

“Und das ist gut so!”: LGBTI issues in the German Election of 2021

Phillip Ayoub, University College London

Introduction

The 2021 elections represented a turning point in German politics, ending sixteen years of Union-led governments and ushering in the *Traffic Light* coalition, led by the SPD and including the Greens and the FDP. This shift in Germany's political landscape has momentous consequences and offers new openings for LGBTI people in Germany and Europe. LGBTI issues found high salience in the election, several parties thematized far-reaching and more inclusive policy initiatives, and LGBTI candidates garnered greater Bundestag representation than ever before. These political opportunities build on a long and uneven road to making Germany more inclusive towards LGBTI people, 20 years after the SPD mayoral candidate for Berlin, Klaus Wowereit, said “Ich bin Schwul und das ist auch gut so!” [I’m gay and that’s a good thing!] in 2001.

My inquiry looks at the period up to the Election of 2021, and the role of LGBTI people and issues. I first provide a brief historical overview of past LGBTI policies, beginning around the time of German reunification, which scholars view as a turning point for Germany's gradual shift in this area of inclusion. Second, building on this foundation, I analyse how the major German political parties position themselves towards LGBTI people in their campaigns. Third, I cover electoral behaviour and representation in the LGBTI domain, viewing how voters responded to those issues and the inclusivity of the 20th legislative period of the Bundestag. I conclude with an overview of prospects for the *Traffic Light* coalition. In many respects, Germany has played catch up during this contemporary era of LGBTI change, heavily influenced by international norms and

policy ideas that developed elsewhere. I argue that the 2021 elections bring new lustre to LGBTI issues in Germany, in terms of issue salience and representation, with the potential to transform Germany from adopter back to innovator on LGBTI rights.

The LGBTI Status Quo leading Up to the Election of 2021

A Brief History of LGBTI Policy Changes under previous governments

Germany's reunification in 1990 provides a useful starting point to examine the most recent political history of the country's LGBTI movement (Davidson-Schmich 2017), even if its roots travel back much further to the mid-1800s (Griffiths 2021; Herzog 2011). Much of the work in this domain has been charted by Davidson-Schmich (2017), who argued that reunification was important for catalysing both domestic activism and supranational pressure around LGBTI rights in Germany. A united-German NGO called the Lesbian and Gay Federation in Germany (*Lesben- und Schwulenverband in Deutschland*, LSVD) was established in 1990 and it quickly took advantage of the expanding social policy in the European Union (EU) to apply pressure on the German government to promote LGBTI rights. The LSVD first targeted Germany's anti-sodomy laws, working with the German Green Party and the Brussels-based International Lesbian, Gay, Bi, Trans and Intersex Association (ILGA, and after 1996 its regional Europe-focused offshoot organization) to advocate for the full removal of the archaic Paragraph 175 of the Civil Code, which continued to stipulate an unequal age of consent around homosexual sex. A mix of domestic pressure and lawsuits filed in the European Court of Human Rights (ECtHR) led to the repeal of Paragraph 175 in 1994. Thereafter the LSVD's advocacy turned to issues like marriage

equality, rainbow family rights, and combating anti-LGBTI employment discrimination and violence (Davidson-Schmich 2017).

Progress remained bumpy in the 1990s, the Christian Democrat and Christian Social Union (CDU/CSU)-led government under Helmut Kohl consistently blocked attempts by civil society (mainly the LSVD) and parties on the left of the political spectrum (mainly the Green Party) that pushed for same-sex partnership recognition (Davidson-Schmich 2017). It was in 1998, with the election of a Social Democrat (SPD)-Green coalition, that the LSVD saw an opening (Davidson-Schmich 2017). Despite the initial reluctance of the SPD, the SPD-Green coalition introduced Registered Life Partnership in 2001, granting same-sex couples official recognition. Yet, registered life partners were denied the full rights enjoyed by married couples (the right to adopt children or to receive the tax and employment benefits associated with marriage) until 2005, when the same coalition expanded the law to include social security benefits and the right to adopt the biological child of a partner (Davidson-Schmich 2017).

The sixteen-year period of CDU/CSU governance, led by Chancellor Angela Merkel, hampered progress on LGBTI rights, as the party stubbornly opposed adoption and marriage rights for over a decade.¹ Nonetheless, some important advances in LGBTI (and women's) rights occurred throughout Merkel's tenure, with LGBTI interests becoming increasingly more visible on the international political agenda throughout her four terms (Ahrens et al. 2021). Policy accomplishments were often the result of a mix of international pressure, domestic activism, and judicial rulings in the Constitutional Court and the ECtHR (Schotel 2021). Indeed, after the

¹ This period included three Grand Coalitions, which ruled from 2005 to 2009 and 2013-2021. The CDU/CSU governed with the Free Democrats (FDP) from 2009 to 2013.

election of the Union-led governments, civil society shifted some of its tactics away from lobbying the Bundestag and instead solicited cases for the European Court of Justice (ECJ) and the ECtHR (Davidson-Schmich 2017). This strategy succeeded in part, as favourable rulings by the ECJ provided employment benefits and pensions to life partners.

Despite the expansion of property rights and antidiscrimination laws under the Grand Coalition of 2005 to 2009, both the ruling coalition and the opposition failed to act meaningfully on LGBTI rights in the Bundestag. Other factors were at play. EU pressure helped facilitate the enactment of the General Equal Treatment Act in 2006, which protected people from discrimination based on sexual orientation (Schotel 2021). Riding this momentum, eight cases regarding the Life Partnership Law were brought before the Constitutional Court between 2005 to 2009, a series of victories for LSVD plaintiffs led to expanded rights for life partners, including the right to equal family allowances from employers, spousal pensions, and access to marriage tax bonuses (Davidson-Schmich 2017). In 2008, the LSVD and ILGA-Europe helped advance a revised European Convention on the Adoption of Children, which allowed same-sex couples who were married or in registered life partnerships to adopt children. This supranational decision gave ammunition to the LSVD's domestic efforts (Davidson-Schmich 2017), in 2009 the German Constitutional Court heard four LSVD-sponsored cases regarding family rights. Another notable milestone was the 2008 amendment of the Transsexual Act which removed the requirement that a person be unmarried if they wished to change their registered sex (Schotel 2021).

Also during the 2009 to 2013 term, the CDU/CSU-FDP coalition continued to block proposals by the Greens and the Left to improve the rights of registered partners and consider marriage equality (Schotel 2021). International pressure on marriage equality mounted during

this period, as the new policy spread readily in many states considered Germany's peers. All major German parties at that time, except for the CDU/CSU, stated support for marriage equality or *Ehe für alle* (Petra Ahrens, Ayoub, and Lang 2021), and neither the FDP nor the SPD had success enshrining such rights in their governing coalitions with the CDU/CSU (Davidson-Schmich 2018). Again, the main LGBTI advances during the 2009 to 2013 period stemmed from the Constitutional Court: in 2011, the Court declared that the sterilization requirements in the Transsexual act were unconstitutional, in 2013, they ruled that life partners could adopt their partner's stepchild or adoptive child (Schotel 2021).

From 2013 to 2017, the Grand Coalition pledged to "work towards" ending the discrimination of life partners when compared with married couples (Davidson-Schmich 2018). The coalition agreement included a paragraph on "rainbow families" and mentioned the aim to acknowledge the specific oppression of trans and intersex people (Schotel 2021). However, this only achieved meagre progress, such as the 2013 Constitutional Court declaration that parents of intersex children could leave their registered legal sex blank, the 2014 legalization of successive adoptions for life partners, and the 2015 adjustment of employment regulations to prevent discrimination (Davidson-Schmich 2018). Meanwhile, a new challenge was emerging for LGBTI activists with the rise of the group *Demo für alle* and the far-right Alternative for Germany (AfD) party, both of which opposed LGBTI rights (Davidson-Schmich 2018). Momentum for marriage equality rose in the lead up to the 2017 national election, which saw an unprecedented incorporation of LGBTI issues into party platforms and national discourse (Ayoub 2016, 121-122). Attempting to take the wind out of the sails of her main opponent's campaign – Martin Schulz used the issue as a main distinguishing feature of the parties – Merkel shifted the CDU's stance

on a vote of conscience (Ayoub 2017). It followed Green MP Volker Beck's motion to make *Ehe für alle* a precondition for the Green party to form a coalition with the CDU/CSU, in a move mimicked by the FDP and SPD. Merkel released the party whip for a vote of conscience on June 30, 2017, and the Bundestag passed a law changing the Civil Code to allow full marriage, with support from all members of the SPD, Greens, and Left Party, along with seventy-five MPs in Merkel's party—excluding Merkel herself.

In some respects, the success of marriage equality side-lined other LGBTI issues in the 2017 election and the resulting coalition negotiations. Initially, the CDU/CSU, Greens, and FDP attempted to form the "Jamaica coalition", but ultimately failed, in part due to their disagreements on LGBTI issues (Davidson-Schmich 2018). The eventual grand coalition treaty (signed March 4, 2018) included a stated intent to end discrimination against LGBTI people in its blueprint for the nineteenth legislative session, but they presented no overarching plan of how it would be achieved (Davidson-Schmich 2018). Some concrete reforms did make it through, however, such as allowing a "third sex" on identity documents, outlawing "corrective" surgery for intersex children, pledging to work with international organizations to defend human rights abroad, and providing funding for the Magnus Hirschfeld Foundation, a government agency devoted to LGBTI issues (Davidson-Schmich 2018). Of the twenty-four LGBTI priority areas delineated by the LSVD during the 2017 campaign, only three were included (Davidson-Schmich 2018). At the end of the term, however, the government passed a partial ban on "conversion therapies," requiring state health insurance to cover the costs for the pre-exposure HIV prevention drug (Schotel 2021), and the rehabilitation of queer soldiers (Schulze 2021).

Despite advances on LGBTI rights during the Merkel era, activists point out that changes lacked intersectional consciousness and continued to fail the most marginalized LGBTI groups (Schotel 2021). This is especially evident in the case of trans rights and the 1980 Transsexual Law—originally requiring a transgender person who wishes to change their legal sex on identity documents to undergo sterilization surgery and to be unmarried—which German trans activists have advocated fully overhauling for the better part of two decades (Davidson-Schmich 2017). Transgender Europe (TGEU), a Berlin-based international umbrella organization established in 2005, has led this fight, helping levy rulings from the ECtHR and the Constitutional Court to amend the law (Davidson-Schmich 2018). Progress was made in 2009 with the removal of the marriage clause and in 2011 with the outlawing of sterilization requirements (Davidson-Schmich 2017), but barriers for trans people to self-identify remain (Anarte 2021). Transgender Germans still face regular discrimination, unnecessary burdens to change their legal identification, unequal parental rights, and a lack of resources and support (TGEU 2021). Additionally, the estimated 100,000 people who were compelled to undergo sterilization or gender reassignment surgery prior to 2011 have yet to be compensated (TGEU 2021). In 2020, the Greens introduced a bill for self-determination for trans people that was intended to reform the Transsexual Law, but their proposal was defeated in the Bundestag (Mannschaft 2021). In the lead up to the 2021 election, overhauling the Transsexual Law and ensuring self-determination for trans and intersex people were among the primary demands of the LSVD.

Party Stances and Campaign Appeals

The history of these policy changes informed the LGBTI platforms of German political parties in 2021, which I analyse here. Prior to the 2021 elections, the LSVD again issued 24 demands on LGBTI rights and asked the six parties in the Bundestag to articulate their position on each of them. I rely on their methodology and rankings to describe the parties' efforts as viewed by civil society. Relatedly, Davidson-Schmich (2022) has taken a content analysis approach to inspect the platforms, which allows her to capture the parties as they see themselves on issues of gender and sexuality. This offers important and connected findings that I recommend in conjunction with the ones—which tap into party stance—presented here. Using the LSVD approach, LGBTI demands were grouped under eight categories: expanding antidiscrimination protections, reforming descent and family law for rainbow families, legally recognizing the self-determination of transgender and intersex people, combatting hate crimes against LGBTI people, promoting the human rights of LGBTI people worldwide, implementing LGBTI-inclusive refugee policies, strengthening acceptance of LGBTI people in everyday life, and promoting queer health. Table 1 provides an overview of parties' positions, organizing the parties from the political Left to Right, alongside the LSVD's relative scores, which I have recoded under the eight overarching themes (ranging from supportive, somewhat supportive, vague, no answer, to hostile).

Table 1: Party Stances on LGBTI issues in the 2021 Elections

	The Left	Greens	SPD	FDP	CDU/CSU	AfD
Anti-discrimination protections	Supportive	Supportive	Somewhat supportive	Somewhat supportive	Opposed	Hostile

Reforming descent and family law	Supportive	Supportive	Somewhat supportive	Supportive	Vague	Hostile
Trans and intersex rights	Supportive	Supportive	Supportive	Supportive	Vague	No answer
Combatting hate crimes	Supportive	Supportive	Somewhat supportive	Supportive	Somewhat supportive	No answer
Promoting LGBTI rights worldwide	Supportive	Supportive	Supportive	Supportive	Vague	Hostile
Inclusive refugee policies	Supportive	Supportive	Somewhat supportive	Supportive	No answer	Hostile
Acceptance in daily life	Supportive	Supportive	Somewhat supportive	Somewhat supportive	Vague	Hostile
Queer health	Supportive	Supportive	Supportive	Supportive	Somewhat supportive	Hostile

Source: LSVD (2021)

Building on Table 1, I continue by qualifying these scores by summarizing the parties' answers to their position on these eight priority areas. Here the qualitative data from the parties' responses,

which are also publicly available from the LSVD (2021)—save for the AFD responses, which were removed for harmful content—are analysed and summarized.

The Left:

While the Left fell behind the Greens in the comprehensiveness of their response, their platform addresses nearly all the LSVD's 24 priority areas. On anti-discrimination, the Left supported including protection against discrimination based on gender identity, sexual orientation, and lifestyle in Article 3 of the Basic Law, strengthening anti-discrimination bodies, adding a right to collective action within the General Equal Treatment Act, and fully funding the Federal Anti-Discrimination Agency. In terms of family rights, they committed to equality for rainbow families, parenthood recognition for all genders, and reforming the right of descent, including by allowing co-motherhood and relationships with more than two people. On trans and intersex rights, the Left supported replacing the Transsexual Law with a right to self-determination, eliminating hurdles to change one's name and marital status, and banning unnecessary surgery and conversion therapy.

Notably, they joined the Greens in demanding a full apology and compensation for individuals who had to undergo sterilization because of the Transsexual law. In terms of hate crimes, they demanded a national action plan, research into violence against LGBTQIA people, changing the Criminal Code to name anti-queer violence, improving awareness levels and trainings for law enforcement, and expanding prevention projects and victim support. On foreign policy, the Left called for comprehensive development cooperation, implementing the international goals around the Yogyakarta Principles +10, furthering the EU LGBTI equality

strategy, and strengthening the rights of LGBTI people in regional contexts riddled by political homo- and trans-phobia, like Poland and Hungary. For example, in this latter domain, they call on the EU to both investigate and issue sanctions for human rights violations against LGBTI people within the EU. Regarding refugee and integration policy, the Left supported expanding the right of asylum, protecting LGBTI refugees from violence in their accommodation, and banning deportation of LGBTI people fleeing persecution, but they provided no answer about incorporating LGBTI issues into integration courses. On daily acceptance of LGBTI people, the Left reiterated their decades long support for a nationwide action plan and advocated creating a democracy promotion law to provide financial support for LGBTI democracy projects. On queer health, they committed to discrimination-free and barrier-free health care for LGBTI people, banning discriminatory blood donation criteria, creating queer health centres focused on trans and intersex people in small towns and rural areas, providing free medical services, and creating a rescue package for queer organizations in the wake of COVID-19.

Greens

According to the LSVD, the Greens provided the most comprehensive plans to implement their 24 demands. On anti-discrimination, they stressed their long-time commitment to amending Article 3 of the Basic Law to expand protections based on sexual and gender identity. They advocated for structural and sustainable anti-discrimination reforms, which included developing the General Equal Treatment Act into a federal anti-discrimination law streamlining the discrimination complaint process, along with upgrading the federal anti-discrimination agency to a well-funded federal authority. In terms of family rights, the Greens supported ending

discrimination against children in rainbow families, reforming descent law, and improving acceptance of rainbow families through information campaigns. On trans and intersex rights, they demanded the repeal of the Transsexual law and the implementation of self-determination, along with simplifying the process to change gender information, banning unnecessary surgeries for intersex children, instituting a right to medical body adjustment in the law, and compensating trans and intersex people who have been discriminated against under the Transsexual law.

Under hate crime law, the Greens supported an action plan against LGBTI hate, which they had previously introduced in the Bundestag. The plan includes improving research and data collection, raising awareness, expanding prevention efforts, and supporting victims. Like the Left, the Greens also supported explicitly naming homophobia and transphobia as motives for hate crimes in the criminal code. On foreign policy, the Greens supported the worldwide implementation of the Yogyakarta Principles +10, the expansion of the EU LGBTIQ Equality Strategy, and supporting global LGBTI activism. They also specifically endorsed issuing sanctions on regimes that oppress LGBTI people and providing humanitarian visas for LGBTI refugees. The Greens also supported an inclusive refugee and integration policy, including fair asylum procedures, ending deportations to persecuting countries, creating shelters to accommodate LGBTI refugees, and integrating LGBTI issues into language and orientation courses. For promoting daily acceptance of LGBTI people, the party presented a nationwide action plan "Live Diversity!" which includes clear goals and long-term structural support for LGBTI organizations, along with a nationwide awareness campaign and the expansion of democracy projects, education, and prevention work. Regarding health, the Greens committed to ensuring non-discriminatory health care, issuing a regular LGBTI health report, cementing the right to medical

procedures for trans and intersex people, abolishing discriminatory blood donation criteria, and creating a rainbow rescue package for LGBTI infrastructure to recover from COVID-19.

SPD

The SPD placed 4th on the LSVD's report card, following the Greens, the Left, and FDP, largely because it left several points unanswered. On anti-discrimination, the SPD supported the ban on discrimination based on gender and sexuality in Article 3 of the Basic Law, but they were vague in their stance on reforming anti-discrimination law and provided no answer on strengthening the anti-discrimination agency. Regarding family rights, the SPD supported equal rights for same-sex partners in marriage, including adoption rights, and reforming the law of descent for queer parents to allow co-motherhood. However, they left blank issues surrounding multiple parenting or social acceptance of rainbow families. On trans and intersex rights, the SPD wanted to abolish psychological assessments to determine gender identity and promote self-determined changes in civil status. In terms of hate crimes, the SPD called for a national action plan against homo-, bi-, trans-, and inter-phobia and violence, better data collection, and higher consequences for hate-motivated crimes. However, they did not support changing the criminal code to include homophobia and transphobia as a motive for hate crimes. Regarding foreign policy, the SPD supported promoting LGBTI rights worldwide, noting their prior efforts on the issue. They committed to ensuring the Yogyakarta Principles +10 would be used to influence global policies and supported the EU Commission's strategy for LGBTI equality. In terms of refugee and integration policy, the SPD supported implementing fair asylum procedures and protecting LGBTI people against violence in refugee accommodations, but they provided no

answer regarding deporting LGBTI people to persecuting states or including LGBTI issues in integration courses. On daily acceptance of LGBTI people, the SPD vaguely supported an action plan for acceptance and protection, citing their prior establishment of a separate network for homophobia and transphobia under the "Live Democracy!" federal program. Regarding queer health, they supported lifting the ban on blood donation for homosexual men and trans people, implementing an LGBTI-inclusive health system, and issuing an LGBTI health report, but they provided no answer regarding a COVID-recovery package for LGBTI infrastructure.

FDP

The FDP supported expanding Article 3 of the Basic Law to include sexual identity and fully funding the Federal Anti-Discrimination Agency, but they were vague on their support for expanding anti-discrimination law. On family rights, the FDP supported legally recognizing multiple parents, creating a modern reproductive medicine law that is accessible to all regardless of sexual orientation, and incorporating education and training programs for professionals in education, law enforcement, medicine, and other fields. On trans and intersex rights, the FDP advocated abolishing the Transsexual Law and replacing it with a self-determination law that allows changes in civil status without discriminatory barriers. They also supported requiring health insurance companies to pay for gender reassignment surgery, making surgery (along with name and marital status changes) available to people above age 14, and banning unnecessary surgery on intersex children. On hate crimes, the FDP supported a National Action Plan to combat discrimination and violence, improve data collection, and expand training and education about sexual and gender diversity. They also joined the Left and Greens in their call to amend the penal

code to include homophobia and transphobia as hate crime motivations. In foreign policy, the FDP supported the LGBTI inclusion concept but noted the need for adequate support and funding to ensure it is appropriately implemented. They also called for a separate UN convention on LGBTI rights and supported working with the EU to strengthen the rights of LGBTI people in challenging contexts, like Poland. For LGBTI refugees, the FDP supported implementing fair asylum procedures and safe accommodation, and they advocated for an integration policy model including free integration courses addressing LGBTI issues. Regarding acceptance in daily life, the FDP demanded a national action plan against homophobia and transphobia that strengthens awareness and education for law enforcement, improves data collection on hate crimes, and funds support services for LGBTI people. On queer health, the FDP supported abolishing discriminatory bans on blood donations, creating LGBTI-inclusive health care, and implementing a rescue package for LGBTI infrastructure in the wake of COVID-19.

CDU/CSU:

The CDU/CSU's responses to the LSVD survey echoed the status quo they helped shape over 16-years, leaving many points unaddressed and often claiming that existing protections for LGBTI people were sufficient. On anti-discrimination, they opposed expanding protections in Article 3 of the Basic Law, implying that it was unnecessary because existing protections in the Basic Law, common law, European Convention on Human Rights and the Charter of Fundamental Rights of the EU already prohibited discrimination based on sexual orientation. They further claimed that the existing provisions in the General Equal Treatment Law were sufficient to prevent discrimination and did not require reform, and they provided no answer on

strengthening the anti-discrimination agency. On reforming descent laws for rainbow families, the CDU/CSU provided no answer, offering only vague statements about the diversity of German families. On self-determination, the CDU/CSU's praised their prior accomplishments, providing only a general statement about their plans to improve trans and intersex rights. They supported an action plan against hate crimes, but they did not believe it was necessary to expand the Criminal Code text to include the motives of homophobia and transphobia. On foreign policy, the parties again only vaguely committed to promoting LGBTI rights internationally, while stating support for the European Commission's inclusion efforts. Further, they provided no real answer regarding the LSVD's four demands around inclusive refugee and integration policies. Similarly, the CDU/CSU provided no details on a national LGBTI acceptance action plan, and only broadly committed to strengthening democracy projects at a federal level. Finally, regarding queer health, the CDU/CSU supported lifting the discriminatory blood donation bans, but provided no answers regarding LGBTI inclusive healthcare, health report, or a COVID-19 rescue package. Their tepid responses reflect the actual text of the party platform, where LGBTI people are completely ignored (Davidson-Schmich 2022).

AfD:

The AfD opposed all 24 civil society demands. Following the election, the LSVD removed the AfD's responses from their website due to their "inhuman and inflammatory statements [menschenverachtende und hetzerische Aussagen]," making their specific positions inaccessible (LSVD 2021). The AfD opposed anti-discrimination protections in Article 3 and was hostile to expanding anti-discrimination law and strengthening the anti-discrimination agency. They also

opposed reforming the law of descent and improving rights for multiple parents, and they were unsympathetic to the idea of increased social acceptance for rainbow families, the promotion of LGBTI rights abroad, and the implementation of fair asylum procedures. They provided no answer for the questions on trans and intersex rights or hate crimes. It is fair to say that there is nothing positive to report in this domain; in general, when the AFD has invoked gay and lesbian people during the campaign, it has come in conjunction with proposals to curtail the rights of others, such as Muslim immigrants who the AFD portrays as homophobic. This has been apparent, for example, in statements by openly lesbian co-leader, Alice Weidel, or in homonationalist campaign advertising, one of which showed a gay male couple with the phrase “My partner and I don’t value acquaintances with Muslim immigrants, for whom our love is a moral sin [Mein Partner und ich legen keinen Wert auf die Bekanntschaft mit muslimischen Einwandern, für die unsere Liebe eine Todesünde ist] (Turnbull-Durgate 2022). As is suggested in the data presented in the next section, these hollow appeals did not resonate with LGBTI voters.

LGBTI Issue salience: Electoral Behaviour and Representation

How did these platforms resonate? This section looks at two indicators of LGBTI impact in the election. First, by exploring how LGBTI and non-LGBTI voters responded to the party platforms. Second, by looking at LGBTI representation in terms of who entered the Bundestag as a result of the election. One thing to note before moving forward is that LGBTI participation is exceptionally difficult to study, due to the challenges surrounding the collection of representative data on an often-invisible population that continues to face risks identifying publicly as LGBTI. Furthermore, scholars have repeatedly neglected collecting systematic data on LGBTI voting

preferences, including the various German think tanks that study electoral behaviour but still fail to include LGBTI people.² I rely on the work of social scientists who have found creative ways (despite limited data availability) to research this election carefully and establish different patterns of electoral behaviour for LGBTI and non-LGBTI people. That said, due to the challenges mentioned above, discrepancies exist. Nonetheless they offer us a valuable resource to trace the broad-brush patterns I describe below.

Electoral Behaviour

Research in the LGBTQ Election Studies of 2017 and 2021 has shown a sizeable LGBTI advantage for German parties towards the left of the political spectrum (Hunklinger and Ferch 2020; Hunklinger, Ferch, and de Nève 2021). In both elections, Hunklinger, Ferch and de Nève find considerable support for smaller left parties (the Greens and the Left) among LGBTQ voters, suggesting that they respond to the platforms described above. Taking all LGBTQ voters in their 5,149-person sample, 52.6 percent supported the Green Party and 17.4 percent supported the Left respectively in 2021 (compared to the 14.8 percent and 4.9 percent these parties won in the general election). The SPD garnered 9.1 percent, the CDU/CDU won 3.2, and the AFD received 2.6. The FDP appeals to gay men (11.2 percent), but support drops precipitously with bisexual (7.3) and lesbian (2.4) identified people. One issue with this impressive data is that it captures younger, higher educated people, meaning it could skew the findings to the left.

² As part of the IASGP election trip visiting Berlin ahead of the 2021 elections, we met with the *Institute for Parliamentary Research*, which collects data on “Diversity in German Politics” around elections. However, they had not collected data on LGBTI voters.

Using different GLES data, which included 3,287 heterosexual and LGB respondents (7.6 percent identified as LGB), Turnbull-Dugarte (2022) found that LGB voters differed less substantially from their heterosexual counterparts in his analysis of voting patterns in the 2021 elections. That said, a leftward advantage remains: a plurality of both heterosexual (29.5%) and LGB (33%) voters supported the SPD, and about 20% of both groups supported the CDU. The primary differences between these voting blocs were found in their support for the smaller parties, with LGB voters again skewed to the political left. Interestingly, a higher proportion of heterosexual voters (22.3%) supported the Greens compared to LGB voters (19%), whereas a greater proportion of LGB voters (9%) preferred the Left (Turnbull-Dugarte 2022). In terms of support for the radical right, the AfD's attempts to win over LGB voters appeared to be fruitless, as only 2.2% of LGB voters supported the AfD, compared to 6.2% of heterosexuals (Turnbull-Dugarte 2022). Regarding the outcome of the elections, LGB and heterosexual voters expressed similar levels of support for the *Traffic Light* coalition (Turnbull-Dugarte 2022). Overall, while the far-right suffers an LGB "penalty" and the SPD and Left enjoy an LGB "premium," there was no significant difference in support for the centre right between LGB voters and heterosexual voters in 2021 (Turnbull-Dugarte 2022). Again, however, these results must be interpreted with some caution, given difficulties around data collection. What remains consistent is a leftward skew for German LGBTI voters (one that scholars also find across Europe and North America), with stronger-than-average support for the Left and notably less support for the AfD.

Representation

More inclusive party platforms dovetailed with more representation on party lists, as the 2021 election ushered in the most LGBTI-inclusive cohort of parliamentarians in German history. While data again diverge somewhat between sources, I rely on the most comprehensive list compiled by the Princeton Queer Politics database, which records LGBTQI+ elected officials globally (Reynolds 2022). For the 2021 German election, it includes 33 LGBTQI-identified parliamentarians. The SPD has the most parliamentarians overall, but the Greens have the most relative to their respective share of seats. The data record only two out parliamentarians in the CDU/CSU bloc, despite that party garnering 197 seat in parliament.

Table 2: Out German Parliamentarians by Party (2021)

Left (1 of 39)	Matthias Höhn
Greens (11 of 118)	Anja Hajduk, Bruno Hönel, Gerhard Schick, Kai Gehring, Marlene Schönberger, Max Lucks, Nyke Slawik, Ricarda Lang, Sven Lehmann, Tessa Ganserer, Ulla Schauws
SPD (14 of 206)	Barbara Hendricks, Carlos Kasper, Falko Mohrs, Jakob Blankenburg, Jan Plobner, Johannes Arlt, Johannes Kahrs, Kevin Kühnert, Lars Castellucci, Matthias Miersch, Michael Roth, Sebastian Roloff, Takis Mehmet Ali, Timon Gremmels, Falko Droßmann
FDP (4 of 92)	Jens Brandenburg, Jürgen Lenders, Konstantin Kuhle, Thomas Sattelberger
CDU/CSU (2 of 197)	Jens Spahn, Stefan Kaufmann

AfD (1 of 81)	Alice Weidel
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Source: Reynolds 2022

To spotlight a few parliamentarians in this group, it includes Tessa Ganserer (44 years old at time of the election) und Nyke Slawik (27), who became the first out trans members of the German parliament (TGEU 2021). Tessa Ganserer campaigned for an official apology and compensation for trans people who were forced to undergo sterilization or gender reassignment surgery (Anarte 2021). Nyke Slawik is the daughter of a Polish immigrant father and made a name for herself as a climate activist (Grieshaber 2021; Schulze 2021). The Green Party also made history with Ricarda Lang of Baden-Württemberg, who at 28 years old became the first openly bi woman elected to the Bundestag. Viewed as a representative of the party's left, she had her start in its youth wing before becoming Deputy Federal Chairwoman and Women's Policy Spokeswoman in November 2019 (Schulze 2021). She has outspokenly supported changing Article 3 of the Basic Law, ending discriminatory blood donation requirements, protecting queer refugees, and abolishing the transgender law to advance self-determination (Tagesspiegel 2021).

The SPD includes a diverse (though mostly male) slate of parliamentarians, including Barbara Hendricks (69) who is a lesbian woman, Lars Castelucci (47) who has a German-Italian migration heritage (Mügge and Özvatan 2021), and Takis Mehmet Ali (30) of Turkish-Greek descent (Hürriyet 2021), who is newly elected and spokesman for the SPD parliamentary group for the interests of people with disabilities (Badische Zeitung 2022). The FDP's parliamentarians are all white gay men, including Jens Brandenburg (35) who has served as member of the board of the Magnus Hirschfeld Foundation and is considered the most important FDP MP on LGBTI

rights. For the CDU, Jens Spahn (41) stands out given his prominence as former Federal Minister of Health and past contender for party leadership. He has been a member of the Bundestag since 2002 and played an active role in the past government's 2019 ban on conversion therapy, though he has been criticized for deploying LGBTI rights in his highly conservative platform towards migrants (Kinkartz 2018). Finally, Alice Weidel (42) is the co-chair of AFD. Born in Gütersloh, she spent six years in China working at the Bank of China and now lives between Berlin and Biel, Switzerland with her Sri Lankan-born partner and two adopted sons (Schuster 2017). While she began her political career criticizing German bailouts during the Euro-debt crisis, she shifted her focus to target immigration, often using xenophobic rhetoric that has called for banning minarets or hijabs worn in public service (Hockenos 2017). She famously said she was motivated to lead the party that addresses the "problem" of Muslim migration, because of her homosexuality (FAZ.NET 2017).

Conclusion

The election of 2021 marks a new frontier for LGBTI rights in Germany. Throughout Merkel's tenure, the Bundestag served as a "passive facilitator" for LGBTI rights—reluctantly succumbing to a combination of domestic activism, judicial mandates, and international pressure (Ahrens et al. 2021). Indeed, many of its legislative questions focused on human rights violations of LGBTI people elsewhere (e.g., in the Global South), often ignoring ongoing domestic shortcomings and sometimes contributing to homonational discourse (Schotel 2021). The 2021 Elections took a different stance, with high LGBTI issue visibility and demands among a majority of viable parties (particularly the Greens, the Left, FDP, and SPD) and unprecedented representation in the current Bundestag.

Despite the war in Ukraine and the energy crisis that has preoccupied the young government, they remain poised to follow through on their expansive LGBTI goals. The coalition takes up many of the positions articulated by the SPD, Greens, and FDP during the election. For example, it has already pledged to enact a new self-determination law for trans people, funding for gender affirming healthcare, changes to restrictive blood donation rules for LGBTI people, funding for sex-education programs and the Magnus Hirschfeld Foundation, compensation for trans people forced to undergo sterilization or divorce, expanding Article 3 of the Basic Law on the basis of “sexual identity,” more expansive recognition of rainbow families³, a comprehensive ban on conversion therapy and child intersex surgery, as well as a ban on anti-LGBTI hate crimes, and other advancements for LGBTI rights (Turnbull-Dugarte 2022; Davidson-Schmich 2022).

Beyond domestic initiatives, the agreement also sees a more active German role on LGBTI rights in global politics. This includes ideas for pressing the EU to recognize same-sex unions across the bloc, plans to provide greater protection for LGBTI asylum seekers, expand the LGBTI mandates of development programs, and aspire to a UN Convention on LGBTI rights (Davidson-Schmich 2022, 62). Finally, the coalition also appointed to the country’s first LGBTI+ Commissioner (Green MP Sven Lehmann) who will oversee a National Action Plan for Sexual and Gender Diversity that covers several of the points above. While it remains imperfect and even wanting in terms of addressing different intersectional experiences (e.g., dropping an SPD call to combat anti-gender rhetoric), it is nonetheless notably more expansive than what we could have

³For example, the recognition of both mothers in a same-sex relationship as parents (not just the birthing-mother) and the introduction of “*Verantwortungsgemeinschaften*,” where up to four people can share the responsibility of a child.

expected had the CDU/CSU formed another government. Indeed, it is a new chapter for LGBTI rights in Germany.

Works Cited

- Ahrens, Petra, Phillip Ayoub, and Sabine Lang. 2021. "Leading from Behind? Gender Equality in Germany During the Merkel Era." *German Politics* 31(1): 1-19.
<https://doi.org/10.1080/09644008.2021.1986009>.
- Anarte, Enrique. 2021. "Analysis- German election seen as paving way for transgender rights gains." *Openly News*, September 27, 2021.
<https://www.openlynews.com/i/?id=0741f902-d4cb-4b10-a2e0-b1030d3c8602>.
- Ayoub, Phillip M. 2016. *When States Come Out: Europe's Sexual Minorities and the Politics of Visibility*. New York: Cambridge University Press.
- . 2017. "Merkel Opposed Marriage Equality — until Now. What Happened?" *Washington Post*, December 7, 2017. <https://www.washingtonpost.com/news/monkey-cage/wp/2017/06/29/merkel-opposed-marriage-equality-until-now-what-happened/>.
- Badische Zeitung. 2022. "Observed & Heard [Beobachtet und Gehört]." *Badische Zeitung*, May 20, 2022.
<https://www.badische-zeitung.de/beobachtet-und-gehoert-xisoxn2ix--213049184.html>.
- Davidson-Schmich, Louise K. 2017. "LGBT Politics in Germany: Unification as a Catalyst for Change." *German Politics* 26, no. 4 (November 2017): 534-555.
- . 2018. "LGBTI Rights and the German National Election." *German Politics and Society* 36, no. 2: 27-54.
- . 2022. "What Do (Parties Think) Women and LGBTI Citizens Want." *German Politics and Society* 40, no. 3: 45-72.

FAZ.NET. 2017. 'Homosexualität in der AfD: Alice Weidel wagt die Flucht nach vorn', 20 September 2017, sec. Politik. <https://www.faz.net/1.5208786>.

Grieshaber, Kirsten. 2021. "New lawmakers make German parliament more diverse than ever." *Los Angeles Times*, September 28, 2021.
<https://www.latimes.com/world-nation/story/2021-09-28/new-lawMAKERS-make-german-parliament-more-diverse-than-ever>.

Griffiths, Craig. 2021. *The Ambivalence of Gay Liberation: Male Homosexual Politics in 1970s West Germany*. Oxford: Oxford University Press.

Herzog, Dagmar. 2011. *Sexuality in Europe: A Twentieth-Century History*. Illustrated edition. Cambridge University Press.

Hockenos, Paul. 2017. "Meet the Lesbian Goldman Sachs Economist Who Just Led Germany's Far Right to Victory." *Foreign Policy*, September 24, 2017.
<https://foreignpolicy.com/2017/09/24/meet-the-lesbian-goldman-sachs-economist-who-just-lead-germanys-far-right-to-victory/>.

Hofmann, Inga. "Ricarda Lang ist erste offen bisexuelle Abgeordnete: Mein Einzug in den Bundestag ist für viele ein schönes Signal." *Der Tagesspiegel*, October 5, 2021.

Hunklinger, Michael, and Niklas Ferch. 2020. "Trans* Voting: Demand and Supply Side of Trans* Politics in Germany." *European Journal of Politics and Gender* 3(3): 389–408.

Hunklinger, Michael, Niklas Ferch, and Dorothee de Nève. 2021. "If LGBTQ Voters Had Decided Germany's Election, the Greens Would Be in Charge." *Washington Post*, October 12, 2021. <https://www.washingtonpost.com/politics/2021/10/12/if-lgbtq-voters-had-decided-germanys-election-greens-would-be-charge/>.

Hürriyet. 2021. "18 lawmakers of Turkish descent win seat in Germany's Bundestag."

Hürriyet Daily News, September 28, 2021.

<https://www.hurriyetaailynews.com/18-lawmakers-of-turkish-descent-win-seat-in-germanys-bundestag-168214>.

Kinkartz, Sabine. 2018. "Germany's new health minister Jens Spahn: Young, conservative and

ambitious." *DW Akademie*, February 26, 2018. <https://www.dw.com/en/germanys-new-health-minister-jens-spahn-young-conservative-and-ambitious/a-42737950>.

LSVD. 2021. "Bundestagswahl: Was wollen die Parteien für Lesben, Schwule, Bisexuelle, Trans- und Intergeschlechtliche Menschen erreichen." Accessed May 30, 2022.

<https://www.lsvd.de/de/ct/5020-Bundestagswahl-Was-wollen-die-Parteien-fuer-Lesben-Schwule-bisexuelle-trans-und-intergeschlechtliche-Menschen-erreichen>.

Mannschaft. 2021. "LGBTIQ have clear favourites in the federal election." *Mannschaft*

Magazin, August 31, 2021. <https://mannschaft.com/studie-vorgestelltstudie-zur-bundestagswahl-lgbtqi-haben-ganz-klaren-favoriten/>.

Mügge, Liza and Özgür Özvatan. "A Bundestag of Color?" *AICGS*, October 26, 2021.

<https://www.aicgs.org/2021/10/a-bundestag-of-color/>.

Reynolds, Andrew. 2022. "Queer Politicians Data." QP@P. Princeton University.

<https://queerpolitics.princeton.edu/data>.

Schotel, Anne Louise. 2022. "A Rainbow Bundestag? An Intersectional Analysis of

LGBTI Representation in Angela Merkel's Germany." *German Politics* 31(1): 101-118.

Schulze, Micha. 2021. "Ricarda Lang is the first openly bisexual member of the Bundestag."

Queer.de, September 26, 2021. https://www.queer.de/detail.php?article_id=40084.

Schuster, Kathleen. 2017. "AfD's Alice Weidel: The pride of the populists, a mystery to everyone else." *DW Akademie*, April 9, 2017. <https://www.dw.com/en/afds-alice-weidel-the-pride-of-the-populists-a-mystery-to-everyone-else/a-40356769>.

Transgender Europe. 2021. "Two trans women will take up a seat in the German Parliament." September 27, 2021. <https://tgeu.org/two-trans-women-will-take-up-a-seat-in-the-german-parliament/?fbclid=IwAR06nx1z5XoCgSBlwKk5lIO-sXSM-oZdOU7DjMkQBXuYwrASRURzLTzKijQ/>.

Turnbull-Dugarte, Stuart J. 2022. "Rainbows and traffic lights: queer voters at the German ballot box." *European Journal of Politics and Gender*, forthcoming.