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Debates on women's representation in Austria.
Or: the development of the pitfalls
of a conservative gender regime

Nora Gresch and Birgit Sauer

European University Institute
Department of Law

**DEBATES ON WOMEN'S REPRESENTATION IN AUSTRIA.
OR: THE DEVELOPMENT OF THE PITFALLS
OF A CONSERVATIVE GENDER REGIME**

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Legal Struggles and Political Mobilization around Gender Quotas

This paper is part of a case study series stemming from a project, "Gender quotas in Europe: Towards European Parity Citizenship?" funded by the European University Institute Research Council and Jean Monnet Life Long Learning Programme under the scientific coordination of Professors Ruth Rubio-Marín and Eléonore Lépinard. Gender quotas are part of a global trend to improve women's representation in decision-making bodies. In the past decade they have often been extended in terms of the numbers to be reached (40 or 50% instead of 30%), and in terms of the social field they should apply to (from politics to the economy to the administration). The aim of the project is to assess and analyse this global trend in the European context, comparing the adoption (or resistance to) gender quotas in 13 European countries in the fields of electoral politics, corporate boards and public bodies.

The case-studies in this series consider the legal struggles and political mobilization around Gender Quotas in Austria, Belgium, Denmark, France, Germany, Italy, Norway, Poland, Portugal, Slovenia, Spain, Sweden, and the U.K. They were presented and discussed in earlier versions at a workshop held in September 2014 at the EUI. Based on the workshop method, all working papers have reflected on similar aspects raised by their country case, concerning: 1) domestic/national preconditions and processes of adoption of gender quotas; 2) transnational factors; 3) legal and constitutional challenges raised by gender quotas in both the political and economic spheres; and 4) new frontiers in the field.

The working papers will be also made available on the blog of the workshop, where additional information on the experts and country information sheets can be found, and new developments can be shared: <https://blogs.eui.eu/genderquotas>.

Author Contact Details

Nora Gresch

University of Vienna

Nora.Gresch@univie.ac.at

Birgit Sauer

University of Vienna

Birgit.Sauer@univie.ac.at

Abstract

Nearly 30 years after the first gender quota regulation was introduced in Austria and the establishment of gender equality legislation and institutions, the proportion of women in public offices rose within this time, but has stagnated roughly at 30 % for the recent years.

To understand this cleavage of the gender equality claim and the stagnation regarding women's participation in decision-making processes, we will critically explore the gender quota policies in Austria from the perspective of substantive equality and gender democracy. Gender quota claims inherently entail the potential to deepen democracy and transforming societies towards more substantive justice and equality.

To be able to analyse if and how gender quota regulations can become transformative measures, we would like to argue for a stronger theorization of the concept of gender regime to more deeply and precisely understand the workings and specifics of power relations within a society supporting gender inequalities as well as to assess possibilities of change.

Taking Austria's debates about women's representation as an example, the paper will develop the argument that a conservative gender regime with elements fostering an corporate, breadwinner model and difference-narrative orientated topography will very unlikely implement gender quota regulations as transformative measures, but will try to integrate and shape them accordingly, unless the meaning of quota regulations are framed and understood to support the logic of the gender regime or an element of the gender regime in the process of changing.

As a conclusion, the reverberations of Austria's conservative gender regime will be assessed in regards to the implementation of its quota regulations, suggesting that transformative politics needs to include and consider the specific relational logic of the gender regime to transmit its transformative leverage.

Keywords

Austria, quota, conservative gender regime, social partnership,

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Introduction

In 1985, the SPÖ (*Social Democratic Party of Austria*) was the first party in Austria introducing a non-mandatory 25% quota for women on candidate lists and for appointed offices, which it subsequently raised to a mandatory 40% quota in 1993 adding the requirement that all lists alternate between women and men in 2010 (Brunner 2014: e-mail response). The Green Party established a 50% quota in 1987 for all elected organs and party functions and the ÖVP (*Austrian People's Party*) followed with the introduction of a 30% quota for women in its articles in 1995 (Geisberger 2010: 369-370). The right-wing populist party FPÖ (*Freedom Party of Austria*) never introduced a quota system.

In 1993, the government passed the first *Federal Equal Treatment Act for the Public Services* explicitly stating that each unit of a department must create affirmative action plans if the percentage of women is below 40% naming measures to achieve this quota.¹ The quota was raised in 2010 to 45% and in 2012 to 50%.² Furthermore, in 1998 the government amended article 7 of the constitution which states that all citizens are equal before the law with the paragraph that the federation, provinces and municipalities profess to de-facto equality of man and woman and that measures fostering de-facto equality to end existing inequalities are permissible. On the basis of this law, the university law was amended in 2009 and 2015 now stipulating that the percentage of women in university organs and committees has to be at least 50% with possibilities to intervene if the quota is not addressed.³

In 2010, a 45% women's quota was introduced for all positions of the Austrian public broadcasting agency (ORF), except the positions in committees and the managing board.⁴ In July 2011 the cabinet decided to introduce a quota of 35% for women pertaining to all decision-making bodies of state-owned enterprises where the state is the majority share-owner until 2018. If this quota is not achieved in four years, further measures will be established.⁵

Nearly 30 years after the first quota regulation was introduced, the proportion of women in parliament decreased from 34% in 2002 to 31% in 2006. It fell further to 27% in 2009 before rising again to 31% after the 2013 elections (Geisberger 2010: 361).⁶ This pattern can also be traced in terms of the representation of women in the composition of governments as well as the second chamber of Austria's parliamentary system, the *Bundesrat* (Federal Council), which represents the governments of the nine Austrian provinces. The percentage of female members has remained at 30% for some time, which is similar to the overall 32% of women in the parliaments of the provinces (Sauer 2012: 131). Although the achievement and importance of gender equality and equal opportunities is repeatedly emphasized in public debates concerning the core-values of Austria's democracy, and although quota regulations have been introduced in Austria's legislation and party statutes, a 30%-participation of women in public offices seems to be the magic limit that is hard to step over.

In this paper we will critically explore the gender quota policies in Austria from the perspective of substantive equality and gender democracy. Gender quota claims inherently entail the potential to deepen democracy and transforming societies towards more substantive justice and equality (Lépinard 2014: 1). To be able to analyse if and how gender quota regulations can become transformative

¹ Bundesgesetz über die Gleichbehandlung von Frauen und Männern und die Förderung von Frauen im Bereich des Bundes (Bundes-Gleichbehandlungsgesetz – B-GBG), BGBl 100/1993.

² BGBl Nr. 120/2012.

³ BGBl Nr. 81/2009 and BGBl Nr. 21/2015.

⁴ BGBl Nr. 50/2010.

⁵ <http://diestandard.at/1297820484932/Aufsichtsrats-Regierung-einigt-sich-auf-eine-Frauenquote>.

⁶ http://www.parlament.gv.at/SERV/STAT/PERSSTAT/FRAUENANTEIL/frauenanteil_NR.shtml (accessed 27 July 2014).

measures, we would like to argue for a stronger theorization of the concept of gender regime to more deeply and precisely understand the workings and specificities of power relations within a society supporting gender inequalities as well as to assess possibilities of change. With the concept of gender regime, we would like to stress the importance of the ways how the elements of the gender regime relate to each other and, of course, delineating the field of inquiry to the areas of gender (Walby 2004: 5).

As the elements constituting the gender regime of a political entity, we would like to suggest:

1. the structure and institutionalization of political decision-making processes from the perspective of *gender democracy* (Galligan 2015; encompassing the political system, women's participation and representation, gender equality institutions and legislation);
2. the legislative body and institutionalization of *gender policies* (Langan and Ostner 1991; Orloff 1993; Lewis and Ostner 1994; describing the welfare state regime from a gender perspective including e.g. the regulation of care, family, marriage/intimate relations, adoption regulations);
3. the dominant values and narratives of gender relations shaping and being ingrained within the institutions as *gender narrative* (Pfau-Effinger 2005; Yuval-Davis 1997; Mayer 2000; including the rough orientation towards an "equality" or "difference" narrative);
4. the dominant frames of the *gender discourse* being constantly re-enacted, shaped within public and political debates (Gresch and Sauer 2015).
5. It is thus our argument that a conservative gender regime with elements fostering an corporatist, male breadwinner model and gender difference narrative orientated topography will very unlikely implement gender quota regulations as transformative measures, but will try to integrate and shape them accordingly, unless the meaning of quota regulations are framed and understood to support the logic of the gender regime or an element of the gender regime in the process of changing.

As a first attempt to work with this concept, we will layout the rough contours and workings of the Austrian gender regime in respect of gender quota regulations by *first* describing the specific institutionalization of political decision-making processes in Austria and the participation of women. *Second*, we will sketch four major controversies and debates about the political representation of women – the gain of women's suffrage rights, the institutionalization of women's issues in the federal cabinet, the introduction of affirmative action for the public services, and the legal lip-service to de-facto equality. This will contribute to describe and define *third* the specificities of the Austrian gender regime that enables and institutionalizes itself through these debates by on the one hand shaping the institutionalization of decision-making processes and on the other hand giving and engendering meaning to the controversially and intensely discussed issues at stake negotiating and setting the realm of political power for women.

As a conclusion, we will describe the reverberations of Austria's conservative gender regime in respect of the implementation of its quota regulations and suggest that transformative politics needs to include and consider the specific relational logic of the gender regime to transmit its transformative leverage.

The gender biased institutionalization of political decision-making processes

For the Austrian gender regime, the particular institutionalization of a "neo-corporatist" political system is crucial for analysing policy and decision-making processes (Tálos 2006: 425). Being structured as a federal republic, Austria has two chambers of parliament – the National Council (*Nationalrat*) as the directly elected first chamber of parliament and the Federal Council (*Bundesrat*) as the second chamber of parliament, representing the governments of the nine Austrian provinces or federal states. The National Council is the primary legislative body. The Federal Council is rather

weak and has usually only the right to make objections to decisions of the National Council, which it can even ignore (Fallend 2006: 1032-1033). In contrast to other federal systems, comparative research continuously stresses the centralized architecture of the relationship between federal and provincial levels, which leads to Austrian federalism being characterized as a weak form of that political arrangement (Fallend 2006: 1032-1033).

In respect of the representation and inclusion of women within Austrian political parties, the SPÖ was the first party in Austria introducing a non-mandatory 25% quota for women on candidate lists and for appointed offices in 1985 – only after all female delegates threatened to leave the party convention if the proposal of the women's section would be rejected since the rhetoric of equality and equal treatment as party principle had not resulted in changes regarding the composition of party organs and representative offices (Niederkofler 2013: 96-97). The amendment of the 25% quota to a mandatory 40% quota in 1993 was vehemently argued for by the then president of the women's section Johanna Dohnal by framing the dominance of men within the decision-making positions as an unjustified men's quota that would contradict the socialist principle of equality, calling for a change within men's expectations concerning their unwarranted entitlements (Niederkofler 2013: 98-104). The requirement that all lists alternate between women and men was introduced in 2010 (Brunner 2014: e-mail response). But interestingly, the word "quota" is not mentioned in the party programme (Brunner 2014: e-mail response). In 2004, the party achieved its self-imposed quota regulation in the executive committee of the party (*Bundesparteivorstand*), but the number fell slightly again afterwards (Geisberger 2010: 368). Furthermore, there has never been a female president of the party so far and the alternating nomination of candidates is not fulfilled in every province, with Vienna as the only province currently complying to the quota (44.3%).⁷ Thus, some provinces do not dispatch women into the SPÖ-fraction of the National Council (Geisberger 2010: 369), which leads to 34.6% female members of parliament within the SPÖ in the current legislative period.⁸ Due to the decrease of women in the parliament, discussions concerning sanctions if the quota is not met were led regularly during the recent years, but no decision had been made until the topic came back to the fore in 2014: The subsequent listed male candidate succeeded the deceased former president of the parliament, Barbara Prammer, as member of parliament and not the subsequent listed female candidate, Sonja Ablinger. After intense discussions in respect of the enforcement of the quota regulation, the party convention adopted new enforcement regulations in 2014: "Candidate lists that do not fulfil the quota are invalid and will be rejected. If the party's executive committee of the province will not change the list, the executive committee of the federal party has to finalize the candidate list as well as submitting it to the federal party council."⁹ Sanctions are again not introduced.

The ÖVP has introduced a 30% quota for women in its political programme in 1995, but the number of women in the National Council as well as in the executive committee of the party is decreasing since 2002 and the quota regulation is not met which is strongly criticized by the women's organization of the party (Geisberger 2010: 368). 27.7% women are members of the current ÖVP-fraction in parliament and there are no quota regulation regarding the gendered composition of the internal committees. Following the party statutes, only the chairwoman of the women's organization of the party is a mandatory member of the executive committee of the ÖVP (Geisberger 2010: 368). Moreover, the women's organization of the party adopted the proposal to introduce the alternating principle for all party lists unanimously during its convention in 2014.¹⁰ Up to this date, the reaction of the party convention concerning this decision remains to be seen.

⁷ <http://diestandard.at/2000008836081/SPOe-Neue-Frauenquote-angenommen> (accessed 28.01.2015).

⁸ See www.parlament.gv.at/SERV/STAT/PERSSTAT/FRAUENANTEIL/frauenanteil_NR.shtml (accessed 25.07.2014).

⁹ <http://derstandard.at/2000007815415/Die-neue-Quotenregelung-der-SPOe> (accessed 28.01.2015).

¹⁰ <http://derstandard.at/2000006723108/Frauenquote-Wenn-es-etwas-besseres-gibt-her-damit> (accessed 28.01.2015).

The FPÖ as the currently third strongest party in Austria's parliament is against "coercive quota for women" and proclaims that "women do not want to be 'quota women' and do not need quotas if they are successful [...] Within the FPÖ, women and men are absolutely of equal value (*gleichwertig*) and are also treated in this way. Equal treatment is thus not necessary." (Rosenkranz 2014: e-mail response) The percentage of women within the current FPÖ-fraction is 17.5%. But in comparison to the other traditional Austrian parties of the Second Republic, FPÖ women hold representative offices more frequently. In 1988, Heide Schmidt became the first female Secretary General of the party and in 1993 its first president (*Bundesparteivorsitzende*). In 2000, Susanne Riess-Passer was elected as the first Vice-Chancellor of Austria so far and was also the president of the FPÖ. Ursula Haubner took over the presidency in 2004, but it is important to mention that at that time Jörg Haider was very influential in nominating the candidates as well as in determining the alignment of the programme of the party (Geisberger 2010: 370). Therefore, we would contend that women in the FPÖ were less a signs of gender democracy than of party autocracy.

The Green Party established a 50% quota in 1987 for all elected organs and party functions and is the only party in Austria that exceeds its own quota. Presently, 54.2% of the members of parliament of the Greens are female and the party is also led by a woman, Eva Glawischnig (Geisberger 2010: 369-370). Women hold also representative offices early on. In 1986, Freda Meissner-Blau was the first president of the Green-fraction in the National Council and thus the first woman in this position in Austria's history of parliamentarism (Geisberger 2010: 371). She was also the first woman running for office for becoming president in 1986. Madeleine Petrovic was president of the Green party from 1994 until 1996 and since 2008, the party is led by Eva Glawischnig. Moreover, in 1994, the Greens amended its statutes in respect of a positive discrimination of women. If a man would be on the first position of a candidate list, the next two following places must be women, since the 50% quota would be in danger if only three candidates would gain mandates. This regulation is only applicable to women (Geisberger 2010: 371).

The remaining parties which are currently present in the National Council are the liberal-conservative TEAM STRONACH, founded by the Austrian-Canadian multi-millionaire Frank Stronach and the liberal-progressive NEOS, which consists of a union of the party *Liberales Forum (LIF)* and the party *Das Neue Österreich*. Both parties participated for the first time in the recent election to the National Council in 2013. The TEAM STRONACH is against a quota regulation for women in general: "Women's quotas is nothing else like an instrument of socialist planning economy. The TEAM STRONACH would never agree to such an infringement of the free will of companies and employers concerning decisions. The stronger presence of women in leading offices must be achieved without coercive measurements like a women's quota but through the awareness and responsibility of both sexes to each other." (Zednik 2014: e-mail response) However, the TEAM STRONACH is the party with the second highest percentage of women – 45.45% – in parliament, after the Green party. Furthermore, the party academy, the youth organization as well as the party organizations in the provinces of Vienna, Lower Austria and Styria are led by women while only one man is working in the federal coordinating office (*Bundesgeschäftsstelle*) of the party (Zednik 2014: e-mail response). Since the party has been founded just recently, analyses concerning their impact in respect of Austria's political landscape as well as women's politics are still open.

Within the NEOS faction in parliament, 11.11% are women and the party is in internal discussions if a women's quota will be a future measurement for advancing the representation of women in the party (Fleischmann 2014: e-mail response). Interestingly, in respect of the recruitment process of its candidates, the NEOS have implemented a very unique system for Austria's party system. All citizens are allowed to apply for candidacy and introduce themselves and their vision and goals at a public hearing. As a first step, all residents, independent of their origin and also of their party affiliation, who are interested could vote for a candidate by using an electronic vote. The second step is the vote by the executive committee of the NEOS and as a third step the final vote by the member council of the party (Fleischmann 2014: e-mail response). Nonetheless, until now, this system brought only 11% of

women into the National Council. Thus, looking at the parliamentary system concerning quota regulations, some of the current parties implement quota regulations, but the measures as well as its form and extend are adopted voluntarily and there are no sanctions also within a party if the self-imposed quota is not met. There are no other legislative quotas or reserved seats within the Austrian parliamentary system.

With regard to the representation of women in Austria's political decision-making system of the Second Republic, the share of female members of parliament varied between 5% and 6% until the 1970s, rose to 10% in 1979 and made the biggest leap between the elections 1986 and 1990 from 11% to 20%. The first passing of the 30%-mark occurred after the 2002 elections (34%), but the percentage of women fell further to 27% in 2009 before rising again to 31% after the 2013 elections (Geisberger 2010: 361).¹¹ This pattern can also be traced in terms of the representation of women in the composition of cabinets. The first female minister was Grete Rehor from the conservative ÖVP in 1966 (Steininger 2006: 253). The SPÖ-led governments from 1970 to 1994 increased women's participation concerning ministerial offices to over 20%, and the representation of women rose within the conservative-right government of the ÖVP-FPÖ coalition to 31% in 2002, with Susanne Riess-Passer (FPÖ) as the first female vice-chancellor of the Second Republic. The highest percentage of women within a government, namely 40%, was realised in the cabinet of the SPÖ-led coalition under chancellor Gusenbauer in 2007 (Geisberger 2010: 363-364). The percentage of female cabinet members after the recent elections in 2013 is 29%.¹²

Scrutinizing the presence of women in the second chamber, the *Bundesrat* (Federal Council), which represents the governments of the nine Austrian provinces, the percentage of female members has remained at around 30%, which is comparable to the overall 32% of women in the parliaments of the provinces (Sauer 2012: 131). Up to 2015 only two women have been governors of Austrian provinces: Gabi Burgstaller (SPÖ) was governor of Salzburg from 2004 to 2013 and Waltraud Klasnic (ÖVP) became governor of Styria in 1996 and held the office for two terms, until 2005 (Geisberger 2010: 365). Moreover, the representation of women is traditionally lowest at the communal level (Pelinka and Rosenberger 2003: 214): 5.6 % of Austria's municipalities are currently governed by women (Zögernitz 2014: 4).

The Austrian version of neo-corporatism is characterized by the organization of private sector professional interests as public corporations. The respective private as well as public professional associations are highly centralized within the so-called 'chamber-system'. The chamber organizations are legally entitled to be involved in processes of policy drafting as well as policy implementation (Fink 2006: 443-444): The major 'chambers' or social partners of the Austrian political system are the Austrian Trade Union Association (*Österreichischer Gewerkschaftsbund*, ÖGB), the Chamber of Labour (*Bundesarbeitskammer*, AK), the Chamber of Commerce (*Wirtschaftskammer*, WKO) and the Chamber of Agriculture (*Landwirtschaftskammer*).

A further characteristic of Austria's neo-corporatistic structure and relevant for the assessment of gender democracy is its embeddedness within two different functional networks, one vertical, the other horizontal (Tálos 2006: 430-431). The vertical network encompasses institutionalized interactions as well as close cooperation and advocacy for common interests between the chambers and the parties. These networks structure and intensify the main ideological cleavages in Austrian politics: on the one hand the ties between the Christian-conservative Austrian People's Party (*Österreichische Volkspartei*, ÖVP), the Chamber of Commerce (*Wirtschaftskammer Österreichs*, WKO) and the Conference of Presidents of the Chamber of Agriculture and on the other hand the connections between the Austrian Trade Union Association (ÖGB), the Chamber of Labour (AK) and

¹¹ http://www.parlament.gv.at/SERV/STAT/PERSSTAT/FRAUENANTEIL/frauenantal_NR.shtml (accessed 27 July 2014).

¹² http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/politics/national-governments/index_en.htm (accessed 11 April 2014).

the Austrian Social Democratic Party (*Sozial Demokratische Partei Österreichs, SPÖ*) (Tálos 2006: 430). The horizontal network consists of institutionalized as well as informal interactions between the chambers, and, on occasions, between the chambers and the government (Tálos 2006: 431).

Due to these informal networks, actors within the political debates concerning quota regulations in Austria, like described below, pointed out, that the corporatist system includes “informal or hidden quotas” since a certain number of seats of the SPÖ and ÖVP contingent “have been traditionally reserved for prominent members of the social partnership organisations” (Köpl 2005: 35).

From the perspective of gender democracy, Austria’s “corporate corporatism” (Neyer 1996: 88-92; Czada 1992: 223) is literally ‘manned’ (Appelt 1995: 612). This androcentric structure has contributed to the exclusion of women’s issues from political deliberation as well as of women within political decision-making processes. At the end of the 1970s, conflicts within the social partnership organizations diminished their influence in political processes (Tálos 1997: 436), which provided an opportunity structure where women-specific issues could be raised and the institutionalization process of the gender equality policy field could be established.

Although the described institutionalization and different networks of the neo-corporatist system have been a key feature of policy making for decades, its leverage within policy drafting processes has declined within the last ten years due to national, European and international pressures on national policy making. The conservative-populist coalition of ÖVP and FPÖ (2000-2006), for instance, refrained from including the social partners during policy drafting on a broad range of issues, preferring instead the opinions of experts from outside the chamber networks (Tálos 2006: 440). During the early years of government (2000-2001), the ÖVP-FPÖ coalition stopped sending out policy drafts for review to the chambers, but altered this practice after protest from the social partners and public criticism (Tálos 2006).

Looking at the representation and inclusion of women within this neo-corporatist system, the Austrian Trade Union Association (*ÖGB*) is the only organization that has a quota regulation. This “relational quota” regulation determines, that the percentage of women within the organs of the association has to adequately correspond to the number of female members and has been introduced in 2007 with an amendment of its statutes and as a long standing demand of the women’s organization of the ÖGB (Geisberger 2010: 373). This quota has been achieved in respect of the executive committee in 2008, but the implementation of the quota regulation has not been realized within the individual trade unions (Geisberger 2010: 374). Before the amendment, the statutes already defined since 1979 that one of the vice-presidents has to be the representative of the ÖGB women’s organization. But up to this date, no woman has been the president of the ÖGB and the Union of private employees, print, journalism and paper (*Gewerkschaft der Privatangestellten, Druck, Journalismus, Papier*) has been the only union with a female president, Eleonore Hostasch from 1989 until 1994 (Geisberger 2010: 373-374). Eleonore Hostasch has also been the only female president of the Chamber of Labour from 1994 until 1997. The representation of women in the organs and committees of the remaining social partner organizations vary between 0 to 25%. It was within the executive committee of the Chamber of Commerce that the percentage of women reached 25% in 2008. One female member of the committee has also been the Secretary General of the Chamber. In respect of the different sections of the WKO, women’s participation remains sparse (Geisberger 2010: 375).

In contrast to governmental engagement with the chambers and expert advisors, the Austrian political system has not to date institutionalized the inclusion of NGOs and their expertise in policy development processes, although there are discussions to change this situation. But the system entitles recognized ethnic minorities groups as well as recognized religious communities to comment on policy drafts in areas pertaining to their expertise (Gresch et al. 2008: 418).

In respect of the general policy development process, drafts of laws are prepared by civil servants in the respective ministry, usually consulting different experts during this phase, but without making the names of the people involved in drafting process publicly accessible. After the drafts are commented by parliamentary working-groups they are subsequently submitted to various interest groups and organization by the responsible ministry with an invitation to comment (Müller 2006: 112; Tertinegg and Sauer 2007: 23). While some institutions have the right to receive policy drafts for commenting, like the social partners, the inclusion of other organizations to comment on the proposal lies within the discretion of the respective ministry (Tertinegg and Sauer 2007: 23). But every citizen and organization has the right to submit suggested amendments to the policy draft if the allotted time frame of the ministry is met. All statements must be published in the parliamentary archive and are reviewed by the particular ministry (Tertinegg and Sauer 2007). It lies again in the discretion of the ministry which suggestions may be included in the second draft of the proposal that is sent to the cabinet, and if passed, forwarded to deliberation in parliament.

The gain of women's suffrage. A historical perspective

In March 1911 20.000 men and women participated in the first International Women's Day demonstration in Vienna marching to the parliament and singing special suffrage songs (Bader-Zaar 2012:192) – 5 years after women in Finland were enfranchised and 7 years before women were given the right to vote in Austria. This visible manifestation of claiming women's suffrage can be described as a late, but fulminant realization that women in the Hapsburg Monarchy and especially in the German-speaking part had actually been successively taken away nearly all rights and possibilities of political participation in the evolving nation-states.

After the liberal revolution of 1848 several provinces entitled women and men with the right to vote if they paid a certain amount of taxes (Bader-Zaar 2006: 108). But with the introduction of the Austrian Association Law of 1867, women were prohibited from becoming members or founding political associations (Sauer 2006). The start of parliamentary representation via direct election in 1873 changed the electoral conditions: Only women within the curia of great landowners, but also female teachers, nuns and public servants possessed the right to vote independent of their tax revenue with the further restriction that women could not be elected for an open position (Sauer 2006.).

This development incited of course strong protest and reactions from women and especially from female teachers who were directly affected by the electoral law reforms. Thus, as a response to the electoral reform of 1889, especially female teachers called for protest and launched the first suffrage campaign as well as the abolishment of the prohibition of organizing in associations (Bader-Zaar 2012: 193; Sauer 2008: 32). Furthermore, the "Social Democratic Labour Party of Austria" (*Sozialdemokratische Arbeiterpartei Österreichs, SDAPÖ*) was founded in the same year demanding the same rights for men and women who worked and even included the claim for universal suffrage rights for men and women in its articles in 1892.

It was also during this decade that women in Austria began to organize themselves systematically to raise awareness and initiatives for women's issues. But in Austria, the women's movement was split from its start, uniting as the liberal-conservative strand women with an often middle-class and catholic background who focused primarily on issues of education and social welfare for women and families (Sauer 2008: 36ff.). The other strand of the developing women's movement comprised of the socialist female workers movement that as a part of the Social Democratic Labour Party centred its interest on the improvement and change of the working conditions for women as well as the working and living conditions in general under the capitalist-industrialization regime (Bader-Zaar 2012: 194). Although the claim for universal suffrage rights for men and women has been included in the early party program as a result of the campaign of the women's movement, the party leader, Viktor Adler, quickly announced that the achievement of women's political rights should only be of secondary status within the party priorities – and the women's movement submitted to the party's ruling especially during the

phase when equal suffrage for men was discussed in parliament (Bader-Zaar 2012: 194-195). With the result that all women lost the right to vote when equal universal male suffrage was introduced in 1907.

Concerning the question of how the women's movement engaged for achieving women's suffrage, the main argument voiced by suffragists of the liberal as well as socialist strand was the emphasis on 'natural' or the 'inherent' qualities and values of women like morality, devotion, care and motherliness that would be necessary to realize a more just and better society (Bader-Zaar 2012: 199). Another important argument concerned the 'completion' of the qualities of men by women in political life (Bader-Zaar 2012). Thus, for the evolving gender-regime in Austria, the "difference approach" and the exclusion of women from the institutionalization of political decision-making structures are crucial determinants. Hence, the political leverage for obtaining women's political rights was not only weakened by the exclusion of women from the developing institutionalization and democratization of political decision-making structures, but also from a frayed women's movement or women's organizations.

The institutionalization of the gender-equality policy field since the 1970s

When Chancellor Bruno Kreisky announced the cabinet members after the SPÖ won the majority of votes in the election to the National Council in 1979, the proposed cabinet included only one female minister and one female state-secretary, although he had claimed to support the demands of the women's movement in his campaign (Köpl 2005: 22-23). Women's movement activists and especially the women's organization within the SPÖ started to protest against the scandalous underrepresentation of women in the new cabinet as well as the National Council and framed their claim primarily as an issue of injustice: although women were well included within the party organization, they were not allowed to hold decision-making positions within the party (Köpl 2005: 23). After discussions within the party, two state-secretariats in charge of women's politics could be established: one pertaining to the "issues of women in the labour market" at the ministry for social affairs (*Staatssekretariat für Angelegenheiten der berufstätigen Frauen*, Franziska Faist) and the other one pertaining to "general women's issues" at the federal chancellery (*Staatssekretariat für allgemeine Frauenfragen*, Johanna Dohnal) also against the opposition of some party officials (Tertinegg and Sauer 2007: 5-6). Although a state-secretary is on the one hand a member of the cabinet, state-secretaries have on the other hand not the right to vote within the cabinet and are assigned to a ministry and its respective hierarchical structure, the appointment of two state secretaries could be marked as the begin of the institutionalization and recognition of women's politics as an own policy field in Austria (Tertinegg and Sauer 2007: 6). Thus, in respect of the development of the Austrian gender regime, its structure can be described as sedimenting as a corporate "paternalistic political model" (Kreisky 1998: 29) being included, but without the opportunity to act or initiate policy proposals independently.

After the SPÖ lost its majority in the elections of 1983 and entered into a coalition with the, at this point, liberal-rightist FPÖ, the state-secretariat for "issues of women in the labour market" was abolished and it took until the election of 1990 that the state-secretary of "general women's issues" was transposed into the "Federal Ministry of Women's Affairs" with its own administrative staff as well as budget and the right to veto decisions within the cabinet (Tertinegg and Sauer 2007: 6-7). The state-secretary for "general women's issues", Johanna Dohnal, became the first Austrian Minister for Women's Affairs.¹³

Considering the question of how the women's movement and women's organizations engaged for the institutional representation of women's issues, the influence of the growing and visible women's

¹³ It was in the late 1970ies and the early 1980ies when women in the SPÖ first put the issue of quota regulations for election list on the party's agenda. There is only little research about the struggle over quota in the Social democratic party (Niederkofler 2013) but none – years later in the 1990s – in the conservative ÖVP.

movement in the 1970s was an important factor. Meetings and discussion groups first initiated by women organized in parties also triggered the motivation to initiate autonomous women's groups like the *Aktion Unabhängiger Frauen* (AUF, Platform of Independent Women) or women's artists who publicly addressed questions of women's public invisibility and abortion. For AUF, the battle against the paragraph (§ 144) that criminalized abortion was the initial unifying motivation (Geiger and Hacker 1989: 13-18; Dick 1991: 8-10). Important for the characterization of this group is as well, that they viewed the emancipation question of women as a part of the class struggle for a socialist society. Therefore, the aim of including and attracting female workers was an explicit goal since the majority of the AUF-women consisted of well-educated middle-class women who were also highly interested in intellectually analysing the relevant issues (Dick 1991: 13; Geiger and Hacker 1989: 32).

In respect of the mentioned debate of women's representation, one of the main arguments for increasing women in political offices was that women and especially mothers had different life experiences than men which would be needed to place important societal issues like violence within the family, social welfare for women, environmental protection, battered women, child abuse, compatibility of work and family on the political agenda (Köpl 2005: 23-24). Thus, the "difference approach" is again crucial for determining the meaning and political importance of gender and women's related political recognition and intelligibility.

The introduction of affirmative action for the public services

Within Austria's legislative body, the *Federal Equal Treatment Act for the Public Services* of 1993 was the first law entailing a concrete quota regulation with the demand to implement affirmative action plans to reach the quota. The law states, that each unit of a department must create affirmative action plans if the percentage of women is below 40% with measures to achieve this quota.¹⁴ The initiative for implementing this law came from the then Minister of Women's Affairs, Johanna Dohnal,¹⁵ who drafted and negotiated the policy proposals of the so-called "equal treatment package" entailing several measures and proposals concerning welfare policies and social issues – with the addendum that she would use her veto in the cabinet regarding a mandatory amendment of the pension law if the equal treatment package would not be passed (Köpl 2005: 27).

Although Johanna Dohnal could bargain on the basis of her position as minister, she nonetheless had to negotiate the policy proposals within the neo-corporatist structure of Austria's political decision-making institutions. But for the drafting and implementation process of this law, female politicians of the major parties, SPÖ and ÖVP as well as female members of parliament from the Green party and trade union representatives allied and supported the policy proposal (Köpl 2005: 31). Furthermore, the social partnership organizations from the labour sector nominated women as representatives for the pre-parliamentary negotiations (Köpl 2005: 30). Thus, the arguments of the opponents of the policy draft, like primarily high-ranking civil servant and the civil servant's trade union as well as members of the FPÖ, that the nomination of equal treatment officers in departments would not be necessary, the proposed measurements would erode the competence of experience and that preferential treatment of women would be equal to reverse discrimination were not convincing enough against the proponents major claim to strive for de-facto equality between men and women (Köpl 2005: 28-29).

Regarding the debates on women's representation in state office, the most influential frame was the "equality approach", laying out that the low representation of women in public service units were far from equal opportunities for women (Köpl 2005: 29). Moreover, female actors from different

¹⁴ Bundesgesetz über die Gleichbehandlung von Frauen und Männern und die Förderung von Frauen im Bereich des Bundes (Bundes-Gleichbehandlungsgesetz – B-GBG), BGBl 100/1993.

¹⁵ First steps to Dohnal's policy proposals were scientific studies on the situation of women; in the case of this law, the feminist political scientist Eva Kreisky conducted the first study on the representation of women in public service in order to gather gender segregated data (Niederkofler 2013).

women's and social partnership organizations joined forces and could thus build up political leverage for the policy proposal. But the support of the women from the ÖVP and the civil servant trade union eroded. Therefore the proposal could not be implemented in regard to the initial demand that the burden of proof concerning discrimination should have been shifted to the state employer (Köpl 2005: 30-31).

But nonetheless, due to the mentioned conditions in respect of the implementation of the Federal Equal Treatment Law women could make the Austrian system work for their claims. After the government had passed this law, the provinces also had to adopt their own Equal Treatment Laws for the public services in order to implement the quota. The nine provinces did so with rather different pace (Tertinegg and Sauer 2007: 16).

Parliamentary lip-service to de-facto equality

When the SPÖ/ÖVP coalition launched first austerity programs during the mid-1990s due to the international recession and also the costs joining the EU in 1995, Johanna Dohnal, the former well known Minister for Women's Affairs and movement activists mobilized to form a women's party since the austerity programs targeted primarily social welfare programs that also concerned services for women (Kogoj 1998: 253-256). Simultaneously, the government proposed to increase party subsidies (Köpl 2005: 32). Although the women's party never materialized, the idea attracted much media attention and stimulated a debate on women's current situation in society as well as women's political representation. Within this context, the chairwoman of the Green parliament members, Madeleine Petrovic, initiated a private member's bill in 1996 to make 15 per cent of the public subsidies of political parties "contingent upon the number of female representatives being proportional to their presence in the population" (Köpl 2005: 33). The first parliamentary debate on this bill was held in 1996 and members of the SPÖ, ÖVP as well as the then Minister of Women's Affairs, Helga Konrad, supported the motion. The importance to increase women's participation in politics was unanimously, but the opponents of the bill like especially members of the FPÖ and the liberal party, *Liberales Forum* (LIF), but also members of the SPÖ and ÖVP criticized the bill as a coercive measure, which would contradict the principle of individual commitment and initiative that should govern the recruitment process. Thus, the argument that quota regulations would be conflicting with being "qualified" was one of the major arguments against the bill. The argument that Austrian parties utterly failed to increase the number of women in representative positions so far was of crucial concern for the proponents of the bill (Köpl 2005: 33-35). Furthermore, the importance of women in politics was argued for by stressing that women would "not only bring different experiences and perspectives to their jobs but will also change legislative style" (Köpl 2005), they would be less aggressive and favour a more consensus, harmonious and cooperative style of working and communicating instead of being commanding and controlling (Köpl 2005).

For describing how the Austrian gender regime shapes the meaning and result of gender related policy discussions and legislative embodiment, the "difference approach" is again the dominant frame for arguing for equal rights with almost an essentializing and stereotypical attitude towards women's capabilities and behaviour. After the first parliamentary debate of the bill, it was assigned to the Equal Treatment Committee of the National Council, which recommended the rejection of the bill in 1999. Except the Green party, MPs of all other parties argued against the bill and rejected it (Köpl 2005: 35).

Due to the mentioned developments in the mid-1990s and especially as reaction to the cut of social service provisions, a group of female academics, journalists and leftist politicians organized themselves in form of the association *Unabhängiges Frauenforum* (UFF, Autonomous Women's Platform) in 1996 to launch a people's initiative on women's issues, the so-called "women's referendum" (*Frauenvolksbegehren*) (Rosenberger 1998a; Dackweiler 2003: 146-147). It was the proclaimed aim of this people's initiative to enforce very specifically formulated policy proposals for improving the compatibility of work and life balance for women as well as social security measures

and the legislative embodiment of substantive gender equality in the constitution. Moreover, the initiators of the UFF wanted to provide a different form of engaging and participating in the political debate than the established women's organizations of the parties, namely as an independent and inclusive platform for women's claims (Rosenberger 1998a: 207). Central to the aim of constituting an inclusive organization was also the intention to raise awareness concerning the restriction of women's rights (Rosenberger 1998a: 207). Hence, the UFF demanded the amendment of the constitution and eleven legal initiatives to ameliorate the situation of women in Austria targeting almost exclusively policy proposals for integrating women into the labour market and improving social security measures in respect of a better facilitation of family and work compatibility.¹⁶ The focus was thus again on changing the conditions for women's situation instead of questioning the social security arrangement pertaining to gender relations and the norm creating masculinist work-life-structure. The first and very prominent claim of the referendum was the embodiment of measures to achieve gender equality in the constitution (Schwelle 1998: 6). The "women's referendum" attracted high media attention. 11.2% of the electorate voted for the "women's referendum" which made it one of the most successful people's initiatives in Austrian history, supported by a broad range of women's organizations as well as gender equality representatives (Rosenberger 1998a: 211; Rosenberger 1998b: 242-244; Dackweiler 2003: 146-150). In contrast to its success, no immediate implementation plans followed by the government. After demonstrations against this ignorance of the people's referendum, the demands of the referendum were assigned to the Equal Treatment Committee of the National Council whose members developed the proposals to be voted on. When the parliamentary debate was held almost one year after the referendum was submitted, media attention and interest for the claims of the women's platform was again high, supported also by the fact that during the same time two women were campaigning for being elected as president of the republic, Gertraud Knoll (SPÖ) und Heide Schmidt (LIF). The prominent women from the women's platform UFF were split concerning the support of the female candidates (Die Presse 1998a: 7). This was not only frequently mentioned in the media but it was also showed that the constituency of the "women's referendum" was split along party lines. During the parliamentary debate, both candidates were present with their respective supporters from the UFF platform, sitting in different loges of the plenary hall (Die Presse 1998a: 7). Eventually, the debate concerning the demands of the women's referendum was scheduled around 2:00 p.m. But due to the strategic intervention of an urgency motion by members of the FPÖ regarding the question if Austria should go into negotiations joining the NATO, the debate was interrupted and postponed for four hours, taking then place between 7:00 and 11:00 p.m. – an inconvenient time for media coverage.

Nonetheless all parties present themselves as supporters of women's politics, emphasizing their different initiatives and proposals to support women and advance gender equality. The main points of discussion were the reiterating remarks concerning the importance of improving the compatibility in respect of work and family and the critique of having missed the opportunity to achieve more far reaching results for the advancement of women, since the amendment to the constitution was – besides the inclusion of the minor occupation into the social security system – the only substantial result that was passed.¹⁷ Regarding all other points raised by the "women's referendum", the National Council called upon the respective ministers to examine possible further measurements.

Moreover, the formulation of the amendment to the constitution was a major subject of discussion during the debate since the suggested text by the Equal Treatment Committee of the National Council "that the federation, provinces and municipalities profess to de-facto equality of man and woman and that measures fostering de-facto equality to end existing inequalities are permissible" only stipulates a lip-service and not a commitment. On the one hand it was remarked that a constitution is not the right

¹⁶ Please see Dackweiler (2003:147-148) for the complete reference of all eleven proposals of the referendum.

¹⁷ The reference for the following account on the debate is the stenographical protocol of the 116th session of the National Council of the Republic of Austria, XX. legislative period, held 16 and 17 April 1998, at:

http://www.parlament.gv.at/PAKT/VHG/XX/NRSITZ/NRSITZ_00116/.

place for a commitment and on the other hand MPs especially from the opposition stressed that the formulation would express the non-commitment to the advancement of women.¹⁸

Interestingly, the term “quota” is only mentioned once in regard to the discussed amendment by Willi Brauner from the FPÖ. He remarks that if one would interpret the term measurement as a quota regulation, this would be damaging since quotas would introduce a collective equality principle standing in opposition to the individual equality principle, which are of prime concern for constitutional rights.¹⁹ Shortly before the voting, Madeleine Petrovich from the Green party tries to lure the SPÖ women out of coalition party discipline, since most members of the SPÖ and especially female MPs criticized the recommendations of the Equal Treatment Committee as not far reaching enough and disappointing. Petrovich attempted to frame the issues at hand as important for creating a coalition-free space for women’s issues.²⁰ But the SPÖ/ÖVP coalition voted for the proposal and only the oppositional parties – the Green Party, FPÖ and LIF – against. Thus, only the mentioned amendment to the constitution was implemented as a concrete result of the “women’s referendum”, although not as a commitment but mainly based on a decision of the European Court of Justice regarding the permission of affirmative action for women, so that no sanctions or measurements are provided for if equal treatment is not achieved.

After the debate in the National Council, the two major representatives of the women’s platform UFF left the association and the platform dissolved (Die Presse 1998b: 8). To sum up: The UFF had initiated an impressive political agenda setting concerning women’s representation, but it also was criticized by autonomous feminists to only focus on questions relating to equality rights and management of reconciling work and family. These feminists claimed that by looking only at issues that target (presumably) ‘most women’ and women from mainstream society, gendered power relations and the situation between women of different social, economic and family status as well as of different ethnic origin were completely ignored (Dackweiler 2003: 150-152).

The reverberations of Austria’s conservative gender regime

Having analyzed the different debates concerning the implementation of legal and institutional measures pertaining to women’s representation in Austria, we can conclude that Austria’s legislative and institutional body entails several quota regulations as well as measurements or directives to include women in political-decision making positions. Quota regulations for party election lists are voluntary commitments of the respective parties, set down in the parties’ statutes or programs. The Federal Equal Treatment Law for Public Services includes target quota regulation, while the University Law since 2009 contains binding quota for all committees and university organs. Nonetheless, women in Austria’s decision-making bodies are still vastly underrepresented. Hence, Austrian quota regulation in politics and state administration are symbolic politics, implemented rather weak and toothless and targeting mainly women from mainstream society. Overall, women remain outsiders within the Austrian political system, not fully integrated into Austrian political decision-making bodies. Hence, Austrian quota regulations have not proved to be measures for transformative politics that are able to change gendered power relations.

In the remainder of the text we would like to suggest that for analyzing and understanding the political leverage of quota regulations in Austria, it is fruitful to analytically include the effects or actions of the country’s gender regime. With the analytical concept of gender regime, we would like to address three dimensions: *first* the reciprocal power-relations between the institutional context of decision-making processes, *second* the dominant meaning of gender as well as gender equality and the frames of the

¹⁸ Doris Kammerlander, Green Party, 169.

¹⁹ Willi Brauner, FPÖ, 203.

²⁰ Madeleine Petrovich, the Green Party, 209-210.

country's dominant gender equality discourse and *third* practices of doing politics, i.e. the processes of negotiating and agenda-setting of quota regulation and implementing gender equality and quota measurements.

Our first question was: Why did Austria pass gender quota regulations at all? This question of institutional change might be first answered with a claim of "institutional isomorphism" in a twofold way: On one hand Germany in many ways has been serving as an institutional model for Austria. This was also the case with respect to quota claims. On the other hand, the country's political system, namely the social partnership and institutional settings of consociational or consensus democracy, already knew "quasi"-quota regulations on electoral lists. The second factor for the introduction of quota has been the mobilization of the women's movement since the mid-1970s in coalition with the SPÖ women's caucus. The third factor was the changing societal structure and hence, changing opportunity structures: The educational progress of women, their (partly) integration into the labor market and their emancipation as voters not only led to a social-democratic government in Austria but also to the discovering of women as voters and, hence, the relative openness of – first the social democrats – to pass quota measures. The fourth factor was the framing of modernity by the women's movement as well as the social democratic women, claiming Austria lagging behind "modern Europe" without a significant representation of women in parties and in the executive.

In a second step we might ask for the weak implementation of quota regulation. One of the most important features, again, is the institutional setting of social partnership, which is characterized by a thick network of male bonding between the social partners. This network successfully prohibits on different levels of the legislative and the executive to achieve quota regulations. These institutional setting thus supports practices preventing the implementation of quota regulations. Another factor is framing: For Austria, we can conclude that throughout the different phases of institutionalizing women's representation, the political actors developed and reiterated a dominant meaning of gender and gender relations based on the "difference approach". This approach serves as the epistemological basis for arguing and as well as for enforcing claims for gender equality measures and policies. However, this dominant frame of the Austrian meaning of gender focuses on "sex difference", "protection and support of women" and "compatibility of work and family" (Gresch and Sauer 2015). These frames are rooted in longstanding notions of family and women as mothers and institutionalized in Austria's political citizenship rights. They are based on an ethno-cultural model and the *ius sanguinis*, which give traditionally women the role of "bearers of the nation". This framing feeds into a mindset as part of the conservative Austrian gender regime which perceives women mainly as mothers and, hence, part of the private sphere of the family but not as members of the public sphere of politics.

While this might characterized the arguments of the more conservative actors, also the Social-democrats have a special history of framing the "women's issue" as "secondary contradiction" ("*Nebenwiderspruch*"), contending that in capitalist societies, hierarchical class relations are the main source of inequalities and inequalities concerning gender relations are only secondary. This argument, hence, frames women's claims for equal representation and participation in decision-making only as an accompanying symptom. Also, some social-democrats join the framing of "qualification", assuming that quota regulations prohibit the selection of the best qualified and thus fostering the meaning of "quota women" as not being qualified. This frame is used to discredit women in leadership as well as quota systems in general.

It would thus be our suggestion for further discussion that claims based on the "difference approach" would not be that powerful enforcing a respective claim, if a country's dominant gender equality discourse for example be based on an "equality approach".

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