Adoption</i>	<i>Type of Father Leave Policy</i>	<i>Adoption under Conservative Government</i>
<i>Norway</i>	1993	quota	Yes
<i>Sweden</i>	1994	quota	
<i>Denmark</i>	1997	quota	
<i>Iceland</i>	2000	quota	yes
<i>Italy</i>	2000	bonus	
<i>Austria</i>	2001	bonus	yes
<i>Finland</i>	2003	quota	
<i>Germany</i>	2006	bonus	yes
<i>Portugal</i>	2008	bonus	
<i>Japan</i>	2009	bonus	yes

Source: International Network on Leave Policy and Research

### **3.1.2. Board Diversity Policies**

A more recent trend in the discourse on gender equality is attention to the gender composition of corporate boards. Women now constitute the majority of college graduates in many countries, they are active in the labor force, and they occupy one third of managerial positions (Matas and Miller 2011; Fagan, Menendez, and Anson 2012). However, these economic advances have not translated into greater gains in the top echelons of business management. Instead, women remain severely underrepresented: globally, only 10.2 per cent of board seats were held by women (‘Women on Boards’ 2015). While the numbers vary widely among regions and among countries, nowhere did women occupy more than roughly a third of board positions in 2013. Scandinavia has the highest percentage of women on boards – 40.5 per cent in Norway – while Saudi Arabian boards are the least diverse with women occupying only 0.1 per cent of board seats (‘Women on Boards’ 2015). Yet research has shown that companies benefit from diverse

corporate boards. Greater diversity enhances the decision-making process by bringing a greater wealth of knowledge, experience, and opinions to the table and it increases the legitimacy with internal and external constituencies that value diversity (Ansòn 2012; Stautenberg 2013). Further, companies with greater board diversity tend to outperform companies with less diverse boards (Parke 2012), and diverse boards lead to increased profits overall (Suk 2012).

Due to its perceived economic benefits as well as concerns for the slow pace in achieving equal representation on corporate boards, several countries as well as the European Union have pushed for measures to make corporate boards more representative. Board diversity policies can be divided into two measures: hard laws – legislative acts in the form of corporate board quotas – and soft law – normative pressure such as codes of good governance (Casey et al. 2011). Corporate board quotas set a specific percentage or number for the representation of women on boards. For example, Norway’s corporate board quota sets a 40 per cent quota for public listed companies, as do quotas in Spain, Finland, Iceland, and France. Israel is the only country that requires parity on boards while Italy, Belgium, and the Netherlands set the quota at one third of board seats (Terjesen, Aguilera and Lorenz 2014, 3). In some instances, companies are faced with sanctions if they do not comply with board quotas. The most severe sanctions exist in Norway where companies can be dissolved or cannot register at the stock exchange if they fail to comply with the 40 per cent quota requirement (Terjesen, Aguilera and Lorenz 2014, 3).

Soft laws are codes of good governance that emanate from different sources such as the stock exchange, governments, directors' associations, managers' associations, professional associations, and investor associations (Aguilera and Cuervo-Cazurra 2004). They essentially are best practice recommendations, which can set voluntary targets for achieving greater diversity on boards (Fagan, Menendez, and Anson 2012). For purposes of the dissertation, I will only concern myself with corporate board quotas because these quotas are the ones adopted by governments rather than third parties.

In 2003, Norway was the first country to adopt corporate gender quotas. Today, 15 other countries have adopted corporate board quotas. Japan is the only country which opted for a variable board target, *i.e.*, companies are asked to set their own board quotas rather than dictating a specific percentage of women on boards. So far, six countries have adopted board quotas under conservative governments.

**Table 4: Countries with Board Quotas (as of December 2015)**

<i>Country</i>	<i>Year of Adoption</i>	<i>Adoption occurred under conservative government</i>
<i>Norway</i>	2003	Yes
<i>Finland</i>	2005	
<i>Quebec</i>	2006	
<i>Israel</i>	2007	
<i>Spain</i>	2007	
<i>Kenya</i>	2010	Yes
<i>Iceland</i>	2010	
<i>France</i>	2011	Yes
<i>Netherlands</i>	2011	Yes
<i>Belgium</i>	2011	
<i>Italy</i>	2011	
<i>Australia</i>	2012	
<i>Denmark</i>	2012	
<i>India</i>	2013	
<i>Germany</i>	2015	yes
<i>Japan</i>	2015	yes

Source: ‘Legislative Board Diversity’ 2014 and Terjesen, Aguilera and Lorenz 2014

### **3.2. Rationale for Research Approach**

The purpose of this dissertation is to understand why conservative governments adopt feminist policies by analyzing the impact of the policy process, the actors situated in this process, and the influence of political background conditions (coalition constraints) on the policy outcome. Policy-making is a complicated process which is not easily standardized but varies across countries and even policy areas. The causal mechanisms producing certain policy outcomes are often difficult to untangle. The qualitative approach is particularly appropriate for studies where the goal is understanding and explaining complexity. Because the goal of the dissertation is to understand the interplay between coalition constraints, critical actors, veto players, and opponents in producing feminist policy outcomes, detailed knowledge of each individual

case is necessary to construct the concepts, variables, and causal mechanism (Collier, Brady, and Seawright 2010). Under these conditions case-oriented research is particularly appropriate (Porta 2008).

Case-oriented research ‘aims at rich descriptions of a few instances of a certain phenomenon’ (Porta 2008, 198). One advantage of a case-oriented approach is that it is theory laden yet it is not theory-determined (George and Bennet 2005). For example, a case-oriented approach allows me to adjust existing hypotheses to accurately reflect new or unexpected findings rather than rejecting the validity of the hypotheses fully (McKeown 2004). Likewise, the detailed knowledge of each case enables me to control for the effect of contextual and intervening variables (George and Bennet 2005). Thus, a qualitative comparative case study allows not only for the testing of hypotheses but also their modification in light of new findings reflecting the complicated reality of policy making processes.

Beyond the ability to address complexity and allow for the detailed study of individual cases, utilizing a qualitative case study is also advisable if the potential for equifinality exists. Equifinality describes the possibility that several causal mechanisms lead to the same policy outcome (George and Bennet 2005). Looking at the issue of coalition constraints, there are several circumstances under which coalition constraints can prevent a feminist policy from being put on the policy agenda or being adopted, such as exclusion of the policy matter in the coalition agreement, violation of the coalition terms, or an opposing coalition partner. This also means that the conceptual definitions of coalition constraints must remain flexible to accurately reflect the political realities in



each case study. By using a qualitative case study, I am able to maintain conceptual validity across cases because I can refine and adjust concepts such as coalition constraints, veto players, and critical actors to accurately reflect the realities in each case while still maintaining comparability across cases. Conceptual stretching is thus avoided (George and Bennet 2005).

A qualitative case-oriented approach is also appropriate because this dissertation aims to develop a middle range theory instead of generalizations. The goal is not to predict the frequency of feminist policy adoption under conservative governments but to identify conditions under which the phenomenon manifests itself (George and Bennet 2005). Here, case studies can determine the scope of conditions under which an explanation is valid because most causal mechanisms are context specific – knowing in which context certain theories are valid is important in its own right (Byrne 2013). The potential for generalization is improved by employing a comparative case study across multiple national contexts (Della Porta 2008).

The utilization of a qualitative over a quantitative approach is also necessitated by the small number of cases. Conservative governments have adopted either father leave or board diversity policies in only eleven instances (Brady and Collier 2004) which makes a quantitative analysis unfeasible. Unfortunately, the small number of cases introduces the ‘many variable, small-n’ problem (Lijphart 1971, 686) which makes it difficult to assess the effect of a great number of potential variables. To address this problem, it is necessary to hold as many variables as possible constant in order to isolate the effects of the potentially causal variables. One way to limit the number of variables is to employ a

most-similar system design. By focusing on cases in Germany, the United Kingdom and Japan, I have chosen national contexts that allow me to hold several potentially explanatory variables constant. As I will discuss below, all three countries share similar demographic pressures where fertility rates have remained under replacement levels. They also share socioeconomic backgrounds with slowing economies and women representing a largely untapped pool of qualified labor. Further, cultural attitudes towards working mothers are similar, and all countries share the same political context (parliamentary democracy, coalition governments, and party government). Holding these variables constant allows me to focus on the explanatory power of my suggested explanatory variables.

Finally, rather than selecting my cases on the independent variable (King, Keohane and Verba 1994), I have consciously selected the cases on the dependent variable. Selecting on the dependent variable is appropriate in the context of this dissertation because its goal is to understand the causal pathways that lead to a specific outcome (George and Bennet 2005) and where equifinality is a reasonable assumption (Mahoney and Geertz 2006). To increase the explanatory power of my hypotheses, however, I am introducing variance in the dependent variable. I have identified instances where corporate board quotas and father leave policies were discussed under conservative governments but failed to be included on the agenda or adopted. The inclusion of failed policy attempts is crucial because studying failures allows me to verify whether factors that seem linked to a successful policy outcome are indeed not present in instances of policy failures (Bergqvist, Bjarnegård, and Zetterberg 2013, 281).

Identifying failed events can be difficult because they are typically less reported on. This is particularly true if the failure occurs during the agenda setting rather than the adoption stage or when the suggested policy proposal did not make significant waves in public discourse. Thus, in order to identify failures in the case of father leave policies, I relied on the study of the annual reports of the International Network on Leave Policies and Research which includes a section on suggested policy changes in parental leave for every country that is part of the leave network, scrutiny of news coverage of parental leave policies, and academic studies of parental leave reforms. For corporate board quotas, I relied on the leading non-profit organization Catalyst which monitors the adoption of board diversity policies across the globe and also compiles a list of pending board diversity legislation. In addition, I also scoured news reports and academic studies on corporate board quotas to identify failed attempts. Unfortunately, it is impossible to catch all instances of failure in either feminist policy area. Luckily, this is not necessary because it is sufficient to identify several but not all adoption or adoption failures in order to control for the explanatory power of the suggested hypotheses. I will discuss the case selection of both successful and failed policy adoptions in the next section.

### **3.3. Research Design – Case Selection**

Conservative governments have adopted either father leave policies or board quotas in eleven instances and across eight countries. In four countries, conservative governments have debated both types of feminist policies with varying results. This was the case in Germany, the United Kingdom, Japan, and Sweden. This dissertation will primarily focus on three cases in Germany with preliminary case studies in the United

Kingdom and Japan to allow for a most-similar design approach. I decided to exclude the cases in Sweden for three reasons: first, Sweden is less comparable because it does not share the same socioeconomic and demographic pressures as the other three countries. Second, and more importantly, the parties that composed the conservative government coalition in Sweden are ideologically much closer to left-leaning parties in the other three countries than to their conservative parties (Volkens et al 2015). As a result, both policies are much less likely to run against the ideological underpinning of each party. Finally, the political culture of Sweden is much more egalitarian than those in Germany, Japan, and the United Kingdom, and the country itself is considered to be a pioneer in the promotion of feminist policies where gender equality is the accepted norm.

**Table 5: Policy Outcomes Across Countries**

<i>Policy Outcome</i>	<i>Policy Proposal</i>	<i>Country</i>	<i>Legislative Period</i>
<i>Adopted</i>	Father Bonus	Germany	2005 – 2009
<b><i>Failed</i></b>	Board Quota	Germany	2009 – 2013
<i>Adopted</i>	Board Quota	Germany	2013 – current
<i>Adopted</i>	Father Bonus	Japan	2005 – 2009
<i>Adopted</i>	Board Target	Japan	2012 – current
<b><i>Failed</i></b>	Father Quota	United Kingdom	2010 – 2015
<b><i>Failed</i></b>	Board Quota	United Kingdom	2010 – 2015
<i>Adopted</i>	Father Quota	Sweden	1994 – 1998
<b><i>Failed</i></b>	Board Quota	Sweden	2002-2006

The German cases were chosen to be the dissertation’s primary case studies because there is variance on the dependent variable and employing a within case study allows me to hold important factors constant. Socioeconomic, cultural, and demographic variables become background variables rather than possible explanatory factors. Further, the influence of political leadership – the Chancellorship of Angela Merkel – is

controlled for as well as the influence of political institution. In contrast, my explanatory factors, critical actors, veto players, and coalition constraints, vary across the three cases allowing me to test for their influence under an otherwise constant framework. This will provide me with important insight on the explanatory power of my conceptual framework.

Beyond the merits of a within-case study, the German cases also represent the least likely case, or outlier, for feminist policy adoption under a conservative government. Germany is considered to be an archetype of a conservative welfare regime (Esping Andersen 1990). At the heart of the conservative welfare regime is the male breadwinner model which emphasizes the traditional sexual division of labor by placing unpaid caregiving in the private sphere and limiting women's access to the paid labor force (Lewis 1992, 2001; Orloff 2009). For example, until the parental leave reform in 2006, parental leave in Germany was designed to encourage and enable women to stay at home to care for their children covering a total of 36 months with a flat fee of 600 DM or 300 Euros for the first 24 months (Erler 2009; Geisler 2012; Leitner 2010). While the parental leave scheme was intended to be gender neutral, the length and low payment essentially reinforced the male breadwinner model by making it unattractive for men – who typically earn more – to stay home. This trend was also reinforced by the tax code which gives tax savings to couples where one parent stays home to care for the children full-time (Geisler 2012).

Further, German culture tends to be less gender-egalitarian and more traditional when it comes to child caring. In general, German society assumes that children should

be looked after in the home, and preferably by the mother, while the father supplies the income for the family (Leitner 2010). For example, 40 per cent of parents agree that children under three years old should be cared for by a stay at home mother (BMFSFJ 2010, 16). Similar, a survey by the Allensbach Institute found that 56 per cent of respondents in West Germany think it is best if the mother puts her career on the backburner while caring for her children, and a mere eleven per cent of West German mothers work full-time after the birth of their child, compared to roughly a third in East Germany (Thelen 2015). Thus, the adoption of feminist policies under a conservative government in Germany is particularly noteworthy.

Finally, as I will discuss in the following chapter, the conservative parties in Germany – the Christian Democratic Union and its Bavarian sister party the Christian Social Union – have never made serious attempts to feminize the party’s platform. Neither the father leave policy nor the corporate board quota were adopted by the party convention for inclusion in the election manifestos in 2005, 2009, or 2013. Quite the contrary, the party platform stresses the importance of remunerating stay at home mothers for their care work through pension credits and a so-called ‘stove premium’ (*Herdprämie*). The issue of women’s underrepresentation on corporate boards also did not play a role in the party’s policy program. Thus, Germany represents an unlikely case where a conservative party did not undergo a process of feminization but nevertheless adopted feminist policies.

Because of the inherently limited generalizability of findings from within case-studies, this dissertation will consider four additional cases in the United Kingdom and

Japan. These countries not only share a consideration of these two policies under conservative governments but they are also characterized by fairly similar socioeconomic conditions, political characteristics, and cultural attitudes. Germany and Japan are much more similar in regards to all three elements than the United Kingdom, as I will illustrate below. This minimal variance in macro patterns, however, is desirable because it allows me to judge the importance of these conditions on policy outcomes. While I hold that socioeconomic macro-patterns never cause a public policy to be adopted (see Seeleib Kaiser and Toivonen 2011), I am open to the possibility that these macro variables might have an impact on the ability of critical actors to rally support for these policies making their adoption more likely. I will test for this possibility by analyzing how critical actors, veto players, and opponents frame the need for the adoption of these policies and whether one particular framing of a policy dominates the policy discourse in each case.

In the United Kingdom, both father quotas and corporate board quotas were discussed under Prime Minister Cameron's first government (2010 to 2015) but failed to be put on the legislative agenda. Specifically, the case of father leave policy will enable me to test the explanatory power of the coalition constraint variable. After the government put a shared parental leave policy on the policy agenda, Nicholas Clegg, deputy prime minister and leader of the junior coalition party, advocated for including a father quota in the parental leave policy. The policy proposal was not part of the original coalition agreement. His proposal was ultimately rejected by the Conservative Party after a public debate about its merits. If the policy proposal failed due to coalition constraints, it would increase the explanatory power of this variable. The British case on board quota

adoption is particularly interesting because the United Kingdom and Germany were the most vocal opponents against an EU wide corporate board quota which led to a defeat of the European board quota proposal in 2012 (Fontanella-Khan 2012). While Germany changed course, the United Kingdom continues to oppose quotas. While the issue of board diversity was mentioned in the coalition agreement, it only stated that the government would investigate the issue of board diversity; it did not propose a specific policy on how to address the problem. Shortly after the election, the government established a commission spearheaded by Lord Davies to assess the status of women on UK boards and to develop policy recommendation on how to address the issue. After a long and detailed consultation with the public and business, Lord Davies' first report concluded that a voluntary approach is most adequate to tackle women's underrepresentation on boards and rejected a legal quota unless voluntary measures should prove futile. Investigating two instances of failed feminist policy adoption under a conservative government is crucial because it allows me to explore whether my proposed hypotheses can explain policy failure beyond the German case.

In 2009, the conservative government under Prime Minister Taro in Japan amended the *Act on the Welfare of Workers Who Take Care of Children and other Family Members Including Childcare and Family Leave*. The amendments included a father bonus identical to the one in Germany in 2009, where parental leave benefits were extended to 14 months if the other parent took at least two months of parental leave. As in Germany, this provision was intended to encourage more fathers to take parental leave. In August 2015, the conservative government under Prime Minister Abe introduced a



workplace equality law which stipulates that companies with more than 300 employees must set numerical targets for the employment and promotion of women (Mizuho 2015). There are no sanctions for non-compliance. In contrast to Germany, Japan's policy solution to gender board diversity has been more timid and noncommittal than the German policy approach which set a numerical quota of 30 per cent while Japan leaves it up to the individual companies to set their own quotas.

The Japanese cases are particularly interesting because they are the only instances where the conservative party originally supported the feminist policy without pressure to adopt the policy from a coalition partner. Thus, studying the Japanese cases will allow me to assess whether the second part of my hypothesis – constellation of critical actors, veto players, and opponents – is sufficient to explain feminist policy outcomes in cases where the conservative party is supportive of the feminist policy. Unfortunately, the Japanese case studies are less developed than the United Kingdom preliminary case studies because I had to rely on primary and secondary sources where they were available in English. Thus, the findings in the Japanese context must be taken with caution until I am able to analyze original documents in Japanese and conduct elite interviews with the major actors in the Japanese policy process. This however will require more research time and effort (i.e., paying for translation services to analyze original documents and conduct interviews in Japan) that is outside the scope of the dissertation.

### **3.4. Research Design – Data Collection Methods**

The dissertation will employ process tracing to answer why conservative governments adopt feminist policies utilizing both qualitative content analysis and elite

interviews to identify each steps in the causal sequence that leads to the policy outcome.

Process tracing in general is defined as:

the analysis of evidence on processes, sequences, and conjunctures of events within a case for the purpose of either developing or testing hypotheses about causal mechanisms that might causally explain the case (Bennet and Checkel 2014, 7).

Process tracing is particularly useful for a qualitative case study as it allows me to turn a simple narrative of events into causal sequences singling out the key explanatory variables (Dumont, de winter, and Andeweg 2011). Using process tracing I can integrate a deductive approach by testing a priori hypotheses and modifying these hypotheses based on inductively derived conclusions (Bennet and Checkel 2014). This allows me to confirm whether the hypothesized cause of feminist policy adoption is indeed evident in the sequence and variables of the case (George and Bennet 2005). Further, process tracing is particularly equipped to analyze causal mechanisms in the context of complex decision making by drawing on a multitude of different sources such as interviews, archival research, news articles, and other documents (Tansey 2007). In order to identify the causal sequence in each case of feminist policy adoption, I will utilize a qualitative content analysis with elite interviews. Qualitative content analysis is a means to analyze written and verbal communication in order to identify critical processes that lead to the policy outcome as well as to identify key actors in the policy process in question (Elo and Kyngäs 2008).

For the qualitative content analysis, I consulted a variety of primary sources such as legislative records, verbatim protocols of parliamentary debate and party conventions, speeches by the head of government and responsible cabinet ministers, policy briefs and

statements, press releases by the responsible ministries, and coalition agreements and relevant party platforms. Secondary sources analyzed include media coverage of the policies in the major national newspapers, interviews with critical actors, opponents, and veto players, as well as documents by women's organizations. The study of both primary and secondary sources helped me to identify the relevant critical actors and opponents while also helping me determine the primary arguments brought forward in favor and against the respective policies. Specifically, all documents were coded to account for the following elements: Who contributed to the debate of the feminist policy; was the statement supportive or opposing; and what kind of argument did the actor make in support or opposition of the policy? Especially concerning the latter, I included a measure of feminist claim making. I coded all statements as feminist if they included statements about changing the division of labor at home, referred directly to gender equality concerns, or spoke about sex discrimination in society. I only coded direct quotations by actors when explicitly discussing the feminist policy under consideration.

Further, I conducted elite interviews with key actors who were intimately involved in the policy process and thus possess knowledge not necessarily attainable through a qualitative content analysis alone (Tansey 2004). I utilized these interviews to confirm the findings from the qualitative content analysis, reconstruct the sequence of events, and identify the motivations of individual actors. Thus, instead of random sampling, I contacted potential interview partners based on their knowledge of the policy process (purposive sampling) while also including snowball sampling to ensure that I included important political actors who might have operated outside the public eye.

Interview partners were drawn from all major groups that participated in the policy making process, including both policy advocates and policy opponents: members of the coalition parties, civil servants in the responsible ministries, representatives of civil society organizations and the business sector, as well as journalists who have covered the policy issue.

### **3.4.1. Data Collection – Germany**

I conducted 30 interviews with members of the *Bundestag* and Bavarian *Landtag* including representatives from all political parties except *Die Linke*. While it is unfortunate that I was not able to secure an interview with a member of the *Die Linke*, this will not significantly impact the results of the case studies because the party was in the opposition and as such had little influence or insight into the inner workings of the government coalitions. Additionally, I also interviewed selected civil servants in the responsible ministries, journalists who covered the issues, as well as leaders of all relevant women's organizations. Interviews typically lasted 30 minutes and either were conducted in person or via phone. Some individuals also filled out written questionnaires. These interviews allowed me to corroborate my initial findings of the qualitative content analysis and explore issues left open or ambiguous in the content analysis.

For the qualitative content analysis, I coded a total of 558 documents including all verbatim transcripts of all relevant parliamentary debates, committee hearings, and the debates in the *Bundesrat*. I also included relevant media articles by the major national German newspapers (Der Spiegel, Die Zeit, Frankfurter Allgemeine, Der Stern, Die Süddeutsche, Die Welt) as well as documents published by the Federal Minister for

Family Affairs, Seniors Citizen, Women, and Youth; speeches by Chancellor Merkel and the responsible cabinet ministers; election manifestos of each party in the coalition government; all coalition agreements; and party platforms of all relevant political parties.

In total, I identified 53 actors who actively took part in the debate around the father leave policy by either speaking up in news media or participating in the legislative process. Thirty-eight actors were supportive of the proposal including the two main churches (Protestant and Catholic Church), the Confederation of German Trade Unions, and a great majority of CDU/CSU women both at the state and federal level while 14 political actors opposed the policy including the political parties of the CSU and the FDP. In regards to the failed attempt to adopt board quotas, I identified 163 actors who actively participated in the public debate. Of them, 48 actors, mostly from the business sector, the FDP, and the traditional wing of the conservative party, opposed the idea of a corporate board quota law while 115 welcomed the idea. When the board quota was successfully adopted, 71 actors actively participated in the policy making process with 19 actors from the business community and those representing business interests within the conservative party continuing to oppose the policy.

### **3.4.2. Data Collection – United Kingdom**

For the qualitative content analysis, I coded a total of 69 documents including verbatim protocols of debates in the House of Commons, the House of Lords, committee hearings, policy white papers by the Department for Business Innovations and Skills, government reports, and relevant media articles in the major British newspapers such as the Times, The Guardian, the Daily Mail, The Telegraph, and from the BBC. I identified

a total of 21 relevant actors in the father leave policy debate. Eleven actors were supportive of the policy. Nine opposed to the policy. For the corporate board quota debate, I identified a total of 60 relevant actors. Of those, 15 supported legal quotas. In total, I conducted 12 interviews with former members of government, civil society actors, and academic experts.

### **3.4.3. Data Collection – Japan**

For Japan, I only conducted a qualitative content analysis for this dissertation. I coded 31 documents including government white papers when available in English and reports published on the English website of the Gender Equality Bureau Cabinet Office. Mostly, the analysis relied on secondary sources from news outlets such as the *Japan Times*, a national newspaper published in English. Because of the limited availability of documents in English, I also consulted academic publications on the subject matters to gain greater insight into the topic. I identified a total of 11 actors who participated in the public debate for father leave policies and a total of 17 actors that were involved in the corporate board quota debate. The majority of actors opposed the adoption of a corporate board quota which might explain the adoption of an unspecific board target rather than a board quota. In contrast, the father leave policy was broadly supported throughout the government and political parties with little opposition from businesses.

Together, the interviews and qualitative content analysis enable an assessment of the influence of critical actors, opponents, and veto players during the decision making process. Further, interviews and the conducted document analysis will help me understand under which circumstances feminist actors can build coalitions within

conservative parties, across political parties, as well as with businesses and civil society organizations to push for feminist policies despite potential opposition by other groups within the conservative parties.

### **3.5. Alternative Explanations**

The existing studies on the adoption of father leave policies and board diversity policy include several alternative explanations that warrant closer investigation. The majority of them concern the influence of macro-patterns such as socioeconomic conditions, demographic trends, cultural and historical context, as well as more specific variables such as political characteristics of the coalition government and the political parties. I will discuss each in turn.

#### **3.5.1. Socioeconomic Conditions.**

The analysis of the political discourse around corporate board quotas and father quotas has shown that these policies are typically debated under three broad categories: demographic pressure caused by low fertility rates and a rapidly aging population, economic pressures because of anticipated labor shortage due to demographic pressures, and the activation or retention of a highly skilled female labor force as a solution to labor shortage and to maintain economic growth. These arguments reflect the concerns with specific socioeconomic pressures that these countries face. The shared socioeconomic conditions of these countries allow me to, by comparing them, assess the importance of socioeconomic factors for policy outcomes.

**Table 6: Socioeconomic Conditions across Germany, Japan, and the UK**

<i>Socioeconomic Variables</i>	<i>Germany</i>	<i>Japan</i>	<i>UK</i>
<i>Fertility Rate (2013)</i>	1.38	1.43	1.92
<i>GDP Growth Rate (2014)</i>	1.6	-0.1	2.55
<i>Age at first marriage</i>	31.7	29.7	31.8
<i>Labor force, female ( per cent of total labor force, 2013)</i>	45.86	42.63	45.91
<i>Labor participation rate, female ( per cent of female population ages 15+, 2013)</i>	53.59	48.79	55.7
<i>Part time employment, female ( per cent of total part time employment, 2012)</i>	78.69	70.8	73.8

Source: World Bank Gender Statistic Database

It is evident from Table 6 that Japan and Germany face very similar socioeconomic challenges. Both countries are ‘very low fertility countries’ (Atoh 2011) with a fertility rate that has dropped below 1.5 and has never recovered past this point. Both are faced with a declining population: Japan’s population is predicted to shrink to 89 million by 2055 from 127 million in 2013 (Dalton 2015, 49) while Germany’s population is predicted to shrink to 66 million by 2060 from 80 million in 2013 (Blake 2013). Looking at the 2012 growth rates, both Japan and Germany had negative growth rates: -1.69 per cent for Germany and -0.2 for Japan (‘Population growth (per cent annual)’ 2014). One reason for the low fertility rate is that women are postponing both marriage and childbirth because work-life balance is still elusive in both Japan and Germany, with limited childcare available for children under 3 years old and cultural expectations that women stay home to care for their children.

In contrast, the United Kingdom is a ‘low fertility country’ where the fertility rate never dropped below 1.5 but remains below the 2.1 rate necessary for replacement levels (Atoh 2011). Further, the population in the United Kingdom is predicted to grow to 73



million by 2035 from 64 million in 2013 ('What do the 2014-based national population projection show?' 2015) and its population growth rate has never dipped into negative digits (World Bank 2015). Considering that the United Kingdom has failed to adopt both policies, it is possible that the absence of demographic pressure makes a country less likely to adopt these policies. While socioeconomic pressures do not necessarily prompt countries to adopt these policies – after all Germany has been a 'very low fertility country' since 1975 and Japan since 1993 ('Population growth (per cent annual)' 2014) without low fertility becoming an urgent policy issue until early this century – it might be the case that pressing demographic pressures increase the likelihood for action once critical actors were successful in putting the policy on the policy agenda.

Faced with an aging population and low fertility, Japan and Germany (and to a lesser degree the United Kingdom) have looked towards women to counteract labor shortage particularly in terms of highly skilled workers. In all three countries, the female labor force is under-utilized. Less than half of the total labor force in each country is female while only half of the total female population aged 15 and above is working. Further, women make up the great majority of part-time workers in all three countries. This is despite the fact that more women than men have a tertiary education in Germany and Japan with the same levels of tertiary education in the United Kingdom ('Educational attainment by gender and expected years in full-time education' 2016). Thus, in each country women represent a significant untapped pool of skilled labor, which is particularly true for the number of women on corporate boards. Because all three countries are very similar with regard to the economic conditions above but vary in their

policy outcomes, the importance of integrating women into the labor market will inform the policy solution but does not prompt a government to take action by itself.

### 3.5.2. Political Characteristics

In terms of political characteristics, all three countries are parliamentary democracies with Japan and Germany sharing a similar electoral system – a mixed member proportional system, which uses both a proportional list and first-past the post system – and the United Kingdom having a first-past-the-post system. Likewise, in all three countries the executive dominates the legislative process, playing the crucial role in initiating and drafting policy proposals. Further, in all cases the conservative party was in a coalition government. All coalition partners, except in the case of Germany, were center-right parties. While the German cases were only successful when the conservative party was in a ruling coalition with the social democratic party, the conservative party in Japan adopted both policies in coalition with a center-right party, while the Conservative Party in the United Kingdom rejected both policies when in a governing coalition with a center-right party. Thus, the success of feminist policy agenda setting and adoption seems not to be dependent on the presence of a left party in the government coalition.

**Table 7: Party Ideology of Coalition Parties**

<i>Party family</i>	<i>Germany</i>	<i>Japan</i>	<i>United Kingdom</i>
<i>left</i>	Social Democratic Party		
<i>center</i>	Christian Democratic Union Christian Social Union	Clean Government Party (New Komeito)	
<i>right</i>	Free Democratic Party	Liberal Democratic Party	Liberal Democrats Conservative Party

Source: Armingeo et al. 2015

Further, the conservative parties in government also share a similar equality commitment based on the analysis of their party platforms (see Table 8): each party dedicated between 0 and 5 per cent to the issue of equality in their party manifesto (Volkens et al. 2015). This shows clearly that the adoption of feminist policy under conservative governments is driven by something other than an inherent concern with gender equality by the conservative party in the government coalition.

**Table 8: Commitment to Equality Issues in Party Platform (in per cent)**

<i>Political Parties – Equality commitment</i>	<i>Germany</i>	<i>Japan</i>	<i>United Kingdom</i>
<i>Government Composition (Father Quota – Success)</i>	3.57 (11.1)	0.45 (n.a.)	
<i>Government Composition (Father Quota – Failure)</i>			0.99 (3.19)
<i>Government Composition (Board Quota – Failure)</i>	4.93 (4.22)		0.99 (3.19)
<i>Government Composition (Board Quota – Success)</i>	2.68 (9.35)	0.45 (n.a.)	

Source: Volkens et al. 2015

### **3.5.3. History of Gender Equality Policy**

The adoption of affirmative action policies to address gender inequality in the past, such as the adoption of electoral gender quotas, is often thought to facilitate the adoption of affirmative action later on. For example, the most recent study on corporate board quota adoption by Terjesen, Aguilera, and Lorenz (2014) finds that corporate board quotas are more likely in countries that have a longer history with other gender equality policies such as electoral gender quotas. However, all three conservative parties have been reluctant to address gender equality with affirmative action measures in the past. In Germany, the introduction of electoral gender quotas by the Green Party in 1986 raised

awareness about affirmative action among the German public (Peters 1999). Today, all political parties except for the Free Democratic Party (FDP) have electoral gender quotas. Today, the CDU has a quota of 33 per cent for electoral lists and internal leadership positions while her sister party the CSU has a 40 per cent quota for all leadership positions. Yet neither the CDU nor the CSU has adopted electoral gender quotas because these parties have believed in the intrinsic value of quota measures. Rather, this is a story where party competition has led to a contagion effect prompting other parties to adopt electoral gender quotas out of fear of being perceived to be backwards or not modern enough in terms of gender equality (Brzinski 2003).

In contrast, the Conservative Party and Liberal Democratic Party in the United Kingdom as well as the Liberal Democratic Party in Japan have been more reluctant to consider electoral gender quotas despite constant pressure to address the lack of women among their ranks in parliament. The Conservative Party used an A List in 2006 to increase their number of women: when selecting candidates local party organizations were expected to choose a candidate from this A list of priority candidates of which 50 per cent were women (Annesley and Gains 2014). However, the party is no longer utilizing the A List and remains opposed to any electoral gender quotas (Campbell and Childs 2015). Currently only 21 per cent of all conservative representatives are female. The Liberal Democratic Party (LibDems) in the United Kingdom has a 40 per cent target yet has no female representatives in the House of Commons (Keen 2015, 4; Interparliamentary Union 2015). Similarly, the Liberal Democratic Party in Japan has

resisted all calls for electoral gender quotas despite dismal numbers: in 2012, only eight per cent of all LDP representatives were female (Masuda 2012).

This brief overview of affirmative action in the political realm shows that conservative parties in all three countries have been reluctant to embrace positive action to address gender equality. Even in Germany where two of the three conservative parties now have electoral gender quotas, the CDU and CSU were the last parties to adopt them and did so only after electoral pressure from parties on the left. The example of electoral gender quotas shows that none of the conservative parties in these countries are predisposed to look at affirmative action policies to address gender equality which, in essence, both board quotas and father leave policies are. Thus, a history of affirmative action policies in the respective countries seems to be of limited importance in explaining the policy outcome across these cases.

#### **3.5.4. Cultural Attitudes**

Finally, these countries are also comparable in terms of cultural factors. Japan and Germany in particular have shared a strong commitment to the male breadwinner model in the post-war era (Wiliarty and Gaunder 2014). As discussed earlier, the male breadwinner model privileges the male wage earner who typically earns a family wage to allow him to take care of his dependents, *i.e.*, his wife and children. The wife's contribution is not in the labor market but at home by raising children and taking care of the elderly. As a result, family policies are designed to support this particular family model: both Germany and Japan have tax exemptions for stay-at-home wives. For example, in Japan families can claim a tax exemption if the wife earns less than 1.03

million yen (about 10,000 US Dollars) per year (Kingston 2013). Likewise, Germany offers a tax splitting benefit which encourages women to stay home or only work part-time (Gottfried and O'Reilly 2002). Further, in both countries public daycare for under three years old is lacking. Together, these factors contribute to low female labor market participation despite the fact that women are better educated.

That these conservative ideas about family and gendered roles still play an important role is illustrated when citizens were asked to agree or disagree with the following statement in 2003: 'Husband works outside, and wives takes care of the home' (Atoh 2011). In Japan, 46.5 per cent of men and 31.8 per cent of women agreed with this statement. This should not come as a surprise because Japanese culture has not been able to shake the social conservative views of gendered roles: women are expected to drop out of the workforce once they are married or have children, a notion that is strengthened by the 'maternal myth' that children must be raised by their mothers while they are young (Dalton 2015). Underlining this expectation is the fact that in Japan "over 85 per cent of women agreed with the statement 'until her child is about three, a mother should not have a job but should concentrate on childcare'" (Dalton 2015, 49). As a result, about 62 per cent of women leave their job and, of college educated women, 74 per cent leave the labor force (Kingston 2013, 424, 443). That number is much higher than in Germany where only 35 per cent of college educated women leave the labor force (Kingston 2013, 443). And as a result, men are expected to devote their full attention to the company by working long hours and over-time as the company expects that the woman is taking care of the home and family without the help of the husband (Morrone and Matsuyama 2010).

Further, the Japanese labor market also reflects these conservative social values. Individuals are typically hired for two types of tracks: the employment track that emphasizes routine work and the promotion track stressing lifelong employment and career advancement based on seniority (Atoh 2011). Women are typically relegated to the employment track while men are hired for the promotion track (Takeda 2011). In 2010, only 12 per cent of new hires for the promotion track were women (Kingston 2013, 442).

In contrast, the United Kingdom is more closely aligned with the market-oriented gender policy model (Korpi 2000). This means that the state takes a neutral approach to gender or family relations and lets market forces shape gender relations. It is up to the individual to determine the distribution of roles within the family by either utilizing market solutions such as private childcare services or by finding private solutions, for example by ensuring that the grandmother takes care of the children while the mother is at work. Nevertheless, social attitudes are still fairly traditional – more traditional than those found in Germany but more egalitarian than those found in Japan. For example, when asked whether ‘being a housewife is fulfilling’ (‘World Value Survey Wave 5: 2005-2009’) – more people in the United Kingdom agreed with the statement than in Germany. In Japan, agreement with the statement was the highest among all three countries. Further, looking at the Equality sub-index (‘World Value Survey Wave 5: 2005-2009’), Germany ranks the most egalitarian, followed by the United Kingdom, and then Japan. Accordingly, even though the United Kingdom is not a male breadwinner model, traditional social attitudes are still common. Thus, I argue that cultural attitudes and the type of welfare model cannot explain the success or failure of feminist policy

adoption as conservative governments embedded in two traditional cultures have adopted feminist policies while the government in a more egalitarian context failed to do the same. The same holds true for the type of welfare regime where policies were successful under male breadwinner models but failed in market-oriented models.

### **3.5.5. Women in Politics**

One common thread in many studies is the argument that an increase in the number of women in parliament overall makes the adoption of feminist policies – whether father leave or board diversity policies – more likely (see for example: Morgan 2013; Terjesen, Aguilera, and Lorenz 2014; Lambert 2008). Yet by looking at the percentage of women in parliament across all cases, we can see that this explanatory variable is insufficient. For example, the conservative government in Japan adopted both policies despite dismally low numbers of women in parliament where the percentage of women has hovered around 9 per cent for the past decade (IPU 2015). In Germany, the conservative government rejected the adoption of board quotas even with a sizeable number of women in parliament, *i.e.*, 32.9 per cent in 2013 (Interparliamentary Union 2015). Thus, the percentage of women in parliaments alone is not sufficient to explain feminist policy outcomes.

### **3.6. Definition of Terms**

In the course of this dissertation, I refer to seven key concepts: conservative parties, conservative governments, feminist policies, policy agenda setting, policy adoption, board quotas, and father leave policies. Each term is defined in turn.



**Conservative governments and conservative parties:** A party is considered to be conservative when it is classified as such by the Manifesto Project (Volkens et al 2015). A government is deemed to be conservative when their government score in the Comparative Political Data Set III 1990-2012 is either classified as ‘hegemony of the right’ (score 1) or ‘dominance of the right’ (score 2) (Armingeon et al 2015). In the case of a balanced government (score 3), the government is considered conservative when the main coalition partner (the majority party) is classified as conservative by the Manifesto Project.

**Feminist policies:** The debate on how to define feminist policies or women’s interest is long and multifaceted.<sup>8</sup> For purposes of this dissertation, feminist policies are defined as any policies that challenge the traditional division of labor among men and women either in the public or in the private sphere. These policies aim to “dismantle hierarchies of power that privilege men and the masculine, a sexual division of labor that devalues women and the feminine, and the institutionalization of normative heterosexuality” (Htun and Weldon 2010, 208).

Recognizing that women’s interests are not a homogenous entity and that claim making on behalf of women does not have to be feminist, I nevertheless argue that it is

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<sup>8</sup> The notion of ‘women’s interest’ is highly contested in the literature. Most typically, women’s interests have a distinct leftist or liberal definition and/or authors equate women’s interests with feminist interests (Beckwith and Cowell-Meyers 2007; Saward 2008; Celis 2009; Celis and Childs 2012). Common definitions of women’s interest in the literature define women’s interest based on the unique division of labor between the sexes, policies that affect women exclusively based on biological (reproductive rights) or societal reasons (child rearing and sex equality), issues promoted by the women’s movement, or central tenants of international women’s rights treaties or conventions. These prevalent definitions tend to ignore not only division and differences among women along class, race/ethnic, or identity lines but also ignore conservative women. Thus, women’s interest should not be defined a priori.

more useful for the purpose of this study to employ the definition of feminist policies in its traditional leftist meaning (see Celis and Childs 2012 for a discussion of the topic). While the debate surrounding the usage of women's interests in the face of conservative claims is very important and timely, it is insubstantial for this particular research. The particular puzzle that this dissertation addresses is why conservative governments support policies that by normal standards would be considered leftist or feminist and thus would not fall under the purview of conservative governments. Thus, the definition of 'feminist' as challenging the traditional division of labor is justified in the context of this study.

**Policy agenda setting and policy adoption:** Policy agenda setting and policy adoption refer to two different stages in the policy process. Policy agenda setting occurs when a political party consents on supporting a specific policy. As such, policy agenda setting is most likely to occur during the coalition negotiations. Outside of coalition negotiations, policy agenda setting occurs when a political party agrees to pursue the of a feminist policy. In contrast, policy adoption has taken place when the coalition government's proposal successfully becomes a law, *i.e.*, when a proposed government bill containing the feminist policy has successfully passed through the legislative process.

**Corporate board quotas:** Corporate board policies can be divided into two measures: hard laws (legislative acts in the form of corporate board quotas) and soft law (normative pressure such as codes of good governance) (Casey, Skibness, and Pringle 2010). I will focus on hard laws only, as they are proposed and adopted by political parties and thus signal an important public sign that a party considers gender inequality in the corporate sector a problem. Soft laws on the other hand are often adopted and

administered by private entities, such as the stock market (Aguilera and Cuervo-Cazurra 2004), and even the support of such soft laws by political parties does not signal the same commitment that corporate board quotas do.

**Father leave policies:** This dissertation differentiates between father quotas and father incentives. Father quotas set a specific period of parental leave aside for the exclusive use of fathers. If fathers do not use the leave, parental leave is shortened by that period. In contrast, father incentives reward families with longer parental leave if the father takes a certain period of parental leave.

### **3.7. Conclusion**

Above, I have introduced the qualitative comparative case study approach which I will utilize in this dissertation to test the explanatory power of my proposed hypotheses. I have chosen to focus on a most similar case design that includes variances on the dependent variable to better judge the influence of individual variables – such as coalition constraints, veto players, and critical actors – and to ensure that positive findings in successful cases are absent in failed cases of feminist policy agenda setting and adoption.

The following chapters are dedicated to the individual case studies in Germany, the United Kingdom, and Japan. Chapters 4 through 6 will discuss the successful adoption of father incentives and corporate board quotas as well as the failed attempt to adopt board quotas in 2013 under the conservative government of Angela Merkel in Germany. Chapter 7 will expand the argument developed in this dissertation to cases in the United Kingdom and Japan. The final chapter will summarize the findings from the case studies and assess the validity of my hypotheses.

## **Chapter 4**

### **Germany: The Adoption of the *Partnermonate***

The purpose of this dissertation is to understand why political parties adopt policies that ostensibly violate their ideological underpinnings. I hope to shed light on this question by focusing on conservative governments and feminist policy adoption. Studying instances of feminist policy adoption under conservative governments in the German context is particularly worthwhile because cases in the German context represent least likely cases, as I have argued in the previous chapter. First, Germany has been a traditional female breadwinner welfare regime that emphasizes the classic division of labor with a wage earning husband and a stay at home wife. The adherence to the male breadwinner model has not changed much in the postwar period when even the Social Democratic Party has supported policies such as tax benefits for traditional families, limited childcare services for children under three years old, and long and lowly paid parental leave (Leitner 2010). Second, I argue that, contrary to assumptions in the literature on conservative parties and feminization, neither the Christian Democratic Union (CDU) nor the Christian Social Union (CSU) have been feminized to an extent that feminist policy adoption is pursued strategically to win over women voters. Third, since Angele Merkel became the Chancellor in 2005, she has overseen the adoption of several feminist policies. Prominent examples are the anti-discrimination law, equitable parental leave, and corporate board quotas, and an equal pay law is currently under

discussion. At the same time, several attempts to pass corporate board quotas failed before the conservative government adopted the policy in 2015. Thus, feminist policy adoption under Merkel's conservative government cannot be considered a given.

I will focus on three instances of feminist policy adoption which encourages women's participation in the workforce under the conservative government of Angela Merkel: the 2006 *Bundeselterngehalt- und Elternzeitgesetz (BEEG)* which introduced the father leave policy (Partnermonate) into the parental leave scheme; the 2013 law mandating corporate board quotas, *Gesetz zur Förderung gleichberechtigter Teilhabe von Frauen und Männern in Führungsgremien (GlTeilhG)*, which failed; and the successfully adopted corporate board quota law in 2015, *Gesetz für die gleichberechtigte Teilhabe von Frauen und Männern an Führungspositionen in der Privatwirtschaft und im öffentlichen Dienst*. Comparing two successful cases with one failed one allows me to hold important factors constant such as macro-patterns (socioeconomic conditions, cultural attitudes, demographic pressures, percentage of women in politics) while introducing variance in my explanatory variables: coalition constraints and the constellation of critical actors, veto players, and opponents. In all cases under consideration, the CDU/CSU was in opposition to the proposed feminist policy. Thus, coalition constraints were instrumental for the adoption of the feminist policy during the coalition negotiations and later to ensure adoption as well. I argue that feminist policies are adopted when two conditions hold:

1. Coalition constraints are permissive: the coalition partner is strong enough to include the feminist policy in the coalition agreement; and

2. Critical actors occupy veto player positions while opponents are not in a position to prevent feminist policy adoption.

This chapter will proceed as follows. I will first show that the CDU has not been feminized. Accordingly, feminization, *i.e.*, the adoption of feminist policies to attract women voters, cannot explain the adoption of the father leave policy in 2006. Then, I will provide a general background on the issue of parental leave policies in post-war Germany. In the following section, I will show that permissive coalition constraints facilitated the inclusion of the father leave policy in the coalition agreement against the opposition of most internal party groups within the CDU. What is interesting in the German cases is that internal party factions in the CDU/CSU – most notably the traditional wing and the business interest groups – were not able to stop the policy, but nevertheless succeeded in weakening the original bill draft before its final passage to limit the impact of the policy in scope and effectiveness. Thus, throughout the case studies I will pay attention to the influence of party-internal factions and their ability to influence policy outcomes. Further, I will illustrate how Ursula von der Leyen, the minister responsible for parental leave policies, was able to ensure successful adoption of the bill against opposition from internal group factions due to controlling the primary veto player position and being helped by an overall advantageous constellation of critical actors, veto players, and opponents. Finally, I will demonstrate that the case for the father leave policy was framed decisively in feminist terms rather than justifying the policy in terms of demographic or socioeconomic pressures faced by Germany due to a declining birth rate, an aging population, and anticipated labor shortage.

#### **4.1. The CDU – Lacking a Process of Feminization**

The 2006 parental leave reform in Germany broke new ground as it transformed the German welfare regime from a traditional male breadwinner to a dual earner/carer model. This radical break with the past has since attracted much scholarly attention and many studies have explained this turn of events by attributing them to an ongoing feminization process facilitated by Angela Merkel after she became party chair in 2000 (see: Henninger and von Wahl 2014, von Wahl 2011, Hien 2014, Wiliarty 2010). According to these studies, we see two developments: attempts to court female voters by the CDU leadership and a feminization of the CDU party platform. In both respects, Angela Merkel is considered to play a key role. Below, I will argue that the CDU is not pursuing an electoral strategy centered on winning over women voters and that a feminization process has yet to occur in the CDU. Instead, modernizing efforts within the party are the result of internal party faction competition rather than the result of conscious feminization attempts.

Contrary to the existing literature, I argue that reaching out to female voters does not feature prominently in the CDU election strategies. A closer look at the electoral analysis conducted by the Konrad Adenauer Stiftung, the political foundation of the CDU, the general literature on German elections, and personal interviews with election analysts, all confirm this assumption. First of all, the modern voting gender gap, i.e., the preference of female voters for left leaning parties, emerged much later in Germany than in other advanced industrialized countries. This trend has only emerged in the 1990s (Inglehart and Norris 2000, 450), and the electoral gender gap is relatively minor,

especially compared to the gender gap in the United States which was twenty percentage points in the 2012 election and 14 points in the 2008 election (Jones 2012). In Germany, the gender gap varies from +0.5 per cent in 2005 to +5.8 per cent in 2013 (Der Bundeswahlleiter 2014), casting doubt over whether the gender gap is decisive for electoral outcomes. Neu (2004, 2009), for example, argues that the gender gap does not decide elections in Germany even though the CDU has had a small advantage with female voters since 2005. Second, there is no evidence supporting the claim that women prefer left parties over conservative parties in Germany. Of the 14 elections in postwar Germany, women only preferred left parties over conservative ones in 1980, 1983, 1998, and 2002 (Neu 2004). Wristle and Kühnle (2014) also assert that there is no gender gap in voter preference and gendered voting did not play an important role in 2002 or 2005.

Third, the core constituency of the CDU are seniors (60 years and older), Catholics, farmers, and business owners (Walter, Werwath, and Antonio 2011). Older women in particular, have always been a strong support base for the party. Electoral analysis reveals that whenever the CDU lost the support of women in this age group, it negatively affected the electoral outcome (Graf and Neu 2002). Older women represent 31 per cent of eligible voters, thus a dip in this constituency is noticeable. For example, in 1998 the CDU lost eight percentage points in this voter group and one percentage point in 2002. Despite a parallel gain of six percentage points in the group of 35 – 44 years old women, the CDU was not able to make up the loss in the older voter group. If the CDU was trying to gain back the older women vote, feminist policies such as father leave policies or corporate board quotas can hardly be considered to be targeted at this



particular constituency. Fourth, in a personal interview with an election expert, the individual maintained that electoral behavior does not differ for women and men. Instead, a gap typically emerges based on religion, education, and age, which are far more important determinants of electoral behavior than gender. Electoral losses for the CDU are never due to the loss among a specific constituency, for example young women, but are felt across all groups. Finally, the political leadership of the CDU did not commission a detailed electoral analysis after the defeats of 1998 and 2002 (Walter, Werwath, and Antonio 2011). Instead, the election losses were attributed to an unlucky coincidence in history rather than the emergence of a permanent problem with a specific voter demographic. We can conclude then, that targeting women as an electoral group is of little importance in the CDU election strategies.

One aspect of the feminization argument is that conservative parties should adopt feminist policies prior to the election in an effort to attract women voters. Thus, an analysis of election manifestos and party platforms should include father leave or board diversity policies. The CDU election manifesto neither included a commitment to a dual earner/carer type of parental leave reform nor support for a corporate board quota in 2005 and 2009. And the inclusion of a corporate board quota policy in the 2013 election platform was very vague and postponed to 2020, reflecting a compromise that the party leadership made with prominent women within the CDU to avoid the adoption of a proposed quota law initiative by the opposition parties in 2013. Further, an analysis of the verbatim protocols of the CDU party conventions shows that neither in 2008 nor in 2012 did the terms gender policy (*Frauenpolitik*) or gender equality (*Gleichberechtigung*)

appear in the verbatim protocols (*Protokol. 22. Parteitag der CDU Deutschlands 2009; Protokol. 25. Parteitag der CDU Deutschlands 2012*). When the issue of parental leave was discussed at the convention in 2003, a modernization of existing reconciliation policies was not suggested (*Protocol. 17. Parteitag der CDU Deutschlands 2003*). Instead, the CDU called for pension credits for stay at home mothers, emphasizing the importance of women as mothers rather than as workers. Moreover, the CDU party platform of 2007 does not include a discussion of equitable care leaves or corporate board quotas. It simply states that gender equality represents a fundamental human right and that women should be active across all parts of society (*Das Grundsatzprogramm 2007*). Further, the platform emphasizes the importance of traditional marriage as the best and most reliable form of family. While the CDU calls for better work reconciliation policies and an active engagement of fathers in childrearing – these calls are nowhere close to the changes the CDU adopted later in its parental leave reform.

While the CDU overall does not seem to undergo a feminization process, what about the personal impact of Angela Merkel? After all, as the Chancellor she can set the policy guidelines for the government, and as a party chair she is in a position to set policy directions for the party. Further, many studies argue that Angela Merkel was instrumental in modernizing the social policy platform of the CDU. To a certain extent, this is true. For example, Angela Merkel was crucial in shifting the CDU towards a more modern family image. She promoted the *Erfurter Leitsätze* (guidelines of Erfurt) in 1999 which encouraged an honest and critical debate about controversial subjects across many issue areas including but not limited to educational, social, and family policy (Walter,

Werwath, and Antonio 2011). But Angela Merkel must walk a fine line between desires to modernize the party platform and ensuring the support of the traditional wing of the CDU which is still powerful. As a result, Angela Merkel later turned her back on more progressive family and integration policies to reassure the conservative wing of the party and continued to emphasize the three key elements of the CDU: social, liberal, and conservative. Likewise, to appease the conservative wing, the CDU campaigned on a decisively liberal market platform and Angela Merkel appointed Kristina Schröder – who is a member of the young conservative wing – to the 2009 cabinet.

Further, Angela Merkel has dedicated little time to gender issues in her internal party speeches. In none of the party convention speeches did Angela Merkel mention the issue of gender equality or gender policies. Angela Merkel did mention the issue of board quotas in her speech in 2013, emphasizing that companies needed to fulfill their promise to nominate more women for their boards, and expressed her support for the so-called ‘flexi-quota’, a quota law which would allow companies to set their own corporate board quotas. That said, her statements must be understood in the context of the events unfolding in 2013 when corporate board quotas were a hotly contested topic which internally divided the CDU into quota supporters and opponents. Embroiled in this conflict were two ministers: Ursula von der Leyen (then Labor Minister) and Kristina Schröder (then Minister for Family, Seniors, Women, and Youth), the former pushing for a strict quota law, and the latter promoting a compromise between a hard law and soft voluntary measures (the so-called flexi quota). Thus, Merkel’s comments need to be interpreted as a plea to put the debate to rest rather than her support for a quota law which

she opposed (personal interview with head of a women's organization). Merkel herself opposed a corporate quota law, and she helped to derail a similar quota law on the European Union level (Barber 2014).

Yet Merkel is open to modern social policies even if she has not personally pursued them (CDU member, personal interview). Evelyn Roll, a biographer of Angela Merkel, argues that there is little evidence that her sympathetic attitudes have translated into a drive to turn the CDU into a more women-friendly party or active strategies to pursue a feminization of the party. As a result, the modernizing attempts have been modest (albeit surprising from a conservative standpoint) and even the modernizing attempts outlined above in the realm of family policies and gender equality fall short of the policies eventually adopted in 2005 and 2009. As a member of parliament put it in one interview: 'Angela Merkel takes a neutral position'<sup>9</sup>. This sentiment that Merkel has no programmatic goals and passion was echoed by the majority of my interview partners across parties and women's organizations. They all agree that Angela Merkel's leadership style is 'situational' and pragmatic rather than driven from an ideological perspective. This pragmatism motivates Merkel to lead from the center: she attempts to position the political party in the center of politics where the majority of voters are located to ensure the continued success of the CDU at the ballot box ('Power Profile: Angela Merkel' 2015). Concerns with women voters specifically are only relevant to the extent they inform overall public opinion. Thus, I argue that Angela Merkel has not followed a course of feminization for the CDU. Instead, any modernizing tendencies are the result of

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<sup>9</sup> Original quota: Angela Merkel ist ein Neutrum

a continuous tug of war between the traditionalist and modernizing faction within the party, moderated by Angela Merkel's objectives to reach out to the median voter.

To conclude then, I have illustrated, first that the CDU has not undergone a process of feminization and second, that Angela Merkel herself is not pursuing a feminization agenda. Thus, we must look at explanations beyond the feminization argument to understand why the conservative government under the leadership of Angela Merkel adopted feminist policies. I argue that a combination of permissive coalition constraints and institutionally powerful critical actors prompted first the inclusion of feminist policies in the coalition agreement and then the successful adoption of those policies.

#### **4.2. The Groundbreaking Nature of the 2006 Parental Leave Reform**

When Merkel's government adopted the *Bundeselterngeld- und Elternzeitgesetz* (Federal Parental Money and Parental Time Law) in 2006, it broke new ground: not only did this policy resemble the Scandinavian parental leave models, but Germany also joined a small but growing number of countries which designate a specific period of parental leave for the exclusive use of fathers alone. As such, the new law evoked much controversy, praise, and astonishment. This was particularly true for the provision of a father bonus which was included in the law after much heated debate. Thus, before we turn to the analysis of this particular case study, we need to understand why the adoption of the 2006 parental leave law was so remarkable.

Germany, being a traditional conservative welfare state surprised many when a conservative Minister for Family – Ursula von der Leyen – with the support of Angela

Merkel pushed for radical progressive reforms, essentially dismantling the long-established male breadwinner model. The new parental leave law established a dual earner/carer model which is based on the assumption that both women and men will be engaged in unpaid care work and paid employment at some point in their lives. As a result, it aims to strengthen mothers' ties with employment and men's involvement in unpaid care work and as such is much more egalitarian in terms of gender roles than the male breadwinner model. In general, the extent of egalitarianism in parental leave is determined by the portion of paid leave available to fathers exclusively and the percentage of earnings replaced by the benefit (Ray, Gornick, and Schmitt 2010). Because men typically earn more than women, the higher the percentage of replaced wage, the higher the likelihood that the father will take leave. Reserving a certain number of weeks for the exclusive use of fathers encourages fathers to take up unpaid care work and challenges the traditional division of labor. Further, the length of parental leave influences the labor force attachment of women and potentially can increase gender equality in the labor force (Ray, Gornick, and Schmitt 2010). A parental leave period of about a year makes it more likely that women return to work, thus raising the employment rates of mothers, narrows the pay gap between child-free women and mothers, and limits the number of mothers who exit the labor force completely.

Before the reform, parental leave encompassed a period of three years of which two years were paid at a flat rate of 300 Euros per month. In 2000, the flat rate was increased to 450 Euros if parents opted for just one year of leave (Leitner 2010). However, this new option essentially meant that women who returned to work early gave

up 1,800 Euros in parental leave benefits, making it less likely that parents would opt for a shorter leave and thus encouraging the male breadwinner model. In addition, children were only eligible for a childcare spot once they were three years old and only for part-time childcare. Thus, women wanting to return to work confronted a lack of childcare options. Similarly, the emphasis of parental leave as a traditional family benefit is exemplified in the extension of the benefit to non-employed mothers, small flat rate benefits, and the long duration of leave (Leitner 2010). Finally, the entitlement was a family entitlement and no time was reserved for the exclusive use of fathers.

In contrast, the 2006 *Bundeselterngeld- und Elternzeitgesetz (BEEG)* broke with tradition by making crucial changes to the generosity of parental leave, both in duration and benefit levels (Blum and Erler 2014). First, parental leave benefits were changed from a family to an individual entitlement. Further, the parental leave benefits were paid at 67 per cent of the parent's average wage with a ceiling of 1,800 Euros a month. This allows fathers to seriously consider taking time off to care for their children. Second, the paid period was shortened to twelve months encouraging women to return to work after parental leave. Third, benefits are paid for an additional two months if the father takes two months of leave. While these two months are intended to be of exclusive use for fathers, they act as an incentive: families that opt for the traditional division of labor are still eligible for the full twelve months of parental leave. Families where the father decides to stay home for at least two months are rewarded with two extra months of paid parental leave. Thus, rather than a quota, the law established a father bonus. As a result of

these changes, the new parental leave scheme has distinct egalitarian traits and has moved the German parental leave model from a male breadwinner to a dual earner/carer model.

This chapter will explain why Merkel's government adopted a father leave policy. To this end, I will argue that the adoption of the father leave policy can be ascribed to (1) the undue influence of the SPD during the coalition negotiations and (2) the leadership of Ursula von der Leyen who is herself a supporter of father leave policies despite the ideological opposition to them within the CDU/CSU.

### **4.3. Inclusion of the Father Leave Policy in the Government Agenda**

To understand why a father leave policy was adopted in 2006, we first need to find out how the policy became part of the coalition agreement. This is important for two reasons. First, the CDU campaigned with an election program that did not include the policy. Second, the coalition agreement sets the legislative agenda of the government for the upcoming legislative period which is the *sine qua non* for the father leave policy to become a reality. Thus, the key question is: why was a father leave policy incorporated into the coalition agreement?

The 2005 German *Bundestag* elections were called early after Chancellor Schröder (purposefully) lost the confidence vote in the *Bundestag*. Schröder hoped that the elections would deliver him a strong popular mandate to continue his reform politics (Helms 2006). The contrast in campaign promises in regards to family policies could not have been starker between the CDU and SPD. While the SPD detailed at great length its proposed policies to achieve greater gender equality overall and a change in parental leave policies from a male breadwinner model to a dual earner/carer model, the



CDU/CSU party manifesto barely mentioned family policies (Ludwig and Mayer 2005, 52). Specifically, the SPD program read:

We want young people to fulfill their dreams of becoming parents. Children are our future, children create happiness. Mothers and fathers want to live together in an equal partnership and share their care and professional obligations. To maintain the fabric of our society, as well as for growth and prosperity, we need strong families with more children. Excellent child care, time for children and family, adequate financial support for family policy, supporting the desire to have children of most young people – this is our family policy<sup>10</sup> (Vertrauen in Deutschland. Das Wahlmanifest der SPD, 2004, 30).

By emphasizing egalitarian partnerships and the ability to reconcile family and work, the SPD specifically called for a change to a dual earner/carer approach to parental leave by suggesting the transformation of the flat-rate benefit system (*Erziehungsgeld*) into an income-related benefit. The party justified this by specifically stating that this policy change would lead to greater gender equality for women as well as encouraging fathers to stay at home.

In contrast, the CDU/CSU manifesto emphasized the low fertility rates and the need to protect families:

Even though the majority of German citizens considers the founding of a family a life goal, fewer and fewer people have children. Germany has the lowest fertility rate in Europe! The federal government has weakened the value of marriage and family in the past years. Family is the most important form of living together. We stand for the special protection of marriage and family. People want personal happiness. Marriage, family, and other forms of cohabitation can convey a purpose in life, a sense of security, and happiness. Because we want a future, this is our benchmark: priority for families and children! This is why we will generate better

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<sup>10</sup> Original text: Wir wollen, dass junge Menschen sich ihre Kinderwünsche erfüllen können. Kinder sind Zukunft, Kinder haben macht Freude. Mütter und Väter wollen partnerschaftlich zusammenleben und sich familiäre und berufliche Pflichten teilen. Unsere Gesellschaft braucht für ihren Zusammenhalt, auch für mehr Wachstum und Wohlstand, starke Familien mit mehr Kindern.

conditions for families and children.<sup>11</sup> (*Deutschlands Chancen Nutzen*, 2004, 24).

To this end, the CDU/CSU proposed the following policies: an 8,000 Euro tax credit for children, a monthly 50 Euro children retirement bonus for mothers to recognize mothers' care work, and a premium-free insurance for all children. Further, the CDU/CSU stated that it would promote the reconciliation of work and family by 'accelerating the expansion of childcare' (*Deutschlands Chancen Nutzen*, 2004, 25). Thus, egalitarian family models which encourage mothers to return to work played no role in the CDU/CSU manifesto. Quite the contrary, all proposals are in line with the traditional male breadwinner model.

The switch to a dual earner/carer model is the brainchild of Renate Schmidt, the former Minister for Family, Seniors, Women, and Youth of the SPD, and represents an important turning point in the parental leave approach of the SPD which until then did not prioritize it. In fact, in 1998 then Chancellor Schröder referred to family policies as 'family and all that other hullabaloo' – a remark he could never shake off (Erdman 2009). When Renate Schmidt became Minister for Family and Women in 2002 she praised the Scandinavian parental leave model and proposed a policy reform that included the introduction of an income-related benefit and shorter parental leave periods to encourage

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<sup>11</sup> Original text: Während viele Mitbürger in Deutschland mit überwältigender Mehrheit die Gründung einer eigenen Familie als persönliches Lebensziel ansehen, verwirklichen immer weniger Menschen den bestehenden Kinderwunsch. Deutschland ist bei der Geburtenrate Schlusslicht in Europa! Die Bundesregierung hat den Stellenwert von Ehe und Familie in den letzten Jahren zunehmend relativiert. Die Familie ist die wichtigste Form des Zusammenlebens. Wir stehen zum besonderen Schutz von Ehe und Familie. Die Menschen wollen in glücklichen persönlichen Verhältnissen leben. Das können Ehe, Familie und andere Formen des Zusammenlebens sein, die Lebenssinn, Geborgenheit und Glück vermitteln. Weil wir Zukunft wollen, ist unser Maßstab: Vorrang für Familien und Kinder! Deshalb schaffen wir bessere Rahmenbedingungen für Familien und Kinder.

mothers to return to work after giving birth. Further, she established the Alliance for Families to recruit the support of business and corporations for the reconciliation of family and work as well as the increased participation of women in the labor force. The Schröder government discussed the policy proposal in 2004, and in a cabinet retreat in the same year decided on placing the parental leave reform in the overall policy program to improve gender equality among men and women in the home (Mayer and Rössler 2013).

Interestingly enough, the idea of a father leave policy was not included in the SPD party manifesto before the election, yet the policy was included in the coalition agreement:

The parental leave period of twelve months can be shared between both parents. Two months are reserved for the father and two months for the mother<sup>12</sup> (Gemeinsam Für Deutschland – Mit Mut Und Menschlichkeit 2005, 101).

Thus, we need to understand why the policy proposal became part of the coalition negotiations despite the fact that it was not part of either the CDU/CSU or the SPD party manifestos. The addition of the policy proposal is particularly surprising because party manifestos are the basis for the variety of policies subject to coalition negotiations. As a consequence, a policy idea first needs to become part of the election manifesto and only then does it have a chance of becoming part of the coalition agreement (personal interviews). Yet paradoxically this was not the case for the father leave policy.

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<sup>12</sup> Original text: Die zwölf Monate des Bezugszeitraums können zwischen den Eltern aufgeteilt werden. Zwei Monate bleiben dem Vater, zwei Monate der Mutter reserviert.

To understand this paradox, I will now turn to the 2005 coalition negotiations. Coalition negotiations do not occur in a vacuum but rather are shaped by the unique circumstances of the national election as well as the election results. These factors play an important role in determining the negotiation power of both parties as well as the negotiation outcomes. The 2005 elections results could not have been any closer. The CDU/CSU emerged as the strongest party in the *Bundestag* but its majority was paper thin with only four seats. Because of the narrow results between the SPD (222) and the CDU/CSU (226), then Chancellor Schröder claimed that the SPD had the right to form the government. The reality was that none of the major parties could form a majority coalition with their traditional coalition partner. While many coalition options were tossed around ('Stoplight coalition' of the SPD, the Greens, and the FDP and the 'Jamaica coalition' of CDU/CSU, the FDP, and the Greens), it soon became clear that the only real option was a grand coalition of the CDU/CSU and the SPD, especially as this coalition was the direct translation of the election results and public preferences (Fleischhauer et al 2005; Helms 2006a). However, both the SPD and the CDU/CSU insisted on their right to name the Chancellor. After several exploratory talks between the two parties preceding the coalition negotiations, a compromise emerged (Jun 2008): the SPD would support Angela Merkel as Chancellor as long as the CDU/CSU would make considerable personnel and policy concessions (Volkery 2005).

With this compromise, formal coalition negotiations could begin which the SPD entered as an equal coalition partner with a major say on personnel and policy decisions. The coalition negotiations were conducted among a total of 420 participants (Jun 2008,

37). The ‘central commission to negotiate the grand coalition’<sup>13</sup> consisted of 32 members. In addition, the coalition negotiations included a steering committee with four chief negotiators, 16 issue specific working groups of 12 members each, and 32 issue specific internal party working groups consisting of roughly 22 members each. While the coalition negotiations were held among many political actors, only a few of the actors were relevant to my analysis. The actors whose consent was ultimately necessary were the chief negotiators and the two leaders of the issue specific working group for family, seniors, women, and youth policies. It was the agreement of these six people that was necessary to move the coalition agreement forward:

1. Franz Müntefering (later replaced by Matthias Platzeck), SPD
2. Gerhard Schröder, SPD
3. Angela Merkel, CDU
4. Edmund Stoiber, CSU
5. Renate Schmidt, SPD
6. Ursula von der Leyen, CDU

Ursula von der Leyen (CDU, designated Minister for Families, Seniors, Women and Youth) and Renate Schmidt (SPD, former Minister for Families, Seniors, Women and Youth) were the chief negotiators for the working group for family, seniors, women, and youth policies and as such determined the content of the family policies within the realm of possibilities set forth by their respective political parties. Because of the close

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<sup>13</sup> Zentrale Große Kommission zur Verhandlung der Großen Koalition 2005; Große Verhandlungskommission, GVK, 2005)

election results and the elevated negotiation position for the SPD, the sitting Minister Renate Schmidt declared that the SPD would push the CDU/CSU to continue the family policies of the SPD. She emphasized that she would make sure that the *Elterngeld* would be part of the coalition agreement having the tacit support of the CDU women ('SPD Schlägt Abgespeckte Bürgerversicherung vor' 2005). Renate Schmidt did not have to press hard for her preferred parental leave reform because Ursula von der Leyen agreed with her on this very subject matter (personal interviews).

The question is how the father leave policy was incorporated into the proposal. While Renate Schmidt always supported the idea of a father leave policy, the key question is whether Ursula von der Leyen, as a conservative politician, was supportive of this idea. Von der Leyen is often described as a non-conforming or atypical CDU politician (personal interviews). Some fellow party members have even accused her of being a social democrat in disguise (Dausend and Niejahr 2015). In an early interview with *Der Stern*, von der Leyen argued that society must allow women to have both a career and children because otherwise highly educated women will forgo motherhood (Güßgen 2005). In the same interview, she highlighted the positive example of Sweden where society fully embraces men who take care of their children. In a radio interview with *Deutschlandfunk* (Leyen 2004), von der Leyen emphasized the need for girls to consider typical male professions and stated that boys should be encouraged to consider traditional female (care) professions. In the same interview she also drew attention to the important role fathers play in a child's life and the ability of men to learn new and important social skills when they stay home to care for their children. Finally, von der

Leyen has also emphasized in the past that an equal division of labor among men and women in the home is necessary ('Von der Leyen will die Männer Umkrempeln' 2005). Thus we can be confident in the assessment that Urusula von der Leyen not only supported the policy itself but also supported the underlying goals of the policy such as greater equality in the home and better reconciliation of work and family for mothers – both feminist values.

Her progressive family views are often linked to her personal upbringing: as a child, von der Leyen attended an all-day school in Brussels when her father worked for the European Commission. She lived in the United States as a young adult. It was in the United States that she witnessed how women did not stop their careers once they had children and that balancing work and family responsibility was not only possible but desirable. Von der Leyen herself also never stopped working as a physician while having seven children. As she said in an interview with *Die Welt*:

Big changes have already occurred in the United States. Young, particularly well qualified men are no longer able to find equal partners if they are not willing to take over new roles. In Germany, changes in the role of men and fathers towards equal partners is more than necessary. Men, who are not willing to break with traditional roles, will no longer find a partner<sup>14</sup> (Siems 2005).

She continues that she was willing to break with her belief in the conservative principle of freedom of choice because:

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<sup>14</sup> Original text: In den USA hat demnach bereits eine große Veränderung stattgefunden. Junge, insbesondere qualifizierte Männer fanden nur noch dann Frauen ihresgleichen, wenn sie bereit waren, eine neue Rolle einzunehmen. In Deutschland ist eine Veränderung in der Väter- und Männerrolle, hin zu einem tatsächlich gleichberechtigten Partner, überfällig. Männer, die dazu nicht bereit sind, werden keine Partnerin mehr finden.

Few men in Germany have been able to experience how it is to care for a baby 24 hours a day, seven days a week. I know from personal experience that caring for a baby not only creates deep father-child bonds but also builds respect for care work<sup>15</sup> (Siems 2005)

Von der Leyen has argued that father leave policies are instrumental in changing this traditional role pattern ('Familienministerin Will Die Männer Umerziehen' 2005) and that such policies are crucial in addressing the low fertility rates in Germany. While the idea of a father leave policy originated with the SPD, and despite the fact that neither party included the policy in its election manifesto, the policy ended up in the coalition agreement due to two factors: On the one hand, the close election results propelled the SPD into a bargaining position where it could ask for more than might have otherwise been possible during the coalition negotiations. On the other hand, Renate Schmidt found an ally in Ursula von der Leyen who fully supported the idea of *Partnermonate*, a father leave policy that would reserve a specific amount of time of parental leave for the exclusive use of fathers. Further, von der Leyen had the tacit support of the Chancellor who was open to modernizing family policies facilitating the inclusion of a father leave policy in the final coalition agreement.

In the end, Renate Schmidt (together with the SPD negotiation leaders Müntefering, Schröder, and Platzeck) was able to push for the inclusion of social democratic minted family policies due to the unprecedented influence wielded by the SPD over the coalition negotiations. Accordingly, the coalition agreement not only

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<sup>15</sup> Original text: Kaum Männer haben hierzulande bisher die Erfahrung machen können, wie es ist, 24 Stunden am Tag, sieben Tage die Woche für ein Baby zu sorgen. Ich weiß aus eigener Erfahrung, daß dies nicht nur eine tiefe Bindung der Väter zu ihren Kindern schafft, sondern auch die Hochachtung für diese Arbeit fördert. Deshalb weiche ich an dieser Stelle von meinem Prinzip der Wahlfreiheit ab.



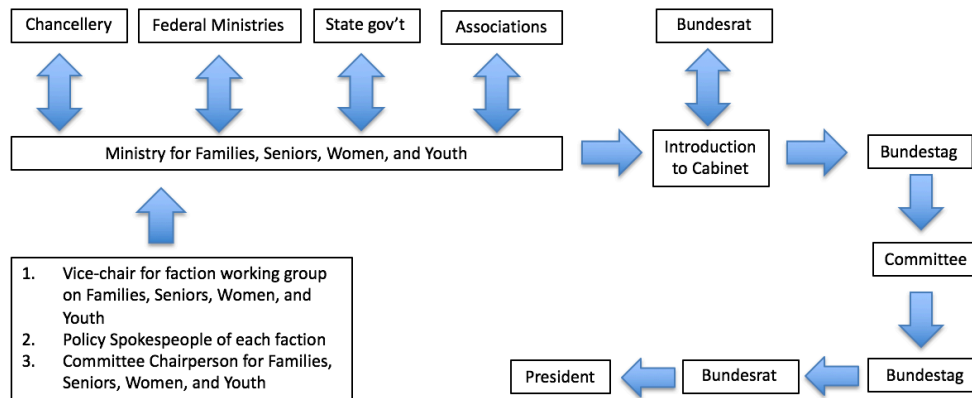
included a full commitment to the dual earner/carer model but also a father leave policy in addition to the establishment of an alliance for families (among political units, civil society and businesses) to foster the reconciliation of family and work. Yet it was left to Ursula von der Leyen – the new Minister for Family Affairs, Senior Citizens, Women and Youth of the CDU – to shepherd the policy provision through the legislative process. As Renate Schmidt so aptly put it:

“The *Elterngeld* always had two mothers – one who participated in its conception and one who participated at its birth” (Renate Schmidt as quoted in Ostermann 2006 and translated by the author).

#### **4.4. The Policy Adoption Process**

The status as an equal coalition partner of the SPD and the support of Ursula von der Leyen thus explain the inclusion of a father leave policy into the coalition agreement. The following sections will illustrate why the policy was not dropped in the parental leave reform despite massive opposition from the conservative wing of the CDU/CSU. To understand the adoption of the father leave policy, we now need to sketch out the different stages of the policy process as well as the location of veto players and critical actors within the framework. Figure 2 shows the different stages of the policy making process in the area of family policies:

**Figure 2: Policy Process for Family Policies**



The policy process consists of two distinct phases: the drafting phase and the legislative process. In the drafting phase, the responsible Minister – in the case of the father leave policy it is the Minister for Families, Seniors, Women, and Youth – develops the so called *Referentenentwurf* (ministerial draft). Once the first draft stands, the responsible spokespeople and responsible vice chairs in each coalition faction as well as the chairperson and vice-chairperson of the committee on Families, Seniors, Women, and Youth are asked to comment on it. The modified draft is then submitted to the office of the Chancellor for comment before the draft goes to the all other cabinet members to ensure an early coordination across the different ministers. Finally, the draft is sent to the state governments and business and other civil society associations for review.

In the legislative phase, the draft is introduced to the cabinet and if accepted is introduced as a bill into the legislative process. The bill is first sent to the *Bundesrat* for comment (Art. 76 II GG) and then introduced by the government into the *Bundestag* including the comments of the *Bundesrat* to the bill as well a statement by the government justifying the need for the bill. After a first parliamentary hearing the bill is

sent to the responsible committee – the committee for Families, Seniors, Women, and Youth where members of civil society, organizations, and relevant experts are called to testify in favor or in opposition to the bill. The modified bill is then voted on and subject to two more parliamentary debates in the *Bundestag*. If accepted by the majority of parliament, the bill is sent to the *Bundesrat* for a vote and in a last step, sent to the President of the Federal Republic for signature.

That being so, the legislative process in Germany involves a myriad of actors who can all influence the outcome of each bill. Yet as I argue in Part I of the dissertation, not all actors are created equal. Some have a much greater influence on the fate of the policy than others. Specifically, the influence of actors varies by whether these individuals are located in the drafting phase or in the legislative process. Further, the level of influence depends on whether these actors are veto players or not. Veto players are political actors whose consent is necessary for the adoption of the policy (Tsebelis 1995). *Institutional veto players* are established by the constitution of a country. Applied to the case of Germany, there are potentially six institutional veto players that all need to consent to a bill before it becomes a law: the cabinet minister in charge of the policy area; the government cabinet; the Chancellor; the *Bundestag*; the *Bundesrat*; and the President.

I argue that the cabinet itself is not a veto player in its own right but rather a deliberative government entity due to the *Kanzlerprinzip* (power of the Chancellor to determine policy guidelines) set forth in Article 65 of the German Constitution. This Article 65 holds that the Chancellor determines the general guidelines of the policy and that the cabinet cannot overrule the Chancellor. Thus, I apply the absorption rule to the

cabinet. The absorption rule holds that veto players who are located in the unanimity core of the other need not necessarily be analyzed as separate veto players (Tsebelis 2002).

Likewise, while the *Bundestag* needs to approve the bill with a majority of its vote for the bill to become law (Art. 76 GG), I argue that the absorption rule can also be applied to the *Bundestag*. In parliamentary democracies, the government is part of the legislature and, in the case of a winning government coalition, controls the majority of parliament. Further, due to the fact that government coalitions in Germany are governed by the principle of discipline in parliamentary votes (Müller and Strom 2010), the government can rightfully expect that the *Bundestag* will not veto any bill proposals introduced by the government (Müller 2004). Thus, the *Bundestag* is not a relevant veto player.

I am also applying the absorption rule to the *Bundesrat*, which is only a relevant veto player if the constitution requires the consent of the *Bundesrat* to the proposed bill and is only a potential veto player if the composition of the *Bundesrat* differs from the composition of the *Bundestag*. Because the governing coalition was a grand coalition, the majority in both chambers are identical and accordingly did not prove to be a hurdle for the passing of the bill (see Stüwe 2008).

Finally, the President of Germany needs to sign any bill before it is enacted (Art. 82 GG) and is tasked with ensuring the constitutionality of the law. In reality, the signature of the President is only a formality. Since the founding of the German Federal Republic, the President has refused to sign a bill only eight times ('Der Bundespräsident.

Amtliche Funktionen' 2015). Thus, I argue that the President is not a relevant veto player.

That leaves me with two relevant veto players: the responsible cabinet minister as the primary veto player and the Chancellor as the secondary veto player. Accordingly, Ursula von der Leyen is the primary veto player while Angela Merkel is a secondary veto player. The principle of minister discretion grants the right to develop the policy draft to the responsible cabinet minister (Laver and Shepsle 1996). As she is Minister for Families, Seniors, Women, and Youth, developing a father leave policy falls into the purview of Ursula von der Leyen and, accordingly, she becomes the primary veto player. The Chancellor is a veto player because of her power to determine policy guidelines and because her signature is necessary for a bill to be adopted.

Beyond veto players, some actors were able to have a greater influence over the policy – both in the drafting stage and in the legislative process – than others even though they were not veto players per se. I will call these actors 'expert advisors' because their feedback and opinions were sought with regard to the policy draft and bill proposal. I have identified 36 expert advisors who could influence policy outcomes in this manner:

1. Vice chairperson of each coalition faction: Nicolette Kressl (SPD) and Ilse Falk (CDU)
2. Spokesperson for the faction working group on Families, Seniors, Women, and Youth matters: Johannes Singhammer (CDU/CSU) and Christel Humme (SPD)

3. Chairperson of the committee on Families, Seniors, Women, and Youth matters: Kerstin Griese (SPD)
4. Members of the committee on Families, Seniors, Women, and Youth matters: 31 members

In the drafting stage, faction vice chairs, the faction spokesperson on Families, Seniors, Women, and Youth matters, and the committee chair for Families, Seniors, Women, and Youth were consulted, provided their feedback, and requested changes to the policy draft. The Minister could incorporate these changes but was not required to do so (personal interviews). In the legislative process, members of the committee on Families, Seniors, Women, and Youth matters had the ability to modify the content of the bill before the final parliamentary debates. Thus, these expert advisors wielded important influence over the policy, but only to a limited extent.

Further, not all of these expert advisors necessarily made use of their ability to influence the policy process. Thus, we need to determine whether these expert advisors chose to play an active role in the policy making process. I argue that only if these expert advisors spoke up during the policy process, can we assume that they attempted to influence the outcome of the policy. Of the 53 actors I identified (see Table 1 in Appendix A), only 13 can be classified as having made use of their positions as expert advisors. Four of them were in the drafting stage, while the rest were members of the committee on Families, Seniors, Women, and Youth matters and thus only active in the legislative process.

In Chapter 3, I argue that it is important to determine whether critical actors occupy veto player positions which allows these actors to control the legislative process and potentially even the drafting phase. I will also argue that critical actors can amplify their influence on the policy making process if they occupy positions as expert advisors. To recap, I consider an individual to be a critical actor if:

1. The individual speaks up for feminist policies in public; and
2. The individual speaks up during the legislative process or is identified as a critical actor in personal interviews.

Based on this definition, I have identified five critical actors (in order of importance): Ursula von der Leyen (CDU), Christel Humme (SPD), Hans Bertram (academic expert), Nicolette Kressl (SPD), and Ilse Falk (CDU).

#### **4.5. The Constellation of Veto Players, Critical Actors, and Opponents**

In the previous section, I identified both the relevant veto player positions (the Minister for Seniors, Families, Women, and Youth, and the Chancellor) and a total of five critical actors. I will now determine whether critical actors occupied veto player or expert advisor positions in the policy making process. Three critical actors, Christel Humme, Nicolette Kressl, and Ilse Falk, all held positions as expert advisors. This means that critical actors were in a unique position to influence the content of the policy during the drafting stage. Further, each critical actor was able to influence the legislative process due to their positions as either spokesperson for the party's internal party working group for Families, Seniors, Women, and Youth Matters (Christel Humme) or as vice chairs for the factional group considering Families, Seniors, Women, and Youth Matters (Nicolette

Kressl, Ilse Falk). By occupying these positions, each critical actor was responsible for making the case for the merits of the father leave policy during parliamentary debates. This means that all three critical actors had several opportunities to influence the public debate around the policy in its favor (personal interviews). Finally, Ilse Falk and Christel Humme are members of the committee on Families, Seniors, Women, and Youth matters which means that they had the ability to influence the content of the policy during the drafting stage as well as during the legislative process.

Another critical actor, Ursula von der Leyen, occupied the primary veto player position. As the Minister for Families, Seniors, Women, and Youth matters, Ursula von der Leyen was responsible for drafting and introducing the relevant bill into the legislative process. This means that she was able to propose a policy which closely corresponded with her beliefs for reform. As a result, the original policy draft included a partner month proposal that was designed as a father quota (based on a '10+2' model) rather than a father incentive for the father leave policy. In the 10+2 model, parental leave is paid for 12 months but only if two months are taken by the father. Families where the father does not take advantage of the father leave policy will lose these two months and have a shortened ten-month period of paid parental leave. Thus, the original policy intended to put gentle pressure on fathers to take advantage of the partner months.

Hans Bertram is the only civil society actor that I deem to be a critical actor. He is both a Professor Emeritus of micro sociology at the Humboldt University Berlin as well as a family policy expert who was the lead author of the seventh family report for the Minister for Family Affairs, Senior Citizens, Women and Youth. In this report he argued



that the decline in the national birth rate is partially due to the continued support of the male breadwinner model, which no longer corresponds with the realities of families and the wishes of women and men. Bertram also finds that in order for women to have a second child, men need to step up and take over care responsibilities and that the state needs to create a framework that encourages men to take up parental leave. His report helped policy advocates and critical actors to make a solid case for the inclusion of partner months into the parental leave reform. For example, in the report he argues that the majority of young men in Germany want to take care of their children but traditional societal expectations and workplace cultures prevent them from doing so (*Siebter Familienbericht Familie Zwischen Flexibilität Und Verlässlichkeit – Perspektiven Für Eine Lebenslaufbezogene Familienpolitik* 2006).

Angela Merkel is the secondary veto player. Because Angela Merkel is neither considered a critical actor nor an opponent of the policy, we need to ask whether she was supportive, neutral, or resistant of the father leave policy. I argue that Angela Merkel can be classified as a supportive veto player. For one, she recruited Ursula von der Leyen as the Minister for Families, Seniors, Women, and Youth in her shadow cabinet. She hoped that this relatively unknown state minister for Social Affairs from Lower Saxony, as a young working mother of seven, would bring some fresh air to the party. Thus, Merkel was very supportive of von der Leyen (Walter, Werwath, and Antonio 2011). Further, while Merkel only once publicly commented on the policy debate, she expressed her support for the policy ('Umfrage: Union sinkt auf Jahrestief' 2006). Several representatives of the CDU asserted in personal interviews that the Chancellor fully

supported the idea of a father leave policy. As a result, Angela Merkel was a supportive veto player.

Support for the policy, however, was not ubiquitous. The father leave policy was mostly opposed by CSU men, especially Norbert Geis (CSU, MP), Markus Söder (CSU, general secretary), Peter Ramsauer (CSU, MP), and Alois Glück (CSU, president Bavarian parliament). The FDP and several prime ministers – particularly Dieter Althaus (CDU, Thuringia), Georg Milbradt (CDU, Saxony), and Jürgen Rüttgers (CDU, North Rhine Westfalia) were also opposed.

Because there was strong opposition to the policy, an important question is whether opponents were in a position to influence veto players during the policy making process and as a result either stop or weaken the policy. In contrast to the five critical actors identified, the positions of policy opponents in the drafting and legislative process was not advantageous. Quite to the contrary, as opponents did not control any of the veto players or expert advisor positions in the drafting phase. However, two opponents – Anton Schaaf (SPD) and Miriam Gruß (FPD) – were members of the committee on Families, Seniors, Women, and Youth matters. Because Anton Schaaf was subject to the coalition discipline, he could not vote against the proposal, and as a member of the opposition party, Miriam Gruß did not possess sufficient influence to modify, let alone block the government proposal. Thus, the opponents were external to the legislative process and unable to stop policy adoption. I argue, however, that some of the opponents had enough intra-party clout to at least achieve modifications to the final policy.

To conclude then, critical actors occupied the most important veto player positions in the legislative process while also being able to influence the policy in the drafting phase and legislative process as expert advisors. Angela Merkel was a supportive veto player albeit not a critical actor. In contrast, opponents of the policy were not able to occupy positions of influence – neither as veto players nor expert advisors – in the drafting phase and legislative process. Their only hope was to influence the public discourse and to use their individual weight in the internal party process to affect changes to the policy.

#### **4.6. Explaining the Policy Outcome**

While the policy proposal originated with the SPD under then Minister for Family Affairs, Senior Citizens, Women and Youth Renate Schmidt, the policy was drafted and introduced under the leadership of Ursula von der Leyen of the CDU. The fact that the CDU/CSU government did not go back on its coalition agreement to introduce the *Elterngeld* was mostly due to the personal commitment of Ursula von der Leyen and the unique constellation of critical actors and veto players.

The policy debate around the father leave policy can be divided into two major phases: the drafting phase and the legislative phase. During the drafting phase, the discussion mainly centered on which form the father leave policy should take – whether the policy should be in the form of a father quota or in the form of a father bonus. During the legislative phase, the debate mainly shifted to the perceived benefits and costs of the policy.

#### 4.6.1. The Drafting Phase

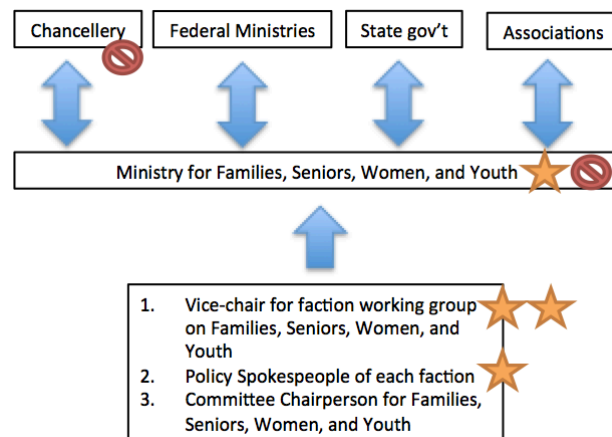
Interestingly, the debate around the policy did not center so much on whether the policy would be part of the *Elterngeld* reform as what form the policy would take. The major discussion occurred during the drafting stage when two policy options were debated: the 10+2 model and the 12+2 model. In the 10+2 model, parents would only get 12 months of paid parental leave if the father stayed home with the child for at least 2 months. Here, families who preferred a more traditional division of labor would be disadvantaged. In the 12+2 model, all families would receive 12 months of paid parental leave but families where the father stays at home would receive a bonus of 2 additional months of paid parental leave. The two different models correspond to the father quota (10+2) and the father bonus (12+2). As discussed previously, the father bonus is a weaker commitment to gender equality because it provides only an incentive to families to share child rearing responsibilities. The father quota in contrast exerts mild pressure on families to commit to a more equitable division of labor in the home by shortening the paid benefits if the father does not step up.

Unsurprisingly, the SPD preferred the 10+2 model ('Familienzoff in der Union' 2006) as it represents the stronger commitment to gender equality ('Umfrage: Union Sinkt auf Jahrestief' 2006). In contrast, the conservative wing of the CDU and the CSU strongly opposed the idea of a father quota on two grounds. For one, a father quota would disadvantage the traditional nuclear family with a male breadwinner and a stay at home wife. Further, the concept of father leave policies overall threatens the centrality of the traditional family and the traditional family values that the CDU and specifically the CSU

typically promotes. Peter Ramsauer (CSU) publicly declared his opposition, and Prime Minister Milbradt (CDU, Saxony) said: ‘The important question is not who is doing the dishes but how to increase the birth rates<sup>16</sup>’ (‘Union Streitet über die Vätermonate’ 2006)

The question accordingly is how the critical actors were able to circumvent the opposing voices in this important drafting phase. I have argued in previous chapters that the location – or the situational power that critical actors possess – is crucial in determining the outcome of a feminist policy. Thus, we now need to consider more closely where the critical actors were located in the drafting phase. Figure 3 illustrates the constellation of critical actors and veto players in the drafting phase.

**Figure 3: Constellation of Political Actors in Drafting Phase<sup>17</sup>**



From this figure we can see that the critical actors were in an advantageous position to influence the policy content during the drafting phase. Ursula von der Leyen, specifically, is the most crucial critical actor who also occupies the primary veto player position. Very

<sup>16</sup> Original text: Es geht darum, dass mehr Kinder geboren werden, und nicht wer spült.

<sup>17</sup> Stars denote the locations of critical actors while the red circles denote veto players.

much to the consternation of her fellow party members. Von der Leyen did not waste her situational power when she outlined her policy proposal for partner months preferring the social democratic model of 10+2. Most importantly, von der Leyen was able to utilize the support of the *Allianz für Familien* (Coalition for Families) which her predecessor Renate Schmidt established (personal interview with civil servant in Ministry for Families, Seniors, Women, and Youth). The coalition consisted of important opinion leaders, most notably: Bishop Huber (Protestant Church), Hans Joachim Meyer (President, Central Committee of Catholics), Ludwig Georg Braun (President, German Chamber of Commerce and Industry), Michael Sommer (President, DGB), and Liz Mohn (Owner, Bertelsman Foundation). The coalition played an important role in mobilizing popular support for the policy. For example, Liz Mohn offered her foundation as a think tank and a platform to exchange ideas among political actors on the subject matter. Whenever Ursula von der Leyen issued a statement to the press, members of the coalition chimed into the media discourse in support of the policy. Further, von der Leyen organized a *Tag für Familien* (Day for Families) in Berlin where all opinion leaders met with Ursula von der Leyen and participated in a street festival to demonstrate their support for the policy. More surprisingly, President Horst Köhler also gave a speech at the Day for Families advocating for the inclusion of the partner month policy in the overall parental leave reform. This is rather unusual as the German President typically does not comment on the political debates of the day. Further, Ludwig Georg Braun, President of the German Chamber for Industry and Commerce, encouraged fathers to take advantage of the new policy and asked companies to facilitate the process for new fathers (Leyen 2008).

Finally, Ursula von der Leyen also established an *Unternehmensnetzwerk* (network of businesses) consisting of roughly 6,000 German companies which actively supported the partner month policy.

Ursula von der Leyen departed from the traditional policy-making approach where a Minister first seeks the support of the majority of her party members. She not only ignored party opinion (generally opposed to the policy) but also did not try to win over her party members. Instead, she built popular support for the policy to create enough pressure publicly that opponents were no longer able to argue against the policy. By applying a populist approach, she was able to circumvent the conservative opposition within her own party.

Von der Leyen also received support from the other critical actors. In general, all critical actors regularly spoke out in the media in favor for the policy proposal, publicly criticizing CDU/CSU men who mocked the policy proposal, and passionately arguing for the adoption of the policy during legislative debates or committee hearings. For example, Christel Humme, the SPD family expert and a member of the committee on Family Affairs, Senior Citizens, Women and Youth, emphasized that the new policy would support men to ask for parental leave while also making women less of a liability for employers because care responsibilities would now be distributed more evenly among men and women ('Plenarprotokoll 16/40' 2006). Nicolette Kressl was the deputy chairperson of the SPD faction at the time and publicly accused opponents from the CDU/CSU for favoring the model of the nuclear family, which no longer reflected German society ('Merkel will Union für Elterngeld mit Vätermonaten Gewinnen' 2006).

Ilse Falk consistently supported von der Leyen within the CDU/CSU faction, arguing that the new policy would give men the opportunity to experience domestic responsibilities, whether they needed a slight ‘shove’ or were actively seeking out this opportunity (‘Union Streit über die Vätermomate’ 2006.) Further, because these critical actors were also expert advisors, they supported the draft language of the 10+2 model in the drafting phase.

The conservative wing of the CDU/CSU inadvertently aided von der Leyen’s proposal. Peter Ramsauer (Faction chair, CSU) publicly referred to the planned partner month as a *Wickelvolontariat* (diaper internship), setting off a firestorm of criticism. His comment helped von der Leyen expose the traditional and outdated family values of the conservative CDU/CSU members, creating a backlash primarily by female citizens. As a result, Ramsauer and other prominent opponents of the policy such as Georg Milibadt (Prime Minister Saxony), Dieter Althaus (Prime Minister, Thuringia) or Jürgen Rüttgers (Prime Minister, North Rhine Westphalia) were discredited in the eyes of the public. Stopping the policy was no longer possible after the *Wickelvolontariat* comment (personal interviews).

The only option for opponents was to weaken the proposed father leave policy. To do so, opponents needed to try to leverage their influence over the other veto player in the process, Angela Merkel. Her support was crucial to the success of the policy. Personal interviews reveal that Angela Merkel supported Ursula von der Leyen’s policy in general. However, I argue that Merkel did not favor one version of father leave policy over the other. Thus, policy opponents had a window of opportunity to sway the veto player in

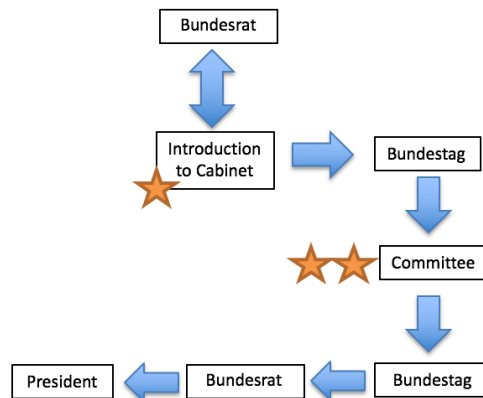


their favor. Specifically, the conservative wing opposed the 10+2 model preferring the 12+2 model instead. Peter Ramsauer – despite putting his foot in his mouth earlier – had considerable influence on the federal level as did Hans Michelbach (CSU chairperson, *Mittelstandsunion*) who also favored the 12+2 model (personal interviews). The *Mittelstandsunion* is a CDU/CSU internal group of representatives of small and medium sized businesses that still play a dominant role in the party internal decision making process. Thus, Michelbach and Ramsauer (who is also a member of the *Mittelstandsunion*) were able to leverage the group’s influence in the drafting phase with Angela Merkel. They signaled that in order to maintain the peace among the grand coalition, they were willing to go along with the coalition agreement (‘Vätermonate Werden Extra Bezahlt’ 2006). But in order to secure their support, Markus Söder (general secretary, CSU) insisted on the 12+2 model. As a result, the conservative wing of the CDU/CSU was able to guarantee the inclusion of a father bonus instead of a father quota. However, they were not successful in preventing the policy from being included in the parental leave reform.

#### **4.6.2. The Legislative Process**

In the case of the father leave policy, the drafting phase was the crucial phase in the policy-making process. The legislative process itself (shown in Figure 4 below) became a forum where policy advocates and opponents were able to make known, justify, and explain their respective position. While opponents could no longer stop the policy as it would have meant breaking with the discipline in parliamentary votes, they could have further weakened the policy in the committee stage.

**Figure 4: Legislative Process and Critical Actor Location<sup>18</sup>**



However, for several reasons, this was impossible. For one thing, two critical actors – Ilse Falk and Christel Humme – were ranking members of the committee responsible. In addition, seven committee members were vocal supporters of the partner month policy, among them Renate Schmidt (SPD), Gerda Hasselfelt (CSU), Johannes Singhammer (CSU), Caren Marks (SPD), Ingrid Fischbach (CDU), and Marlene Rupprecht (SPD). All of them had voiced their support publicly before. Further, the committee co-chair – Ekin Deligöz (Greens) – was also a fervent advocate of the policy. Thus, a further weakening of the policy was not possible in the committee. Finally, the *Bundestag* did not represent a barrier to policy adoption because members of parliament are subject not only to party but also coalition discipline. An analysis of parliamentary documents reveals that all parties except the FDP supported the policy, ensuring a parliamentary majority beyond just coalition discipline. As expected, the *Bundestag* voted for the passage of the bill along party lines: the coalition voted for the bill while the

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<sup>18</sup> Stars denote the locations of critical actors.

opposition parties voted against it ('Plenarprotokoll 16/55' 2006), ensuring the successful adoption of the feminist policy.

#### **4.7. Public Policy Discourse**

The legislative process showcased the public discourse around the arguments for and against the father leave policy. I will now turn to an analysis of the public discourse to better understand what kind of arguments were put forward. I argued in the previous chapter that socioeconomic, demographic, and cultural factors will form background conditions that allow critical actors to make cases for a feminist policy. I find that these types of arguments were certainly put forward. For example, the government justified the need for a father leave policy by stating:

Many couples postpone having children, sometimes until it is too late. Married mothers are on average 30 years old when they have their first child. Many women today do not have children, and Germany has one of the lowest fertility rates in the world with 1.36 children per woman<sup>19</sup>(CDU/CSU and SPD 2006, 1).

Representative Jürgen Kucharczyk (SPD) echoed this statement during the second and final reading of the legislative process: "It is valuable and necessary for our society that working mothers have children and are role models to children"<sup>20</sup> ('Plenarprotokoll 16/55' 2006, 5370).

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<sup>19</sup> Original text: Viele Paare schieben auch vor diesem Hintergrund die Familiengründung auf, manchmal, bis es zu spät ist. Das durchschnittliche Lebensalter der Frauen bei der Geburt ihres ersten Kindes steigt beständig an und liegt bei verheirateten Müttern derzeit bei fast 30 Jahren. Die Kinderlosigkeit ist besonders stark ausgeprägt, und Deutschland hat mit 1,36 Kindern pro Frau eine der niedrigsten Geburtenrate der Welt.

<sup>20</sup> Original text: Für unsere Gesellschaft ist es wertvoll und unerlässlich, dass auch berufstätige Karrierefrauen Kinder bekommen und ihnen ein Vorbild sein können.

Ursula von der Leyen questioned whether working women would choose to have children if having children meant giving up a career. She urged others to create better opportunities to reconcile work and family life ('Wer sich um Kinder kümmert, gilt als Weichei' 2005).

Another commonly used argument referred to countries that already adopted partner months to much success. Many used Sweden as an example of a successful case:

“International experiences illustrate that the period designated to the exclusive use of the other parent (typically the father) is used by 80 per cent of fathers in Sweden”<sup>21</sup> ('Drucksache 16/769' 2006, 2)

As a testament to the success of the populist strategy employed by Ursula von der Leyen, many representatives referred to the broad support in the population for the policy. So argues Ingrid Fischbach (CDU) during the final parliamentary debate:

If you consider the opinion polls (...) you can tell that 67 per cent of the surveyed men look favorably on partner months (...) 53 per cent of men between the ages of 18 and 45 want partner months because they want to care for their children.<sup>22</sup> ('Plenarprotokoll 16/55' 2006, 5366)

What was most surprising is that critical actors did not shy away from making a feminist case for the father leave policy. In fact, feminist claim-making – justifying the policy based on gender equality concerns – was by far the most used argument. I counted

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<sup>21</sup> Original text: Internationale Erfahrungen zeigen, dass die Kernzeit der dem anderen Elternteil (in der Praxis überwiegend der Vater) vorbehaltenen Zeit z. B. in Schweden von 80 Prozent der Väter in Anspruch genommen wird.

<sup>22</sup> Original text: Man soll ja ehrlich miteinander umgehen. Wenn man sich die Auswertung von Umfragen einmal ansieht (...) dann stellt man fest, dass 67 Prozent aller befragten Männer diese Partnermonate begrüßen. (...) 53 Prozent der berufstätigen Männer zwischen 18 und 45 Jahren begrüßen diese Partnermonate, weil sie sich gerne um die Kinder kümmern wollen.

a total of 111 instances of feminist claim-making. Other arguments centered on six alternative themes: (1) arguments that emphasized the desire expressed by men in public opinion surveys to be more involved fathers and to stay at home for a period of time (16 instances); (2) arguments that invoked the positive experiences by Scandinavia and especially Sweden which served as a role model for the engaged and involved father (13 instances); (3) arguments that emphasized the need to allow for better reconciliation of work and family for both men and women (13 instances); (4) arguments that emphasized the ability of families to be able to choose among different family models (12 instances) – supporters of the policy used this line of reasoning to deflect any accusations by the opposition that the policy represents an undue interference in the private spheres; (5) arguments that emphasized the changing family structures and the rise of educated women who do not want to forgo a career for motherhood which required a new approach to family policy including holding men accountable for domestic work (11 instances); and (6) arguments that emphasized the need for higher birth rates which could be achieved by modernizing the idea of a family and creating more equitable care roles in the domestic sphere (5 instances). Thus, feminist claim making by far dominated the public debate.

The dominance of feminist claim-making is particularly surprising as these feminist claims were often made by conservative women, particularly Ursula von der Leyen, who used feminist claims to express their support throughout both the drafting and the legislative phases. These included claims about the need to create an equal division of labor in the home; benefits for children when both parents stay at home; the

need to force companies and businesses to accept that both sexes will eventually take time off to care for children which ultimately would lead to greater gender equality in the workplace; the need for men to step up domestically if they hope to find a partner in the future; supporting men who want to take care responsibilities; and social competencies that men are lacking but that they could learn through child rearing responsibilities.

With this [father bonus] we will have the back of fathers who want to take time off to care for their children. This will lead to a change in perceptions in the workplace (...) this is the purpose of it because in a modern society children will need their fathers as well as their mothers<sup>23</sup> (Ursula von der Leyen, 'Plenarprotokoll 16/40' 2006, 3712)

It also promotes the development – this is an additional gender equality aspect – to reduce workplace discrimination for women. Today, men as well as women are potential caretakers. This means an important goal of gender equality has been reached<sup>24</sup>. (Christel Humme, 'Plenarprotokoll 16/40' 2006, 3738)

During the committee hearing, Prof. Dr. Ute Gerhard (Protestant working group for family issues) further stated that:

The planned introduction of partner months, which are not transferable to the mother, as well as the freedom of choice in the distribution of parental leave represents an important contribution to gender equality policies<sup>25</sup> ('Protokoll 16/16' 2006, 16)

Likewise, Dr. Christine Fuchsloh (Women's Bar Association) states during the committee hearing:

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<sup>23</sup> Original text: Damit stärken wir auch den Vätern den Rücken, die sich Zeit für ihr eigenes Kind nehmen wollen. Das wird zu einem Umdenken in der Arbeitswelt führen. (...) Das ist auch gewollt; denn in einer modernen Gesellschaft werden Kinder ihre Väter im Alltag genauso brauchen wie ihre Mütter.

<sup>24</sup> Original text: Es fördert auch die Entwicklung – das ist ein weiterer Gleichstellungsgesichtspunkt –, dass Frauen bei Einstellungen weniger diskriminiert werden.

<sup>25</sup> Original text: Die vorgesehene Berücksichtigung von zwei Väter- oder Partnermonaten, die nicht übertragbar sind, sowie die Wahlfreiheit in der Verteilung und Gestaltung der Elternzeit sind ein wichtiger Beitrag zu einer geschlechtergerechten Gleichstellungspolitik.

We believe that the partner months are very reasonable and absolutely not unconstitutional (...). The constitution includes an obligation of the government to create de facto gender equality. The existing policies have cemented the traditional separation of gender roles in the labor market. Based on this assessment, we think it is constitutionally desirable to offer financial incentives to encourage parents to equally share in the care work<sup>26</sup> ('Protokoll 16/16' 2006, 18)

By the time the bill was introduced into the legislative process, the policy was broadly supported by the public. The climate for the policy was very favorable which undoubtedly helped the passage of the bill and influenced the views of the veto players and members of parliament overall. Key actors in the social policy realms such as the Catholic and Protestant Churches and the Confederation of German Trade Unions all supported the policy. During the legislative process, opposing voices were still heard but could not gain significant ground. Religious representatives such as Cardinal Sterzinsky of Berlin ('Von der Leyen Verteidigt Vätermomente' 2006) opposed the policy on grounds of state interference in private matters while Bishop Mixa of Augsburg argued that the policy would turn women into birthing machines (von Wahl 2008). Likewise, Cardinal Meisner of Cologne also voiced his opposition (von Wahl 2008). Because of a very favorable climate, opponents were not able to rally public opinion behind their cause. On the contrary, they exposed their traditional and conservative views of family life which neither corresponded with social reality nor with public opinion on the issue. In the end,

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<sup>26</sup> Original text: Für ausdrücklich sinnvoll und in keiner Weise verfassungswidrig bedenklich, insofern haben wir eine ganz unterschiedliche Auffassung zu Herrn Professor Seiler, halten wir sowohl das Konzept als auch die Partnerschaftsmonate. Es gibt eine ausdrückliche verfassungsrechtliche Verpflichtung, wonach der Staat zur Aufgabe hat, auch auf die Herstellung der tatsächlichen Gleichberechtigung der Geschlechter hinzuwirken. Das bisherige Konzept hat dazu geführt, dass sich eine Geschlechterdifferenz am Arbeitsmarkt verfestigt hat. Unter diesem Gesichtspunkt ist es verfassungsrechtlich geradezu erwünscht, flankierende Maßnahmen durch finanzielle Anreize zu setzen, damit beide Eltern sich die Erziehungsverantwortung teilen.

opponents to the policy were clearly outnumbered and all they had left to do was to voice their opposition to the policy without any real possibility of stopping it.

Opponents used two primary arguments against the policy during the legislative process. First, opponents raised concerns about undue state interference in the private sphere. Such concerns are very much in line with the tenets of liberal conservatism. Markus Söder, for example, considered the policy an unacceptable interference by the government in the private sphere ('Union Streitet über die Vätermomate' 2006). Miriam Gruß (FDP) shared this concern, stating:

I consider it to be principally wrong to force fathers to babysit their children and to care for the children. This won't make fathers into better fathers. Parents should be free to decide who cares for the children and when they care for them<sup>27</sup> ('Plenarprotokol 16/40' 2006, 3730)

Second, opponents, including the FDP and certain legal professionals, questioned the constitutionality of the policy. Prof Dr. Christian Seiler, for example, stated during the committee hearing of the law that it is against the German constitution for the government to dictate one particular form of family over the other:

Art. 6 GG protects the institution of marriage and family and as such includes a freedom of choice. It prohibits the state from intervening in the division of paid and unpaid labor within the family. Family initiatives must be based on the freedom of choice. The state must not prefer one form of family over the other<sup>28</sup> ('Protokoll 16/16' 2006, 12)

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<sup>27</sup> Original text: Noch ein Wort zu den Vätermomaten. Ich halte es grundsätzlich für falsch, Väter zwangsweise zu verpflichten, auf ihre Kinder aufzupassen und sich um die Kinder zu kümmern. Dadurch werden die Väter keine besseren Väter. Eltern sollen bitte in vollem Umfang frei entscheiden dürfen, wer sich wann und wie um die Kinder kümmert.

<sup>28</sup> Original text: An dieser Stelle ist daran zu erinnern, dass Artikel 6 GG, der Schutz von Ehe und Familie, ein Freiheitsrecht verbirgt. Es verbietet dem Staat unter anderem, unmittelbar oder mittelbar auf die innerfamiliäre Aufteilung von Familienarbeit und Erwerbstätigkeit Einfluss zu nehmen. Familienförderung muss daher auf Wahlfreiheit angelegt sein, zu verstehen im Sinne der Offenheit der Alternative. Dabei darf der Staat des Grundgesetzes kein Leitbild richtigen Familienlebens kennen.



#### **4.8. Discussion**

To recap, I argue that feminist policy success is most likely when critical actors occupy veto player positions or are in a position to influence the relevant veto player. I also argue that veto players and critical actors need to be identified on a case-by-case basis. Thus, in the area of family policies I distinguish first the Minister of Family Affairs, Senior Citizens, Women and Youth, as a primary veto player because of the Minister's agenda setting powers. The second veto player is the Chancellor who acts as a veto player twice: first when approving the policy draft in the cabinet meeting so it can be introduced to parliament and later when signing the bill into law. I also identified expert advisors who are able to influence the content of the policy in the drafting phase of the policy process.

Consistent with the claims I put forward in this dissertation, this case study shows that the adoption of father leave policy was successful because:

1. Coalition constraints were permissive favoring the inclusion of the policy in the coalition agreement; and
2. A critical actor controlled the most important veto player position while the secondary veto player was supportive of the policy.

To the first claim, I have shown that the policy idea originated with the SPD and thus became part of the coalition negotiations. However, in an interesting twist, the policy was also supported by Ursula von der Leyen, the designated Minister for Families, Seniors, Women and Youth from the CDU, against the preferences of her own party. Due to the narrow election outcome, the CDU/CSU had no choice but to make significant

policy concessions to the SPD which included the father leave policy in the coalition agreement. This represented the first necessary but insufficient step towards successful policy adoption.

To the second claim, I have argued that the veto player with the agenda setting power is the most important veto player as this actor has the opportunity to shape the policy draft. In the area of family policy, this agenda setting power belongs to the Minister of Family Affairs, Senior Citizens, Women and Youth, a position occupied by a critical actor in regards to the father leave policy: Ursula von der Leyen. Here we have an instance where the primary veto player is also a critical actor – a most ideal situation for the success of a feminist policy. As I have illustrated, von der Leyen made sure that the policy was included in the parental leave reform and passionately argued in favor of it across many media and political outlets. She was mentioned in all news articles about the policy, spoke at every reading of the policy and gave many interviews and speeches on the subject matter.

I also have shown that Angela Merkel was a supportive veto player which facilitated the adoption of the policy. While Merkel rarely spoke out concerning the policy and the general topic, she was supportive of the policy and consistently backed Ursula von der Leyen against internal party criticism. However, Merkel caved to internal pressure by the conservative wing by accepting the modification of the proposed policy from a father quota to a father bonus. Thus, while the conservative wing was unable to stop the policy, it still had enough clout in the internal party decision making process to weaken the policy. Because Merkel was a supportive veto player who successfully

resolved the party internal conflict around the father leave policy, the cabinet approved the policy draft in June 2006 leading to its introduction into the *Bundestag*.

I was also able to show that opponents of the policy did not occupy any veto player positions and were not able to leverage their political influence on veto players. First, as previously discussed, opponents recognized the need for the coalition agreement to continue – a realization that applied to both individual party members of the CDU/CSU as well as to the three prime ministers who opposed the policy. Second, the most vocal opponents were on the state level, particularly in Bavarian politics, and thus had limited influence on federal politics. Third, individual disgruntled members of parliament need to follow the party discipline if they do not want to endanger their internal party career path. Fourth, the composition of the committee for Family Affairs, Senior Citizens, Women and Youth, which reviewed the policy, was such that two critical actors (Christel Humme and Ilse Falk) were members of the committee. Fourth, the majority of committee members supported the policy and spoke out in its favor in the second reading of the bill. Finally, while the CSU was an outspoken opponent of the policy, the traditional wing of the CDU/CSU became marginalized in the overall party after Ramsauer's ill-chosen words. As a result, they were not able to stop the policy. However, together with the three opposing prime ministers, the conservative wing was able to push for the adoption of the father bonus rather than the father quota as favored by the SPD and the critical actors.

Thus, with this case study I have illustrated that contrary to claims made by previous studies, the adoption of the 2006 *Elterngeld* reform including the father leave

policy was not the result of conscious attempts by Angela Merkel to feminize the CDU/CSU but rather the result of the heavy influence of the SPD on coalition negotiations and later on as a fully equal coalition partner. The 2005 CDU/CSU party manifesto did not include any progressive family policies let alone a modification of the male breadwinner model or calls for care responsibilities for fathers. All these ideas – which were the hallmarks of the 2006 parental leave reform – originated with the SPD. However, the fact that the father leave policy was not dropped from the reform can be traced back to the influence of specific critical actors, first and foremost Ursula von der Leyen, and the positioning of critical actors within the veto player structure allowing them to command significant institutional resources in the policy making process. Thus, this policy is an example of how a conservative critical actor can exploit favorable political circumstances and policy constellations to push conservative parties to adopt feminist policies. In the end, all of these factors – a favorable policy environment, the influence that critical actors exerted on veto players, and the lack of influence which opponents could exert on the policy making process – aided the adoption of the policy which was signed into law on December 5, 2006.

## **Chapter 5**

### **Corporate Board Quotas: From Non-Issue to Trigger of Government Crisis**

In the previous chapter, I illustrated that permissive coalition constraints and a favorable constellation of critical actors, veto players, and opponents resulted in the adoption of a father leave policy in the 16<sup>th</sup> legislative period from 2005 to 2009. The subsequent legislative period from 2009 to 2013 (the 17<sup>th</sup> legislative period) saw further heated debate around another feminist policy: the corporate board quota. Contrary to the case of the father leave policy, however, the adoption of the corporate board quota ultimately failed because of non-permissive coalition constraints and because opponents rather than critical actors were in control of veto player positions.

At the beginning of this 17<sup>th</sup> legislative period, corporate board quotas were a non-issue in German politics even though women made up only ten per cent of boards of directors and only three per cent of executive boards in 2011 (Schulz-Strelow and Falkenhausen 2015, 5). While there was an awareness that the representation of women on corporate boards was lacking, the issue did not play a major role in the 2009 election. The new government coalition of CDU/CSU and FDP continued to emphasize corporate governance codes, which rely on voluntary measures and soft targets (Gomez Anson 2012, 18 – 42). In May 2010, the German Corporate Governance code was changed to include the goal of an adequate representation of women on boards (Weckes 2015). A

year later, the DAX 30 corporations declared that they would set their own voluntary targets for women on boards (Brösel and Bull 2012). Between 2009 and 2012, one bill was introduced via the *Bundesrat* by the government of North Rhine Westphalia. The Green and SPD factions each introduced a bill as well as a joint bill in the *Bundestag*. Yet all bills were defeated by the government majority which continued to insist on the benefits of voluntary measures and soft targets.

This united front against corporate board quotas of the coalition government started to disintegrate in the beginning of January 2011, when newly appointed Minister of Labor and Social Affairs Ursula von der Leyen called for legal board quotas in an interview with Germany's *Manager Magazin* (Rieckens 2011), even though the issue did not fall under the jurisdiction of her ministry: "Because of the snail-paced process in the past ten years, I no longer preclude a legal corporate board quota for women."<sup>29</sup>

With this interview, Ursula von der Leyen initiated a public debate about the need of corporate board quota laws in Germany and almost brought the Merkel government to a fall.

This chapter is divided into two major parts. First, I will ask how corporate board quotas became part of the legislative agenda. I illustrate that corporate board quotas were put on the legislative agenda because of the relentless pressure by Ursula von der Leyen and constant lobbying by women's organizations and the opposition parties. Second, I ask why the attempt to pass a corporate board quota law failed. Applying the framework

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<sup>29</sup> Original text: "Angesichts der nur mit der Lupe erkennbaren Fortschritte der vergangenen zehn Jahre schließe ich eine gesetzliche Regelung über einen Mindestanteil von Frauen in Führungspositionen von Unternehmen nicht mehr aus"

of veto players and critical actors, I show that critical actors did not control the important veto player positions and failed to sway veto players in their favor. Most importantly though, I argue that non-permissive coalition constraints enabled opponents to influence veto players to their advantage.

### **5.1. Corporate Board Quotas on Government and Legislative Agendas**

The 2009 election brought a return to the traditional coalition between the CDU/CSU and the Free Democratic Party (FDP). The CDU/CSU won the majority of the seats and was able to form a coalition government with FDP. The 2009 elections also brought the best post-war election outcome for the FDP when the party won 93 seats in the *Bundestag*; an increase of 32 seats since 2005 ('Endgültiges Ergebnis der Bundestagswahl 2009' 2015). Right after the election, Guido Westerwelle was confirmed as party faction chairman with 87 of 88 votes giving him a strong mandate for coalition negotiations (Weiland 2009). Further, the FDP won more seats than the CSU, putting the FDP in a stronger bargaining position than in previous coalition negotiations (Weiland and Wittrock 2009).

Looking at the election manifestos of each coalition party, corporate board quotas did not play an important role. The CDU/CSU manifesto simply read:

We will continue to push for compliance with the agreement between the federal government and the business community to promote the presence of women on corporate boards to achieve equal opportunities. We ask of companies in Germany to ensure a higher presence of women on corporate boards and executive boards. (CDU/CSU 2009, 28)<sup>30</sup>

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<sup>30</sup> Original text: Wir werden die Vereinbarung der Bundesregierung mit der Wirtschaft zur Förderung der Chancengleichheit, die nachdrücklich die Förderung von Frauen in Führungspositionen als Ziel formuliert, fortschreiben und auf ihre Einhaltung und Umsetzung dringen. Wir fordern von

The FDP party manifesto is even more minimalistic than the CDU/CSU platform when it comes to the underrepresentation of women on corporate boards, not even considering such soft laws such as a corporate governance code:

Women are still underrepresented in leadership positions both in the private market as well as in public life. To support success-driven and engaged women on their career path, we need to provide successful tools such as mentoring. (FDP 2009, 36)<sup>31</sup>

Thus, both coalition partners entered coalition negotiations without a strong sense of urgency to address the lack of women in corporate leadership positions. This is reflected in the coalition agreement, which reads as follows in relation to women in business:

We want to eliminate the remaining disadvantages for women in business, politics, and society. We want to stand for a culture of diversity and welcome diversity strategies. We want to particularly strengthen female entrepreneurs and business owners. We will create a framework for the equal participation of women and men across all life phases. The federal initiative for equal opportunities for women in business will be considered. (Wachstum. Bildung. Zusammenhalt. Koalitionsvertrag Zwischen CDU, CSU Und FDP 17. Legislaturperiode 2009, 73)<sup>32</sup>

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Unternehmen in Deutschland ein, eine höhere Repräsentanz von Frauen im Aufsichtsrat und auch im Vorstand zu gewährleisten.

<sup>31</sup> Original text: In Führungspositionen in der Privatwirtschaft und im öffentlichen Leben sind Frauen nach wie vor unterrepräsentiert. Um leistungsbereite und engagierte Frauen auf ihrem Berufsweg zu unterstützen, gilt es, erfolgreiche Instrumente wie das „Mentoring“ bereitzustellen.

<sup>32</sup> Original text: Wir wollen bestehende Benachteiligungen in Arbeitswelt, Politik und Gesellschaft beseitigen. Wir werden uns für eine Kultur der Vielfalt einsetzen und begrüßen daher „Diversity-Strategien“. Insbesondere wollen wir auch Existenzgründerinnen und Selbständige in den Blick nehmen. Wir erarbeiten einen Rahmenplan zur gleichberechtigten Teilhabe von Frauen und Männern in allen Phasen des Lebensverlaufs. Die Bundesinitiative zur Gleichstellung von Frauen in der Wirtschaft wird einbezogen.



After a relatively general and modest commitment to support women in business, the coalition agreement continues to specify the plans of the coalition with regard to improving the numbers of women on corporate boards:

The objectives of the federal equal opportunity law and the federal law for federal committee and board appointments will be pursued with vigor. We will investigate whether these laws need to be changed and improved. The percentage of women in leadership positions in the business realm and civil service must increase significantly. To do this, we will develop an incremental plan which will particularly address increasing the number of women on corporate boards. This plan will call for a binding reporting mechanism and transparent voluntary targets. (Wachstum. Bildung. Zusammenhalt. Koalitionsvertrag Zwischen CDU, CSU Und FDP 17. Legislaturperiode 2009, 74)<sup>33</sup>

Thus, the coalition agreement did not include a commitment to a corporate board quota and even fell short of strengthening the corporate governance codes. Instead, the coalition agreement states that the government will develop a plan to call for report mechanisms and transparency when appointing women to boards.

Unlike in the case of the father leave policy, the corporate board quota law did not originate from the coalition agreement when it entered the legislative agenda. That being so, we need to ask: how did the corporate board quota law become part of the legislative agenda?

During the 17<sup>th</sup> legislative period, the need for a corporate board quota was frequently subject to parliamentary debates starting in 2010 when the Green faction

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<sup>33</sup> Original text: Die Ziele des Bundesgleichstellungsgesetzes und des Bundesgremienbesetzungsgesetzes werden mit Nachdruck verfolgt. Wir werden prüfen, ob und inwieweit die Gesetze geändert und effektiver gestaltet werden müssen. Der Anteil von Frauen in Führungspositionen in der Wirtschaft und im öffentlichen Dienst soll maßgeblich erhöht werden. Dazu wird ein Stufenplan, insbesondere zur Erhöhung des Anteils von Frauen in Vorständen und Aufsichtsräten vorgelegt. Der Stufenplan setzt in einer ersten Stufe auf verbindliche Berichtspflichten und transparente Selbstverpflichtungen.

introduced the first bill for the adoption of corporate board quotas. Because the Greens were part of the opposition party, the bill proposal was easily defeated in the *Bundestag* as was a similar proposal by the SPD in 2012. The same fate awaited a bill proposal in the *Bundesrat* introduced by the government of North Rhine Westphalia which was led by Prime Minister Hannelore Kraft (SPD) in coalition with the Greens. However, even though these policy initiatives all failed due to the opposition from the federal governing coalition between the CDU/CSU and the FDP, it had one important effect: it highlighted the lack of women on corporate boards in the public mind and framed it as a problem for gender equality and business success.

Despite an increasingly vigorous public debate about the merits of corporate board quotas, little hope existed for the opposition parties to succeed with any of their corporate board quota proposals without the support of the government coalition. This all changed when Ursula von der Leyen emerged as a high-profile and conservative advocate for a corporate board quota in early January of 2011 when she publicly supported a corporate board quota in an interview with the *Manager Magazin*. She followed this up with an interview for a special issue on corporate board quotas by *Der Spiegel* at the end of January during which she explained why she supported a legal quota and proposed the specific details of such a quota law:

First, I propose a gender neutral quota of 30 per cent. Neither men nor women should be underrepresented on boards. Second, it is important that the law includes sanctions. Otherwise the law has no real teeth. The French did the right thing: they have said that if corporations do not comply with the law their decisions remain valid; however, the election is

invalid and the board is not compensated for its time. This hurts corporate boards but not the companies.<sup>34</sup>

While my interview partners all pinpoint her interview in the *Der Spiegel* as the start of the corporate board quota revolution in Germany, Ursula von der Leyen already supported quotas for boards as a Minister for Families, Seniors, Women, and Youth. She first spoke out on the issue of women on corporate boards in 2009, shortly before the federal election. At an event for the most prominent women's organization lobbying for corporate board quotas (called FidAR, which stands for *Frauen in die Aufsichtsräte*, or women on corporate boards), von der Leyen had a press statement distributed presenting a gradual plan to increase the number of women on boards (personal interview). However, because Ursula von der Leyen switched from the Ministry for Families, Seniors, Women, and Youth to the Ministry for Labor and Consumer Affairs, she was no longer responsible for the subject matter. Thus, she found a new creative way to sidestep the principle of ministerial discretion by utilizing the media and public appearances to force the issue on to the legislative agenda (personal interviews).

Ursula von der Leyen's actions were remarkable for two reasons. First, the CDU/CSU as well as the FDP both agreed that a plan for voluntary measures was preferable over a legal quota. For example, staying true to liberal conservatism's belief in market non-interference, Angela Merkel vehemently opposed the attempts by EU

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<sup>34</sup> Original text: Erstens: Ich plädiere dafür, keine Quote allein für ein Geschlecht festzuschreiben, sondern einen 30-Prozent-Schlüssel, der für alle gilt. Weder Männer noch Frauen dürfen zu einem geringeren Anteil in Aufsichtsräten und Vorständen vertreten sein. Zweitens ist es wichtig, dass Sanktionen daran gekoppelt werden. Sonst ist es weiße Salbe. Die Franzosen haben mit dem ihnen eigenen Charme genau das Richtige getan: Sie sagen, wenn ein Aufsichtsrat die Quote nicht erfüllt, dann gelten zwar seine Beschlüsse, aber die Wahl ist ungültig, und es wird kein Geld für die Sitzungen bezahlt. Das tut den Aufsichtsräten, die sich abschotten, richtig weh, bestraft aber nicht das Unternehmen.

Commissioner Vivianne Reeding to pass a corporate quota on the European level in 2012, which would have established a 40 per cent quota for women on corporate boards. Second, Kristina Schröder (CDU), who, as Family Minister, led the ministry responsible for developing of a legal board quota (the Ministry for Families, Seniors, Women, and Youth) was personally opposed to a legal quota. The Family Minister instead proposed an alternative flexible quota (*Flexi-quota*), which would have made businesses set their own quotas and report on their progress to meet the quota on a regular basis. However, this bill never made it beyond the drafting phase.

Ursula von der Leyen as newly minted Minister for Labor and Consumer Affairs thus violated the principle of ministerial discretion which states that each minister has exclusive jurisdiction over his or her policy area (Müller 2004). Furthermore, von der Leyen also turned against the policy stance of her entire political party, including Angela Merkel's position, signaling that she was willingly to break with the party line to push for her own ideological goals. This led to a situation in which the recurring debates in the *Bundestag* around the corporate board quota exposed a rift within the CDU government, not only between Ursula von der Leyen and Kristina Schröder, but also among the CDU representatives, many of whom supported a board quota in opposition to the CDU party leadership.

Von der Leyen's efforts were aided by several outspoken women's organizations, which formed a policy advocacy coalition together with female members of parliament calling for the adoption of a legal corporate quota of 30 per cent shortly after Ursula von der Leyen's interview with *Der Spiegel*. This advocacy coalition was composed of six

women's organizations and several female members of parliament. The so-called *Berliner Erklärung* was unique because, for the first time in German history, it brought together women across all political parties into a bipartisan coalition. The *Berliner Erklärung* was supported by Ingrid Fischbach and Rita Pawelski (both CDU), Caren Marks and Dagmar Ziegler (both SPD), Monika Lazar (Greens), Sybille Laurischk (FPD), and Cornelia Möhring (Die Linke). Together, these representatives joined the heads of the six major women's organizations in Germany – Renate Bargsten (European Women's Management Development), Carlotta Köster-Brons (*Verband Deutscher Unternehmerinnen*, or Association of Female Entrepreneurs), Ramona Pisal (*Deutsche Juristinnenverbund*, the Women's Bar Association), Henrike von Platen (BPW Germany), Brigitte Scherb (*Deutscher LandFrauenverband e.V.*, the German Association of German rural women), and Monika Schulz-Strelow (FidAR). In July 2011, the coalition released a press statement calling on the public, prominent German figures, and other politicians to sign the coalition's petition for corporate board quotas:

We agree on the following points: First, we need a legal corporate board quota because voluntary measures have failed, and second, we will only be able to reach our goal if we unite our efforts. We need a strong social and political coalition. ('Pressemitteilung Überfraktionelle "Initiative Der Frauen" Für Quote in Aufsichtsräten' 2011)<sup>35</sup>

Ursula von der Leyen was one of the prominent primary signatories (*Erstunterzeichner*) who signaled their support early on. Her interview and public support of a board quota turned Ursula von der Leyen into the public face of the quota law, and

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<sup>35</sup> Original text: In den folgenden zentralen Punkten besteht Einigkeit: 1. Wir brauchen eine gesetzliche Quote für Frauen in Aufsichtsräten, weil freiwillige Selbstverpflichtungen keine Wirkung entfalten, wie die vergangenen Jahre gezeigt haben. 2. Nur mit vereinten Kräften können wir unser Ziel erreichen. Um unsere Sache zum Erfolg zu führen, brauchen wir eine starke gesellschaftliche und politische Allianz.

she also emboldened other women in the CDU to speak out in favor of a legal quota such as Maria Böhmer, Annegret Kramp-Karrenbauer, and Rita Süssmuth (personal interviews). Maria Böhmer, chairperson of the CDU women group (*Frauenunion*) is quoted on the website of the *Berliner Erklärung* as saying:

“The time for changes is here! Women mean success. Without women on the top, the economy won’t be able to compete. We demand a legal quota for women on corporate boards.” (‘Erstuntvzeichnerinnen’ 2015)<sup>36</sup>

While the coalition was able to keep the issue in the public debate, there was little movement until September 2012. On September 21, 2012, the *Bundesrat* successfully passed a board quota bill that was introduced by the federal state of Hamburg with the consent of two federal states where the CDU was in a coalition government with the SPD: Saarland and Sachsen-Anhalt. Traditionally, state governments abstain from voting on bills where the state government coalition is made up of members of the opposition and government party in the *Bundestag*. Yet despite this unspoken rule, the Prime Minister of Saarland, Annegret Kramp-Karrenbauer, a fervent supporter of a board quota and a primary signatory to the *Berliner Erklärung*, risked an open conflict with Angela Merkel when she announced her decision to vote in favor of the board quota with her state-level coalition partner SPD and against the will of the Merkel government (Müller

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<sup>36</sup> Original text: Die Zeit ist reif für Veränderungen! Frauen sind ein Erfolgsfaktor. Ohne mehr Frauen an der Spitze, wird die Wirtschaft den Wettbewerb nicht bestehen. Wir fordern eine gesetzliche Regelung für eine Quote in Aufsichtsräten.

and Theile 2012). As a result, the bill made its way to the legislative process in the *Bundestag*. With this, the board quota officially became part of the legislative agenda.

At the same time, the intense public debate around the issue of equal board representation for women, prompted Kristina Schröder, Minister for Families, Seniors, Women, and Youth, to draft her own policy proposal to address the lack of women on corporate boards. She proposed the flexi-quota as an alternative to the corporate quota law pushed for by Ursula von der Leyen. Schröder argued that the fundamental reason for the underrepresentation of women in corporate board is a dominant masculine working culture which punishes individuals for taking time away from work to care for their children (Schröder with Waldeck 2012). In her opinion, a corporate board quota would not fix this underlying problem but would force women to adapt to masculine working cultures that do not allow for a work-life balance. She argued that tackling the issue of reconciliation of work and family responsibilities would be more beneficial for women's equality in leadership than mandating an artificial quota for women on boards. Her proposal calls on the leadership of each company to decide upon the appropriate percentage of women on their boards. These voluntary targets must be published and adhered to. Sanctions were planned if companies failed to fulfill their own targets. Companies where women already make up 30 per cent women on boards would not be subject to the law. She argued that this law would improve transparency, encourage market competition, and would motivate public discussion about the steps necessary to achieve equal opportunities for men and women. The idea received support from the CDU leadership and was presented as a compromise to resolve the growing rift among

quota opponents and advocates within the CDU. By drafting her own proposal, Kristina Schröder put the issue of a corporate board quota on the government agenda.

Thus, by the end of 2012, two corporate board quotas proposals made it onto the legislative agenda. Because of intense pressure by both critical actors and the public, the government coalition could not simply ignore the issue or vote it down by enforcing coalition discipline. Instead, the coalition government was forced to deliberate whether they would support one or neither of the two proposals. To understand why both proposals ultimately failed to be adopted, we now need to turn to the constellation of critical actors, opponents, and veto players for each policy as well as the nature and influence of coalition constraints.

## **5.2. Identification of Critical Actors, Veto Players, and Opponents**

To be considered a parliamentary critical actor, a political actor needs to voice his or her support for the corporate board quota both in public debates as well as in the legislative process, for example by speaking up in favor of the bill during parliamentary debates. A civil society actor is considered to be an extra-parliamentary critical actor if the actor speaks up in the public debate through media appearances or interviews and engages with the government and members of parliament to aid the adoption of the policy. This can take several forms such as testifying in committees, petitioning the government, being a member of a lobbying group, or organizing open declarations of support whether this is in the form of public protest, or demonstrations. An individual is a parliamentary critical actor if the actor is identified as a critical actor in my interviews. I



have identified a total of 16 critical actors,<sup>37</sup> all of whom supported the quota law as proposed by the state of Hamburg and passed by the *Bundesrat* (see Appendix A, Table 2 for a full list of active participants in the policy debate):

1. Barbara Höll, MBT Linke
2. Christine Lüders, Federal Anti-Discrimination Commissioner (bureaucracy)
3. **Ekin Deligöz**, Greens, Deputy Spokesperson (parliamentary group)
4. **Elisabeth Winkelmeier-Becker**, CDU, member (Committee for Family Matters, Seniors, Women, and Youth)
5. **Eva Högl**, SPD, representative
6. Frank Walter Steinmeier, SPD, chairman parliamentary group (opposition leader)
7. Ingrid Sehrbrock, vice-chairperson DGB (business)
8. Katrin Göring-Eckardt, Greens, Vice President of the *Bundestag*
9. **Monika Lazar**, Greens, spokesperson parliamentary group, member (Committee for Family Matters, Seniors, Women, and Youth)
10. Monika Schulz-Strelow, President FidAR (civil society)
11. Renate Künast, Greens, co-chair parliamentary group
12. **Rita Pawelski**, CDU, representative (chairperson, CDU women's group)
13. Sigmar Gabriel, SPD, Party Chairman

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<sup>37</sup> Critical actors in bold designate particularly vocal and active actors, based on the frequency of their contributions to the public debate

14. **Ursula von der Leyen**, CDU, Minister for Labor and Social Affairs
15. Viviane Reeding, EU Commissioner (supranational)
16. **Yvonne Plotz**, Die Linke, representative

The number and range of critical actors hint at the broad coalition that had emerged within civil society and across party lines supporting the adoption of a corporate board quota law. In contrast to the successfully adopted father leave policy, we see a number of extra parliamentary critical actors both from women's organizations and business as well as female members across all political parties except the FDP where only one woman was supportive of the proposal: Sybille Laurischk. Viviane Reeding, Commissioner of the European Union, also voiced her support in the national debate. Finally, as in the previous chapter on father leave policy, Ursula von der Leyen was the most important critical actor and the political face of the corporate board quota movement. However, due to the fact that she was no longer the responsible minister, she did not speak to the issue during parliamentary debates (personal interview).

Of course, opponents to the bill were not silent on the matter either. The following individuals were the most vocal opponents:

1. Nicole Bracht-Bendt, MBT FDP
2. Kristina Schröder, SPD, Minister for Family Matters, Seniors, Women and Youth
3. Marco Buschmann, MBT FDP
4. Patrick Döring, MBT FDP (member, federal party leadership)

As argued in the previous chapter on father leave policies, there are two major veto players in the German policy process: the primary veto player is the Minister for Families, Seniors, Women, and Youth because she has exclusive jurisdiction over the issue area and thus all official government bills will be drafted by the Minister. Kristina Schröder, as the Minister for Families, Seniors, Women, and Youth took advantage of her position as primary veto player when she drafted her flexi-quota proposal (which I will discuss below).

As discussed in the previous chapter, Angela Merkel is a secondary veto player because of her ability to set policy guidelines for the government and the inability of the cabinet to override her objections. Contrary to the case of father leave policies, Angela Merkel is not the only secondary veto player. Instead, there are two additional secondary veto players in the 17<sup>th</sup> legislative period: the individual political parties in the coalition government. While I have argued in chapter three that the coalition partner is not a veto player in itself - as each coalition partner essentially relinquishes its veto power once the coalition agreement has been approved - I also argue that this is only true for policy initiatives agreed upon during the coalition negotiations and written into the coalition agreement. In contrast, policy proposals outside the scope of the coalition agreements must be negotiated ad hoc, and it is here where each coalition partner regains its veto power and thus becomes a veto player. For these instances, the coalition agreement contains a clause establishing the coalition committee (*Koalitionsausschuss*) which meets at the beginning of every week when the parliament is in session. This committee consists of the party leaders, the faction chairpersons, general secretaries, the

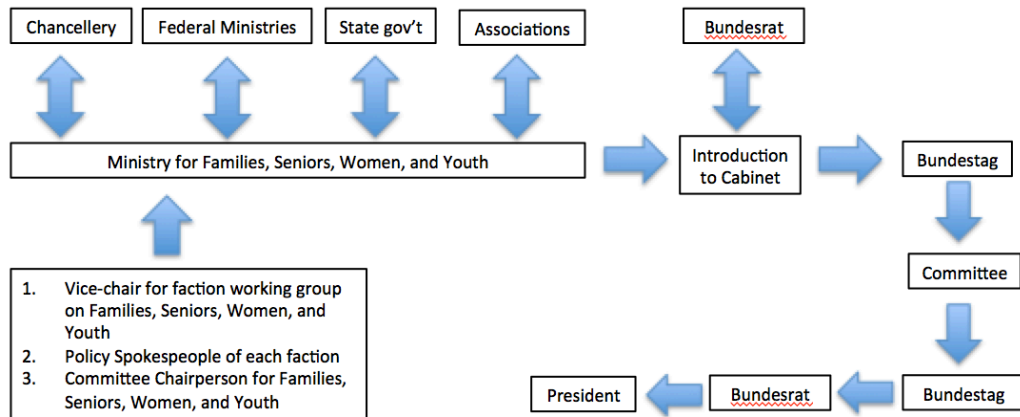
parliamentary secretary, the Chief of Staff of the German Chancellery, the federal minister for finance and one other FDP member (*Wachstum. Bildung. Zusammenhalt. Koalitionsvertrag Zwischen CDU, CSU Und FDP. 17. Legislaturperiode 2009*, 131). Accordingly, the CDU/CSU and the FDP need to consent to the policy for it to be adopted and are secondary veto players.

### **5.3. The Flexi-Quota Proposal**

Before we can understand why the adoption of the flexi quota failed, we need to determine the constellation of veto players, critical actors, and opponents in the policy making process. The policy process for the suggested flexi-quota is the same as it was for the father leave policy, and illustrated in Figure 5 below. The responsible Minister – the Minister for Families, Seniors, Women, and Youth is tasked with developing the ministerial draft which then is commented upon by several entities such as state governments, civil society and business association, and the responsible individuals for the issue area across party factions and the legislative committee for Families, Seniors, Women, and Youth. Once the final draft of the bill is complete, the bill is introduced into the cabinet and once approved by the cabinet, needs to go through three readings (parliamentary debates and votes) in the *Bundestag*. Once passed by the *Bundestag*, the *Bundesrat* is notified and the bill is signed into law by the German president.

Contrary to the father leave policy under Ursula von der Leyen, the ministerial draft of the bill was never introduced into the cabinet. Thus, the bill failed in the drafting phase and never made it into the legislative process.

**Figure 5: Policy Process for Corporate Board Quota Law**



Because the flexi-quota proposal did not emerge from the coalition agreement, the fate of the bill was decided in the coalition committee. For the bill to be approved, both the CDU/CSU and the FDP had to agree to the bill proposal. Thus, the policy stances of each party is of crucial importance here as well as the ability of critical actors to influence the policy position of each veto player. In terms of the policy preference of critical actors, all critical actors opposed the flexi quota proposal preferring a strong legal corporate board quota as suggested by the *Bundesrat* bill instead. However, none of the critical actors were in a position to influence the veto players. First, the majority of critical actors were extra-parliamentary critical actors and thus remained outside of the parties' internal decision-making process: the representatives of the women's organizations had little influence within either the CDU/CSU (or the FDP). Second, with the exception of three parliamentary critical actors – Elisabeth Winkelmeier-Becker, Rita Paweloski, and Ursula von der Leyen – all of the critical actors were members of the opposition party and thus remained outside the decision-making process of both the CDU/CSU and FDP. And third,

none of the three critical actors from within the CDU had the political clout to influence the policy outcome. As a result, critical actors remained external to the decision-making process and were unable to influence the policy decision. To understand then, why the adoption of the flexi-quota proposal failed, we need to determine whether the party overall – and the party leadership – supported either policy proposal.

Looking at the CDU/CSU, Kristina Schröder had to face the opposition of the CDU women's group as well as the women's group of the CDU faction (*Gruppe der Frauen*) in the *Bundestag* which both opposed the flexi-quota, dismissing it as a useless tool, and preferred Ursula von der Leyen's proposed quota law (Oestreich 2012). The support of the CDU women remained out of reach for Schröder for several reasons. First, Kristina Schröder was relatively new to politics and had insufficient political experience to know how to outmaneuver a skilled and popular politician such as Ursula von der Leyen. It was impossible for Kristina Schröder to step out of the shadow of the former Family Minister von der Leyen and compete with her on a policy issue that von der Leyen knew well (personal interviews). Second, as Minister of Labor, von der Leyen commanded a well-financed and powerful federal department, which allowed von der Leyen to continue to dominate the debate (personal interviews). Finally, women's activists and many of the most important members of the advocacy coalition which the *Berliner Erklärung* established, reacted to Minister Schröder with full and open disdain. One female activist called her 'a failure for all women' while another called her appointment a step backwards for all women (personal interview). Thus, Kristina

Schröder could not fall back on the support of either women activists in civil society or the women in her own party.

Luckily for Kristina Schröder, the women's groups did not have much political clout within the party, particularly compared to the most powerful faction in the CDU/CSU: the *Mittelstand* - a group representing medium-sized business owners and interests (personal interviews). The *Mittelstand* agreed with Kristina Schröder that the flexi-quota was justifiable and commensurate with the problem as it would force companies to discuss the necessary steps to have more women on their boards. Echoing the hope of the family minister, the CDU group argued that the flexi-quota could aid in the transformation of the workplace culture into a more women-friendly environment ('Merkel Und Seehofer Für Flexi-Lösung: FDP Komplette Gegen Frauenquote' 2012). Further, Angela Merkel did support Schröder's flexi-quota proposal, emphasizing that it was time for companies to set their own targets and fulfill them ('CDU-Frauen: Merkel Stützt Schröder Bei Flexi-Quote' 2012).

The consent of the FDP, however, proved elusive for Schröder: the FDP strongly opposed any legal measures to address the underrepresentation of women on boards, arguing that the measures would violate liberal market principles. To this end, Birgit Homburger (FDP) stated in an interview:

Quota regulations are and remain a substitute solution. I expect that businesses will make good on their promise and improve the career opportunities for women. This would also demonstrate a bold vision as female workers will be in high demand in the not so distant future.

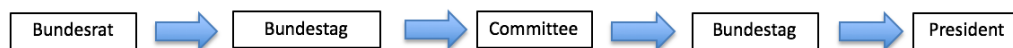
(‘Merkel und Seehofer Für Flexi-Lösung: FDP Komplette Gegen Frauenquote’ 2012)<sup>38</sup>

Thus, while Kristina Schröder could secure the support of two veto players – Angela Merkel and the CDU/CSU – her proposal ultimately failed due to the opposition of the third veto player, the FDP in the coalition committee. As a result, the proposal was never introduced into cabinet and died in the drafting phase of the legislative process.

#### 5.4. The State Government Initiative in the *Bundesrat*

The second major policy approach during the 17<sup>th</sup> legislative period originated with a state government initiative in the *Bundesrat*. The policy process for such an initiative is different than for bill proposals stemming from the governing coalition. In particular, the drafting phase for an initiative takes place at the level of the state government that plans to introduce the bill, and the legislative process starts with the introduction in the *Bundesrat* (see Figure 6 below).

**Figure 6: Policy Process of Corporate Board Quota Bill**



The bill was drafted by Jana Schiedeck who developed the bill in her function as Senator for Justice of the state government of Hamburg. I will first explain why the bill found support in the *Bundesrat* even though a prior attempt by the SPD in coalition with the Greens to pass a corporate board quota via the *Bundesrat* failed. Then, I will illustrate

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<sup>38</sup> Original text: "Quoten-Reglementierungen sind und bleiben Ersatzlösungen. Ich erwarte, dass die Wirtschaft ihre Versprechen erfüllt und mehr Frauen eine berufliche Chance einräumt. Das würde auch von Weitblick zeugen, denn der Zeitpunkt ist nicht fern, dass weibliche Fachkräfte dringend gesucht werden",



which factors enabled the bill to proceed to the final parliamentary debate and vote. I will argue that it was the support of critical actors within the conservative party which ensured that the bill would receive full consideration in the *Bundestag*.

The *Bundesrat* is the representative organ for the state governments in Germany and the upper chamber of the national parliament. Each state government has three to six votes depending on its population size. These votes cannot be split. The *Bundesrat* takes part in the deliberative process in the legislative branch, but its approval is only necessary to issues listed in the German Constitution. Further, according to Art. 70 GG, the *Bundesrat* has the right to legislate via initiatives from state governments. The *Bundesrat* becomes an important player when its majority differs from the majority in the *Bundestag*. However, the majority of the *Bundestag* and the *Bundesrat* was the same in the 17<sup>th</sup> legislative period. While the CDU/CSU and FDP coalition at the time did not control the majority of votes, the CDU/CSU party was in coalitions with opposition parties in several state governments. Political tradition dictates that state governments that are composed of both one party that is a government party on the federal level and another party that is an opposition party on the federal level must remain neutral in any contested votes in the *Bundesrat*. Thus, the government coalition had the necessary votes to defeat the proposal by North Rhine Westphalia in November 2011.

On June 15, 2012, the state government of Hamburg (governed by the SPD), introduced a bill for corporate board quotas in the *Bundesrat*. The law proposed a 20 per cent quota for women on boards for all publicly traded companies in Germany starting in 2018, which would increase to a 40 per cent quota by 2023. The bill was heavily opposed

by both the CDU/CSU and the FDP. Yet in an unexpected move, the state governments of Saarland and Saxony Anhalt announced their support of the bill, breaking with the neutrality rule and essentially guaranteeing the passage of the bill in the *Bundesrat* ('Gleichstellung: Mehrheit Für Frauenquote Im Bundesrat Wahrscheinlich' 2012). Both state governments are governed by a coalition of CDU and SPD and, according to the neutrality rule, should have abstained from the vote. Prime Minister Annegret Kramp-Karrenbauer of the Saaland (CDU), however, was an ardent supporter of a quota law. She supported the *Berliner Erklärung* and was one of the first politicians to sign the coalition's petition. Invoking her support of the *Berliner Erklärung*, she justified her decision to support the bill. She openly acknowledged that she was breaking with the party line and risked a conflict with the Chancellor over the issue of the corporate board quota, stating:

“I fail to see why I should give up my position just because the position is promoted by a state government lead by the SPD.” (Holl 2012)<sup>39</sup>

She emphasized that her position was consistent with her long-held beliefs on the subject, and in an interview with *Die Welt*, she admitted that she herself benefited from a woman quota when starting her political career:

We need to demystify the woman quota. It is an instrument to create equal opportunities for women, nothing more and nothing less. It forces companies to look at their personal choices with fresh eyes. I am a quota woman – I freely admit that. This has never affected the quality of my work. We women should not let ourselves be divided by who is a quota

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<sup>39</sup> Original text: „Ich sehe nicht ein, warum ich eine Position aufgeben soll, nur weil sie von einem SPD-geführten Bundesland vertreten wird“

woman and who is not. After all, there are countless quota men, who were elected according to regional considerations and proportional representation. But no one talks about that. Only if we talk about women, the quota becomes a taboo. (Siems 2012)<sup>40</sup>

Thus, with the support of two CDU led state governments, the *Bundesrat* approved the bill on September 21, 2011, and the bill was introduced into the *Bundestag* on November 11, 2012.

The passage of the bill out of the *Bundesrat* ensured that the bill entered the legislative agenda of the *Bundestag*. To explain the failure of this bill, we need to turn, once again, to the constellation of veto players, opponents, and critical actors. The legislative process of the *Bundestag* includes three veto players: Angela Merkel, the CDU/CSU, and the FDP. As mentioned earlier, the FDP can be considered to be a veto player in this particular instance because coalition partners regain their veto power in cases where the bill does not originate from the coalition agreement. Further, due to coalition discipline, the success of the bill depended on one of these two elements: suspension of the coalition discipline allowing members of parliament to vote as they see fit or support by the government coalition for the policy ensuring that the policy would be supported by a solid parliamentary majority. Figure 7 identifies the legislative process locating both critical actors and veto players in the process:

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<sup>40</sup> Original text: Wir müssen die Frauenquote entmystifizieren. Es ist nicht mehr und nicht weniger als ein Instrument, das Frauen Chancen einräumt. Es zwingt die Unternehmen zu einem anderen Blick. Ich selbst bin eine Quotenfrau – dazu stehe ich. Dies hat der Qualität meiner Arbeit nie einen Abbruch getan. Wir Frauen dürfen uns nicht aufspalten lassen in Quoten-Frauen und Nicht-Quoten-Frauen. Schließlich gibt es zahllose Quoten-Männer, die nach Region und Proporz ausgewählt wurden. Doch niemand redet davon. Nur wenn es um Frauen geht, ist die Quote plötzlich tabu.

**Figure 7: Constellation of Veto Players, Critical Actors, and Opponents<sup>41</sup>**



Because the majority of critical actors were extra-parliamentary critical actors or members of the opposition party, they did not control any veto player positions. Their only option was to increase the pressure on these veto players to sway their opinion. This is exactly what these extra-parliamentary critical actors did. The *Berliner Erklärung* was the most important tool these actors used. As an advocacy coalition, the *Berliner Erklärung* carried significant political weight: the coalition unified a total of nine organizations with a combined membership base of over 500,000 individuals.<sup>42</sup> Further, corporate board quotas were publicly supported by several big companies, most importantly Telekom AG, Fa. A Ritter, and Axel Springer AG, as well as by labor unions and professional groups such as the DGB (Confederation of German Trade Unions) and the women's bar association. The advocacy coalition sent out a letter to all members of parliament calling for their support of the bill, specifically arguing:

With the broad support of the public, the Bundesrat, and Europe, we task the members of the Bundestag to adopt an effective law regulating the appointment of women on boards. The initiative by the Bundesrat is such

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<sup>41</sup> Stars denote critical actors while the red circle denotes a veto player.

<sup>42</sup> Business und Professional Women, (BPW Germany): 1800 members (Germany) 30.000 members in 100 countries; Deutscher Ingenieurinnenbund e.V., (DIB): 400 members; Deutscher Juristinnenbund e.V., (DJB): 2500 members; Deutscher LandFrauenverband e.V. (DLV): 500 000 members; European Women's Management Development International Network (EWMD): 550 members (Germany), 900 members (Europe); Frauen in die Aufsichtsräte e.V. (FidAR): 375 members;; Nürnberger Resolution: 5000 supporters; ProQuote Medien e.V.: 150 members, 4500 supporters;; ProQuote Medizin: 2000 members; Verband Deutscher Unternehmerinnen (VdU): 1800 members

a proposal (...) It is time for the discussion to end. It is time for action. The Berliner Erklärung shows: there is a broad base of support in society for a corporate board quota. Now it is your turn to pass this proposal. Support the Bundesrat and the EU commission proposal and vote for bill 17/11270! (Berliner Erklärung 2015)<sup>43</sup>

FidAR, the most active women's organization, and its president Monika Schulz-Strelow strategically used the *Berliner Erklärung* and its advocacy coalition to lobby for the adoption of corporate board quotas. Monika Schulz-Strelow testified during committee hearings, and her organization publishes the Women on Board Index which represents an up-to-date data collection on the status of women on boards in Germany. The Public Women on Board Index similarly tracks the number of women on public boards. Together, these reports provided supportive members of parliament with the necessary data and facts to demonstrate the urgency of the problem and to support the arguments by members (personal interviews). FidAR and the women's bar association also frequently contacted members of parliament and cabinet members calling for their support for corporate board quotas (personal interviews). The other organizations such as *BPW* or *Pro-Quote Medien/Medizin* or the *Landfrauenverein* all approached female representatives at events, sent informational material to representatives, issued press

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<sup>43</sup> Original text: Wir begreifen die breite Unterstützung aus der Gesellschaft, dem Bundesrat und aus Europa als Auftrag an die Mitglieder des Deutschen Bundestages, eine wirksame gesetzliche Regelung zur geschlechtergerechten Besetzung von Aufsichtsräten zu verabschieden. Mit dem Gesetzentwurf des Bundesrates liegt hierfür eine geeignete Grundlage vor. Der Beschluss des Bundesrates sieht ein zweistufiges Quotenmodell mit langen Übergangsfristen vor: Ab dem Jahr 2018 müssen Aufsichtsräte eine 20 per cent -Mindestquote erfüllen, ab dem Jahr 2023 müssen es 40 percent sein. Dieser Gesetzentwurf wurde Ende Oktober unter der Drucksachenummer 17/11270 in den Deutschen Bundestag eingebracht und am 16. Januar 2013 in einer Anhörung im Rechtsausschuss des Bundestages mit zwei weiteren ähnlich lautenden Anträgen zur Einführung einer Frauenquote in Unternehmen diskutiert. Jetzt sollten die Diskussionen ein Ende haben. Es ist Zeit für Entscheidungen. Die Berliner Erklärung hat gezeigt: Es gibt ein breites Bündnis in der Gesellschaft für eine Quote in den Aufsichtsräten. Jetzt sind Sie aufgefordert, dieses Bündnis auch in den Bundestag hineinzutragen. Greifen Sie die Initiativen von Bundesrat und EU-Kommission auf und stimmen Sie für den Gesetzentwurf 17/11270!

statements together, organized public demonstrations outside the *Bundestag* when the bill was debated and attended the parliamentary debates in person in the public gallery to show their presence (personal interviews).

Most importantly, Ursula von der Leyen supported the work of the advocacy coalition. Not only did she start the conversation about board quotas and encouraged other conservative women to step forward in support of board quotas but she ensured from the beginning that the issue gained traction in the public mind (personal interviews). To this end, she gave the keynote speech at an event for *Pro-Quote Medien*, a member of the *Berliner Erklärung* that lobbies for quotes in media companies, as well as at the third FidAR forum. Von der Leyen knew that by showing up at an event for *Pro-Quote Median* she would generate the necessary support in the media for her idea (personal interview). Once the *Berliner Erklärung* built the necessary momentum, von der Leyen moved to the background (personal interviews) and ceded the spotlight to these women's organizations.

Parliamentary critical actors utilized their allotted time in the parliament debates to speak out in favor of the bill. For example, Renate Künast (Greens) argued passionately for the quota by stating:

If you do not dare to adopt a quota for corporate boards for publicly listed companies, these things will not be possible for you: you will not achieve diversity in leadership positions, which you need to compete internationally, you won't be able to keep women in the workplace, and you will not be able to get skilled personnel from other countries. This is the whole truth. ('Plenarprotokoll 17/171' 2012, 20175)<sup>44</sup>

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<sup>44</sup> Original text: wenn Sie sich nicht trauen, endlich eine Quote für Aufsichtsräte und Vorstände der DAX-Unternehmen einzuführen, wird Ihnen eines nicht gelingen: Sie werden weder die Vielfalt in den

In general, the arguments of board quota supporters specifically centered on three main points. First, the arguments pointed to the lack of progress despite the existence of voluntary measures. As suggested by the following statement, companies have taken too long to increase their numbers of women on boards, and all voluntary attempts have failed because not much has changed since voluntary measures have been in place. This type of argument was brought forward a total of 176 times:

Another delay tactic is the insistence on voluntary measures. Many governments have tried this. The results are known: less than 1 per cent of executive boards of the biggest 100 companies are female. In total, women make up a maximum of 10 per cent of boards of directors. The chancellor and Minister Schröder still insist on voluntary measures for business. Let's just say this: in comparison, belief in Santa Claus is a more serious project (Katja Kipping, Die Linke, 'Plenarprotokoll 17/90' 2011, 10102).<sup>45</sup>

Second, a significant number of arguments consisted of feminist arguments, which were voiced a total of 166 times during parliamentary debates, exemplified by the statement below. They included appeals for legal quotas to achieve gender equality in business, appeals for the need to address the glass ceiling for women in business, and appeals for changes in society and the workplace that women in leadership positions can bring about for all.

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Führungsetagen bekommen, die Sie gerade für den Wettbewerb mit dem Ausland brauchen, noch werden Sie Frauen hier binden können, noch bekommen Sie Fachkräfte aus dem Ausland. Das ist die ganze Wahrheit!

<sup>45</sup> Original text: Eine weitere Verzögerungstaktik besteht darin, auf die Freiwilligkeit der Wirtschaft zu setzen. Das haben schon mehrere Regierungen hintereinander versucht. Das Ergebnis ist bekannt: Weniger als 1 Prozent der Vorstände in den 100 größten deutschen Unternehmen sind weiblich. Insgesamt, so sagt man, besetzen Frauen maximal 10 Prozent der Posten in Aufsichtsgremien. Die Bundeskanzlerin und Ministerin Schröder wollen trotzdem weiterhin auf die Freiwilligkeit der Wirtschaft setzen. Ich sage es einmal so: Im Vergleich dazu ist der Glaube an den Weihnachtsmann ein geradezu seriöses Projekt.

The need for action is immense. Germany does not compare well in the European context. We are not an exporting nation, when it comes to gender equality. In contrast, we are a developing nation; today in Germany, the often cited glass ceiling is still bullet proof. (Christel Humme, SPD ‘Plenarprotokoll 17/90’ 2011, 10114)<sup>46</sup>

Third, many arguments addressed business matters, as described below. According to these arguments, having more women in a business improves the bottom line, improves decision-making outcomes, or avoids the loss of valuable talent (total mentions: 106).

Internationally respected scientists have shown that the competitive advantage of countries is linked to its promotion of women. If you ignore well-qualified and educated women and keep them at the middle management level, you obstruct your own chances on the global market. (Doris Barnett, SPD ‘Plenarprotokoll 17/171’ 2012, 20178)<sup>47</sup>

Other arguments which played a prominent role in the debate pointed to Norway and other countries with legal board quotas for women and the positive results that came out of having board quotas. These arguments were also used by *opponents* of the board quota who pointed to evidence in Norway that the change was only symbolic and that companies actually endured losses or changed their legal status to avoid quota compliance.

In contrast to the case of father leave policy addressed in Chapter 4, none of the critical actors in the CDU/CSU occupied veto player positions. Nevertheless, they tried to

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<sup>46</sup> Original text: Der Handlungsdruck ist natürlich immens. Wir stehen im europäischen Vergleich nicht besonders gut da. Wir sind keineswegs ein Exportland, wenn es um Gleichstellung geht. Im Gegenteil: Wir sind hier ein Entwicklungsland; bei uns ist die auch heute viel zitierte gläserne Decke immer noch aus Panzerglas.

<sup>47</sup> Original text: International renommierte Wissenschaftler weisen darauf hin, dass die Wettbewerbsfähigkeit eines Landes gerade auch mit der Frauenförderung zu tun hat. Wer heutzutage die gut ausgebildeten, talentierten Frauen auf das Abstellgleis Mittelmanagement schiebt, der verbaut sich seine eigenen Chancen im globalen Wettbewerb.



influence the CDU/CSU and Angela Merkel. The CDU women's group supported the bill and tried to win support of fellow party members, but with little success (personal interview). Beyond that, conservative women were also in constant contact with women from the opposing parties, exchanging ideas and information (personal interviews). Two CDU members particularly used the power of the pulpit to encourage their fellow conservative women to openly support and lobby for corporate board quotas: Elisabeth Winkelmeier-Becker and Rita Pawelski.

I will quote Art. 3 II GG once again: Men and women shall have equal rights. The state shall promote the actual adoption of equal rights for women and men and take steps to eliminate disadvantages that now exist. We do not ask for more but nothing less than the adoption of this constitutional clause (Rita Pawelski, 'Plenarprotokoll 17/94' 2011, 10766)<sup>48</sup>

The closed shops won't open up without binding rules on the horizon. They exclude qualified women; but also men who do not fit the traditional image. The Manager Magazin just illustrated how hardened these structures are. When reading this account, you notice that this has nothing to do with the selection of the best but all to do with male friendships, hunting experiences, etc. And we know from Volkswagen<sup>49</sup> what else can be done to improve group cohesiveness. (Elisabeth Winkelmeier-Becker, 'Plenarprotokoll 17/90' 2011, 10112)<sup>50</sup>

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<sup>48</sup> Original text: Ich zitiere noch einmal Art. 3 Abs. 2 des Grundgesetzes: Männer und Frauen sind gleichberechtigt. Der Staat fördert die tatsächliche Durchsetzung der Gleichberechtigung von Frauen und Männern und wirkt auf die Beseitigung bestehender Nachteile hin. Wir wollen nicht mehr, aber auch nicht weniger, als dass das Grundgesetz endlich anerkannt und umgesetzt wird.

<sup>49</sup> The representative refers to an incident where the full board of Volkswagen traveled to Brazil and visited a brothel on company expense (see Müller 2007).

<sup>50</sup> Original text: Ohne verbindliche Regelungen am Horizont werden sich die Closed Shops nicht öffnen. Sie schließen qualifizierte Frauen aus; sie schließen aber auch gute Männer aus, die nicht ins Schema passen. Wie fest da die Strukturen gefügt sind, das hat uns das manager magazin gerade noch einmal beschrieben. Wenn man das liest, dann stellt man fest, dass das nichts mit Bestenauslese zu tun hat, sondern dass es dabei um Dinge wie Männerfreundschaften, Bergtouren, Jagderegebnisse und dergleichen geht. Von VW wissen wir ja, was noch so infrage kommt, um die Gruppendynamik zu stärken.

While none of the critical actors held a veto player position, one critical actor – Elisabeth Winkelmeier-Becker – was a member of the committee on Justice and Consumer Affairs, the responsible committee to review the bill and to decide whether to recommend acceptance, rejections, or tabling of the bill to the *Bundestag*. On the committee, four other CDU/CSU members supported the proposed bill. Two of them, Jan-Marco Luczak und Marco Wanderwitz also signed the *Berliner Erklärung*. Thus, these individuals were in a position to influence the outcome of the legislative process, a power they utilized in a rather creative manner. After the first parliamentary debate, the bill was assigned to the committee of Justice and Consumer Affairs as the leading committee. The government coalition had the majority of votes in the committee and could have moved to dismiss the bill which would have tabled the proposal indefinitely (Lohse and Wehner 2013). However, neither the CDU/CSU nor the FDP ever proposed a motion to dismiss the bill. Instead, the bill proceeded to the vote, the crucial step to require the *Bundestag* to debate the bill and vote on it. The committee chairperson was Siegfried Kauder who supported the quota law. He is also the brother of Volker Kauder, an outspoken opponent of the quota and chairperson of the CDU faction. Before the quota debate, Siegfried Kauder was already at odds with the CDU over different policy issues and as a result had already announced his retirement (personal interviews). Siegfried Kauder, Elisabeth Winkelmeier-Becker, and Marco Wanderwitz all officially voted to reject the bill demonstrating support for the official party line even though all three members of the CDU supported a legal board quota for women. This clever

interpretation of parliamentary rules ensured a final vote on the bill in parliament and caused uproar in the press which called the CDU politicians out on their strategy.

Similar to the position of critical actors, the policy opponents identified earlier did not control any veto player positions. However, these opponents were able to leverage their influence more easily because their political parties both opposed the bill. In general, opponents emphasized two main arguments. The first argument proffered that legal quotas are the wrong tool to address the underrepresentation of women. Instead, according to the opponents, politics should focus on a greater reconciliation of work and family life, where the true obstacles for women lie. Opponents also pointed out that there are simply not enough qualified women and that a legal quota would ignore important differences among businesses which would require a more nuanced approach that would be impossible under a quota law (mentioned 69 times during parliamentary debates). The second argument was that legal quotas represent an undue interference in the free market as well as private businesses (mentioned a total of 61 times).

One veto player, the FDP, and particularly the FDP leadership, most notably Guido Westerwelle as party leader and Rainer Brüderle as party faction chairperson, vehemently opposed the *Bundesrat* proposal. As a liberal party, the FDP leadership and the members of the party opposed board quotas because the policy was seen as violating free market principles. When the FDP sent out a position paper about the corporate board quota to all its parliamentary members, the FDP did not receive any pushback from women in the party (personal interviews). Because the German Governance Code already included a guideline to consider the diversity of the board when making board

appointments, the FDP believed that no further action was necessary (personal interviews). One exception was Sybille Laurischk who was the only party member to support the bill. Ultimately, she was unable to sway any other FDP members in its favor (personal interviews). This is not surprising as the FDP strongly opposes any form of quota: in the same year, a proposal to introduce an internal quota for party positions failed (personal interviews). Thus, bill opponents did not have to work hard to ensure the opposition of the FDP.

Beyond support of the bill by the FDP, critical actors also needed to secure the support of Angela Merkel as well as the CDU/CSU overall, and specifically the consent of Gerda Hasselfeldt and Volker Kauder who were the party faction chairpersons of the CSU and CDU, respectively. While opponents only needed to ensure the continued opposition to the bill, critical actors need to achieve a much more difficult task: changing the minds of these veto players. One opponent, Kristina Schröder, was able to leverage the opposition of the *CDU Mittelstand* to her advantage. The *CDU Mittelstand* is the biggest internal party interest group with 145 of 237 parliamentary members belonging to the group. Its chairperson, Christian von Stetten stated in the *Sueddeutschen Zeitung*:

Women need to be better represented in leadership positions, but the internal party group would not support an unwarranted interference into the property rights of companies, as intended by the quota law. ('Merkel Und Seehofer Für Flexi-Lösung: FDP Komplette Gegen Frauenquote' 2012)<sup>51</sup>

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<sup>51</sup> Original text: Frauen „sollen in den Führungsetagen stärker vertreten sein, aber einen ungerechtfertigten Eingriff in die Eigentumsrechte der Unternehmenseigentümer, wie es eine starre Frauenquote vorsieht, wird es mit uns nicht geben.“

Further, the strong showing of the FDP also meant that the conservative/business wing of the CDU/CSU regained its influence and was able to leverage the FDP's preference for liberal market policies including its opposition to the board quota law against the bill (Weiland and Wittrock 2009). Likewise, opponents could count on Angela Merkel to be a sympathetic veto player. The Chancellor herself opposed the quota tool as Minister for women in 1991 calling it 'degrading and slanderous' (Müller and Theile 2012). Again, the external position of critical actors to the internal decision making process of the CDU/CSU as well as the limited influence of parliamentary critical actors within the CDU/CSU explains why critical actors were unable to sway another veto player in their favor.

The strongest leverage that opponents of the quota had was the coalition agreement. The coalition agreement did not include a plan for a quota law and explicitly emphasized voluntary measures. Thus, the FDP, as a coalition partner, could threaten to exit the coalition if the CDU/CSU changed its position on the subject matter. This would have led to a profound government crisis shortly before the next federal election scheduled for September 2013. Thus, the FDP and opponents of the corporate board quota law had a powerful tool in their disposal to stop the bill and to ensure that the CDU/CSU leadership would guarantee party discipline in the final vote. Merkel herself saw the coalition constraints as real and inevitable: when discussing the bill proposal, she was quoted as saying that she did not disapprove of the bill but it will be impossible to pass the bill with the FDP in the government coalition (Müller and Theile 2012). Thus,

the FDP vetoed the bill and made it impossible for the coalition government to allow its passage (personal interviews).

Because none of the critical actors occupied a veto player position and because the FDP threatened with the exit of the coalition, critical actors needed to come up with creative ways to overcome veto player opposition. Critical actors with the support of other advocates of the quota law, tried to outmaneuver veto players with two strategies: first, they demanded that the government suspend coalition discipline and consider a vote on the bill as a vote of consciences, and second, they threatened to vote with the opposition party for the bill.

In April 2013, Renate Künast (chairperson of the Green faction), with considerable support by women across all parties, demanded the vote on the bill to be a vote of conscience. This would absolve all members of the *Bundestag* from party discipline and allow them to vote according to their own personal beliefs (Bauchmüller and Roßmann 2012). In the past, votes of conscience have occurred on issues such as abortion or euthanasia. Elke Ferner (SPD) called on the leadership of the CDU/CSU and FDP:

I call on the faction leadership of the CDU and FDP – there probably are some reasonable members in your midst – to suspend party discipline, as we have done before in other areas, and allow us to design a solution from the middle of the parliament which will improve the equality between men and women! (‘Plenarprotokoll 17/147’ 2011, 17609)<sup>52</sup>

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<sup>52</sup> Original text: Ich appelliere daher an die Fraktionsführungen von Union und FDP – in Ihrer Fraktion gibt es ja wahrscheinlich auch die eine oder andere vernünftige Kollegin: Heben Sie den Fraktionszwang auf wie wir es auch bei anderen Gelegenheiten schon gemacht haben, und lassen Sie uns aus der Mitte des Parlaments eine Regelung erarbeiten, mit der wir den Einstieg in die Verbesserung der Gleichstellung zwischen Männern und Frauen hinbekommen!

Conservative women joined the calls for a vote of conscience. Rita Pawelski said in an interview with the *Fokus* that she will lobby for the suspension of the party discipline so that women could vote according to their ‘women-equality conscience’ (AFP and ADP 212). Likewise, the *Berliner Erklärung* called on the party leadership to allow a vote of conscience as well (Berliner Erklärung 2015). However, the party leadership was not receptive to the idea: Volker Kauder (CDU faction chairperson) and Patrick Döring (FDP, general secretary) staunchly opposed a vote of conscience and called on Chancellor Merkel to lay down the law. Despite all the momentum in parliament and in the public for corporate board quotas, the CDU/CSU party leadership refused to suspend party discipline.

In a final move, the women of the CDU/CSU announced their intentions to vote with the opposition parties in favor of the bill, a move that ultimately would have ended the coalition government and would have led to a government crisis (“Geheimoperation Quote” 2013). The bill only needed 21 votes from the government coalition to pass (“Geheimoperation Quote” 2013). This maneuver was orchestrated by the women’s organizations behind the *Berliner Erklärung* which reached out to individual members to secure a “yes” vote from female members of the CDU and CSU who supported the bill (personal interviews). Ursula von der Leyen and FidAR started to make calls to see who would be willing to vote with the opposition and for the quota law (personal interviews). With increased pressure by Ursula von der Leyen and the *Berliner Erklärung*, more and more conservative women came out in favor of the bill and were openly considering a break with coalition discipline to vote with the opposition. For example, speaking against

the party line in parliamentary debates, six members<sup>53</sup> of the CDU/CSU passionately argued for corporate board quotas.

When news of this plan broke, women in the other parties encouraged their conservative female colleagues to break with the party discipline in the name of female solidarity:

This is why I call upon all my female colleagues across all factions: let us do this together. Let us not wait any longer. The time for appeals is over. Let us make a giant step towards the realization of gender equality 62 years after the passing of the Grundgesetz. The secret is in the mix. It will be beneficial to all of us if both men and women are appointed to corporate boards. (Eva Högl, SPD, ‘Plenarprotokoll 17/94’ 2011, 10764)<sup>54</sup>

I believe it is time for women to take up responsibility together in parliament. Women in parliament have achieved a lot, from laws against domestic violence to the protection of embryos (Embryonenschutzgesetz) and the patient provision law. We succeeded in shedding a different light on these matters. (Ekin Deligöz, Greens ‘Plenarprotokoll 17/147’ 2011, 17606)<sup>55</sup>

In a last minute deal, Angela Merkel reached a compromise with Ursula von der Leyen: she bought party loyalty from the female party members by promising that the 2013 campaign party platform would include a commitment to a legal board quota for 2020 (Roßmann 2014). Personal interviews with parliamentarians and women’s rights

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<sup>53</sup> Dorothee Bär, Elisabeth Winkelmeier-Becker, Hans Michelbach, Jan-Marco Luczak, Nadine Schön, Rita Pawelski

<sup>54</sup> Original text: Deswegen appelliere ich noch einmal an alle Kolleginnen in allen Fraktionen: Lassen Sie uns gemeinsam einen Anlauf nehmen. Lassen Sie uns nicht länger warten. Die Zeit der Appelle ist vorbei. Lassen Sie uns bitte 62 Jahre nach Inkrafttreten des Grundgesetzes endlich einen großen Schritt in Richtung Verwirklichung der Gleichberechtigung von Männern und Frauen machen. Die Mischung macht es. Es tut uns allen gut, wenn Vorstände und Aufsichtsräte mit Männern und Frauen besetzt werden.

<sup>55</sup> Original text: Ich denke, es wäre wieder einmal an der Zeit, dass Frauen gemeinsam Verantwortung im Parlament übernehmen. Frauen haben in diesem Parlament vieles bewegt, angefangen bei dem Gewaltschutzgesetz bis hin zum Embryonenschutzgesetz und zur Patientenverfügung. Wir haben es immer geschafft, einen anderen Blick auf die Dinge zu werfen.



activists referred to von der Leyen's actions openly as an attempted extortion, and in the aftermath of the failed rebellion, several members of the CDU demand the resignation of Ursula von der Leyen ("Steinback fordert von der Leyens Rücktritt" 2013). Yet Angela Merkel not only gave von der Leyen her vote of confidence but also appointed her as Minister of Defense after the 2013 election. The compromise ensured that the conservative women voted with the government coalition and the adoption of the board quota failed. However, the conservative women achieved the adoption of the policy in the party platform which would significantly shape the coalition agreement of the following legislative period.

In the end, two moves forced corporate board quotas onto the legislative agenda in May 2012 where it remained throughout the 17<sup>th</sup> legislative period: First, the approval of the opposition bill in the *Bundesrat* with the support of two CDU led state governments, and second, the willingness of some conservative women to break with party discipline, most notably Ursula von der Leyen.

## **5.5. Discussion**

This case study has illustrated that critical actors have a difficult time making inroads with a policy proposal if the subject matter is not part of the coalition agreement. More importantly though, the case study has shown that critical actors cannot influence policy outcomes when they do not occupy veto player positions. At the same time, when opponents can influence veto players or occupy veto player positions themselves, critical actors will not be able to push for the adoption of their preferred policy. I argued previously that in cases where critical actors are external to veto players, *i.e.*, do not

occupy veto player positions, their ability to enact their preferred policy outcome depends on their access and influence on veto players. Ursula von der Leyen was the most important critical actor, and because she was a member of the cabinet she occupied an elevated position within the CDU/CSU. Thus, she was in a better position than any other critical actor to influence veto players. Yet her main disadvantage was that she no longer led the ministry responsible for the development of a corporate board quota proposal. Thus, her only option was to influence the responsible Minister for Families, Seniors, Women, and Youth to buy into her suggestion. However, Kristina Schröder was an outspoken opponent of the policy and refused to propose a corporate board quota law. Instead, she put forward an alternative flexi-quota which Ursula von der Leyen considered to be insufficient. Von der Leyen decided to pass over the minister and instead applied the populist strategy she is known for and which often has worked to her advantage.

Rather than trying to win the party over for her policy proposals, von der Leyen created a public majority, *i.e.*, she established popular support in society both in the general public as well as among important public figures and so forced the hand of the party leadership which did not want to go against popular demands. Her approach was informed by her outsider status in the CDU: she is not the typical CDU politician. She did not climb the internally party ladder, and she was never a member of the CDU Youth (Dausend and Niejahr 2015). Instead, she was directly recruited to the cabinet of Christian Wulff in the state of Lower Saxony when she was first elected to the state legislature in 2003. The same year, Angela Merkel tapped her for her shadow cabinet as

Minister for Families, Seniors, Women, and Youth. Thus, she does not have a broad base of support in the CDU, and she apparently does not care much about party majorities either – she is often called a soloist in politics (Dausend and Niejahr 2015). She has no confidants, no majority support, and few allies. Instead she developed a populist strategy where she charges forward with policy ideas that are often controversial and even opposed by the CDU. She did this successfully with the father leave policies mostly because the SPD was very supportive of the proposal and because Angela Merkel backed her. Thus, when von der Leyen proposed a corporate board quota, she trusted that the same populist approach would work.

When a report on the status of women on corporate boards showed little progress and an actual decline for women on boards in 2011, von der Leyen sensed a window of opportunity. She called a meeting with the CEOs of the biggest companies to discuss the dismal progress to achieve gender balanced corporate boards. When the CEOs only came up with excuses she abruptly left the meeting (personal interviews) and shortly thereafter gave her path-breaking interviews with the *Manager Magazin* and *Der Spiegel*. These interviews in January 2011 mark the start of her populist campaign to win a public majority for corporate board quota, which she planned to turn into a party majority afterwards. However, von der Leyen miscalculated the influence opponents had in the policy making process by virtue of occupying veto player positions as well as the impact of coalition constraints in the 17<sup>th</sup> legislative period. In the previous legislative period, her strategy was successful because she could rely on a supportive coalition partner that wanted to see the policy adopted. In the 17<sup>th</sup> legislative period, this was no longer the

case. The SPD returned to the opposition, and the FDP became a member of the governing coalition. In contrast to the SPD, the FDP strongly opposed any form of quotas. As a result, despite popular support for the corporate board quota and a strong advocacy coalition, Ursula von der Leyen could not overcome the opposition by a major veto player: the FDP. Ursula von der Leyen might also have bet on the support of another veto player – Angela Merkel – with whom she has a close and good relationship. While it is unclear whether Angela Merkel personally supported a corporate board policy (personal interviews), she was in a position that did not allow her to change the CDU position on the subject matter without risking the end of the government coalition. Because Merkel is known to be a *realpolitiker* who wished to keep the government coalition intact she did not let herself be swayed by von der Leyen (personal interviews). Thus, coalition constraints help to explain the negative policy outcome in 2013.

The question is why Ursula von der Leyen was eventually able to convince Angela Merkel and the party leadership to adopt corporate board quotas in the election manifesto for the upcoming election. The answer lies in the relationship between Angela Merkel and Ursula von der Leyen. Merkel recognized early on that in order to modernize the CDU, she needed to appoint fresh and young faces to her cabinet (Dausend and Niejahr 2015). This is why she made Ursula von der Leyen the Minister for Family in her shadow cabinet; Merkel realized that a working mother of seven would bring a breath of fresh air into the party. The Chancellor knew that the CDU needed modern family and work policies but did not dare to speak publicly on these matters while Ursula von der Leyen had no problem doing so (Dettmer, Müller, and Pfister 2013). Accordingly, von

der Leyen could typically rely on the support and protection of Merkel (Walter, Werwath, and Antonio 2011). Further, von der Leyen is extremely popular with the electorate, draws huge crowds when she campaigns for the CDU, and has lured new voters to the CDU (personal interviews). This all meant that the CDU needed to tolerate her, and it gave her the freedom to push for a quota law against the party stance in the first place (personal interviews). Civil servants remarked in personal interviews that Merkel also respected von der Leyen's convictions and her drive to achieve these convictions. That is why Merkel tolerated and supported many policy initiatives from von der Leyen (Dausend and Niejahr 2015, 119). Thus, Merkel had little choice or desire to remove von der Leyen from her cabinet.

In the end, the failure of the corporate board quota bill can mainly be attributed to two conditions: (a) the fact that critical actors neither occupied veto player positions nor were able to influence veto players in their favor; and, most importantly, (b) non-permissive coalition constraints. Because the coalition agreement did not include a policy proposal for a corporate board quota, both coalition partners – CDU/CSU and FDP – became veto players. Here, the policy preference of each veto player becomes important. Sympathetic or supportive veto players will aid in the passage of feminist policies, as I have illustrated in the previous chapter on father leave policy, while opposing veto players will bring the policy process to a halt. Both the FDP and the CDU/CSU opposed the policy. The influence of the FDP as well as the opposing faction within the CDU/CSU (*Mittelstand*) were also bolstered by the strong electoral showing of the FDP. Thus, both veto players refused to consent to the policy. In contrast, Angela Merkel was

sympathetic to the demands of the quota advocates but was unable to force the FDP into accepting the bill even if she had wanted to without risking the breakup of the coalition government. Further, Merkel was not in a position to challenge the opposition of the *Mittelstand* within her own party. Because the FDP and the CDU/CSU opposed the bill, the bill ultimately failed.

Yet, the failure of the corporate board quota bill was not in vain. It did lead to the adoption of the policy in the CDU/CSU election manifesto for 2013 which ensured that all parties except for the FDP started the 2013 election campaign with a commitment to corporate board quotas. In the next chapter, I will show that inclusion of the corporate board quota in the election manifesto was instrumental in putting the policy on the government agenda of the 18<sup>th</sup> legislative period.

## Chapter 6

### Return of the Grand Coalition and Return of Feminist Policies

The 17<sup>th</sup> legislative period was one of the most interesting and exciting legislative periods when considering the fate of feminist policies. While Ursula von der Leyen and the *Berliner Erklärung* failed in a very spectacular and public manner, they still achieved something important: the inclusion of a corporate board quota in the CDU/CSU election manifesto. This ensured that all political parties except the FDP were formally committed to addressing the lack of women on boards via a legally binding corporate board quota. Further, the advocacy coalition was not deterred by its failure. Quite to the contrary, it continued to make sure that the issue stayed relevant throughout the 2013 election campaign. To this end, ten<sup>56</sup> women's organizations put together an election campaign event entitled *Spitzenfrauen fragen Spitzenkandidaten* (top women leaders ask top political candidates) to question each party candidate on his or her stance towards the corporate board quota. The SPD candidate for Chancellor, Peter Steinbrück, asserted that his party wanted to introduce a 40 per cent quota by 2017. Ursula von der Leyen also participated in place of Chancellor Merkel. Heinrich Kolb, representing the FDP leadership, continued to insist on the party's opposition to a quota because it would interfere with the freedom of the markets and business owners. Representatives from the

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<sup>56</sup> FidAR, Landfrauenverband, Pro-Quote Medien, Pro-Quote Medizin, BPW, Deutscher Juristinnenverband, Deutscher Ingenieurinnenverbund, Erfolgsfaktor Frau, and EWMD

Greens and Die Linke continued to stress their support for the quota ('Spitzenfrauen fragen Spitzenkandidaten' 2015).

This chapter will demonstrate how the 18<sup>th</sup> legislative period (from 2013 to 2017) became the turning point for the fate of the corporate board quota law in Germany. Not only was the law successfully adopted in the spring of 2015, but it also was adopted much earlier than envisioned by the CDU/CSU. I will argue that this success is due to two factors: first, coalition constraints were permissive as the CDU/CSU returned to a coalition partner supportive of the quota (SPD); and second, critical actors occupied veto player positions. I will proceed as follows: the first part of the chapter discusses the coalition negotiations and how corporate board quotas became part of the government agenda. In the second part, I will focus on the policy process and discuss the constellation of critical actors, opponents, and veto players that allowed for a successful policy outcome. Finally, I will take some time to compare the failed attempts in greater detail with the successful attempt, demonstrating what we can learn from both cases.

### **6.1. General Elections and Coalition Negotiations**

The 2013 election results came as a shock to many, especially to the FDP which failed to clear the five per cent threshold and, for the first time in its postwar history, was no longer represented in the *Bundestag*. This left the CDU/CSU without its traditional coalition partner. After conversations with the Greens broke down, the CDU/CSU was left with a grand coalition as the only viable option as three-member coalitions and minority governments are not typical in the German political context. Yet the SPD was very hesitant to enter into another grand coalition with the CDU because the CDU



contributed to the SPD's weak showing in the 2009 election. The CDU claimed all the social policy successes leaving the SPD with little room to criticize the CDU on its social policy record ("Sondierung Mit SPD: Merkel Nimmt Genossen in Die Pflicht" 2013). In the end, the SPD voted to start coalition negotiations with the CDU/CSU.

The coalition negotiations were conducted among 77 members – 28 from the CDU, 31 from the SPD, and 18 from the CSU (Mahlzahn 2013). In contrast to 2005, when only four seats separated the CDU from the SPD, the CDU/CSU in 2013 received 62 more seats than the SPD (Der Bundeswahlleiter 2014; Alexander and Sturm 2013). As a result, the SPD was no longer an equal coalition partner but relegated to the status of a junior partner (Weiland 2013). The issue of corporate board quotas was negotiated in the Committee for Family, Women, and Gender Equality by Annette Widmann-Mauz (CDU) and Minister for Social Affairs in Mecklenburg-Vorpommern Manuela Schwesig (SPD) (*Zeit Online* 2013). Manuela Schwesig was an early supporter of the corporate board quota and was one of the primary signatories for the *Berliner Erklärung*. She spoke out in favor of the bill in the 17th legislative period and called upon Ursula von der Leyen to show that she was serious about promoting the corporate board quota in the CDU/CSU ('Von Der Leyen Und EU-Kommission Für Frauenquote' 2011). In contrast, Annette Widmann-Mauz did not take part in the corporate board quota debate. However, she was supportive of the quota as one can tell from her comments and activities in the 18<sup>th</sup> legislative period.

The SPD proposed an incremental legal quota, which would prescribe a 40 per cent corporate board quota for women by 2021:

To tear down the glass ceiling for women, we need a legal framework. This is why we propose a 40 per cent gender quota for executive boards and boards of directors of publicly listed companies. We also believe that a balanced leadership will improve the work culture across all levels. (Das Wir entscheidet 2013, 51)<sup>57</sup>

The SPD manifesto continued to draw attention to the lack of women in leadership position in the public sector and pledged to modify the respective laws so that the public sector would lead by example. Finally, the SPD also called for a federal equality law which would introduce binding regulations for the promotion of women on all levels where women are underrepresented in companies.

In contrast, despite adopting the corporate board quota in its party platform, the CDU emphasized the use of the flex-quota and proposed a fixed board quota to start only in 2020:

We want women to achieve leadership positions – in middle management as well as on executive boards and board of directors. This is why we want to propose a law that increases the percentage of women on executive boards and boards of directors (...) Utilizing an obligatory flex-quota, we will demand from publicly listed companies or companies with employee representation that they set a binding quota for women on corporate boards and boards of directors. These need to be made public and cannot be adjusted downwards afterwards. At the same time, we will propose a law that will introduce a legal board quota of 30 per cent in 2020 for women on boards of directors for publicly listed companies and those with employee representation. (Gemeinsam Erfolgreich für Deutschland 2013, 40)<sup>58</sup>

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<sup>57</sup> Original text: Auch um die gläserne Decke für Frauen einzureißen, braucht es einen gesetzlichen Rahmen. Wir werden deshalb eine 40-Prozent-Geschlechterquote für Aufsichtsräte und Vorstände börsennotierter und mitbestimmter Unternehmen verbindlich festlegen, auch weil eine ausgewogenere Führungsstruktur die Unternehmenskultur auf allen Ebenen verbessern kann.

<sup>58</sup> Original text: Wir wollen, dass mehr Frauen in Führungsverantwortung kommen – in mittleren und höheren Führungspositionen ebenso wie in Vorständen und Aufsichtsräten. Deshalb wollen wir die Erhöhung des Anteils von Frauen in Vorständen und Aufsichtsräten von Unternehmen gesetzlich regeln. (...) Mit einer verpflichtenden „Flexi-Quote“ werden wir von den börsennotierten oder mitbestimmungspflichtigen Unternehmen fordern, eine verbindliche Frauenquote für Vorstand und

The CDU manifesto also emphasized the need for the public sector to lead by example. In contrast to the SPD program, however, the CDU/CSU still appeared to prefer the flex-quota over a quota law and postponed the adoption of a board quota until 2020. Further, the manifesto demanded a legal quota only for boards of directors but not for executive boards.

The CDU could not oppose the inclusion of the corporate board quota in the coalition agreement because Ursula von der Leyen and her allies made sure that it was part of the party's platform. The party could not turn around during the coalition negotiations and change its stance as negotiations are based on the election manifesto of each party (personal interviews; Dausend and Niehjar 2015, 150/151). Thus, the coalition negotiations mainly centered on the details of a corporate board quota law. The CDU/CSU preferred a weak corporate board quota while the SPD insisted on a comprehensive and powerful law. The CDU/CSU tried several delay tactics by postponing a discussion about the issues several times (personal interviews). These delay tactics did not work as there was broad pressure from internal and external actors to ensure the inclusion of a corporate board quota in the coalition agreement. Elke Ferner, chairwoman for the *Arbeitskreis der Sozialdemokratischen Frauen* (working group of SPD women) was a vocal supporter of corporate board quotas during the coalition

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Aufsichtsrat festzulegen. Diese soll öffentlich ausgewiesen und darf nicht nachträglich nach unten berichtet werden. Zugleich werden wir gesetzlich regeln, dass ab dem Jahr 2020 eine feste Quote von 30 Prozent für Frauen in Aufsichtsratsmandaten von voll mitbestimmungspflichtigen und börsennotierten Unternehmen gilt.

negotiations. The women of the SPD flexed their muscles in order to get the corporate board quota included in the coalition agreement, as Elke Ferner stated:

The corporate board quota and ending care money were central issues during the campaign, and without including these in the coalition, the women of the SPD cannot accept that coalition (...) Gender equality policies were prominently named in the resolution of the party convention. Thus the Union needs to send us a signal (...). It will not be sufficient to announce policies for two legislative periods down the road, as it did with the board quotas. We need to act now, and cannot wait forever.<sup>59</sup> (VME 2013)

A member of the SPD also highlighted in the interview that the SPD made the inclusion of a legal corporate board quota a condition for a grand coalition:

It was clear that the introduction of a corporate board quota law represented a vital point for the SPD without which the coalition would not have occurred. Before the start of the coalition negotiations, an unscheduled party convention already set the parameters for a coalition with the respective coalition partner. In it, we also demanded a corporate board quota. The members of the SPD needed to consent to the coalition agreement in the end and without the inclusion of the big points that were demanded during the party convention, a majority for a grand coalition would not have been possible.<sup>60</sup>

Manuela Schwesig also received support from FidAR during coalition negotiations to justify and develop the proposal by providing her with the most current numbers and figures for both publicly traded companies as well as for women in

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<sup>59</sup> Original text: Die Frauenquote und die Abschaffung des Betreuungsgelds sind Themen, die für uns im Wahlkampf eine zentrale Rolle gespielt haben und ohne die aus Sicht der SPD-Frauen kein Koalitionsvertrag zustande kommen kann (...) Die Gleichstellungspolitik haben wir explizit in dem Beschluss unseres Parteikonvents erwähnt. Da wird von der Union ein Signal kommen müssen

<sup>60</sup> Original text: Es war daher klar, dass die Einführung der Frauenquote für die SPD einen wesentlichen Punkt darstellte, ohne den eine Koalition nicht zustande gekommen wäre. Im Vorfeld der Koalitionsverhandlungen hatte bereits ein außerordentlicher Parteikonvent der SPD die Maßgaben für eine Koalition mit dem Koalitionspartner festgelegt. Darin enthalten war auch die Forderung nach einer Frauenquote. Die Mitglieder der SPD mussten dem ausgehandelten Koalitionsvertrag am Ende zustimmen und ohne eine Umsetzung aller geforderten Punkte aus dem Konventsbeschluss hätte es wohlmöglich keine Mehrheit für eine „große Koalition“ gegeben.

leadership positions in the public sector (personal interviews). Further, as one representative of a women's organization mentioned in an interview, taking a page out of von der Leyen's playbook, Schwesig asked the women's organizations to keep up the pressure for corporate board quotes in the media as well in the public because the CDU/CSU kept delaying a discussion about the topic and often it was not even clear whether the issue would be part of the day's agenda.

The CDU/CSU continued to oppose a fixed quota for women on executive boards but was willing to compromise on a quota for women on the boards of directors in exchange for other important policy topics such as a consent to toll roads (personal interviews, 'Schwarz-Rot Einigt Sich Auf Frauenquote Ab 2016' 2013). In the end, both parties worked out a compromise which the leadership of each party could justify to their respective political base:

We want to increase the number of women in leadership positions in Germany. To this end, we will introduce a bill in the 18<sup>th</sup> legislative period which establishes a gender quota for boards of directors and executive boards of companies. A 30 per cent gender quota will be effective for executive boards of publicly listed companies with employee representation that will be newly appointed in 2016. In cases of non-compliance, chairs will remain empty. (Deutschlands Zukunft Gestalten 2013, 72)<sup>61</sup>

Thus, the SPD succeeded in pushing for a legal quota in 2016 rather than in 2020.

At the same time, the SPD had to accept a lower gender quota of 30 per cent rather than

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<sup>61</sup> Original text: *Frauen in Führungspositionen*: Wir wollen den Anteil weiblicher Führungskräfte in Deutschland erhöhen. Deshalb werden wir zu Beginn der 18. Wahlperiode des Deutschen Bundestages Geschlechterquoten in Vorständen und Aufsichtsräten in Unternehmen gesetzlich einführen. Aufsichtsräte von voll mitbestimmungspflichtigen und börsennotierten Unternehmen, die ab dem Jahr 2016 neu besetzt werden, sollen eine Geschlechterquote von mindestens 30 Prozent aufweisen. Wir werden eine Regelung erarbeiten, dass bei Nicht- Erreichen dieser Quote die für das unterrepräsentierte Geschlecht vorgesehenen Stühle frei bleiben.

40 per cent as originally proposed by the party. The CDU was also able to limit the quota to companies with appointments in 2016 rather than all companies. The coalition agreement read as follows:

We will legally obligate publicly listed companies with employee representation to introduce a binding target for increasing the percentage of women on executive boards, boards of directors, and in upper management positions, and to report on progress towards the respective targets in a transparent fashion. The first targets need to be reported within the 18<sup>th</sup> legislative period and cannot be adjusted downward afterwards. (Deutschlands Zukunft Gestalten 2013, 72)<sup>62</sup>

The CDU/CSU successfully pushed the flex-quota through which allows companies to set their own targets. The coalition agreement also included the regulation of women in leadership positions in the public sector. Specifically, the coalition agreement stated that the coalition government would increase the percentage of women on public boards as well as modify the federal equality law (*Bundesgleichstellungsgesetz*) and the federal law for the appointment of federal committees (*Bundesgremienbesetzungsgesetz*).

Finally, Manuela Schwesig, the principal negotiator for the SPD on this issue, became Minister for Seniors, Family, Women, and Youth and was tasked with drafting a bill and introducing the bill into the decision-making process.

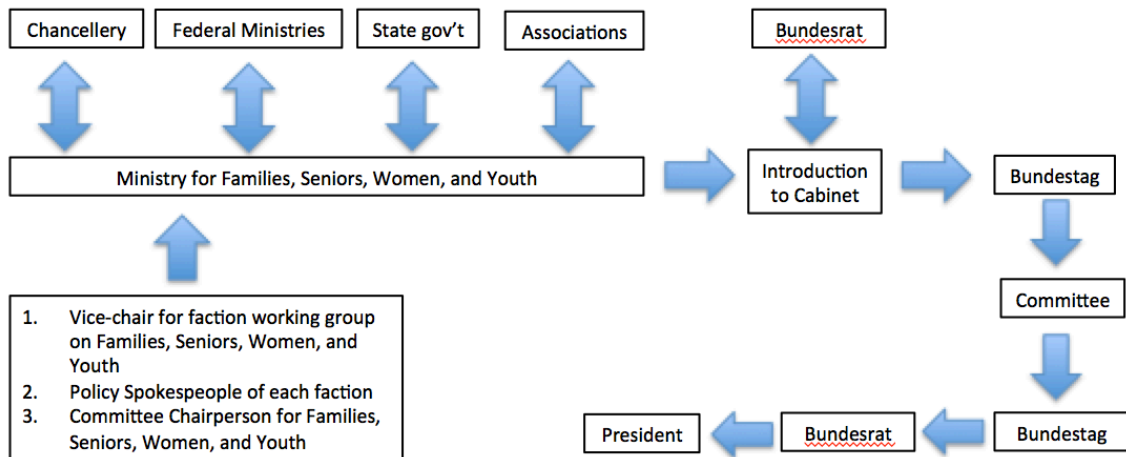
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<sup>62</sup> Original text: Wir werden börsennotierte oder mitbestimmungspflichtige Unternehmen gesetzlich verpflichten, ab 2015 verbindliche Zielgrößen für die Erhöhung des Frauenanteils im Aufsichtsrat, Vorstand und in den obersten Management-Ebenen festzulegen und zu veröffentlichen und hierüber transparent zu berichten. Die ersten Zielgrößen müssen innerhalb der 18. Wahlperiode des Deutschen Bundestages erreicht werden und dürfen nicht nachträglich nach unten berichtigt werden.

## 6.2. The Constellation of Critical Actors and Veto Players

To understand the adoption of the corporate board quota, we need to sketch out the different stages of the policy process as well as the location of veto players and critical actors within the policy process. Figure 8 shows the different stages of the policy making process. These stages are the same as for the father leave policy discussed in chapter four.

**Figure 8: Policy Process for Corporate Board Quota**



In order to understand why the corporate board quota bill was successful, we need to identify the critical actors. To be considered a parliamentary critical actor, a political actor needs to speak up in favor of the corporate board quota both in the public as well as in the legislative process. A civil society actor is considered to be an extra-parliamentary critical actor if the actor speaks up in several media outlets and engages in some form of political activism to influence the outcome of the policy process by either testifying in committees, petitioning the government, being a member of a lobbying group, or

organizing open declarations of support whether this is in the form of public protest, or demonstrations. I also consider an individual a critical actor if the actor is identified as a critical actor in my interviews.

I have identified a total of 11 critical actors (in order of importance):

1. Manuela Schwesig (SPD): Minister for Family Affairs, Senior Citizens, Women, and Youth
2. Heiko Maas (SPD): Minister for Justice and Consumer Protection
3. Renate Künast (Greens): chairwoman, Greens parliamentary group
4. Ekin Deligöz (Greens): member of parliament
5. Monika Schulz-Strelow: President, FidAR (women's lobbying group for board quotas)
6. Ramona Pisal: President, women's bar association
7. Henrike von Platen: President, BPW (Business and Professional Women Association)
8. Katrin Göring-Eckhardt (Greens): member of parliament
9. Ulle Schauws (Greens): member, committee for Family Affairs, Senior Citizens, Women and Youth;
10. Cornelia Möhring (Die Linke): member, committee for Family Affairs, Senior Citizens, Women and Youth
11. Dagmar Ziegler (SPD): member of parliament



In contrast to the previous case studies, the critical actors in the 18<sup>th</sup> legislative period stem predominantly from the SPD. This is due to three factors. For one, Ursula von der Leyen was appointed Minister of Defense, the first woman to hold this position. As such, she was far removed from domestic issues. Ursula von der Leyen also felt that her presence and advocacy for the issue were no longer required because the *Berliner Erklärung* was still influential and involved, and the Minister for Family, Seniors, Women, and Youth was now in the hands of an early quota advocate Manuela Schwesig (personal interviews). However, von der Leyen remained true to her own feminist convictions and recently called for a leadership quota for women in the German military in an interview with *Der Spiegel* in January 2015 (Hoffmann and Repinski 2015). Further, many of the most vocal conservative advocates for the corporate board quota law either left the *Bundestag* or switched to different positions within the party. For example, Elisabeth Winkelmeier-Becker switched from the Committee for Families, Seniors, Women, And Youth to the Committee for Justice and Consumer Affairs and thus was no longer as closely involved in the matter. Rita Pawelski left the *Bundestag* for private reasons. Dorothee Bär (CSU) became general secretary in the transportation department which was headed by a vocal quota opponent, essentially silencing her (Bullion 2014). Finally, after causing much ruckus in the past legislative period, many conservative women withdrew into the background knowing that the policy was now part of the coalition agreement and in the hands of active quota supporters which no longer necessitated serious and sustained action to ensure the success of the bill (personal interviews). According to one member of the coalition, party discipline also played an

important role in ensuring a less active participation of conservative women in the 18<sup>th</sup> legislative period.

Critical actors in civil society specifically have been a powerful force behind the corporate board quota, utilizing the *Berliner Erklärung*<sup>63</sup>, which called upon the German government and parliament to adopt corporate board quotas that address gender inequalities in business. A total of 17,412 people had signed the declaration, six<sup>64</sup> of the critical actors were authors of the declaration and three<sup>65</sup> of the critical actors were primary supporters (Berliner Erklärung 2015). The authors (*Initiatoren*) and primary supporters (*Erstunterzeichner*) continued to keep pressure on the conservative government by publishing open letters, creating petitions, and organizing media events during the 18<sup>th</sup> legislative period. For example, Monika Schulz-Strelow, the president of FidAR also testified in front of the committee for Family Affairs, Senior Citizens, Women, and Youth while being a driving force behind the *Berliner Erklärung*. She made sure to keep constant pressure on the conservative governments during the 18<sup>th</sup> legislative period and lobbied members of parliament extensively.

Further, parliamentary critical actors such as Deligöz, Möhring, Göring-Eckhardt, Lay, Schauws, Ziegler and Künast spoke out in favor for the policy proposal in the media, publicly criticized members of the CDU/CSU who lobbied against the policy proposal, and passionately argued for the adoption of the policy during legislative debates

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<sup>63</sup> <http://www.berlinererklaerung.de/>

<sup>64</sup> Ramona Pisal; Monika Schulz-Strelow; Henrike von Platen; Ekin Deligöz; Cornelia Möhring; Dagmar Ziegler

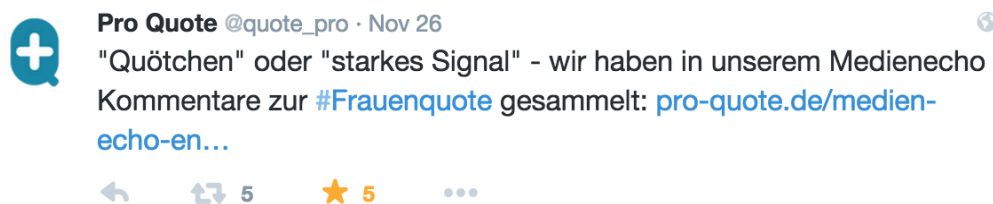
<sup>65</sup> Original supporters: Katrin Göring-Eckhardt, Renate Künast, Manuela Schwesig

or committee hearings. Critical actors also took to Twitter to express their support for the policy, most prominently Heiko Maas who sent 32 tweets in support of the corporate board quota followed by Manuela Schwesig who tweeted 22 times. Civil society actors, for example the organization Pro-Quote and Henrike von Platen, also utilized Twitter to express their support for the quota,<sup>66</sup> as shown in the excerpts below.

**Figure 9: Tweet by Henrike von Platen**



**Figure 10: Tweet by Pro-Quote**



After having determined the critical actors, I will now identify the relevant veto players. The primary veto player was Manuela Schwesig who as newly-minted Minister for Families, Seniors, Women, and Youth was responsible for drafting the policy proposal. She drafted the proposal in cooperation with newly appointed Minister for Justice and Consumer Affairs, Heiko Maas (SPD). Based on the principle of ministerial description, the minister responsible can develop a policy proposal that reflects the preferences of her own party (Müller 2004). Thus, Schwesig and Haas developed a draft

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<sup>66</sup> Tweet by Henrike von Platen: I am sure that not one single board position [reserved for women] will remain empty; Tweet by Pro Quote: weak quota or strong signal – we collected the media’s responses to the board quota

that was the most effective bill possible with the backing of their own party. However, I will later show that the bill was significantly modified during the drafting phase by opponents from the CDU/CSU. The secondary veto player is Angela Merkel as she remains the Chancellor. The *Bundesrat* is another potential secondary veto player, but due to the existence of a grand coalition, it was neutralized as the majority conditions are the same as in the *Bundestag*. Thus, we only had two veto players:

1. Primary veto player with agenda setting power: Manuela Schwesig with Heiko Maas
2. Secondary veto player: Angela Merkel

However, as I illustrated in chapter three, beyond veto players, some actors are in positions to influence the bill draft as expert advisors. These are:

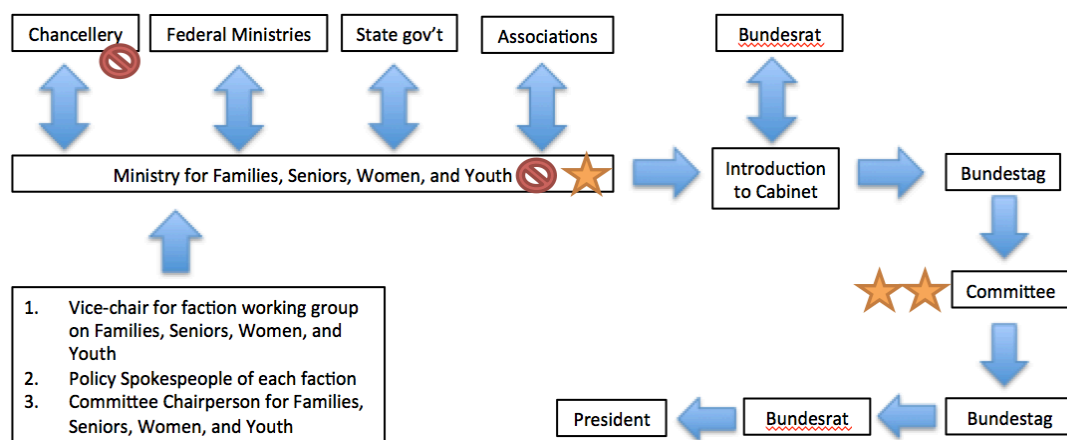
1. Vice chairperson of each coalition faction: Carola Reiman (SPD), Nadine Schön (CDU)
2. Spokesperson for the faction working group on Families, Seniors, Women, and Youth matters: Sönke Rix (SPD), Markus Weinberg (CDU)
3. Chairperson of the Committee on Families, Seniors, Women, and Youth matters: Paul Lehrieder (CSU)
4. Members of the Committee on Families, Seniors, Women, and Youth matters: 36 members

In contrast to the case of the father leave policy, only two of the expert advisors in connection with the board quota were critical actors – Cornelia Möhring (Die Linke) and Ulle Schauws (Greens). Further, both critical actors were from the opposition parties and

were only regular members of the committee on Families, Seniors, Women, and Youth, meaning that they had no influence in the drafting phase of the bill and limited influence in the legislative process itself as they did not have the numbers to modify the bill in the committee.

Thus, the constellation of critical actors, veto players, and expert advisors is as shown in Figure 9.

**Figure 11: Constellation of Veto Players and Critical Actors<sup>67</sup>**



Similar to the case of father leave policy, critical actors in the case of the board quota occupied the primary veto player positions. However, in contrast to the 16<sup>th</sup> legislative period, critical actors from the governing coalition this time did not occupy expert advisor positions, which had an effect on their ability to prevent modifications to the draft, as I will illustrate below. Angela Merkel again was a supportive veto player as she supported the adoption of the corporate board quota (Buillion 2014).

<sup>67</sup> Red circles denote the locations of veto players while stars denote the locations of critical actors.

Several civil society actors were extra-parliamentary critical actors. While they remained outside of the political process, they nevertheless were able to influence veto players – most notably Schwesig and Maas. Five of the authors and original supporters of the *Berliner Erklärung* were members of parliament in addition to Manuela Schwesig (an original supporter) who is now the Minister for Family Affairs, Senior Citizens, Women and Youth. By having these important actors as well as primary veto players publicly declare their support for a quota, extra-parliamentary critical actors were able to leverage the public commitment to board quotas by Schwesig and other parliamentarians to pressure these actors to uphold their commitment. Thus, extra-parliamentary critical actors were successful in extending their reach into the highest ranks of government as well as parliament overall. Having members of parliament sign the declaration made it very difficult for these actors to not support the quota unless they wanted to risk appearing insincere.

Finally, we need to locate the opponents in this constellation between critical actors and veto players. It is not surprising that the most vocal opponents stem from the CDU/CSU. As in the 17<sup>th</sup> legislative period, Gerda Hasselfeldt (CSU), Volker Kauder (CDU), Kristina Schröder (CDU) were the most outspoken opponents of the policy. Volker Kauder, particularly, opposed the ministerial draft while Gerda Hasselfeldt hoped to postpone the adoption of the board quota arguing that the quota would have an adverse effect on the economic recovery (WBR and DPA 2014). Kristina Schröder (CDU) was no longer a cabinet member but instead returned to her position as a regular member of parliament. This turn of events demonstrates perfectly the power Ursula von der Leyen

had within the government and the positive relationship she maintained with the Chancellor. Kristina Schröder turned out to be the big loser of the corporate quota debate in the past legislative period despite the fact that she supported the party line in contrast to von der Leyen who openly rebelled against it. Kristina Schröder kept emphasizing the preference for voluntary quotas in line with liberal conservative principles from the back bench (ANR 2014). Thus, in contrast to the previous legislative period, opponents in the 18<sup>th</sup> legislative period did not control any veto player positions and were not able to fall back on a coalition partner supportive of their position. Nevertheless, opponents successfully pushed for significant changes to the bill during the drafting phase and in committee deliberations during the legislative process, which significantly weakened the original bill. I will now turn to explaining the outcome of the policy process drawing on the constellation of critical actors and opponents vis-à-vis veto players.

### **6.3. Explaining the Policy Outcome**

**Drafting Phase.** Manuela Schwesig and Heiko Maas planned to introduce a bill draft early in the legislative period. By March 2014, they were only able to present broad guidelines due to strong opposition from business interests outside and within the CDU/CSU (Caspari 2005). The guidelines suggested the following elements be included in the final bill:

1. Publicly listed companies with over 2,000 employees would need to adhere to a 30 per cent quota for boards of directors starting in 2016 for new appointments.

2. The quota would apply to the company side as well as the union side of boards of directors (both sides typically appoint directors to a board).
3. If a company were to fail to comply with the quota, the seat of the applicable director would be required to remain empty.
4. Publicly listed companies with under 2,000 employees or companies with boards that are co-governed by union representatives would be subject to the flex-quota: these companies would need to establish their own targets for women on executive boards, boards of directors, and in middle and upper management starting in 2015.

Thus, the legally binding quota of 30 per cent would be only narrowly applied as it would target boards of directors but not executive boards even though the number of women on executive boards is much lower at four per cent compared to eleven per cent for boards of directors (Caspari 2005). As a result, the quota would pertain to approximately 110 companies which would need to appoint 176 women by 2016. In contrast, the flex-quota applied to roughly 3,500 companies.

In addition to quotas for private businesses, the Schwesig and Maas also wanted to change the federal equality law (*Bundesgleichstellungsgesetz*) which applies to the public sector:

1. All public committees would set their own targets.
2. In executive committees that are appointed by the federal government, a quota of 50 per cent would apply to such committees.



Both Schwesig and Maas were between a rock and a hard place: many quota supporters criticized the suggested guidelines as being too lenient as they only applied to a handful of companies, and many quota advocates preferred a quota of 40 per cent ('Grüne fordern Frauenquote von 40 Prozent' 2014). In contrast, leading business managers and representatives of business and employer organizations criticized the guidelines as too harsh and unfulfillable. Further, the majority of CDU/CSU members still did not support a quota for corporate boards and wanted to see only a flex-quota in the bill proposal. Nadine Schön and Karin Maags (both CDU), for example, praised particularly the part addressing the flex-quota and emphasized that the CDU/CSU would ensure during the policy process that the bill would remain realistic.

It took Schwesig and Maas until September 2014 to present their bill draft for comments to the relevant entities such as state governments, other cabinet members, and business associations. It is during the drafting phase where the majority and most significant changes took place. The bill drew heavy criticism from the CSU, Volker Kauder (chairperson, parliamentary group CDU), and business groups: first, opponents worried that the bill would create a bureaucratic burden both for companies and the civil service; second, opponents were concerned that the quota would sacrifice quality over quantity; and third, opponents argued that the quota would obstruct the already fragile economic recovery (Buillion 2014).

Speaking for the CSU, Gerda Hasselfeldt openly questioned whether it made sense to adopt everything in the coalition agreement immediately, as the corporate board quota would represent a burden to business ('Merkel beharrt auf Frauenquote' 2014). She

continued that, due to a recent economic downturn, the adoption of a corporate board quota would interfere too much with the freedom of action of companies and as such should be postponed ('CSU Landeschefin will Frauenquote später einführen' 2014). Michael Grosse-Böhmer (CDU) echoed her concerns by emphasizing that the bill would represent an undue burden for companies. Hasselfeldt also insisted that the bill draft went beyond the details included in the coalition agreement and announced that she also had concerns as to whether the bill would violate EU law ('CSU attackiert Schwesigs Frauenquote' 2014). In particular, the CSU claimed that the quota would violate property rights of business owners. Horst Seehofer (CSU prime minister, Bavaria) announced that the quota could eventually become a reality, but without bureaucracy, documentation, and a control mechanism (Bouillon 2014). Volker Kauder (CDU) warned of an increasingly bureaucratic burden for companies (Buillion 2014).

Minister Schwesig and other SPD members reacted with anger to these comments: 'It is unconscionable to call women an economic burden.' said Minister Schwesig while SPD general secretary Yasmin Fahimi warned the CSU/CDU to leave the coalition agreement alone ('CSU Landeschefin will Frauenquote später einführen' 2014). Heiko Mass reminded the public that Germany is a laggard when it comes to the representation of women on boards and that companies would benefit from greater diversity (Roßmann 2014).

In the private sector, employee and business organizations as well as several business managers were openly against the bill. For example, the *Deutscher Gewerkschaftsbund* (Confederation of German Trade Unions) lobbied for a flexible quota

that reflects the presence of women in companies, arguing that in male-dominated industries, the quota of 30 per cent would be impossible to fulfill ('DGB für Frauenquote light in Männerbetrieben' 2014). Rainer Kirchdörfer, a business manager, argued that the government cannot legally interfere with employment decisions ('CSU will jetztige Form der Frauenquote verhindern' 2014).

The opposition to the board quota successfully delayed the bill draft in the drafting phase for several months. When progress towards the corporate board quota bill stalled in the fall of 2014 and attempts by Manuela Schwesig to get the proposal approved in the cabinet were postponed several times, quota advocates utilized the *Berliner Erklärung* to publish another open letter to the Chancellor and the federal government which read:

In your coalition agreement, you committed yourself to increasing the percentage of women on corporate boards by introducing a corporate board quota bill in the 18<sup>th</sup> legislative period. After years of discussion, this bill would represent an important step towards greater gender equality, enabled by the support of women and men across all political parties and all social groups. Already in March of this year, Minister Manuela Schwesig and Minister Heiko Maas have developed a bill for more women on boards. With it, your colleagues are adopting the coalition agreement. This draft is a great first step towards more women in leadership positions although some of us would like to see a greater commitment. Despite this, we are still waiting in vain for the cabinet to put the bill on its agenda. Instead, we are confronted constantly with new delay tactics. This must end now! Now is the time to fulfill the coalition agreement and pave the way to parliamentary debates and the adoption of corporate board quotas. (Berliner Erklärung 2015)

Angela Merkel, as a sympathetic veto player, played a crucial role in resolving the conflict around the bill draft. Merkel was aware of the coalition agreement that cemented

the adoption of a corporate board quota. After months of discussions, she finally put her foot down:

“It is decided, the quota law will be passed, said Merkel. The arguments in favor and in opposition to the quota are well-known. Any further discussion is pointless.” (“Merkel beharrt auf Frauenquote” 2014)<sup>68</sup>

With Angela Merkel’s insistence, the quota opponents in the CSU/CDU had to relent and accept the passage of the bill in the cabinet. While Gerda Hasselfeldt and Volker Kauder occupied important positions (both were, and continue to be, chairpersons of their respective parliamentary groups), they could not override the support of Angela Merkel (“Merkel beharrt auf Frauenquote in Firmen” 2014). Their role in essence was to ensure that their respective parliamentary groups voted according to party line – not to question the government agenda. Further, after Volker Kauder called Minister Schwesig ‘whiny’ when pushing for passage of the bill in the cabinet, the backlash was hefty and swift, not only from the media or his colleagues but also Angela Merkel who publicly apologized for his comment (“Merkel entschuldigt sich für Kauder-Äußerung” 2014). Especially women reacted angrily and publicly to this sexist comment both in social media as well as in parliamentary debates. Karin Göring-Eckhardt (Greens), a primary signatory to the *Berliner Erklärung*, tweeted from a parliamentary debate (see the excerpt below) that all women should get their Kleenex ready as Volker Kauder was the next person scheduled to speak.

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<sup>68</sup> Original text: „Es ist beschlossen, das Gesetz für die Quote kommt“, sagte Merkel. Die Argumente des Für und Wider seien bekannt: „Noch länger darüber zu diskutieren, wäre müßig.“

## Figure 12: Tweet by Kathrin Göring-Eckhardt



Caren Lay mentioned Volker Kauder's transgression specifically in a parliamentary debate later on:

We have debated loudly and publicly over the corporate board quota for over a year now. We negotiated hard, and we have a total of six bill drafts. Business representatives warn of intolerable burdens for the German economy and Mr. Kauder, the faction chairperson of the CDU/CSU, also made his name as the super macho of the German parliament when he berated Mrs. Schwesig as whiny. And that even when he – I cannot see him at the moment – was strong competition [for that title] (Plenarprotokoll 18/83 2015, 7916)<sup>69</sup>

With this off-the-cuff comment, Kauder maneuvered himself into a position where he no longer was able to influence the policy outcome. In contrast, the CSU under Gerda Hasselfeldt simply did not have enough seats (56 seats compared to 193 for the SPD and 255 for the CDU (Der Bundeswahlleiter 2014) in parliament to push their

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<sup>69</sup> Original text: Über ein Jahr wird nun schon lauthals und öffentlich über die Frauenquote für die Privatwirtschaft diskutiert. Es wurde zäh verhandelt, und es gab sage und schreibe sechs verschiedene Referentenentwürfe. Die Wirtschaftsvertreter warnten vor unzumutbaren Belastungen für die deutsche Wirtschaft, und Herr Kauder, der Fraktionschef der CDU/CSU-Fraktion, machte sich auch noch einen Namen als Obermacho des Deutschen Bundestages, als er Frau Schwesig als weinerlich beschimpfte; dabei hatte Herr Kauder – ich sehe ihn gerade nicht – wirklich harte Konkurrenz.

opposition further. Thus, opponents were unable to convince any of the veto players to postpone the bill further.

While quota opponents were not able to stop the bill from being introduced into the legislative process, Schwesig had to modify the bill draft a total five times before it was passed by the cabinet on December 11, 2014 ('CSU attackiert Schwesigs Frauenquote' 2014). The final draft included the following three elements. First, the corporate board quota of 30 per cent applied only to publicly listed companies with over 2,000 employees by 2016, and it included the sanctions of an empty chair in cases of non-compliance. Second, the flex-quota was also kept for medium-sized companies. No sanctions were planned for companies that miss their own targets, but such companies are not allowed to set a target that is lower than their existing percentage of women on boards. Finally, public companies would need to consider the gender composition of boards for new appointments.

However, important changes were also made to the draft bill. First, the requirement in the original version of the bill for an increase in gender equality ombudsmen across all federal departments was removed (Müller 2014). Second, the original version of the bill called for the appointment of an additional member to the corporate board that was underrepresented. The final bill draft no longer included this requirement (Müller 2014). Third, the public report mechanism for the public sector on its advancement towards gender balance on its committees was removed as well (Müller 2014). While Manuela Schwesig called these modifications minor, the opposition parties

(The Greens and the Left Party) expressed their frustration, calling the final version of the bill draft a cheap compromise and a severe weakening of the original bill (Müller 2014).

**Legislative Phase.** After a tumultuous and contentious drafting phase, the government sent the bill to the *Bundesrat* on December 29, 2014 for comment, and then introduced the bill into parliament in January 2015. With the support of the chancellor, and modifications already made to the proposal, the passage of the bill should have been straight forward. However, the bill was changed one more time after committee deliberations: the mandate to introduce affirmative action for men in women-dominated professions was declared unconstitutional and scratched from the final version of the bill. The bill also called for a 50 per cent quota for all executive committees appointed by the federal government which was also removed (‘Koalition bessert bei Frauenquote nach’ 2015).

Despite a further weakening of the bill during the legislative process, extra-parliamentary critical actors took to social media to continue lobbying in favor of the bill and to make sure the bill would remain relevant. For example, Ramona Pisal (president, women’s bar association) tweeted a “thank you” to Renate Künast (Greens) for her speech in favor of the quota in parliament while Henrike von Platen (president, BPW) called attention to the committee deliberation and the participation of another women’s organization, FidAR, which testified as experts<sup>70</sup>:

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<sup>70</sup> Tweet from Henrike von Platen: Hearing of the corporate board quota in the *Bundestag* on February 23. Pay attention to the list of experts, which includes FidAR, and participate! Tweet from Ramona Pisal: Thank you to Renate Künast for the strong speech in the *Bundestag* on the quota bill. We will continue to fight #solidarity

**Figure 13: Tweet by Henrike von Platen**



**Figure 14: Tweet by Ramona Pisal**



In the 18<sup>th</sup> legislative period, the discourse around the corporate board quota differed slightly from the discourse in the 17<sup>th</sup> legislative period. While in the 17<sup>th</sup> legislative period, quota advocates continuously referred to the failure of voluntary quotas (total of 155 instances), this line of reasoning played only a subordinate role in the 18<sup>th</sup> legislative period (total of 43 instances). The same is true for references to other countries as role models (67 instances in the 17<sup>th</sup> legislative period compared to 13 instances in the 18<sup>th</sup> legislative period), while references to the European advancement for board quotas played no role in the most recent debate. Likewise, the argument that greater gender equality on boards would lead to a comparative advantage over other countries was not as prominent in the 18<sup>th</sup> legislative period as it was in the 17<sup>th</sup> legislative period (15 instances in the 17<sup>th</sup> legislative period compared to 3 instances in the 18<sup>th</sup> legislative period). Finally, legal arguments about the constitutional requirement for the state to affect gender equality in a proactive manner also played an important role



in both legislative periods (48 instances in the 17<sup>th</sup> legislative period and 40 instances in the 18<sup>th</sup> legislative period).

Utility driven arguments and feminist arguments played an important role in the 18<sup>th</sup> legislative period (as they did in the 17<sup>th</sup> legislative period). Utility driven arguments are arguments that emphasize the economic benefits of balanced representation on boards. These arguments refer to positive effects of quotas on the bottom line (42 instances), stress the improvements of decision-making on diverse boards as a result of quotas (18 instances) or draw attention to future economic challenges that women can help alleviate thanks to quotas, such as anticipated skilled labor shortage (12 instances) and the loss of talent for companies when highly skilled women drop out of the workforce due to discrimination (12 instances). An example of a utility driven argument is the following statement by Manuela Schwesig in one of the parliamentary debates:

Companies with diverse leadership teams are more successful. A Swiss bank calculated that the stock prices of companies with women on boards have improved by 26 per cent between 2005 and 2011. To put it differently, I will cite a member of the CSU who justifies her support for quotas on the website of the Berliner Erklärung with ‘sometimes you need to force people to be happy.’ (‘Plenarprotokoll 18/83’ 2015, 7915)<sup>71</sup>

The following statement by Elisabeth Winkelmeier-Becker during the parliamentary debate represents another utility driven argument:

This is not just about gender equality. It also recognizes that the economy will benefit from women in leadership positions. It is to the benefit of the economy if diverse life experiences are brought to bear, if everyone does

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<sup>71</sup> Original text: Unternehmen mit gemischten Führungsteams sind erfolgreicher. Eine Schweizer Bank hat errechnet, dass sich die Aktienkurse von Unternehmen mit Frauen im Aufsichtsrat zwischen 2005 und 2011 um 26 Prozent besser entwickelt haben. Anders gesagt – hier zitiere ich gerne eine Abgeordnete der CSU, die ihre Zustimmung zur Quote anlässlich der Berliner Erklärung so begründet hat: „Manchmal muss man die Leute zu ihrem Glück zwingen.“

not have the same background, the same opinion, and the same thought patterns. ('Plenarprotokoll 18/83' 2015, 7922)<sup>72</sup>

Feminist arguments were put forward most frequently in the debate (a total of 182 instances). I coded arguments to be feminist when they (1) directly referenced gender equality, (2) drew attention to the glass ceiling, (3) emphasized the need to change workplace cultures to become more women-friendly, (4) called upon solidarity among women, (5) stressed the symbolic effects of having a woman in a prominent leadership position, (6) criticized the injustices in the business world, or (7) argued that women need to make up a critical mass on boards to affect change. Manuela Schwesig speaks to several of the above arguments when she stated:

The law will introduce a cultural change in the workplace. If no gender equality exists at the top of companies or public sector, who believes that there will be gender equality within the rest of the company or administration? Once more women are present in leadership positions, equal opportunities across the company and administration become more natural. ('Plenarprotokoll 18/83' 2015, 7916)<sup>73</sup>

Heiko Maas spoke to feminist and utility arguments in the parliamentary debate before the final vote:

This is the best educated generation of women that ever existed. More women than men graduate from college. Whoever ignores this potential not only endangers gender equality but also growth and prosperity. It is

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<sup>72</sup> Original text: Es geht hier nicht nur um Gleichberechtigung, sondern es geht auch darum, dass die Wirtschaft von mehr Frauen in Führungspositionen profitiert. Es ist ein Vorteil für die Wirtschaft selbst, wenn unterschiedliche Lebenserfahrungen eingebracht werden, wenn nicht alle den gleichen Hintergrund, die gleiche Meinung und die gleiche Denke haben.

<sup>73</sup> Original text: Darüber hinaus wird dieses Gesetz einen Kulturwandel in der Arbeitswelt einleiten. Wenn es an der Spitze eines Unternehmens oder an der Spitze der öffentlichen Verwaltung keine Gleichberechtigung gibt, wer glaubt dann, dass es im Rest des Unternehmens oder der Verwaltung Gleichberechtigung gibt? Sobald es aber mehr Frauen in Führungspositionen gibt, werden gleiche Chancen in Unternehmen und Verwaltungen selbstverständlicher.

the latter that the quota will contribute to, something that is said too little. ('Plenarprotokoll 18/92' 2015, 8754)<sup>74</sup>

A new argument was the idea of a trickle-down effect of corporate board quotas in the debates during the 18<sup>th</sup> legislative period (17 instances total). Advocates emphasized that quotas on the top levels of a corporation would eventually lead to positive changes for women in lower levels of a corporation as well. For example, in an interview with a local newspaper, Manuela Schwesig argued that having women on boards would open the door to all other areas as well (Schwesig 2014). In a press statement by the Ministry for Families, Seniors, Women, and Youth, Schwesig reiterated that:

Women represent a plus for the economy. The quota will break up structures and improve workplace cultures. Having more women in leadership positions will make more women follow. It will result in more women across all management levels. (Schwesig 2015)<sup>75</sup>

In contrast, opponents of the bill hardly spoke out against the bill during the 18<sup>th</sup> legislative period; they only spoke up 18 times compared to 208 times in the 17<sup>th</sup> legislative period. This demonstrates that the opposition had grudgingly accepted the passage of the bill when the legislative phase started. The most commonly used argument called the quota an economic and bureaucratic burden (25 times) or emphasized violation of liberal conservative principle of limited state intervention and property rights (11

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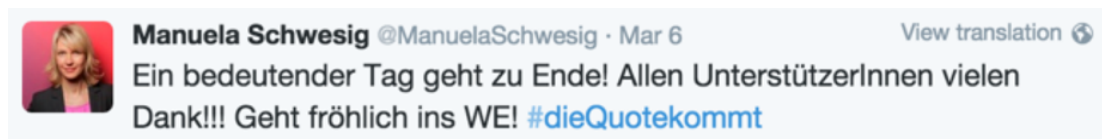
<sup>74</sup> Original text: Wir haben die bestausgebildete Generation von Frauen, die es je gegeben hat. Wir haben mehr Hochschulabsolventinnen als Hochschulabsolventen. Wer dieses Potenzial ungenutzt lässt, der gefährdet nicht nur die Gleichberechtigung, sondern letztlich auch Wohlstand und Wachstum. Auch dazu leistet die Quote einen Beitrag. Das wird viel zu selten gesagt.

<sup>75</sup> Original text: Frauen sind ein Gewinn für die Wirtschaft. Die Quote wird Strukturen aufbrechen und die Unternehmenskultur verbessern. Mehr Frauen in Führungspositionen werden andere Frauen nachziehen. Es wird mehr Frauen auf allen Hierarchieebenen geben.

times). This contrasts starkly with the 17<sup>th</sup> legislative period where opponents called attention to limited state intervention a total of 61 times and argued that a fixed quota cannot be applied to all companies equally as some companies have a harder time finding qualified women (24 times).

At the final debate of the bill, the public gallery was packed with former members of parliament who supported the bill in previous legislative periods such as Rita Pawelski and representatives of all the major women's organizations. Manuela Schwesig and Heiko Maas called the passage of the bill a historic day for women and gender equality, and the SPD invited everyone for cake and champagne after the debate<sup>76</sup>.

**Figure 15: Tweets by Manuela Schwesig**



**Figure 16: Tweet by Heiko Maas**



The *Frauenquote* became law on May 1, 2015. The final draft of the bill had four main components: it established a 30 per cent quota for all publicly listed companies with employee representation on their boards – if they do not comply with the quota, board seats will remain empty; companies that are either publicly listed or have employee

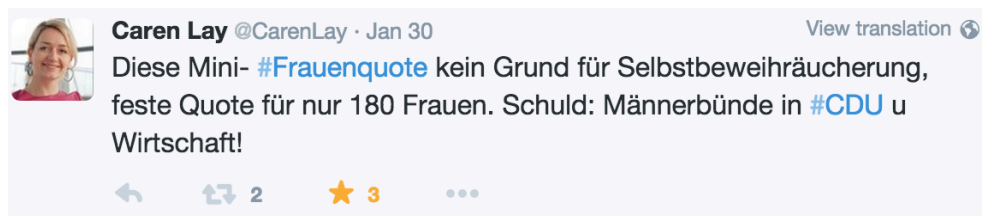
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<sup>76</sup> Manuela Schwesig Tweet: An important day ends! Many thanks to all the supporters. Have a wonderful weekend! #thequotaiscoming; Tweet by Heiko Maas: The women quota has been adopted. Good Day. Thank you to all who helped. Congratulations to Manuela Schwesig

representation on their boards must introduce a quota at their discretion but the quota must be fulfilled by 2017; state companies will adhere to a 30 per cent quota starting in 2016 to be increased to 50 per cent by 2018; and finally, civil services must set a quota for women at their own discretion and make these objectives publicly available (BMJV 2015).

While supporters in the SPD and CDU/CSU celebrated the passage of the bill, the opposition parties abstained from the vote calling the bill a ‘quota light’ or a ‘tiny quota’ emphasizing that the bill simply did not go far enough (‘Die Frauenquote ist beschlossen’ 2015). The Greens preferred a quota of 40 per cent while Die Linke demanded a 50 per cent quota (‘Bundestag stimmt über Frauenquote ab’ 2015). Caren Lay (Die Linke) for example tweeted her disappointment about the final bill by blaming the old boys’ network in the CDU for a quota that only applies to 180 women<sup>77</sup>.

**Figure 17: Tweet by Caren Lay**



In the CDU/CSU, some were still unhappy about the quota: In an interview, a member of the CDU claimed that 75 per cent of the party is still against a legal corporate board quota arguing that only the CDU women and maybe members of the working group on family affairs were in favor of the final bill. Likewise, Kristina Schröder

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<sup>77</sup> Tweet by Caren Lay: the mini quota is not a cause for celebration. A fixed quota for only 180 women. Guilty: men networks in the CDU and business

published a statement on her personal website decrying the adoption of the policy. She also insisted on including a written statement to the plenary protocol of the final parliamentary debate when the quota was adopted. The statement read:

I object to the introduction of a legal and fixed corporate board quota. On the one hand, it represents a severe intervention in the freedom to conduct business. On the other hand, (...) underrepresentation does not necessarily equal discrimination. More importantly though, the corporate board quota makes individuals prisoners of their gender. It dares to decrease the opportunities of individuals via a state interference, because other members of one's own gender enjoyed actual or alleged advantages. This collective logic of the corporate board quota leads to an individually based injustice and therefore is not compatible either with my idea of man or with my idea of the state. ('Plenarprotokoll 18/92' 2015, 8813).<sup>78</sup>

#### **6.4. Discussion**

To summarize, this case study confirms that feminist policy outcomes will be successful under conservative governments when coalition constraints are permissive and critical actors occupy veto player positions. This case study also shows that the policy preferences of secondary veto players matter: while Angela Merkel, a secondary veto player, opposed a legal quota in the previous legislative period, she changed her position in the 18<sup>th</sup> legislative period and actively intervened to allow the bill draft to be passed by the cabinet. This change of mind also demonstrates the importance of coalition constraints. Angela Merkel never publicly expressed her support for the quota on

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<sup>78</sup> Original text: Ich lehne die Einführung einer gesetzlichen starren Frauenquote ab. Zum einen stellt sie einen empfindlichen Eingriff in die unternehmerische Freiheit dar. Zum anderen gilt, was gegen die kurzzeitig geplante sogenannte „Männerquote“ vorgebracht wurde, auch in Hinblick auf Frauen in Führungspositionen: Aus einer Unterrepräsentanz lässt sich nicht zwangsläufig auf eine Diskriminierung schließen. Vor allem aber nimmt die Frauenquote Menschen in Haftung für ihr Geschlecht. Sie maßt sich an, durch einen staatlichen Eingriff die Chancen eines Individuums zu vermindern, weil andere Angehörige seines Geschlechts tatsächlich oder vermeintlich Vorteile genossen haben. Diese kollektivistische Logik der Frauenquote führt zu individueller Ungerechtigkeit und ist daher weder mit meinem Menschenbild noch mit meinem Staatsverständnis vereinbar.

ideological grounds. Rather, she emphasized the fact that the policy was included in the coalition agreement and as such would be adopted. This is one of many examples of Merkel as a reasonable and strategic political actor. Finally, this case study underscores the importance of coalition agreements: the great majority of my interview partners stressed that the board quota became law because it was part of the coalition agreement and thus could not be prevented. In many ways, coalition constraints circumscribe the actions of veto players in the policy making process.

At the same time, quota opponents such as Hasselfeldt and Kauder occupied important positions within the CDU/CSU faction. Many opponents had the opportunity to influence the bill language during the drafting phase: Horst Seehofer – prime minister of Bavaria – was consulted as were business and labor organizations. Collectively, quota opponents took advantage of their feedback position in the drafting phase to modify the proposal. This illustrates that opponents can weaken – if not block – a policy proposal they oppose, if they occupy strategic points of influence in the policy process. However, they could not change the essential elements of the bill (such as the fixed quota of 30 per cent), and they were not able to include exceptions for male-dominated companies in the final bill language. Thus, their power to modify was limited but not non-existent.

The case of corporate board quotas gives us a great opportunity to compare a failed attempt with a successful attempt to learn more about the factors and conditions that contribute to the success of a feminist policy under a conservative government. Although each case followed a slightly different policy process – the failed attempt as an opposition bill introduced via the *Bundesrat* versus the second attempt in the form of a

government bill – the two cases nevertheless allow us to compare the impact of veto players, critical actors, and coalition constraints on the respective policy outcomes.

I argue that a conducive constellation of critical actors and veto players is not enough but that coalition constraints must be permissive as well. This claim is partially borne out when considering the case of corporate board quotas. There is reason to believe that Angela Merkel would have been on board with passing a corporate board quota law in the 17<sup>th</sup> legislative period after continued pressure within the party and by the public. She once mentioned that she changed her mind on the need of quotas because she learned that it accelerated the progress for women (Roll 2013). However, the presence of a coalition partner that vehemently opposed any form of quota prevented a bipartisan solution to the problem. A member of the coalition argued that Angela Merkel's silence on the topic was indicative of her personal support of a quota. But in light of the FDP's opposition, she was in an impossible situation because her consent to a quota would have meant the end of her own government. Thus, the failure of the corporate board quota in the 17<sup>th</sup> legislative period was due to restrictive coalition constraints and the fact that both coalition parties – which both opposed a quota solution – were veto players.

The 18<sup>th</sup> legislative period saw a return to the grand coalition with the SPD which carefully leveraged the board quota momentum inside the parties and outside of parliament that had built over the course of the previous two years. The SPD made the inclusion of a corporate board quota in the coalition agreement the condition for the grand coalition and succeeded partially because conservative women, most notably Ursula von der Leyen, blackmailed the party leadership to include a commitment to the



policy in its election manifesto before the election (personal interviews). Before we can conclude that the coalition constraints imposed by the SPD led to the successful adoption of the corporate board quota law, let us consider whether the board quota would have become law without the SPD in the coalition. The SPD was not the only party supportive of the policy. Both the Greens and Die Linke called for a legal quota in their election manifestos. Further, the CDU/CSU did enter preliminary coalition talks with the Greens after the 2013 election. The question now is whether the Greens could have pushed for the inclusion of the policy in the coalition agreement. The great majority of my interview subjects argued that neither the Greens nor Die Linke would have had the necessary weight and number of parliamentary seats to push for the policy. First, both partners would have been definite junior coalition partners with little say in the government as the CDU/CSU almost won the majority of seats in 2013. Further, support for a corporate board quota was far from unanimous within the CDU/CSU, making it likely that the opponents could have prevented either the inclusion of the policy in the coalition agreement or successfully stalled the introduction of the quota into the policy process. Thus both the policy stance as the relative weight of the coalition partner matters for policy adoption.

The quota case studies in the 17<sup>th</sup> and 18<sup>th</sup> legislative periods demonstrate the importance of the coalition agreement and the election manifesto as a foundation for coalition negotiations in regards to the outcome of policies. Several interview subjects stressed that the first step for any policy proposal to become part of the coalition negotiations is to ensure that the policy proposal is present in at least one of the

negotiating political parties' election manifestos. The election manifesto sets the framework of coalition negotiations and determines the subjects that are up for debate. As a second step, the policy proposal needs to be included in the coalition agreement as a legislative priority to become part of the legislative agenda. Thus both the election manifesto and the coalition agreement are crucial to policy adoption.

In the absence of policy adoption in the coalition negotiations, policy adoption becomes very unlikely when the policy is put on the legislative agenda by the opposition. In these cases, support or opposition for policy adoption must be negotiated ad hoc giving each coalition partner a veto power.

In the 17<sup>th</sup> legislative period, both coalition parties agreed that they did not want a legal quota and even a voluntary quota was opposed by the FDP which preferred soft targets and diversity initiatives. Even though the coalition agreement had little to say on the matter of the corporate board quota, each veto player referred to the constraining effects of the agreement to justify why an adoption of said policy was not feasible. A member of the FDP said in the interview that consent to the bill was impossible because the corporate board quota was not part of the coalition agreement. It is simply not conceivable to adopt a policy that does not have a foundation in the coalition agreement. Members of the FDP continued to call this scenario an 'impossible deviation'. A member of the CDU also highlighted that the FDP rightfully pointed out that the corporate board quota was not part of the coalition agreement and thus could not become supported by the government coalition.

In contrast to the corporate board quota in the 17<sup>th</sup> legislative period, the corporate board quota in the 18<sup>th</sup> legislative period was part of the election manifesto of all political parties except the FDP in the 2015 election, guaranteeing that it would be part of any coalition negotiations once the election results revealed that the FDP failed the five per cent hurdle to parliament. The important role that the coalition agreement played is highlighted by a multitude of comments defending the adoption of the corporate board quota with reference to the binding effects of the coalition agreement. Christina Jantz (SPD) for example justified the introduction of the bill by referring to ‘the adoption of the goals set forth in the coalition agreement’ (‘Plenarprotokoll 18/83’ 2015). Oswin Veith (CDU) made the same argument when he stated in the parliamentary debate that the CDU would fulfill the coalition agreement. An interesting question to consider is whether the CDU/CSU would have passed a quota law in a majority party government scenario. One conservative Member of Parliament argued that the CDU/CSU would have adopted the policy on its own but probably one legislative period later and the CDU/CSU would have adopted the policy in a much more weakened form that would have limited the applicability of the quota to the least number of companies possible (personal interviews).

To summarize, the case studies in the German context show that coalition constraints indeed matter. But rather than just mattering for legislative agenda setting, coalition constraints also determine the chances for successful policy adoption in each legislative period. Policies that have been agreed upon in the coalition agreement are almost guaranteed adoption once they have been introduced by the responsible minister.

However, the nature of coalition constraints is not sufficient to explain policy outcomes. Beyond coalition constraints, I also argue that the constellation of veto players and critical actors matters for the policy outcome. For a positive policy outcome, critical actors need to occupy veto player positions. The successful adoption of the corporate board quota shows that the passage of the bill was facilitated by critical actors who were also primary veto players; the same is true in the case of the father leave policy. Yet we do not know whether the type of veto player matters: is it important that critical actors occupy the primary veto player position, or could they also affect the outcome positively if they only control secondary veto player positions? Because primary veto players have the agenda setting power, it seems that the importance lies with primary veto players. After all, secondary veto players have no policy to consent to if the policy is never developed in the first place. Thus, it seems more important for critical actors to occupy primary veto player positions than secondary veto positions. At the same time, it matters who the secondary veto players are. If these are critical actors as well, we can expect smooth sailing for the feminist policy. However, the secondary veto player can also be supportive (i.e., open to the policy proposal but not a policy advocate in his or her own right), opposed, or neutral (i.e., not having a formed opinion on the policy matter yet). Angela Merkel was either a supportive or opposing veto player. In the case of the 2015 corporate board quota, Angela Merkel was a supportive veto player facilitating the passage of the policy. In contrast, she was an opposing veto player in the 17<sup>th</sup> legislative period, ultimately preventing the passage of the bill.

The failed attempt in the 17<sup>th</sup> legislative period also demonstrates that it is almost impossible to lobby opposing secondary veto players to change their minds. This is particularly true for critical actors who remain external to the policy process, particularly extra-parliamentary critical actors. The *Berliner Erklärung* successfully built up public and political pressure in favor of the policy as well as coordinated the contact among critical actors across all political parties. Yet the critical actors were not able to sway the governing coalition to support the opposition's bill. The parliamentary critical actors within the CDU/CSU fared only slightly better. While they were unable to sway Angela Merkel, let alone the coalition partner FPD, they were able through clever political maneuvering to ensure the adoption of the policy in the election manifesto of the CDU/CSU, an important prerequisite for it to become part of the legislative agenda in the following legislative period. The failed attempt has also shown that leveraging socioeconomic challenges or public opinion is not helpful for convincing veto players of the merits of a policy, particularly when the policy is not part of the coalition agreement.

Another important aspect of the constellation between veto players and critical actors is the position of policy opponents. I assume that if opponents are in control of veto player positions, a successful policy outcome is not possible. This is borne out by the failed attempt. In the 17<sup>th</sup> legislative period, opponents occupied all veto player positions. Kristina Schröder occupied the primary veto player position. As a result, a policy draft as envisioned by the critical actors and more specifically Ursula von der Leyen, was never introduced as a government bill. This prompted critical actors to circumvent the primary veto player by initiating a bill through the *Bundesrat*. However,

this attempt also proved to be futile as each secondary veto player – Angela Merkel, the CDU/CSU, and the FDP – opposed policy adoption. However, the case also shows that critical actors have opportunities to try to circumvent veto players. In a scenario with a neutral or supportive veto player (instead of an opposing veto player), the outmaneuvering of the primary veto player might have succeeded.

In contrast, opponents did not occupy any veto player positions during the 18<sup>th</sup> legislative period. Thus, opponents had to find ways to influence veto players in their favor. While opponents were not able to stop the bill from becoming law due to the provisions in the coalition agreement, the opponents nevertheless succeeded in weakening the final draft of the bill and were able to stall the policy process. This was possible because many of the opponents occupied expert advisor positions and, as such, were consulted in the drafting phase of the policy process. Further, these opponents were also members of a powerful internal faction within the conservative parties rather than external to the policy process and thus could leverage the influence of internal party groups such as those representing business interests to modify the bill draft.

## **6.5. Conclusion**

Comparing both the failed and successful cases of corporate board quota shows that two elements help explain feminist policy outcomes: coalition constraints and the position of critical actors vis-à-vis veto players. Yet neither element is sufficient by itself to explain feminist policy outcomes under the conservative government in Germany. First, coalition constraints particularly matter in determining the inclusion of feminist policies on the policy agenda (legislative agenda setting). In instances where coalition

constraints are permissive, i.e., the coalition partner supportive of the policy has sufficient electoral strength to include the feminist policy in the coalition agreement, the adoption of the feminist policy is facilitated (as was the case in the 16<sup>th</sup> and 18<sup>th</sup> legislative period). It also seems that coalition constraints not only matter for legislative agenda setting but also for policy adoption in that the content of coalition agreements circumscribes the ability of veto players to consent to a policy proposal.

However, permissive coalition constraints are only a necessary but insufficient step. Secondly, the constellation of critical actors, veto players, and opponents matter for feminist policy adoption. Feminist policy adoption is particularly likely in instances where critical actors occupy primary veto player positions which allows them to introduce a bill draft in the policy process. Once introduced, the policy preferences of secondary veto players matter. When secondary players are supportive, policy adoption is likely. However, a supportive veto player is not enough to ward off attempts by opponents to weaken the bill, especially if opposition comes from powerful internal party factions. If that is the case, a weakening of the final bill language is likely. Opponents will be able to stop a policy if they occupy veto player positions. In the case of opponents, however, it does not matter whether they are primary or secondary veto players because both positions suffice to stop a policy. Of course, if they control both veto player positions, the demise of the policy proposal is almost guaranteed.

In cases where the feminist policy has entered the legislative agenda despite not being part of the coalition agreement (as occurred in the 17<sup>th</sup> legislative period), the constellation of critical actors, veto players, and opponents becomes crucial. Here, the

coalition partners each become secondary veto players and their policy preference will decide whether the feminist policy will be adopted. Coalition constraints still matter but in a slightly different manner: rather than determining whether the feminist policy will be put on the legislative agenda, i.e., included in the coalition agreement, coalition constraints are leveraged by each coalition partner to influence the likelihood of adoption. In the German context, veto players utilize coalition constraints – the absence of the feminist policy in the coalition agreement – to justify their policy position and to ensure that the coalition partner followed the existing coalition agreements. If the coalition agreement is in contradiction to the opposed feminist policy (as was the case in the 17<sup>th</sup> legislative period), it is unlikely that the feminist policy will win the support of the coalition government.

The case studies in the German context have illustrated that both permissive coalition constraints and an advantageous constellation of veto players, critical actors, and opponents matter for successful feminist adoption. Because the case studies are limited to only one country and one government under one specific political leader, the ability to generalize these findings is limited. Thus, the next chapters will extend the arguments made previously to four other cases in the United Kingdom and Japan to corroborate the explanatory power of the findings in the German context.



## **Chapter 7**

### **Expanding the Argument**

In the previous chapters, I have shown that strong coalition constraints in combination with an advantageous constellation of veto players, critical actors, and opponents prompted two conservative governments in Germany to adopt feminist policies. However, because of the inherent limited ability to generalize findings from within case-studies, this chapter will consider four additional cases in two other countries: Japan and the United Kingdom. Similar to Germany, the conservative governments in Japan considered and adopted both a father leave policy (under Prime Minister Taro in 2009) and a corporate board quota (under Prime Minister Abe in 2015). In contrast to Germany, the British government under the leadership of Prime Minister Cameron adopted neither a father quota nor a corporate board quota despite the push by several political actors and civil society organizations to consider quota policies during the legislative period of 2010-2015. Thus, looking at these countries more closely will allow me to better understand the extent to which my framework applies beyond the cases in Germany.

Studying Japan allows me to test these causal mechanisms under a new set of circumstances. Contrary to Germany and the United Kingdom, both feminist policies were advocated for by the conservative party in power, and each policy was adopted under a different prime minister. Thus, I can test whether both conditions operate across

different governments and whether original support by the conservative party makes for smooth policy adoption. In the United Kingdom, the father leave policy was not included in the shared parental leave law while the government opted for a voluntary approach to women's underrepresentation on corporate boards. It is worthwhile to study failed cases because this study allows me to ensure that the explanatory variables identified in successful cases indeed are absent in negative instances. Expanding the argument to four additional cases in the United Kingdom and Japan is also valuable because these countries not only share a consideration of these two policies under conservative governments, but they are also characterized by fairly similar socioeconomic conditions, political characteristics, and cultural attitudes (as discussed in chapter 3). This variance in macro patterns however is desirable because it allows me to judge the importance of these conditions on policy outcomes. While I agree with the argument that socioeconomic macro-patterns never cause a public policy to be adopted (see Seeleib Kaiser and Toivonen 2011), I nevertheless assume that these macro variables have an impact on the ability of critical actors to put the policies on the legislative agenda and influence the strengths of the final policies that are adopted.

As in the German context, both the Liberal Democratic Party in Japan and the Conservative Party in the United Kingdom are not feminized. This allows me to hold the level of feminization constant. In regards to the Liberal Democratic Party, while Prime Minister Abe has embraced a gender equality rhetoric and has made *womenomics* a key part of his economic recovery program, the commitment to gender equality is less than skin deep. Policy reforms such as better child care or the ability to hire immigrant

workers as nannies are motivated by demands for female labor and to stabilize the economic and labor market (Lambert 2008). Electoral considerations such as winning over the women's vote or addressing existing gender inequalities in Japanese society are not part of the policy considerations (Dalton 2015). This can explain why the government's policies (such as the law addressing women's underrepresentation on corporate boards) are sub-optimal and weak in their effectiveness. Further, the issue of *womenomics* played little to no part in the 2014 election campaign, and the LDP nominated a mere 169 female candidates out of a total of 1,093 candidates ((McCurry 2014). Similarly, in the 2013 election to the upper house, the LDP only nominated nine women out of a total of 79 candidates (Reynolds and Hirokawa 2013). Thus, feminization has neither occurred in terms of the descriptive nor the substantive representation of women.

One reason for the lack of feminization is that the LDP has never experienced a significant challenge from the Left (Wiliarty and Gaunder 2014). The center-left Democratic Party of Japan (DPJ) is the LDP's main rival. Contrary to the Labour Party in the United Kingdom or the Social Democratic Party in Germany, however, the DPJ's commitment to gender equality in terms of the numerical representation of women is dismal. In the last election, women made up only 15 per cent of candidates compared to 12 per cent for the LDP (Gaunder 2016). More importantly, there has never been a real threat that the women's vote would make a difference in the electoral fortunes of the LDP (Wiliarty and Gaunder 2014). In contrast to Germany and the United Kingdom, the DPJ has won an election only once, in 2009. Thus, the key mechanism that prompts the

feminization of conservative parties – electoral competition for the votes of women – is missing in the Japanese context.

I also argue that, similar to the conservative parties in Germany and Japan, the Conservative Party in the United Kingdom has not been feminized. As in Germany, the gender gap traditionally favored the Conservative Party; however, in 1997 and 2001 the gender gap reversed and contributed to the success of the Labour Party (Annesley and Gains 2014). Yet contrary to the Christian Democratic Union and the Liberal Democratic Party, David Cameron considered the feminization of the Conservative Party an important part of his modernization strategy when he was elected party leader in 2005 (Bryson and Heppel 2010). Cameron vowed to elect more women by utilizing an A List of priority candidates (50 per cent of whom were women) from which local parties should select their short list candidates (Campbell, Childs, and Lovenduski 2006). He also promised flexible working hours and shared parental leave policies. Yet, Cameron's feminization strategies proved to be inconsistent and cursory: while Cameron's rhetoric proclaimed support of women-friendly and socially progressive policies, he was hesitant to adopt any specific policy recommendations (Bochel 2011). Further, when the Conservative Party returned to power in 2010, Cameron largely dismantled the gender equality machinery in the government structure, the proposed spending cuts disproportionately affected women, and the Conservative Party supported anonymity for rapists and special tax benefits for marriage (Bryson 2012; Annesley and Gains 2014). Thus, like its conservative counterparts in Germany and Japan, the Conservative Party in the United Kingdom cannot be considered a feminized political party.

To recap, I have argued that feminist policy adoption under conservative governments occurs in two stages. First, the policy needs to be put on the legislative agenda by the coalition government. Second, the policy needs to be adopted, i.e., the government bill needs to successfully pass into law. I have also argued that for each step, two different sets of conditions are necessary. For legislative agenda setting, coalition constraints are crucial – successful legislative agenda setting is likely only if coalition constraints are permissive and only if at least one coalition partner supports the policy. For policy adoption, the constellation of veto players, opponents, and critical actors needs to be such that critical actors control veto player positions while opponents remain outside the policy making process. I have shown that these conditions hold true in the German cases. In this chapter, I will expand the argument to the British and Japanese context to see whether they hold explanatory value beyond the German context.

This chapter is split into three sections. First, I will extend the argument to the United Kingdom and its consideration of both father leave and corporate board quota policies. Second, I will turn to the adoption of both feminist policies to test whether my argument holds in the Japanese context. In the third section, I will assess the ability of the explanatory framework to apply to cases beyond the German context.

### **7.1. Feminist Policy Adoption under the British Cameron government**

Legislative agenda setting can occur in two instances: during coalition negotiations and during the legislative period. In both instances, I have shown in previous chapters that coalition constraints influence whether a policy will be put on the legislative agenda – this is particularly true if one coalition partner is opposed to the policy. During

coalition negotiations, successful legislative agenda setting is most likely when the supportive coalition partner can leverage the necessity of the coalition and its electoral strength to convince the other coalition partner to include the policy in the coalition agreement. Further, when the policy enters the legislative agenda after the conclusion of the coalition negotiations, the coalition agreement circumscribes greatly whether successful legislative agenda setting is possible. In the case of Great Britain, legislative agenda setting for corporate board quotas occurred during coalition negotiations while the father leave policy entered the legislative agenda after coalition negotiations had concluded. Despite the different timing for both policies, they failed to be included in the final bill language (father leave policy was excluded from the shared parental leave law) or were rejected by the government in favor of a voluntary approach (corporate board quota).

### **7.1.1. Coalition Constraints in the British Context**

The 2010 election in the United Kingdom resulted in a hung parliament for the first time since 1974 where no party won enough seats to form a single majority government (BBC 2010). The Conservative Party under the leadership of Prime Minister Cameron emerged as the strongest party, winning 306 seats of 650, 18 seats short of a parliamentary majority (House of Commons Library 2011). In contrast to Germany, coalition governments in the United Kingdom are very rare—the last coalition government occurred in 1931 and lasted until 1940. As a result, no official rules exist on how coalition negotiations need to proceed and how government coalitions are formed. The British Constitution contains only one simple guideline with regard to coalition

governance: the constitution grants the sitting prime minister the first attempt in forming a government ('A Hung Parliament: Key Issues for the 2010 Parliament' 2010). Further, the civil service, sensing a possible hung parliament, in 2009 prepared guidelines for coalition formation stating that the current prime minister will stay in office until the coalition has been formed (Yong 2012).

However, sitting Prime Minister Gordon Brown's Labour Party won 48 fewer seats than the Conservative Party. Further complicating things was the fact that Labour was not able to form a majority government even in coalition with the Liberal Democratic Party (LibDems) – the third biggest party in the House of Commons having won 57 seats. Nicholas Clegg, the leader of the Liberal Democratic Party, called for David Cameron to form a government because the Conservative Party, though short of a majority, emerged as the victorious party from the 2010 election (BBC 2010). The Liberal Democratic Party negotiated with both the Conservative Party and the Labour Party immediately following the election. In the end, the Conservative Party and the Liberal Democratic Party agreed to form a coalition government (Curtis 2010; BBC 2010).

During the coalition negotiations, David Cameron made it clear that he expected the majority of the Conservative election manifesto to be accepted (Curtis 2010). This was a reasonable expectation because the Conservative Party was the dominant party in the coalition government having won 250 more seats than the Liberal Democratic Party. The coalition agreement was negotiated between Danny Alexander (Liberal Democrats) and Oliver Letwin (Conservative Party) who both drafted the election manifesto for their

respective parties (Yong 2012). They were supported by a variety of civil servants and key staff members of each party. Contrary to Germany, the coalition negotiations were less institutionalized and fewer individuals were involved.

The final cabinet composition as well as the coalition agreement reflected the predominance of the Conservative Party in the coalition government. In terms of cabinet posts, the Liberal Democratic Party received five out of 24 cabinet positions (Allen et al 2010). Nicholas Clegg, the leader of the Liberal Democratic Party, became Deputy Prime Minister. In addition, members of the junior coalition partner were appointed to Chief Secretary to the Treasury (David Laws), Secretary of State for Scotland (Danny Alexander), Secretary of State for Business (Vince Cable), Secretary of State for Energy and Climate Change (Chris Huhne). In terms of the policy agenda, the Liberal Democratic Party was able to push through many of their election pledges (Yong 2012). In terms of policy areas, the Conservative Party dominated the issues of economic policies and national security while the Liberal Democratic Party was able to put their mark on the issues of employment, welfare, education, pension, and social care (Quinn, Bara, and Bartle 2011). The final coalition agreement is only 36 pages long and contains 31 sections with 400 policy pledges in total (Yong 2012, 37). The coalition agreement included neither a commitment to the father quota proposal nor a corporate board quota proposal. However, it did address the issue of corporate board diversity stating: “We will look to promote gender equality on the boards of listed companies.” (‘The Coalition: Our Programme for Government’ 2010, 18)



The statement remains vague and only commits the coalition partners to a consideration of the topic rather than the introduction of a policy that would address the issue. It was Vince Cable, then Secretary of State for Business, Innovation, and Skills, who put the underrepresentation of women on corporate boards on the government agenda by initiating a government inquiry spearheaded by Lord Davies to deliberate whether a voluntary approach or a legal board quota approach was most suitable to address the lack of women on corporate boards. The resulting first Lord Davies report published in 2011 concluded that a voluntary approach would be preferable. In contrast, the issue of father leave policy was not part of the coalition agreement. However, Nicholas Clegg, the deputy prime minister and party leader of the Liberal Democratic Party, proposed the inclusion of the policy when a shared parental leave law was debated. After an initial public consultation on the merits of a father leave policy, the policy proposal was rejected by government and was not included in the proposed shared parental leave law adopted in 2013.

Accordingly, the adoption of these policies was not determined during coalition negotiations but rather through a formal process established among the coalition parties to determine the content of the government agenda. The British case is particularly important to understand whether coalition constraints can explain the failure of policy adoption or whether other explanations, such as macro-patterns, might contribute to failed policy adoption.

### **7.1.2. Father Leave Policy in the United Kingdom**

In 2012, the coalition government started its Modern Workplace Consultation under the Department for Business, Innovation, and Skills. The consultation lasted twelve weeks and included meetings with key stakeholders – for example, businesses and women’s organizations – to understand the best way to move forward. Following the coalition agreement, the consultation was the first step to overhaul the parental leave system in the United Kingdom and to introduce a shared parental leave law. According to the coalition agreement,

[the coalition government] will encourage shared parenting from the earliest stages of pregnancy – including the promotion of a system of flexible parental leave (The Coalition: Our Programme for Government 2010, 20)

Nicholas Clegg introduced the idea of a father leave policy into the shared parental leave law when he proposed that one month of the shared parental leave should be reserved for fathers on a use it or lose it basis. With his proposal, Clegg wanted the United Kingdom to follow the example of Scandinavia where fathers play an instrumental part in their children’s upbringing (Peev 2013). In a speech, he called the two weeks of paternity leave currently available to British fathers outdated and in need of reform:

These rules patronize women and marginalise men. They’re based on a view of life in which mothers stay at home and fathers are the only breadwinners. That’s an Edwardian system that has no place in 21st Century Britain (Clegg 2011)

He continued to draw attention to the benefits of having fathers play a greater part in their children’s lives:

Children suffer, too often missing out on time with their fathers. Time that is desperately important to their development. We know that where fathers are involved in their children's lives they develop better friendships, they learn to empathise, they have higher self esteem, and they achieve better at school. And men suffer too. More and more fathers want to play a hands-on role with their young children. But too many feel that they can't. That culture must change. Government won't be able to change it alone. But we can do our bit by modernising the opportunities for parents who work (Clegg 2011)

While his proposal was not based on the coalition agreement, the Modern Workplace Consultation included the idea of a father quota in its extensive public consultation for the new Children and Families Bill which included the new parental leave law. In general, the consultation agreed with Clegg's arguments that children benefit from an early involvement of fathers in their upbringing. Further, 57 per cent of respondents agreed that a specific part of parental leave should be reserved for fathers ('Modern Workplaces – Government Responses to Flexible Parental Leave' 2012, 20). Nevertheless, the government decided to not include a father quota in the new shared parental leave law citing two main reasons: opposition to adopting any red tape measures for businesses, and financial costs associated with the father leave policy.

The consultation paper argues that introducing a father leave policy would complicate the system which needs to be 'as simple as possible to balance the needs of the economy' ('Shared Parental Leave and Pay Administration Consultation – Impact Assessment' 2013, 14). This is echoed by several businesses and business organizations. For example, the Trade Union Congress opposed the proposal stating 'New parents should be able to decide for themselves who looks after their baby in the first year, rather than having the decision dictated by government regulation' ('Nick Clegg outlines plans

for new parental leave rules' 2011). Likewise, the British Chambers of Commerce saw the proposal as a burden to business which could dampen business' willingness to hire new people. More importantly, the consultation paper concluded 'we have decided not to extend paternity leave and pay until the economy has properly recovered and Government finances can afford the extension' ('Modern Workplaces – Government Responses to Flexible Parental Leave' 2012, 20). Extending the leave to include a father quota would have cost between 33.8 million pounds for two additional weeks to 60 million pounds for addition four weeks ('Shared Parental Leave and Pay Administration Consultation – Impact Assessment' 2013, 14). The coalition government operated under strict guidelines – set forth in the coalition agreement – not only to maintain current levels of government spending but also to tackle the deficit. During coalition negotiations, the Conservative Party's push to curtail public spending and reduce the deficit was successful and is highlighted throughout the coalition agreement. To emphasize the centrality of deficit reduction to the coalition government, the last page of the document reads:

“The deficit reduction programme takes precedence over any of the other measures in this agreement” (The Coalition. Our programme for government 2010, 35)

As a former government member put it: the coalition agreement was like the bible, and because shared parental leave law was included in the coalition agreement, it was tackled. This, however, was not the case for the father quota. Instead, the father quota contradicted two central elements in the coalition agreement: no additional red tape

for British businesses and the imperative to reduce the deficit and curtail spending. As a result, the Secretary for Business Regulations was strongly opposed to the proposal (personal interview) while the strong influence of the purse was noticeable in the top decision-making body of the coalition government, the “Quad.” The Quad consisted of the prime minister, the deputy prime minister, the chief secretary of the treasury, and the chancellor and was where all major policy decisions were made (personal interviews). Here, the majority of decisions were made based on spending considerations with deficit reduction the founding principle of the government with George Osborne (Chancellor of Exchequer) and Danny Alexander (Chief Secretary to the Treasury) having the greatest influence in imposing austerity and fiscal restraints on all policy decisions (Allen 2012). Thus, the government maintained that while the benefits of a father quota – such as greater involvement of fathers and equalizing the care burden among parents – were desirable goals, the basic principles of deficit reduction and limiting business regulations, agreed upon in the coalition agreement, took precedence over creating a more equitable care relationship and thus led to the failure of the proposed father quota.

### **7.1.3. Corporate Board Quota in the United Kingdom**

In the United Kingdom, a public debate around corporate board diversity emerged around 2010 prompted by several domestic and international developments. Two years earlier, Norway became the first country to adopt a corporate board quota while several European countries debated whether to follow Norway’s footsteps. Then in 2010, a new report on women’s progress on UK boards showed that progress in the United Kingdom had been rather slow, with the percentage of women on boards raising merely from seven

to twelve per cent in the past decade (Sealy 2013, 23). The report prompted a sense of frustration both in the media and on part of the government. At the same time, the European Union was considering introducing a European-wide corporate board quota, also forcing the issue on the political agenda. While the coalition agreement contained a promise to investigate how to increase the number of women on boards, it was mostly due to the personal efforts by newly appointed Business Secretary Vince Cable that the issue of board diversity became a central government concern (personal interviews).

Even in opposition, Cable had been committed to the issue of diversity, arguing that tapping into the female talent pool would not only be good for business but would also be the right thing to do; he set his own example, as several of his most trusted advisors were women (personal interview). He might also have been more open to the issue because, as a long-term member of parliament for the Liberal Democratic Party, he belonged to the social democratic wing of the party, which is open and supportive of government regulations and state interference into the market (personal interviews). Cable was able to win over the support of David Cameron for the issue of board diversity because Cameron saw the topic as an opportunity to present the Conservative Party in a more modern and progressive light (personal interviews). Further, corporate board diversity was easily presented as a business issue that would help address an ailing economy and be good for business, playing right into the hands of a pro-business government.

In cooperation with Theresa May, the conservative government minister for equality, Cable appointed Lord Davies to head a steering commission tasked with

determining the best way to remedy the lack of gender diversity on British corporate boards (personal interviews). After a lengthy public consultation process, Lord Davies published his first report and recommendations on how to increase the number of women on corporate boards in Great Britain. Most importantly, he advised against the use of legal corporate board quotas. Instead, Lord Davies recommended that FTSE 350 companies should achieve 25 per cent of women on their boards by 2015 with quoted companies being required to disclose the percentage of women on their boards annually. In addition, the steering committee would meet every six months to monitor progress and publish an annual progress report to assess whether companies are on track to reach the 25 per cent goal by 2015. To signal that the issue was taken seriously, both Lord Davies and Vince Cable, as well as David Cameron, made it clear that corporate board quotas are not off the table unless business shows significant progress.

The key question becomes whether coalition constraints played any role in preventing the policy adoption of a legal corporate board quota. I argue that coalition constraints were again important for the policy outcome; a strong lobby for a business-led approach to corporate board diversity tapped into the coalition's commitment to avoid additional regulations for business and helped to forestall the adoption of a corporate board quota.

One of the major concerns was that introducing a legal corporate board quota would increase red tape for businesses in an environment where the government and business community already saw themselves as burdened by too much bureaucracy (personal interview). This view was strengthened by the fact that the coalition

government was founded on the basic principle that government should not increase regulations on businesses and that government should remove any unnecessary red tape for business (personal interviews). Thus, introducing a legal quota would also have violated the foundations of the coalition agreement. Overall, the support for corporate board quotas was minimal: the Fawcett Society, Women on Boards UK, and the Trade Union Congress were the only organizations that preferred legal quotas over a voluntary approach. The great majority of business stakeholders and civil organizations – such as the 30 Percent Club or An Inspirational Journey – strongly lobbied for a voluntary approach. A study initiated by the Department of Business, Innovation, and Skills found that 80 per cent of respondents opposed a corporate board quota, a view supported by principal stakeholders, such as shareholders, company owners, chairmen, or headhunters who were consulted during Lord Davies’ initial report (personal interview). When the issue was discussed in the Quad, Cameron and Clegg were clearly opposed to legal quotas as were most female members of the cabinet (personal interviews). As a result, Lord Davies opted for a business-led approach.

The business-led approach to corporate board diversity framed the lack of women on corporate boards as a business issue: as one government member put it, increasing the number of women on boards was about rejuvenating the British economy and not about achieving gender equality. As Maria Miller, Minister for Women and Equalities put it:

“This is not about political correctness, it’s about good business sense.

Businesses must act now to harness women’s full potential and to help maximise Britain’s economic growth.” (Watts 2013)



Similarly, Vince Cable stated:

This is not about equality, this is about good governance and good business. The international evidence supports this – diverse boards are better boards benefiting from fresh perspectives, opinions and new ideas which ultimately serve the company's long-term interests' (BBC UK Politics 2013).

The sentiment that corporate board diversity is not about gender equality was echoed throughout interviews with government officials and members of the business community. Some even considered a corporate board quota as a discriminatory measure and in violation of the Equality Act which holds that non-discrimination is at the heart of employment relationships (personal interviews). Likewise, a member of a liberal think tank stressed that business is not supposed to provide equal representation but services to consumers and value to shareholders. Accordingly, the issue of fair or balanced representation on corporate boards is misplaced from an equality perspective. The main reason that all stakeholders interviewed stated a preference for a voluntary approach is that they saw the need for profound and sustained changes in business practices. Quotas in the minds of these stakeholders were a superficial fix that would not lead to profound changes in recruitment and employment practices necessary for improving innovation, skill management, and revenue streams. The Investment Management Association argued in its written evidence submitted to the House of Lords European Union Sub-Committee that:

Board appointments should be on merit and not to fill quotas. The lack of women on boards is a symptom of their underrepresentation at senior levels from where board members are recruited. Quotas would not address this and could also potentially alienate established board members (p.1).

Further, several stakeholders emphasized that there is a tradition in the United Kingdom where business is not directly regulated but rather mild pressure is applied to initiate change. This mild pressure typically takes the form of public shaming and close government mentoring (personal interviews). This was the case with corporate board diversity where Lord Davies' reports published the number of women on boards for each company, increasing public pressure since companies did not want to appear on the list of companies with no women on boards. Further, Cameron personally called chairmen of FTSE 500 boards that did not include any women pressuring them to make the necessary changes (personal interview). Similarly, shareholders started to organize and exert pressure on boards to nominate more women (personal interviews). Here, a regular monitoring report with strong backing from the government achieved great moral pressure to address women's underrepresentation on boards without establishing additional government regulations (personal interview).

To sum up, two factors seemed to have led to a failed policy adoption in terms of corporate board quotas: coalition principles that emphasize limited government regulation which led to the adoption of business-led approaches combined with mild government pressure. The cases of father leave policy and corporate board quotas thus show that coalition constraints, particularly the content of coalition agreements, play an important role in influencing the adoption of feminist policies even after the conclusion of coalition negotiations.

## **7.2. Extending the Argument to the Japanese Case**

Contrary to the British cases, both feminist policies were successfully adopted by conservative governments in Japan. This section will focus on both the role of coalition constraints in the Japanese context, which I argue to be minimal, as well as the role of veto players in the policy making process who potentially were able to use their institutional resources to water down the final bill language. An important caveat is in order for the case studies in the Japanese context as the analysis relies primarily on secondary documents in English (such as newspaper articles) and selected primary documents (such as executive policy white papers) available in English. As a result, all findings are preliminary and require further study. This section will proceed as follows: I will first describe the policy process in Japan before identifying the location of veto players in the process. I will then give a background on each policy and tentatively assess the validity of my explanatory framework in the Japanese context.

### **7.2.1. Coalition Constraints in the Japanese Context**

Coalition governments are a fairly new concept in Japanese politics because the Liberal Democratic Party (LDP) dominated the political landscape until 1989 (Boling 2015). When the LDP lost its majority in the upper house (House of Councilors) for the first time, coalition building in Japan became essential. The LDP established a coalition government to ensure that the party controlled both houses in the Japanese Diet in order to facilitate the passage of government bills through both houses (Stockwin 2011). In 1993, the LDP lost the election to the lower house (House of Representatives) for the first

time in its history, ending the one party dominance of the LDP (Hideo 2000). Thus, 1993 is considered a major break in Japanese post-war politics.

In 2003, the LDP entered into a strategic partnership with the New Komeito party to allow both parties to win more votes (Stockwin 2011). Under this strategic partnership, the LDP supports candidates of New Komeito in electoral districts with proportional list systems while New Komeito encourages its supporters to vote for LDP candidates in single member districts (Gauder 2011). Formally, initial policy agreements are made between the LDP and New Komeito, and it is only after these agreements have been made that the LDP drafts policies (Gauder 2011). New Komeito has some influence on policy outcomes with its greatest influence on foreign and security policy. New Komeito's strong commitment to pacifist values typically can rein in the hawkish tendencies of the LDP (Stockwin 2011). The changes in the parental leave law, which included the father leave policy, were drafted with the support of the LDP. Likewise, the LDP, through Prime Minister Abe, called for a corporate board quota of 30 per cent. It is not clear where the New Komeito party stands in relation to these policies. The New Komeito party is a religious party and as such is highly contested in Japanese politics as many consider the party to violate the constitutional separation of religion and politics (Mizuho 2014). The party was founded by the lay Buddhist organization Soka Gakkai in 1964 and emphasizes social welfare and pacifism. Its party platform stresses 'building a culturally advanced society that, as a nation, offers comprehensive social services and is genuinely responsive to the real-world needs of ordinary people' ('Platform' 1998). Based on a preliminary analysis, New Komeito shares concerns about work-life balance

and low fertility rates, but an analysis of the English-version party website did not reveal an explicit statement on the revision of Japan's "Revised Childcare and Family Care Leave Law," the father leave policy specifically, or on the adoption of the corporate board quota that would allow me to discern its position on the policy matter. Further analysis is needed to determine the policy stance of the party.

However, the policy stance may very well not matter if New Komeito is unable to influence policy decisions within the LDP. As the electoral results show, the LDP commanded the majority of seats in the House of Representatives and did not need to rely on coalition support to pass policies. Thus, the nature of the coalition was not one of electoral necessity, limiting the ability of New Komeito to leverage coalition constraints against the LDP. In 2007, the LDP won 296 seats resulting in a single party majority for the first time since 1990 ('IPU PARLINE Database: JAPAN (Shugiin), Elections in 2005'). In contrast, New Komeito won 31 seats. Further, the coalition of LDP and New Komeito was insufficient to form a majority in the upper house thus reducing the influence of New Komeito even further. In 2015, the LDP again commanded a single party majority in the House of Representatives ('IPU PARLINE Database: JAPAN (Shugiin), Last Elections' 2015) making it unnecessary for the LDP to rely on New Komeito to pass any bills in the House of Representatives. In contrast, the LDP held the majority of seats in the House of Councillors but was nine seats short of commanding a single-party majority ('IPU PARLINE Database: JAPAN (Sangiin), Last Elections' 2015). Thus, to secure passage of any bill in the upper house, the coalition of LDP and New Komeito suddenly became one of electoral necessity.

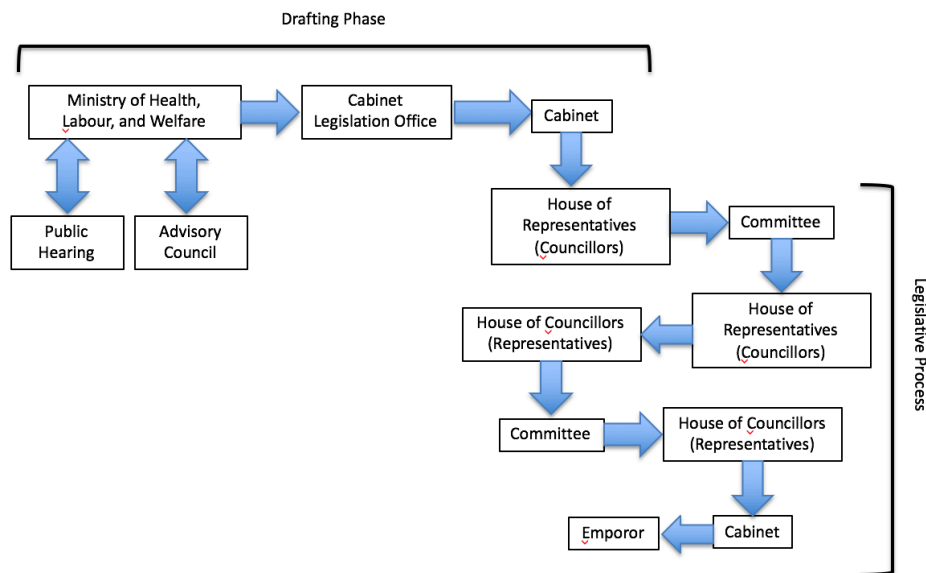
To conclude, this analysis of coalition constraints shows that the influence of the New Komeito Party on the LDP is relatively weak due to two main factors: the coalition is not one of electoral necessity in the lower house, which is the most important chamber of the Japanese Diet, and the New Komeito party controls many fewer seats in parliament compared to the LDP. Regardless of the policy stance of New Komeito then, in 2009 coalition constraints were permissive for the LDP and allowed the party to pursue the adoption of the Revised Childcare and Family Care Leave Law which established the father quota. I assume that coalition constraints were similarly permissive in the case of corporate board quotas in 2015.

### **7.2.2. The Japanese Policy Process**

The policy process in Japan is divided into a drafting phase and a legislative phase (Cabinet Legislation Bureau 2016). During the drafting phase, a bill is drafted in the responsible Ministry – the Department of Labour for both the father leave policy and the corporate board quota. During this phase, the Minister of Labour consults with other ministries and can opt to convene advisory councils and public hearings to solicit feedback on the content of the bill. If the minister convenes an advisory council, the council typically consists of industry representatives, academics, policy experts and sometimes the media, the public, or unions (Noble 2011). After integrating the feedback into the draft, the bill is then submitted to the Legislative Cabinet Bureau for legal and technical examination. Once complete, the draft is scheduled for a cabinet meeting where it needs to be approved unanimously to move forward into the legislative process.

The legislative process is the same for both chambers in the Japanese Diet. Once the cabinet submits the bill to the House of their choice (either the House of Representatives or the House of Councilors), the bill is sent to the legislative committee where committee members question the responsible minister about the bill. In contrast to Germany or the United Kingdom, the committee hearings do not call on outside experts to testify on the merits of the bill. Once the committee approves the bill, it is sent to the House for parliamentary debate and a vote. If approved by the House, the bill is then sent to the other House where the same process is repeated. Once the second house has approved the bill by a majority vote, the bill is sent to the emperor for signature.

**Figure 18: Formal Policy Process Japan**



Invisible in this formal process is the informal power of bureaucrats, business, and the Liberal Democratic Party during the drafting phase. The LDP specifically leverages its power through the LDP Policy Research Council (Stockwin 2013). According to Art.

42 of the LDP Constitution, the Policy Research Council was established to ‘study, research, and plan party policies,’ and its consent is necessary before any policy can be adopted as official party policy. Further, Art. 43 specifies that the Council is composed of Diet members and other individuals with specific expertise, and Art. 47 lists thirteen policy divisions in charge of examining, exploring, and drafting policies in their respective issue areas. For both father leave and corporate board policies, the responsible division is the Health, Labour, and Welfare division. When the LDP is in government, policy development and policy initiative largely occurs outside of the government and outside of the purview of the prime minister.

Within the Policy Research Council, *zoku giin* (tribe politicians) play an important part in the policy making process, particularly in the drafting phase. These are members of the ruling party who have a specific policy expertise and who maintain close ties with bureaucrats and special interest groups to successfully pass legislation in their respective areas (Gauder 2011). These *zoku giin* politicians typically belong to the different policy divisions of the Policy Research Council and are the driving force behind policy proposals (Klein 2011). They use their special policy expertise and strong links to special interest groups in the business world as well as personal contacts in the respective ministry to develop and push policies through the legislative process. Business organizations particularly have developed close ties with the bureaucracy and tribe politicians in the LDP allowing these organizations to influence the policy making processes to ensure favorable policies for themselves. This contrasts starkly with the role of civil society organizations which are typically local in their nature, small,



underfunded, and as a result, have little opportunity to influence the policy making process or lobby the national government (Kawato, Pekkanen and Yamamoto 2011).

Contrary to other countries – particularly the United Kingdom and Germany – where bureaucrats are only tasked with implementing policies, Japanese bureaucrats actually influence the adoption of policies (Stockwin 2013). More specifically, the bureaucracy provides the information and expertise necessary to draft the bills (Gaunder 2011) and top bureaucrats typically coordinate amongst themselves the exact content of a bill. They usually reach an agreement on the bill's content before the bill is submitted to the cabinet rendering cabinet approval a mere formality (Noble 2011). The Ministers, while formally in charge of the ministry and the bureaucrats – have little policy influence themselves. Because the prime minister in the LDP relies on factional support within the party, he uses cabinet posts to buy the support of each faction to ensure that he has the continued backing of the party. Thus, ministerial posts are distributed among internal party factions according to their strengths and cabinets are frequently reshuffled to reflect new internal power realities in the LDP. Typically, ministers do not occupy the position for longer than a year (Noble 2011). This reality prevents ministers from acquiring expertise or influence in their area (Shinoda 2011). As a result, their primary function is to represent the interest of the bureaucrats in their ministry and to rely on civil servants within their ministers to draft policies.

This also means that the power of the prime minister rests precariously on ever shifting internal party support, which explains the relative institutional weakness of the prime ministerial office in Japan (Masuyama and Nyblade 2014). Another reason for the

weak institutional position of Japanese prime ministers is the expectations by the LDP that the primary responsibility of the prime minister is to win elections, not to lead the party (Reed 2011). As a result, the prime minister cannot pursue a specific platform once elected because policy proposals are often challenged from within the party. Nevertheless, the influence of the prime minister on policy processes was strengthened when the Cabinet Office was established in 2001, which allocates greater resources to the prime minister to draft his or her own bills (Stockwin 2013). It remains to be seen if the Cabinet Office will increase the influence of the prime minister over policies.

Together, *zoku giin* politicians, top bureaucrats, and business groups decide whether policies are introduced and what form the policy will take. This is often referred to as the iron triangle in Japanese politics where top business leaders in cooperation with bureaucrats and politicians informally decide on policies, which are then validated by the democratic process (Shiozaki 2002). Thus, when locating veto players in the Japanese policy process, it is important to consider both informal actors in the policy process such as business organizations, bureaucrats, and *zoku giin* as well as formal actors such as cabinet ministers and the prime minister. The next section will determine the location of veto players for each policy.

### **7.2.3. The Location of Veto Players in the Japanese Policy Process**

I argue that in the Japanese context, the critical phase in the policy making process is the drafting phase where the majority of the analysis needs to take place. It is here where veto players, critical actors, and opponents square off and determine the content of the bill. Because most of the veto players are located in the informal policy

process during the drafting phase and because they do not occupy prominent roles in the formal policy making process, I will need to conduct interviews to identify the specific veto players in each case. While I am unable to identify these individuals without such interviews, I am nevertheless able to specify their location in the overall system which are located in these institutions:

1. Policy Research Council: *zoku giin* politicians, business organizations
2. Ministry of Health, Labour, and Welfare: individual bureaucrats

Formal veto players are potentially located in:

1. Executive: Prime Minister and individual cabinet minister; emperor
2. Legislature: House of Representatives, House of Councilors

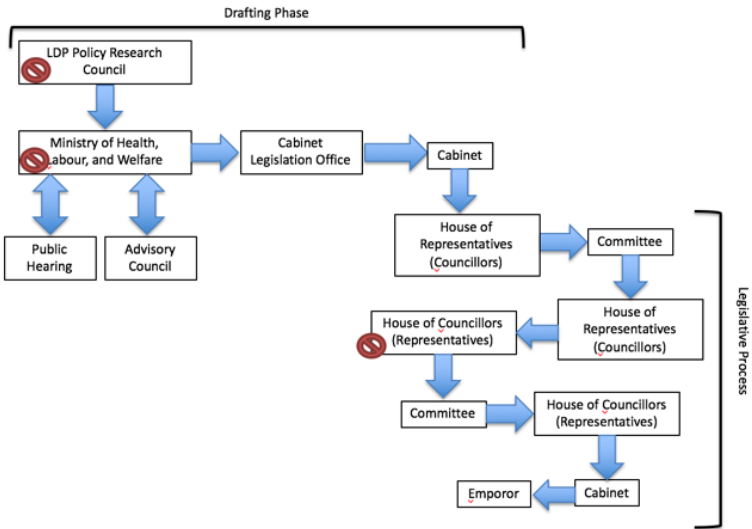
Due to the preliminary nature of this analysis, I can only speak with confidence to the formal veto players. Further analysis is required to identify the individual identities of informal veto players. Turning to the formal veto players, I argue that the prime minister cannot be considered a veto player due to the position's institutional weakness discussed above and the short tenures of Japanese prime ministers. Since 1945, Japan has had 34 prime ministers ('Prime Minister of Japan and His Cabinet' 2015') compared to eight in Germany ('Bundeskanzler Seit 1949' 2015) and 14 in the United Kingdom ('Past Prime Ministers' 2015). The same is true for individual cabinet ministers. Each member in the cabinet has the potential to be a veto player because the cabinet needs to approve each policy proposal with a unanimous vote. In reality, however, the informal policy process and the institutional weakness of cabinet members ensures that cabinet approval is only a formality as bureaucrats in the different ministries have already reached a compromise

before the bill lands on the cabinet agenda. The signature of the Emperor, as with the Queen in the United Kingdom and the President in Germany, is a mere formality. Thus, neither the prime minister, nor the cabinet ministers, nor the emperor are veto players.

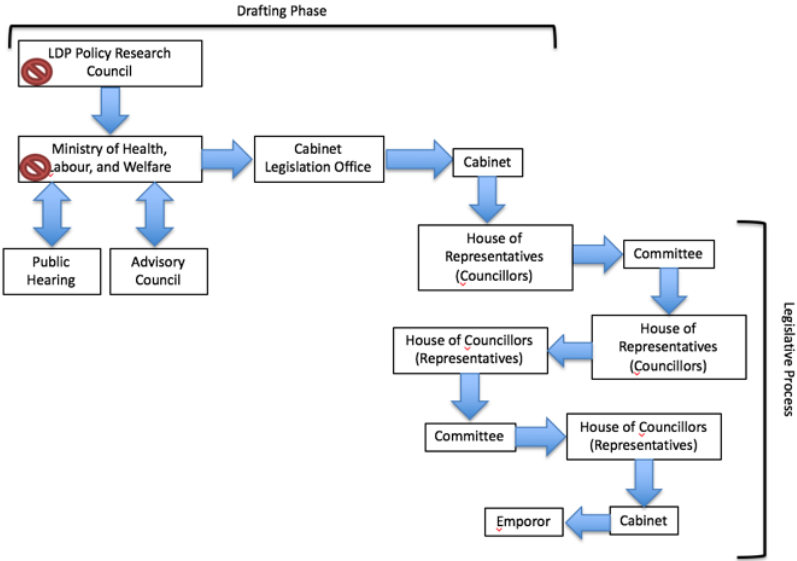
When it comes to the Japanese Diet, the House of Representatives is not a veto player because in both instances (father leave policy in 2009 and corporate board quotas in 2015), the LDP controlled the House of Representatives. Because the LDP imposes party discipline in voting on its members (Noble 2011), it is unlikely that that legislative process resulted in significant amendments to the final bill. In contrast, the House of Councilors is a potential veto player when a twisted parliament exists, *i.e.*, when the two chambers of the Japanese Diet are governed by two different parties. This was the case in 2009 when the LDP lost the majority in the House of Councilors ('IPU PARLINE Database: JAPAN (Sangiin) ELECTIONS IN 2007' 2015) and the Democratic Party of Japan controlled the House of Councilors. Because each bill requires the consent of both houses of parliament, the twisted parliament of 2009 turned the House of Councilor into a veto player. In contrast, the LDP and New Komeito coalition controlled both Houses in the Japanese Diet in 2015 when corporate board quotas were debated, eliminating the veto player position of the House of Councilors.

As a result, the location and number of veto players differ for each case. In 2009, veto players were located in the drafting and legislative phase of the policy process (see Figure 11) while in 2015 the veto players were primarily located in the drafting phase (see Figure 12).

**Figure 19: Location of Veto Players (Father Quota 2009)<sup>79</sup>**



**Figure 20: Location of Veto Players (Corporate Board Quota 2015)<sup>80</sup>**



<sup>79</sup> The red circles designate the locations of veto players.

<sup>80</sup> The red circles designate the locations of veto players.

#### **7.2.4. The Adoption of the 2009 Father Leave Policy**

In 2009, the conservative government under the leadership of Prime Minister Taro from the Liberal Democratic Party adopted the revision to the Childcare and Family Care Leave Law from 1992 which establishes the parental leave rights of Japanese parents. Under the revision, parental leave is now structured in a manner that encourages fathers to take more leave. The revision provides for the following three changes. First, when both parents take parental leave, the paid parental leave period is extended from 12 to 14 months ('Labor Law' 2009). Second, if a father takes parental leave following the first eight weeks after childbirth, the father can take another parental leave later as an exception ('Introduction to the Revised Childcare and Family Care Leave Law'). Third, the revision removed the provision that fathers with a full-time stay at home wife are excluded from parental leave benefits ('Introduction to the Revised Childcare and Family Care Leave Law'). Parental leave is now paid at 55 per cent of earnings with a maximum ceiling 215,100 yen per month (roughly 1,700 US Dollars). Like Germany, this represents a turn towards a dual earner/carer model away from the male breadwinner model.

As in Germany, the father leave policy was structured as a bonus rather than a quota. However, based on the preliminary analysis it is unclear whether the father bonus was the original policy proposal or whether a father quota – where families who do not use the parental leave period reserved for fathers lose part of the paid parental leave – was ever seriously considered. If the latter is the case, the constellation of critical actors, veto players, and opponents will be critical to understand why the father quota was

weakened into a father bonus. However, the preliminary analysis does not allow me to determine the individual identities of all three types of actors without having analyzed all available primary sources in Japanese and without being able to conduct in-depth elite interviews to confirm my analysis. Nevertheless, I am confident that my analytical framework will be explanatory in this case. Based on a cursory collection of actors who participated in the debate, it is clear that the policy had the support of major companies such as Nippon Life, Meiji Yasuda Life, and Goldman Sachs, all of which are potential (informal) veto players, as well as prominent LDP politicians ('Japan encourages fathers to take more active role in child care' 2014; Koh 2010). Further, because the policy was adopted, it is unlikely that any opponents to the policy were able to influence or controlled veto player positions. Finally, the successful passage of the bill also implies that it was supported within the bureaucracy, another potential veto player. However, what remains to be seen is whether these potential veto players were merely supportive or whether they were critical actors themselves.

Finally, based on a preliminary analysis of the arguments for and against the policy, it is clear that the policy debate in Japan was dominated foremost by demographic concerns. The Ministry of Health, Labour, and Welfare justified the new policy based on Japan's rapidly falling birthrate calling attention to another dip in the birth rate to below 1.3 ('Introduction to the Revised Child Care and Family Care Leave Law' 2015). Interestingly, the Ministry also frames the issue of work-life balance as a tool to affect demographic changes. Here, the prevailing argument was that in order to encourage women to have a second child, men would need to work shorter hours and spend more

time doing housework and engage in childcare. Further, a survey conducted by the Ministry shows that 30 per cent of men want to take advantage of the father leave, yet there is a significant gap of 28 per cent between men who want to take leave and those who actually do. What is conspicuously absent is a feminist discourse which dominated the debate in Germany around the same policy. While the recognition that changing gender roles in the home will improve gender equality overall comes up in the debate from time to time, it is considered to be a positive side effect of the policy rather than the *raison d'être* for it.

To conclude then, the adoption of a father bonus in Japan's parental leave reform seems to be a case of permissive coalition constraints and an advantageous constellation of veto players, critical actors, and opponents. However, unless I am able to perform the full analysis including secondary and primary sources, I cannot be certain.

#### **7.2.5. The Adoption of the 2015 Corporate Board Quota**

When Prime Minister Abe was elected, he popularized the term *Abenomics* to describe his plans to revitalize the Japanese economy, with *womenomics* being one of three pillars of Abe's economic plan to address economic woes such as a labor shortage and economic downturn which will grow more severe because fertility rates remain low and people are getting older (Tomoko 2014). The other two pillars are fiscal spending and radical monetary easing. As the name *womenomics* suggests, women played an integral part in his plans. The term *womenomics* was coined by Kathy Matsui of Goldman Sachs who has long advocated for raising the number of women in the Japanese workforce to address the slow economic decline. A recent Goldman Sachs report finds



that if female and male labor participation were equal, Japan's GDP could increase by 12.5 per cent ('Narrowing gender gap could boost Japan's GDP by 12.5 per cent: Goldman Sachs' 2014). Consequently, Abe has pushed the idea that Japan's women are the key to lasting economic growth stating:

Corporations have so far been driven by men's ideas. But half the consumers are women. Introducing ideas by women would lead to new innovations. (It would present) new values to corporations, and eventually throughout society. When we realize a society where women shine, we can create a Japan full of vitality. (as cited in Tomoko 2014)

It's possible that Japan's stagnation is essentially men's fault (...) The period in which men with uniform ways of thinking dominated Japan's business community was too long. . . . The mission that I have imposed upon myself is to thoroughly liberate the power that women possess. (As cited in Cunningham 2013)

In order to tap into women's potential, Abe has proposed three policies: improved access to child care, three years of maternity leave and increasing the number of women on boards (Pesek 2014). In regard to the latter, Abe called for 30 per cent of women in leadership by 2020 including at least one woman on every corporate board. This is severely needed as Japan lags behind every other industrialized country in terms of the number of women on corporate boards: only 1.3 per cent of board seats were occupied by women in 2014 compared to 14.1 per cent in Germany and 20.7 per cent in the United Kingdom ('Women on Boards' 2014). His policy proposal envisioned a 30 per cent mandate for women in senior management but the bill was never voted on because Abe decided to call a snap election at the end of 2014 (Cunningham 2013; 'Only half of prefectures have set female management quotas' 2014). Instead, the legislature adopted the 'Bill on Promotion of Women's Participation and Advancement in the Workplace' in

August 2015 which requires companies with 300 employees or more to set individual targets for women on boards as well as for female hires (Smith 2014). Thus, the adopted law neither included a fixed quota for corporate boards nor determined sanctions for companies that fail to reach their own established targets (Mizuho 2015). The question here is why Abe was unable to push a corporate board quota law through the policy process and instead had to settle for a much weaker board target. As mentioned earlier, coalition constraints were permissive either due to the numerical weakness of the New Komeito Party or because New Komeito supported the policy. Thus, coalition constraints alone cannot explain the weakening of the policy during the policy process. I argue that the constellation of veto players, critical actors, and opponents were crucial in changing the policy outcome.

While I am not yet able to identify specific veto players, based on the Japanese policy process outlined above, I can approximate the policy preference for at least business organizations, which are most likely informal veto players. I also argue that Prime Minister Abe is a crucial critical actor because he has made a corporate board quota central to his economic revitalization plan. Thus, the question is whether Abe who as prime minister is not a veto player himself, was able to influence the relevant veto players in favor of his policy.

Based on a preliminary content analysis of English news sources, it is obvious that a majority of businesses was opposed to a fixed quota. Even Kathy Matsui, the brain behind the term *womenomics*, opposes a fixed corporate board quota. Keidanren, Japan's largest business lobby, rejects fixed quotas or targets as undue government interference in

business and instead calls on companies to establish a voluntary mechanism to promote more women into leadership positions such as networking opportunities (Minoru 2014). Likewise, the Japan Association of Corporate Executives opposes fixed quotas and calls on companies to set a voluntary target of 30 per cent instead (Maya 2014). While big business seems to be largely opposed to a quota, individual businesses such as the president of Lexil Group, a producer of home fixtures, argues that if companies fail to meet Abe's 30 per cent target by 2020, a corporate board quote law should be introduced ('Lexil chief says quota system needed to promote female execs in Japan' 2014). Likewise, Yasuko Oshima, a senior economist with Mizuho Research Institute, criticized the final bill arguing that the absence of a fixed quota target weakens the effectiveness of the bill (Mizuho 2015). But this view is clearly in the minority. The advisory council established by the Minister of Labour to consult on the policy proposal avoided recommending numerical targets ('Companies will need to 'declare' numerical targets for increasing female managers' 2014). As in Germany, businesses argued that numerical targets will be impossible to fulfill because the dearth of women in the labor pool and that the real reasons for women's underrepresentation in board rooms are a lack of childcare and the long working hours (Duncan 2015). Thus, it seems likely that business organizations worked through their established informal channels in the drafting phase of the policy process to ensure that the bill reflected their concerns.

Finally, looking at the discourse surrounding the corporate board quota debate, two findings stand out. First, the need for more women in corporate board rooms is exclusively made through arguments emphasizing economic growth. As such, getting

more women into the workforce and into management position was touted as ‘a key to Japan’s future growth’ (Pesek 2013). Economists such as Kathy Matsui of Goldman Sachs have emphasized for decades that the large number of highly qualified women who drop out the workforce represent an untapped economic potential (‘Narrowing gender gap could boost Japan’s GDP by 12.5 per cent: Goldman Sachs’ 2014). This focus on economic growth underlines concerns that Abe’s plans and commitment to ‘build a society where every woman can shine’ is not motivated by deep concerns about greater gender equality but rather a means to an economic end. While Abe has embraced progressive gender policies as a means to stem economic pitfalls, his plans remain noncommittal and superficial (Tomoko 2014). As way of illustration, a mere 12 per cent of all LDP candidates in the 2014 election were female, and Abe has refused to appoint women to powerful cabinet posts in his administration (Pesek 2015; Mizuho 2014). Further, Abe holds very traditional views of women illustrated by his suggestion to publish ‘women notebooks’ that warn women not to postpone marriage and childbirth and a public statement stressing that mothers should stay home until their children are three years old – both statements directly contradicting each effort Abe outlined under his *womenomics* plan (Pesek 2013). Thus, the lack of feminist concerns in the discourse should not be surprising. Contrary to Germany, where the discourse predominantly centered on feminist arguments and the need to establish gender equality in the business sector, Abe’s much touted *womenomics* including his plans for a corporate board quota is only motivated by economic concerns despite, or maybe because of, Japan’s traditional culture and entrenched sexism experienced by women in the workplace.

It is obvious that the Japanese policy process differs significantly from those in the United Kingdom or Germany because certain groups of actors – most importantly business organizations, bureaucrats, and *zoku giin* – are informal veto players. This makes it particularly difficult to identify the relevant veto players from a qualitative content analysis alone and requires more extensive interviews with policy stakeholders, civil servants, and parliamentarians in Japan. While business actors do play an important role in Germany and the United Kingdom, they do not reach the role of veto player. Likewise, bureaucrats do not play an important role in the drafting of a policy. Instead, ministers are powerful and in charge of drafting the bill. As a result, this case study is intended to be a first attempt to extend the explanatory framework I developed in this dissertation to another country which shares the same policy outcomes as well as similar political, socioeconomic, and cultural conditions but has a significantly different policy process.

### **7.3. Conclusion**

The purpose of this chapter was to understand whether the conceptual framework developed in this dissertation would also extend to cases outside of Germany. The British cases have shown that coalition agreements are important in determining the chances of a feminist policy proposal. This is particularly true when a policy proposal emerges during the legislative period which has not been addressed in the coalition agreement. When the corporate board quota first failed in Germany, it was mainly due to the circumstance that the coalition agreement clearly stated that the coalition government would approach corporate board diversity from a voluntary approach. Similar to the German case, both

proposed feminist policies in the United Kingdom – corporate board quotas and the father quota – failed because they violated the core tenant of the coalition agreement: deficit reduction and no additional red tapes for businesses. Thus, coalition constraints not only play an important role in determining whether a feminist policy is included in the coalition agreement but also in circumscribing the type of feminist policy that it is possible to adopt later in the legislative period. Feminist policy adoption seems to be particularly unlikely in cases where the policy would violate basic principles decided upon in the coalition agreement.

In terms of the influence of critical actors, veto players, and opponents on the adoption of feminist policies under conservative governments, it seems likely that this hypothesis will hold beyond the German context as well. Looking at the Japanese cases, both policies adopted under the LDP represent a weaker commitment to both father leave policies and corporate board quotas. This represents an interesting contradiction to the German case, where opponents attempted to weaken the quota policy to the same extent as in Japan, but were unsuccessful. One reason why outcomes differ in Germany and Japan is that the opponents – most likely the business organizations – were informal veto players in the drafting phase and accordingly could ensure that the bill included terms and conditions reflective of their interests. Further, the German case was only successful when the CDU/CSU was in a coalition government with a social democratic party which also was able to leverage coalition constraints upon the CDU/CSU. This aided the adoption of the policy. In contrast, a social democratic counterpart was missing in the Japanese context. Thus, while a strong women's movement and a social democratic

coalition partner is not necessary for the successful adoption of a corporate board policy itself, it nevertheless seems to be essential to ensure the policy is not being watered down by policy opponents.

Based on the analysis outlined above, I am confident that my conceptual framework will also explain the adoption of feminist policies under a conservative government in Japan, particularly the weakening of the policies during the policy process. However, further research is needed regarding these two aspects. First, interviews with stakeholders are necessary because most veto players are located in the informal drafting process. It is only after the identity of critical actors, opponents, and veto players is known that I can fully assess the explanatory framework. This is particularly true because draft bills are developed by the Policy Research Council of the LDP rather than in the responsible ministry. Second, I will need to analyze the verbatim protocols of parliamentary debates and committee deliberations in each of the houses of the Japanese Diet before I can identify all critical actors. I expect that personal interviews will also reveal critical actors who were not necessarily obvious in the formal and public policy process.

Expanding my argument to four additional cases in Japan and the United Kingdom has shown that coalition constraints do play an important part in influencing the likelihood for successful feminist policy adoption. In instances where feminist policy proposals contradicted core elements in the coalition agreement, policy adoption failed both in the United Kingdom and in Germany. The Japanese cases seem to indicate that the constellation of critical actors, veto players, and opponents is not only important to

explain whether the policy will be adopted but also to determine whether the policy is weakened. This is supported by the German cases where opponents could weaken the final bill when they were able to influence veto players. Unfortunately, in this chapter I was not able to fully answer whether my conceptual framework can explain feminist policy adoption under conservative governments in Japan due to the preliminary nature of the case studies. However, while this chapter is not able to provide definite answers about the applicability of my conceptual framework beyond the German context, it has shown that coalition constraints do matter for policy adoption and that policy adoption most likely is influenced by the constellation of veto players, critical actors, and opponents in non-German contexts as well.



## **Chapter 8**

### **Conclusion**

This dissertation set out to explore the conditions under which conservative governments put feminist policies on the legislative agenda and adopt feminist policies. The dissertation focused particularly on two types of feminist policies – father leave policies and corporate board quotas – a fundamental purpose of which is to address gender-based economic inequalities. The research contained herein was motivated by the general lack of knowledge concerning the subject area – the general theoretical and empirical literature on this subject typically focuses only on the role of left governments in promoting feminist policy. This dissertation sought to answer the following question: why do conservative governments adopt feminist policies? Looking at three outlier cases in Germany, I have shown in chapters 4 through 6 that successful legislative agenda setting and policy adoption is driven by two different sets of conditions: coalition constraints for legislative agenda setting and an opportune constellation of critical actors, veto players, and opponents for policy adoption. In this concluding chapter, I will reiterate the empirical findings before discussing theoretical and policy implications of the research findings. The chapter will conclude with recommendations for future research.

## **8.1. Empirical Findings**

The main empirical findings were summarized in chapters 4 through 6 when analyzing the successful and failed policy outcomes in the German context. This section will synthesize the empirical findings in regards to the dissertation's research question: why do conservative government adopt feminist policies? The first part will focus on the drivers of legislative agenda setting while the second part will focus on the conditions that facilitate policy adoption.

### **8.1.1. Legislative Agenda Setting**

Legislative agenda setting can occur during two different stages in the policy making process. Ideally, legislative agenda setting occurs during coalition negotiations where the feminist policy is included in the coalition agreement. Table 9 shows that this was the case in Germany in 2006 and 2013 when policies were successfully included in the legislative agenda. In both years, the conservative party (CDU/CSU) was opposed to the feminist policy. The table shows that, in cases where the main coalition party is opposed to the policy and the junior coalition partner supports the policy, successful legislative agenda setting is likely when coalition constraints are permissive. This means that the nature of the coalition must be one of electoral necessity, there is no alternative coalition partner available, and the junior coalition partner is roughly equal in electoral strength, measured in seats won in parliament after the election. If these conditions hold, as they did in Germany in 2006 and 2013, coalition constraints are permissive and, as shown in the table, will facilitate the inclusion of the feminist policy in the coalition agreement.

However, legislative agenda setting does not necessarily occur during coalition negotiations. Instead, in several instances, the policies were proposed during the legislative period long after coalition negotiations were concluded. This was the case in Germany in 2013 and in the United Kingdom in 2011 and 2013. In these instances, coalition constraints in terms of the nature of the coalition, alternative coalition partner, and strength of the coalition partner are not decisive. Rather, it is the content of the coalition agreement which determines the likelihood of successful legislative agenda setting. Because coalition agreements are binding contracts between the coalition partners, policy proposals that violate the policy objectives or basic principles set forth in a coalition agreement have little chance of being included in the legislative agenda of the government. This was the case in Germany in 2013 where the coalition agreement specifically stated that the issue of corporate board diversity will be addressed through voluntary measures, thus preventing the adoption of a corporate board quota. Similarly, the policy proposal in the United Kingdom in 2011 and 2013 violated the basic principles of the coalition agreement which prescribed deficit reduction and limiting business regulations.

**Table 9: Nature of Coalition Constraints across German and British Cases<sup>81</sup>:**

	Policy Preference Conservative Party – Coalition Partner	Nature of Coalition	Alternative Coalition Partner	Strength of Coalition Partner	Coalition Agreement	Coalition Constraints	Policy on Agenda
<i>Germany – 2006</i>	NO – YES	Electoral necessity	No	Equal	included	Permissive	yes
<i>Germany – 2013</i>	NO – NO	Electoral necessity	No	Junior	violation	Non- permissive	no
<i>Germany – 2015</i>	YES – YES	Electoral necessity	No	Equal	included	Permissive	yes
<i>UK – 2013</i>	NO – YES	Electoral necessity	No	Junior	violation	Non- permissive	no
<i>UK – 2011</i>	NO – NO	Electoral necessity	No	Junior	violation	Non- permissive	no

As the research findings show, coalition constraints are important in two ways. When legislative agenda setting is debated during coalition negotiations, the negotiation power of the coalition partner supportive of the policy is decisive. In contrast, when the policy is considered after the conclusion of the coalition negotiations, the content of the coalition agreement determines the likelihood of successful legislative agenda setting.

### **8.1.2. Policy Adoption**

Once the coalition government has adopted the policy, policy adoption depends on an advantageous constellation of critical actors, veto players, and opponents. Table 10 shows that where a critical actor occupies primary veto player positions and secondary

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<sup>81</sup> The Japanese cases are excluded in this table because no data is available on the content of the Japanese coalition agreements.

veto players were supportive of the policy, policy adoption was successful (Germany 2006 and 2015).

**Table 10: Policy Adoption: Critical Actors, Veto Players, and Opponents**

	<b>Primary Veto Player</b>	<b>Secondary Veto Player (Chancellor)</b>	<b>Secondary Veto Player (Coalition Partner)</b>	<b>Location of Opponent</b>	<b>Policy Adoption</b>
<i>Germany – 2006</i>	Critical Actor	Supportive	n/a	Outside of policy making process	Success
<i>Germany – 2013</i>	Opponent	Sympathetic	Opponent	Part of policy making process	Failure
<i>Germany – 2015</i>	Critical Actor	Supportive	n/a	Outside of policy making process	Success

Critical actors are particularly important for introducing a government draft into the legislative process and ensuring that the draft successfully passes through the different stages of the legislative process. The position of policy opponents is also crucial. Opponents can weaken the final bill through two different channels: by influencing the secondary veto player or by occupying key positions in the drafting or legislative phase. Opponents are typically successful in influencing secondary veto players if opponents speak for a powerful internal party faction whose support is crucial for the success of the party. In these cases, the secondary veto player is likely to make concessions to the final bill language to appease the powerful party faction. Similarly, if opponents occupy institutional positions in the drafting process where their input is required for the draft language, they can attempt to change the final language and weaken the bill. Finally, when opponents occupied primary and secondary veto player positions (Germany 2013), policy adoption failed.

## **8.2. Theoretical Implications**

This dissertation makes two contributions to the study of women's substantive representation. First, I show that the presence of women in itself is not enough. For women to have a lasting policy impact, they need to control institutional resources. Second, I demonstrate that conservative parties can adopt feminist policies even if they have not undergone a process of feminization.

In the subfield of women and politics, there is a long tradition of linking the presence of women in parliament to gendered or feminist policy outcomes (Pitkikn 1997; Phillips 1995). Dahlerup (1988) and Kanter (1977) first argued that women needed to represent a critical mass to advance women's interests and issues. More recently, Celis and Childs (2008) and Mackay (2008) moved beyond the idea of the critical mass and held that critical actors – female and male representatives who repeatedly advocate for women's interests to be included in public policies – are crucial to guarantee the inclusion of women's voices in public policy. While the concept of critical actors rightfully recognizes that not all women advocate for women's issues and interests, the concept overlooks the fact that not all political actors are created equal. Some have more power to influence policy outcomes than others. Advocating for feminist policies is not sufficient – critical actors need to have institutional resources at their disposal to push these feminist policies through the legislative process. The idea that institutional power matters is not new. Annesley and Gains (2010) showed that critical actors need to be present in the core executive of the Westminster system in Great Britain if they are to influence policy outcomes. What has been missing, and what this dissertation proposes, is

a systematic way in which to determine the institutional power of critical actors across political systems and policy areas. By combining the critical actor approach with the veto player theory, this dissertation allows for a consistent identification of whether critical actors command institutional resources to influence policy outcomes.

More recently, women and politics scholars have shifted their attention to the study of conservative parties. Much attention has been paid to the so-called process of feminization (Celis and Childs 2014): conscious attempts by conservative party leaders to modernize the conservative party by nominating more women and supporting more progressive and egalitarian social policies such as equal pay or marriage equality. The causal mechanism proposed is such that conservative party leaders recognize that they need to win the women's vote to return to political power and as a result adopt feminist policies such as equitable parental leave or corporate board quotas. While this explanation has merit, it cannot answer why conservative parties that have not undergone a process of feminization nevertheless adopt feminist policies. Addressing this particular gap in the literature, this dissertation shows that the inclusion of feminist policies on the legislative agenda of the government is prompted by more progressive coalition partners who can leverage electoral advantages against the conservative party. This research also demonstrates that even in conservative parties, there are conservative women who support feminist policies and goals. It is these conservative feminist women who can exploit a window of opportunity – permissive coalition constraints and control of institutional resources – to push for feminist policies from within the conservative party.

### **8.3. Policy Implications**

This dissertation shows that conservative parties and governments are not lost causes for achieving the substantive representation of women. Quite to the contrary, feminist policy outcomes are possible even under circumstances where feminist policy adoption seemed the least likely. Specifically, female representatives seem to have the greatest impact when they control institutional resources, such as leadership positions in parliament, the government, or within the political party. Thus, it is not enough for domestic programs (such as Vote Run Lead or the Women's Campaign School) and international programs (such as the National Democratic Institute or the Fund for Gender Equality) to recruit and train women to run for office. What is necessary beyond getting women into parliament is ensuring that women have access to and control of political power and resources: the prime ministership or presidency, powerful cabinet posts, and leadership positions across political parties. It is only when women control these resources that there is a real chance of women's interests being included in politics. Thus, domestic and international programs need to target political parties themselves to ensure that political parties see the value of women in leadership positions and put affirmative action in place for women within their own political parties.

This dissertation has also illustrated that feminist policy adoption is not confined to left parties alone but that advocacy coalitions will be able to find conservative members who are supportive of their goals. If these conservative members are in positions of power, advocacy coalitions will be able to push for their goals even under conservative governments.



#### 8.4. Directions for Future Research

Because this study is primarily a comparative-within case study of German cases, there is a need for more case studies to allow for further assessment of the extent to which coalition constraints matter for legislative agenda setting and the constellation of critical actors, veto players, and opponents for policy adoption. In particular, the issue of equifinality needs to be addressed. It is possible that the adoption of feminist policies is different across national contexts or that additional variables might increase or decrease the likelihood of policy adoption depending on national context. I have identified two specific variables that may play a role: (1) advocacy coalitions and (2) party families.

Past research on feminist policy adoption has argued that the presence of women's movements facilitates the adoption of feminist policies (see for example Htun and Weldon 2012). While I did not find any evidence supporting the claim that an active or strong women's movement facilitated the adoption of feminist policies, the study of the German cases did show that a strong advocacy coalition – the *Allianz für Familie* in regards to the father leave policy and the *Berliner Erklärung* in case of the corporate board quotas – is an important vehicle through which critical actors can advocate for the respective feminist policy. These advocacy coalitions also provided critical actors with support and the backing by popular opinion and important civil society and business actors. Similarly, the *womenomics* program for greater board room diversity and the *ikumen*<sup>82</sup> project for the father leave policy acted as catalyst for policy adoption in Japan.

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<sup>82</sup> The *Ikumen* project was called into action by the Ministry of Health, Labor, and Welfare in conjunction with the debate of the Revised childcare and Family Care Leave Law (Maruku 2013). *Ikumen* is a combination of two words: *ikuji* (child-rearing) and the English word *men* (Aoki 2010). The campaign's

In contrast, there was no advocacy coalition in the United Kingdom backing Nicholas Clegg's proposal for a father leave policy or one pushing for corporate board quotas. Instead, support for each feminist policy was fragmented and limited in impact. While a strong advocacy coalition is not sufficient for feminist policy adoption— after all the first attempt to pass a corporate board quota failed despite strong support of the *Berliner Erklärung* – the presence of an advocacy coalition might increase the likelihood of feminist policy adoption under conservative governments.

Finally, it might not be a coincidence that German cases were successful under a Christian-Democratic Party. While all parties under consideration in Japan, the United Kingdom, and Germany fall on the right side of the political spectrum, they belong to different party families. While the Liberal Democrats in the United Kingdom and the FDP in Germany belong to the liberal party family, the Conservative Party in the United Kingdom and the LDP in Japan fall under the label of conservative parties, and the CDU/CSU in Germany belong to the Christian Democratic party family. What they have in common is a greater belief in the free market and limited state intervention and more traditional social values than left parties; however, variances exist among the different types of party families in how much value they attach to economic liberalism or traditional family values. Thus, further research should explore whether the type of conservative party affects the likelihood of that party to adopt and adopt feminist policies

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goal was to encourage more men to take parental leave and shed a positive light on men who raise their children ('Japan encourages fathers to take more active role in child care' 2014). The campaign slogan was 'a man who doesn't raise his children, can't be called a father' (Dalton 2015, 46).

despite permissive coalition constraints and an advantageous constellation of critical actors, veto players, and opponents.

## **8.5. Conclusion**

This research has broken with the common assumption that left governments are the ones adopting policies promoting greater gender equality. Much has been written on the subject of left governments and their role in establishing policies improving economic equality for women. Yet as the issue of father leave policies and corporate board quotas has illustrated, conservative governments have played an important role in promoting feminist policies. By conducting a comparative within-case study in Germany, this dissertation has tested the conceptual framework in circumstances where feminist policy adoption should have been the least likely. As such, this dissertation has contributed to filling an empirical gap in knowledge in regards to the role of conservative parties and governments and the substantive representation of women.

While this dissertation has studied the adoption of feminist policies under conservative governments, I believe that the conceptual framework developed in this dissertation could easily be applied to other subfields. The framework should be able to explain why political parties adopt policies that on the surface violate their ideological underpinnings; for example, pacifist parties sanctioning military force or green parties supporting nuclear energy policies.

First and foremost, however, this dissertation contributes to an ongoing dialogue between comparative politics and women and politics studies. I hope to have shown that utilizing comparative politics concepts such as veto players and coalition constraints can

increase our understanding when and how the substantive representation of women occurs.

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## Appendix A: List of Actors identified in each case study

Below is a summary of individual actors and/or organizations that actively participated in the policy debate surrounding the respective policies in each country by speaking up in public or in parliamentary proceedings. Each table breaks all actors down in several groups. “Internal Political Actors” are actors who are members of the coalition government and “External Political Actors” are actors who are members of parliament but not members of parties in the coalition government. “Civil Society Actors” are individuals in civil society, including but not limited to business organizations, women’s organizations, academics, or lawyers.

### 1. Germany: Father Leave Policy (Success) 2006

Total number of actors: 53

	Support	Oppose
<b>Federal Actors</b>	<p><i>Legislative leadership positions:</i> Angela Merkel, (CDU Chancellor); Ursula von der Leyen (Minister FSWY); Frank Müntefering (SPD, Minister of Labor and Social Affairs); Christel Humme (SPD family expert, committee member, Family, Seniors, Women, and Youth); Gerda Hasselfeldt (CSU, Vice President, Bundestag); Caren Marks (SPD; vice spokesperson committee Family, Seniors, Women, and Youth); Herrman Kuess (undersecretary of the Federal Ministry for Family, Seniors, Women, and Youth);</p> <p><i>Party Leadership:</i> Ursula Heinen (Chairperson, CDU women group); Julia Glöckner (chairperson, CDU faction youth group); Nicolette Kressl (vice chairperson, SPD faction); Ilse Falk (vice chairperson CDU faction); Ronald Pofella (CDU General Secretary); Hubertus Heil (SPD General Secretary); Georg Gysi (Die Linke, Chairperson Faction); Dark Niebel (FDP, general secretary); Maria Böhmer (chairperson, CDU Women association); Emilia Müller (chairperson, CSU women association); Johannes Singhammer (chairperson CDU/CSU faction working group for Family, seniors, women, and youth);</p>	<p>Political parties of FDP and CSU</p> <p><i>Party leadership:</i> Miriam Gruß (FDP faction, spokesperson for family policies); Renate Künast (Green Party, faction chairperson)</p> <p><i>General MPs:</i> Anton Schaaf (SPD, MP); Norbert Geis (CSU, MP); Karin Binder (Die Linke, MP);</p>

	<p><i>General MPs:</i> Renate Schmidt (SPD, MP); Maria Eichhorn (CSU, MP); Marlene Rupprecht (SPD, MP);</p>	
<p><b>State Level Actors</b></p>	<p><i>Prime Ministers:</i> Roland Koch (CDU, Hessen); Christian Wulff (CDU, Lower Saxony); Peter Müller (CDU, Saarland); Günther Öttinger (CDU, Baden-Württemberg); Kurt Beck (SPD, Rhineland-Palatinate);</p> <p>Peter Ramssauer (CSU chairman state party); Silke Lautenschläger (CDU Hessen; Minister for Social Affairs); Ursula Männle (MP, CSU); Barbara Stamm (MP CSU); Christa Stewens (MPS, CSU)</p>	<p><i>Prime Ministers:</i> Dieter Althaus (CDU, Thuringia); Georg Milbradt (CDU, Saxony); Jürgen Rüttgers (CDU, North Rhine Westfalia);</p> <p>Markus Söder (CSU, general secretary); Alois Glück (CSU, president Bavarian parliament)</p>
<p><b>Civil Society Actors</b></p>	<p><i>Religious organizations:</i> Cardinal Karl Lehmann; Prof. Dr. Hans Meyer (President, Central committee of German Catholics); Prof. Dr. Ute Gerhard (President, Protestant association for family questions);</p> <p><i>Business organizations:</i> Claudia Menne (Head of the Confederation of German Trade Union's (DGB) Department for Gender Equality and Women's Policy)</p> <p><i>Civil society – other:</i> Hans Bertram (family expert, academia); Dr. Thomas Gesterkamp (author and journalist); Dr. Christine Fuchsloh (German Women Bar Association); Prof. Dr. Christoph Butterwegge (academia)</p>	<p><i>Religious Organizations:</i> Cardinal George Sterzinsky</p> <p><i>Civil Society (other):</i> Prof. Dr. Christian Seiler (academia)</p>

## 2. Germany: Corporate board quota (Failure) 2013

Total number of actors: 163

	<b>Support</b>	<b>Oppose</b>
Internal Political Actors	<p><b>CDU:</b> Maria Böhmer; Ingrid Fischbach; Sigfried Kauder; Eva Klamt; Julia Klöckner; Jan Marco Luczak; Rita Pawelski (CDU); Nadine Schön; Ursula von der Leyen; Marko Wanderwitz; Elisabeth Winkelmeier Becker;</p> <p><b>CSU:</b> Dorothee Bär; Josef Göppel; Hans Michelbach;</p> <p><b>FDP:</b> Doris Buchholz; Sibylle Laurischk; Jörg van Essen</p>	<p><b>CDU:</b> Thomas Bareiß; Michael Fuchs; Stephan Harbarth; Matthias Heider; Volker Kauder; Kurt Lauk; Carsten Linnemann; Angela Merkel; Kristina Schröder; Erika Steinbach; Andrea Voßhoff; Dagmar Wöhlrl;</p> <p><b>CSU:</b> Gerda Hasselfeldt; Horst Seehofer; Thomas Silberhorn; Horst Straubinger;</p> <p><b>FDP:</b> Nicole Bracht-Bendt; Rainer Brüdele; Marco Buschmann; Patrick Döring; Miriam Gruß; Sabine Leutheusser-Schnarrenberger; Christian Lindner; Jörg von Pohlheim; Guido Westerwelle; Holger Zastrow;</p>

External Political Actors	<p><b>SPD:</b> Doris Barnett; Willi Brase; Ingo Egloff; Elke Ferner; Sigmar Gabriel; Hubertus Heil; Eva Högel; Christel Humme; Christine Lambrecht; Caren Marks; Andrea Nahles; Stefan Rebmann; Karin Roth; Manuela Schwesig; Frank Walter Steinmeier; Dagmar Ziegler</p> <p><b>Greens:</b> Katja Dörner; Katrin Göring-Eckhardt; Renate Künast; Tobias Lindner; Thomas Opperman (SPD); Astrid Rothe-Beinlich; Ekin Deliköz; Antje Vollmer</p> <p><b>Linke:</b> Gregor Gysi; Barbara Höll; Katja Kipling; Monika Lazar; Ulla Lötzer; Gesine Löttsch; Cornelia Möhring; Petra Pau;</p> <p><b>Civil Servant:</b> Christine Lüders</p> <p><b>State Gov't:</b> Katrin Altpeter (SPD) Baden-Württemberg; Rainer Haseloff (CDU) Sachsen-Anhalt; Eva Lemke (Greens) Rheinland Pfalz; Angela Kolb (SPD) Sachsen-Anhalt; Hannelore Kraft (SPD), Nordrhein Westfalen; Annegret Kramp-Karrenbauer (CDU) Saarland; Thomas Kutschaty (SPD) Nordrhein Westfalen; Gabi Ohler (Linke); Jana Schiedek (SPD) Hamburg; Barbara Steffen (Greens) Nordrhein-Westfalen; Harald Wolf (Linke) Berlin;</p> <p><b>State Legislatures:</b> Mürvet Öztürk (Greens) Hessen;</p> <p><b>EU:</b> Silvana Koch-Mehrin (FDP); Angelika Niebler (CSU); Vivianne Reeding (EU Commission);</p> <p><b>Former MdB:</b> Lore Maria Peschel-Gutzeit (SPD); Angelica Schwall-Düren (SPD); Renate Schmidt (SPD); Rita Süßmuth (CDU);</p>	<p><b>State gov't:</b> Emil Schmalfuß (parteilos) Schleswig Holstein;</p> <p><b>Former MdB:</b> Erwin Huber (CSU);</p>
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Civil Society Actors	<p><b>Research &amp; Science:</b> Jutta Allmendinger; Ute Klammer;</p> <p><b>Business:</b> Dagmar Braun (Braun Beteiligungs GmbH); Margarete Haase (Deutz AG); Heidi Hetzer (Hetzer GmbH &amp; Co. KG); Marli Hoppe-Ritter (Ritter Sport); Eva Kreien-kamp (Hamburg-Köln Express GmbH); Karen-Elise Rehlen (Korn Ferry); Thomas Sattelberg (Telekom); Friede Springer (Axel Springer AG);</p> <p><b>Business associations:</b> Hans Olaf Henkel (BDI); Ingrid Sehrbrock (DGB);</p> <p><b>Civil Society Groups:</b> Renate Bargsten (EWMD); Marlies Brouwers (Dt. Frauenrat); Stephanie Bschorr (Verband Dt. Unternehmerinnen); Martine Herpers (Erfolgsfaktor Frau); Isinay Kemmler (IKU.NET e.V.); Helga Lokoschat (EAF); Ulrike Mascher (VdK); Ramona Pisal (Dt. Juristinnenverband); Brigitte Scherb (Dt. LandFrauen Verband); Monika Schulz-Strelow (FidAR); Rosely Schweizer (K. Ahlmann Stiftung); Henrike von Platen (BPW Germany); ProQuote Medien; ProQuote Medizin; Nürnberger Resolution; Deutscher Ingenieurinnenbund;</p> <p><b>Legal:</b> Seyran Ates; Renate Damm; Jutta von Falkenhausen; Jutta Wagner;</p> <p><b>Religious Organizations:</b> Maria Flachsbarth (KDFB); Karin Kortmann (ZdK); Claudia Lücking-Michel (ZdK)</p> <p><b>Others:</b> Senta Berger (actress); Maria Furtwängler (actress); Steffi Jones (DFB); Verda Gäde-Butzlaff (Berliner Stadtreinigung); Susanne Klinger (publicist); Karin Nordmeyer (UN Women Germany); Alice Schwarzer (feminist icon); Herman Sendele (Board Consultant); Maria von Welser (publicist); Ute Gerhard (Goethe Institute)</p>	<p><b>Business:</b> Petra Hesser (IKEA); Martina Koederitz (IBM); Nicole Leibiner-Kammüller (IBM); Harald Krüger (BMW); Regine Stachelhaus (e.on); Annette Winkler (Smart); Dieter Zetsche (Daimler AG);</p> <p><b>Business Associations:</b> Manfred Gentz (Dt Börse) Klaus Peter Müller (Corporate Governance Kodex); Eric Schweitzer (DIHK); Joachim Sauer (BPM); Gabriel Sons (Gesamtmetail); Margret Suckale (BVAC); Heiko Willems (BDI);</p> <p><b>Civil Society Groups:</b> Christine Ostermann (Verband Junger Unternehmer); Lenke Wischhusen (Verband Junger Unternehmer);</p> <p><b>Legal:</b> Jan Lüttringhaus;</p> <p><b>Media:</b> Bascha Mika;</p> <p><b>Others:</b> Maria Höfl-Riesch (Ski athlete); Katharina Wagner (Bayreuther Festspiele);</p>
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### 3. Germany: Corporate Board Quota (Success) 2015

Total number of actors: 71 actors

	<b>Support</b>	<b>Oppose</b>
<b>Internal Political Actors</b>	<p><b>CDU:</b> Angela Merkel; Elisabeth Motschmann; Nadine Schön; Oswin Veith; Markus Weinberg; Annette Widmann-Mauz; Elisabeth Winkelmeier-Becker;</p> <p><b>CSU:</b> Paul Lehrieder; Gudrun Zollner</p> <p><b>SPD:</b> Yasmin Fahimi; Metin Hakverdi; Eva Högel; Christina Janz; Ulrich Kelber; Birgit Kömpel; Christian Lange; Heiko Maas; Andrea Nahles; Carola Reinmann; Sönke Rix; Manuela Schwesig; Dagmar Ziegler</p>	<p><b>CDU:</b> Thomas Bareiß; Michael Grosse-Brömer; Stephan Harbart; Heribert Hirte; Volker Kauder; Kurt Lauk; Kristina Schröder</p> <p><b>CSU:</b> Gerda Hasselfeldt; Sebastian Hille; Alexander Dobrindt; Stefan Müller;</p>
<b>External Political Actors</b>	<p><b>Greens:</b> Ekin Deligöz; Katja Dörner; Katrin Göring-Eckhardt; Renate Künast; Ule Schauws</p> <p><b>Die Linke:</b> Susanna Karawanskij; Caren Lay; Cornelia Möhring; Sabine Zimmermann</p> <p><b>State Governments:</b> Irene Alt (Greens) Rheinland-Pfalz; Benjamin I Hoff (Linke) Thüringen; Barbara Steffens (Greens) Nordrhein-Westfalen;</p> <p><b>Former MdB:</b> Rita Pawelski (CDU)</p>	
<b>Civil Society Actors</b>	<p><b>Civil Society Groups:</b> Rena Bargsten (EWMD); Stephanie Bschorr (Verband Deutscher Unternehmerinnen); Claudia Gläser (Verband deutscher Unternehmerinnen); Bundesverband GMFK; Gabrielle Kaczmarczyk (pro Quote Medizin); Sylvia Kegel (Dt. Ingenieurinnen-verbund); Ingo Kramer (Bundesvereinigung dt. Arbeitgeberverbände); Ramona Pisal (dt. Juristinnenverbund); Regine Rapp-Engels (Dt. Ärztinnenverbund); Bettine Schaefer (pro Quote Medien); Brigitte Scherb (Dt. LandFrauen Verband); Monika Schulz-Strelow (FidAR); Claudia Specht (Erfolgfaktor Frau); Henrike von Platen (BPW Germany)</p> <p><b>Business:</b> Joe Kaeser (Siemens); Thomas Sattelberger (Telekom)</p>	<p><b>Business Associations:</b> Rainer Dulgar (Gesamtmetall); Ulrich Grillo (BDI); Elke Hanneck (DGB); Holger Löscher (BDI); Erik Schweitzer (DHIK); Michael Vassiliadis (Industriegewerkschaft Bergbau, Chemie, Energie); Martin Wansleben (DHIK)</p> <p><b>Others:</b> Kay Windhorst (law)</p>

#### 4. Japan: Father Leave Policy 2009

Total number of actors: 10

	Support	Oppose
Internal Actors	<b>LDP:</b> Aso Taro, Masako Mori, Akira Nagatsuma, Masayuki Yamaguchi	
External Actors	Hidehiko Yuzaki (Governor, Hiroshima Prefecture); Hironbo Narisawa (Mayor, Bunkyo Ward)	
Civil Society Actors	<b>Civil Society Groups:</b> Tetsuya Ando (Fathering Japan), <b>Business:</b> Nippon Life, Meiji Jasuda Life, Kathy Matsui (Goldman Sachs) <b>Others:</b> Mikko Koivumaa (Finish Diplomat)	

#### 5. Japan: Corporate Board Quota 2015

Total number of actors: 17 actors

	Support	Oppose
Internal Actors	<b>LDP:</b> Shinzo Abe, Seiko Nada	<b>LDP:</b> Kumiko Bando,
External Actors		
Civil Society Actors	<b>Business:</b> Sakie Fukushima (Keizai Doyukai), Yoshiaki Fujimori (Lixil Group Corp)  <b>Others:</b> Yasuko Oshima (Mizuho Research Institute)	<b>Civil Society Groups:</b> Chie Motio (GEWEL), Michiko Achilles (GEWEL)  <b>Business:</b> Kinbara Kazuyuki (Keidanren), Junko Nakagawa (Keidanren), Kathy Matsui (Goldman Sachs), Hiroko Kawamoto (Nippon Airways), Tetsuya Shiori (Taisei Corp), Japan Association of Corporate Executives, Genzo Kimura (Sumi Trust)  <b>Others:</b> Tomoya Kondo (Daiwa Institute of Research), Takashi Kashima (Jissen Women's University)



## 6. United Kingdom: Father Leave Policy 2010-2015

Total number of actors: 21 actors

	<b>Support</b>	<b>Oppose</b>
Internal Actors	<b>LibDems:</b> Jo Swinson, Nicholas Clegg, Baroness Tylor of Enfield	<b>Conservative:</b> Viscount Younger of Leckie
External Actors	<b>Labour Party:</b> Lucy Powell; Baroness Lister of Burtersett; Lord Stevanson of Balmacara <b>Cross-bench:</b> Lady Young of Hornsey; Baroness Meacher	
Civil Society Actors	<b>Civil Society Groups:</b> Elizabeth Duff (National Childbirth Trust); Kathy Jones (Fatherhood Institute) <b>Others:</b> Peter Moss (academia)	<b>Civil Society:</b> Laura Perrins (Mothers at Home Matters); Sarah Jackson (Working Families); Ceri Goodard (Fawcette Society) <b>Business:</b> John Longworth (British Chambers of Commerce); David Frost (British Chambers of Commerce); John Allan (Federation of Small Businesses); Michael Mealing (Federation of Small Businesses); Brendan Barber (Trade Union Congress)

## 7. United Kingdom: Corporate Board Quota 2010-2015

Total number of actors: 60

	<b>Support</b>	<b>Oppose</b>
Internal Actors		<p><b>Conservative:</b> Matthew Hancock; Marina Yannakoudakis (Member of European Parliament); Baroness Stowell of Beeston; Baroness O’Cathain; Alok Sharma; Dominic Raab; Mary Macleod; Maria Miller (Women and Equalities Minister); Theresa May;</p> <p><b>LibDems:</b> Vince Cable; Baroness Falkner of Margravine; Baron Watson of Richmond; Lynne Featherstone (Under-Secretary for Equality); Jo Swinson</p>
External Actors	<p><b>Labour:</b> Arlene McCarthy (Member, European Parliament); Gloria dePiero; Chuka Umunna; Seema Malhotra</p>	<p><b>Labour:</b> Baroness Nye; Meg Munn; Lord Davies</p> <p><b>Cross-bench:</b> Baroness Howe of Idlicote</p>
Civil Society Actors	<p><b>Civil Society Groups:</b> Annette Lawson (National Alliance of Women’s Organizations); Women on Boards UK; Discrimination Law Association</p> <p><b>Business:</b> Scarlett Harris (Trade Union Congress); Kate Grussing (Sapphire Partners); Ashley Steel (KPMG);</p> <p><b>Others:</b> Arni Hole (Director General of the Norwegian Ministry of Children, Equality, and Social Inclusion); Sylvia Walby (academia); Karen Jochelson (Equality and Human Rights Commission); Benja Stig Fagerland (Consultant); Marie O’Riordan</p>	<p><b>Civil Society Groups:</b> Helena Morrisey (The 30 Percent Club); Campaign for Merit in Business; The Mentoring Foundation; Heather Jackson (An Inspirational Journey);</p> <p><b>Business:</b> Association of British Insurers; Joanne Segars (National Association of Pension Funds); Lesley Brook (Brook and Graham); Michael Reyner (MWM Consulting); Liz Murrall (Investment Management Association); Aviva Insurance; Employment Lawyers Association; Helen Alexander (Confederation of British Industries); Will Dawkins (Spencer Stuart); Price Waterhouse Coopers; Institute of Leadership and Management; Simon Walker (Institute of Directors); GC100 Investor Group; NHO Trading UK Limited; Margaret Mountford (Bright Idea Trust); Anya Hindmarch (Entrepreneur); inHouse Communications; Mark Littlewood (Institute of Economic Affairs)</p>

## **Appendix B: Interview Protocol (Germany)**

### General questions

1. Why was it politically possible to adopt board quotas and father leave policies?
2. Would the CDU/CSU have adopted either policy without the SPD as a coalition partner?

### On the issue of Father Leave Policy

3. Why were the CSU and the traditional wing of the CDU unable to stop the inclusion of Vatermonate in the parental leave reform?
4. Why was the CSU successful in changing the 10+2 model to a 12+2 model?
5. Why was Angela Merkel willing to reform parental leave especially including the Vatermonate provision?

### On the issue of Board Quotas (failed outcome)

6. Was Ursula von der Leyen critical in pushing corporate board quota? If so, how?
7. How did she communicate her preference for a legal board quota despite remaining silent in parliamentary debates?
8. Why was Kristina Schröder unable to push through her Flexi-Quote?
9. Did Angela Merkel support corporate board quotas?
10. Do you think that CDU women would have voted with the opposition?

11. Why did the conservative members not stall the bill in committee?

On the issue of Board Quotas (successful outcome)

12. Why did Angela Merkel change her mind regarding corporate board quotas?

13. Why did the corporate board quota pass?

14. We know the final bill was changed, where did the pressure come from?

## **Appendix C: Interview Protocol (United Kingdom)**

### General Question on coalition government

15. What was the decision process in the coalition government? Who needed to agree/which steps needed to be followed to have a bill introduced in parliament?
16. How constraining do you think was the coalition agreement?
17. Can you walk me through the steps a bill needs to take from its introduction to its passage?
18. Which minister(s) was in charge of drafting the policy?

### Corporate Board Quota

1. The issue of women on corporate board was only briefly mentioned in the coalition agreement and neither party campaigned on the issue in the 2010 election. Why did the issue enter the government agenda?
2. It seems that most people were in favor for voluntary measures with a threat of quotas if these voluntary measures fail,
  - a. What was the position of you party?
  - b. Which actors supported quotas?
3. Who do you think are the most important actor either in civil society, business, or politics?
  - a. Which political actor needs to consent to the policy for it to be adopted?

- b. Which actors were the most outspoken supporters? How did they make their support known?
  - c. Which actors were the most outspoken opponents?
4. What role did the coalition agreement or the coalition partners play in preventing the policy from being adopted?
  5. Where in the coalition was the decision made to engage with quotas on a voluntary basis?
  6. Which actors were most important to get on board?
  7. What activities did your organization engage in to influence the policy outcome?

#### Father Quota

19. When did Nicholas Clegg suggest the father quota and why?
20. Was the father quota ever seriously considered to be included in the shared parental leave bill?
21. At what point did the Father Quota proposal fail and why?
22. Which actors, other than Nicholas Clegg, were particularly outspoken in their support for the father quota?
23. Which actors were the most outspoken opponents?
24. What role did the coalition agreement or the coalition partners play in preventing the policy from being adopted?
25. Why did some of the women's organizations oppose the proposal?

26. Was the shared parental leave reform prompted by the EU Parental Leave directive?
27. Which organizations in the consultation phase opposed quota and which ones supported it?
28. What was your position on the Father Quota proposal?

## Appendix D: Interviews Conducted

	Members of Parliament	Civil Servants	Government Members	Journalists	Civil Society Actors	Academia
<i>Germany</i>	17	3	2	1	7	0
<i>United Kingdom</i>	0	1	2		8	1



## Appendix E: Raw Data and Classification for Truth Table

<u>Country</u>	<u>Policy</u>	<u>Year</u>	<u>Coalition</u>	<u>Women in NP</u>	<u>Women in CP</u>	<u>Labor Force</u>	<u>Fertility Rate</u>	<u>Welfare</u>	<u>Culture</u>
Netherlands	BQ	2011	1	40.7	39	59	1.8	family	26.9
France	BQ	2011	0	18.9	13.9	51.7	2	family	32.9
Japan	FLP	2009	1	11.3	8.5	48.6	1.4	market	34.4
Japan	BQ	2015	1	9.47	8.5	49.2	1.4	market	34.4
Germany	FLP	2006	1	31.6	24.7	52	1.4	family	49.7
Germany	BQ	2015	1	36.45	24.7	54.8	1.4	family	49.7
Iceland	FLP	2000	1	34.9	-	79.8	2.1	dual	64.8
Sweden	FLP	1994	1	40.4	47.7	66.8	1.9	dual	79.4
Norway	BQ	2003	1	36.4	41.7	69.1	1.8	dual	80.8
Austria	FLP	2001	1	26.8	27.66	49.4	1.3	family	-

### Explanation of Columns

<u>Column Name</u>	<u>Column Description</u>	<u>Possible Values</u>	<u>Source</u>
Year	Year the Policy was Adopted, <i>i.e.</i> , passed into law		International Network on Leave Policy and Research; ‘Legislative Board Diversity’ 2014
Coalition	Presence of coalition government	1 – Coalition Government 0 – No coalition government	Comparative Political Data Set I and II (Armingeon et al. 2015); For Japan 2015: IPU Parline Database
Women in NP	Percentage of Women in National Parliament the Year of the Reform	1 – critical mass (over 30 per cent women in parliament) 0 – below critical mass	Comparative Political Data Set I and II (Armingeon et al. 2015); For Germany 2015 and Japan 2015: IPU Parline Database
Women in CP	Percentage of women in conservative party (all numbers from 2014)	1 – critical mass (over 30 per cent women in conservative party) 0 – below critical mass	Beckwith 2014; For Japan, see: <a href="http://www.shugiin.go.jp/internet/itdb_english.nsf/html/static/english/strength.htm">http://www.shugiin.go.jp/internet/itdb_english.nsf/html/static/english/strength.htm</a>
Labor Force	Labor Participation Rate, per cent of female population 15+	1 – labor participation above 60 per cent 0 – labor participation below 60 per cent	World Data Bank, Gender Statistics
Fertility	Fertility Rate, Total (births per woman)	1 – under 2.0 (below replacement level) 0 – Above 2.0 (replacement level)	World Data Bank, Gender Statistics

Welfare	Type of welfare regime	0 – liberal market model (market); male breadwinner model (family)  1 – dual earner/carer model (dual)	Korpi 2000
Culture	percentage of people who answer the statement ‘Being a Housewife is fulfilling’ with ‘disagree’ or ‘strongly disagree’	1 – egalitarian (above 60 per cent agreement)  0 – traditional (below 60 per cent agreement)	World Value Survey ‘Being