JA, ICH WILL: FRAMING THE SAME-SEX MARRIAGE DEBATE IN THE 17TH
SESSION OF THE GERMAN BUNDESTAG

A thesis presented in partial fulfillment of the requirements for completion
Of the Bachelor of Arts degree in International Studies
Croft Institute for International Studies
Sally McDonnell Barksdale Honors College
University of Mississippi

University of Mississippi
May 2014

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ACKNOWLEDGEMENTS AND DEDICATION

I would first like to thank the Croft Institute for International Studies and the Sally McDonnell Barksdale Honors College for fostering my academic growth and development over the past four years.

I want to express my sincerest gratitude to my thesis advisor, Dr. Ross Haenfler. Without his guidance and words of encouragement, I would not have been able to make it through this process. I would also like to thank my second reader, Dr. Alice Cooper, and my third reader, Dr. Kees Gispen. In their own way, the member of my thesis committee helped deepen the research I did for this thesis, and for that, I am grateful. This thesis would also not have been possible without my German teachers, Dr. Chris Sapp, Dr. Petrescu, and Dr. Nicola Schmerbeck.

I am thankful for my parents who have allowed me to simply be me since October 22, 1991. I am deeply appreciative of the constant support my family has provided me. I would also like to mention my friends who have encouraged and challenged me throughout the years.

Finally, I would like to thank my boyfriend Martin Ducote. I don't know what I would do without him.

I dedicate this thesis to the countless activists who have spent their lives fighting for equality and the end of discrimination.

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I. LIST OF TERMS AND ABBREVIATIONS

GSM: Gender and Sexual Minorities[1]

SPD: Social Democratic Party (*Sozialdemokratische Partei Deutschlands*)

CDU: Christian Democratic Union (*Christlich Demokratische Union Deutschlands*)

CSU: Christian Social Union (*Christlich-Soziale Union in Bayern e. V.)*

FDP: Free Democratic Party (*Freie Demokratische Partei*)

PDS: Party of Democratic Socialism (*Partei des Demokratischen Sozialismus*)

ILGA: International Lesbian, Gay, Bisexual, Trans, and Intersex Association[2]

BVerfG: Federal Constitutional Court of Germany (*Bundesverfassungsgericht*)

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[1] I use this term instead of LGBT and its variants in order to be more inclusive. I try to make any distinction between communities as deliberate as possible. When describing the history of the GSM community in Germany, I try to describe various groups in their terms rather than contemporary conceptions of those terms.

[2] At the time of its formation, it was called the International Gay Association. In 1986, it changed its name to the International Lesbian and Gay Association. Since then, it has also included Bisexual, Trans, and Intersex into its name to be more representative of gender and sexual minority groups.

CHAPTER I: INTRODUCTION

1.1 GERMANY AS A CASE STUDY

After my first visit to Germany the summer before my sophomore year of college, I considered Berlin as one of the most accepting cities of gender or sexual minorities (GSM). This past June, I attended the Christopher Street Day Parade in Berlin, which is one of the largest pride parades in the world. During this daylong event, I saw the GSM community and their allies stand against discrimination and celebrate their identity. The parade ended in front of Brandenburg Gate, just a few streets over from the Reichstag. Seeing the political energy of this community in Berlin inspired my curiosity in the legal rights of gender and sexual minorities in Germany, specifically regarding relationship recognition.

Overall, Germany has an impressive track record as to the visibility and treatment of the GSM community. In addition to the parade, there are a number of prominent politicians who identify as GSM, including the mayor of Berlin, Klaus Wowereit, and the former Minister of Foreign Affairs, Guido Westerwelle. Legislation has decriminalized same-sex activity and prevents workforce discrimination on the basis of sexual orientation or gender identity. German politicians and citizens have publicly criticized homophobic legislation of other countries, recently seen Russia prior to the 2014 Winter Olympics.[1] In November 2013, Germany even became the first country in Europe to allow a third "indeterminate" gender on birth certificates, allowing parents to opt out of

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[1] On June 30, 2013, President Vladimir Putin signed a bill into law criminalizing "propaganda of non-traditional sexual relations." Despite national support, this "anti-gay" law received international criticism. Leading up to the 2014 Winter Olympics Opening Ceremony, several things gave Germany the appearance of protesting the law. For example, President Joachim Gauck's decided to not attend the games, the German Olympic team had rainbow-colored uniforms, and there was a "rainbow flame" at the Berlin Film Festival on the first day of the games.

the binary gender system (Heine 2013). Indeed, the German government has improved the lives of the GSM community through a variety of legislative and political actions. The one exception, however, appears to be same-sex marriage policy.[2]

Germany was actually a former frontrunner in this policy field. During the late 1990s and early 2000s, several federal and regional authorities across North America and Western Europe passed legislation establishing civil unions. This new institution gave same-sex relationships access to some, but not all, of the rights and privileges of marriage. Germany passed its version of the law, the Life Partnership Act (*Gesetz über die Eingetragene Lebenspartnerschaft)*, in 2001. At the time, the Netherlands was the only country that had legalized same-sex marriage. As of February 2013, there are a total of 15 countries that permit same-sex marriage federally and three that permit it in certain jurisdictions (Masci, Sciupac, and Lipka 2014).[3] While Germany has yet to fully allow same-sex marriage, it has expanded the scope of rights for civil unions. This is not to say that Germany has not had significant progress in the legal recognition of same-sex relationships. During the 17th session of the Bundestag especially, there was frequent discussion and legislative actions that gave same-sex unions more rights. By the end of the session, the only rights still withheld from same-sex relationships are 1) joint adoption, and 2) the designation of the term "marriage."

When the Life Partnership Act was passed, the Social Democratic Party (SPD) and Bündnis 90/Die Grünen (the Greens), two left-leaning parties, formed the majority

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[2] I use the term same-sex marriage and not marriage equality because transgendered people are allowed to marry.

[3] Countries that allow same-sex marriage: Argentina (2010), Belgium (2003), Brazil (2013), Canada (2005), Denmark (2012), France (2013), Iceland (2010), the Netherlands (2000), New Zealand (2013), Norway (2009), Portugal (2010), South Africa (2006), Spain (2005), Sweden (2009), and Uruguay (2013). Countries with same-sex marriage in certain jurisdictions: Mexico (2009), the United Kingdom (2013), and the United States (2003). These dates come from the year the legislation was enacted.

government. Since 2005, the Christian Democratic Union (CDU) and the Christian Social

Union (CSU) have been the majority faction in the Bundestag. As sister conservative

parties, the CDU/CSU, otherwise known as the Union, have played a major role in the

opposition to inclusive marriage rights. Their position in the Bundestag and on the GSM

community has created a rift between public opinion and political action. According to a

poll released in 2013, 74% of Germans are in favor of extending equal marriage rights to

GSM relationships (Peter 2013). Roughly a week later, Angela Merkel, current German

Chancellor and chairwoman of the CDU, refused to include same-sex marriage in the

party's platform for the 2013 election despite the survey's results (Der Spiegel 2013b).

Even by only allowing registered partnerships, Germany ranks highly in the

ILGA's Rainbow Map, which assigns values to reflect the legal treatment of GSM (ILGA

2013). As indicated by the public opinion survey, same-sex marriage has already been

"won" with the general public. Therefore, the Bundestag appears to be one of the last

arenas in Germany, in which same-sex marriage is still a contentious issue.

1.2 RESEARCH QUESTION

Considering this context, I wondered how German politicians argue for or against

same-sex marriage. Framing theory provides one way of examining how arguments are

formed, or framed, on a given issue. With the help of this field, this thesis will address

how party lines and alliances impact the framing themes and frequencies in German

debates on same-sex marriage. In order to achieve this goal, this thesis must also answer

the following sub-questions: What is the historical context of the debate? What are the

proponent and opponent framing themes on same-sex marriage and how frequently do

they occur? Did these framing themes undergo any changes even in the short span of four years?

First, I needed a time period during which politicians frequently discussed same-sex marriage. The 17th Session of the Bundestag met this criterion. As CDU politician Ute Granold declared in a 2011 meeting of the Bundestag, German politicians "have not discussed any other topic so frequently and intensively in the past ten years as [they] have with [same-sex marriage] in the past three months."[4] In fact, there were a total of 53 speech acts related to same-sex marriage between 2009 and 2013.

Using framing theory allows me to explore the institutional and cultural circumstances preventing the passage of same-sex marriage in Germany. In 1974, Erving Goffman laid the foundation for framing theory in his book *Frame Analysis*. According to Goffman, a frame is a "schemata of interpretation" that allows people "to locate, perceive, identify, and label a seemingly infinite number of concrete occurrences" (Goffman 1974, 21). It is important to recognize the distinction between a schema and a frame. A schema is an expectation about a given subject, but a frame is the alignment of different schemata in order to achieve a particular goal. For example, to gain support, GSM communities might frame sex-marriage as a "fundament right" or as "marriage equality," while their opponents might frame same-sex marriage as a "threat" to "traditional" values, the family, and/or social order. Frames have two distinguishing characteristics that lead to frame production, development, and expansion: 1) an "action-oriented function," otherwise known as "core framing tasks," and 2) evolving alignment processes and dynamics (Snow and Benford 2000, 614-615).

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[4] "Wir haben uns in den letzten zehn Jahren mit keinem Thema so oft und so intensive wie mit diesem Thema befasst, zuletzt vor drei Monaten" (Plenarprotokolle 17/126, 14863).

In 1988, Snow and Benford identified the three core framing tasks that continue to play an important role in framing theory to this day. Modeled after Wilson's 1973 article, which broke down ideology into three components, Snow and Benford argued that there are essentially three goals for framing. The first, known as diagnostic framing, identifies and describes a problem in need of changing. The second is prognostic framing, which proposes a course of action to remedy the problem. Both of these seek to establish coherency and a clear vision for mobilization. The third, on the other hand, tries to inspire people to participate in the fight for a particular goal. This task is known as motivational framing (Benford and Snow 1988, 199). Social movements, including countermovements, undertake these framing tasks to garner public support and undermine their opposition.

Snow and Benford published another article in 2000 that consolidated the breadth of information on framing theory and discuss general trends within this field. After describing contributions to their theory on core framing tasks, they explained the way frames are developed and changed through dynamic processes. The three overarching processes are discursive, strategic, and contested processes. Discursive processes refer to discourse, whether written or oral communication, relating to a movement. In this process, actors either construct a narrative through frame articulation or they use phrases or slogans through frame amplification (Snow and Benford 2000, 623).

Actors use strategic processes to reach a set goal. The four potential types of strategic processes are – frame bridging, frame amplification, frame extension, and frame transformation. All four describe a frame's relationship with culturally relevant notions and ideas as well as other frames. Frame bridging fuses two frames to a particular issue;

frame amplification strengthens a frame by connecting it to deep-seated values and beliefs; frame extension expands the scope of the frame to include other interests and concerns; and frame transformation creates a new perception of an older frame (Snow and Benford 2000, 624-625).

Contested processes are the last group of dynamics that affect frames. As the name implies, these processes refer to conflicts surrounding frames. They can take the form of counter frames by external opponents, disputes by internal members, or tension between frames and collective action. While the first two are clear, the last one requires extra explanation. The last form of contested processes refers to the changing relationship between discourse and action. Snow and Benford pointed to Ellingson's 1995 article, which looked at riots on abolitionism in Cincinnati after the Civil War. He discovered that frames used at the beginning of public discourse facilitated certain forms of collective action. These "legitimate" forms of collective actions then, in turn, changed the discourse (Snow and Benford 2000, 626-627). Framing theory is prevalent in the same-sex marriage debate. Katharine McFarland's (2011) article "Media Influence and Frame Diversity in the Debate Over Same-Sex Marriage" investigates the frames used and their diversity on same-sex marriage in the United States. Specifically, she looked at 600 newspaper articles in seven states during debates on proposed amendments to state constitutions, banning same-sex marriage. She found a total of 17 framing themes – 7 pro-amendment, 8 anti-amendment, and 1 neutral. Her framing themes can be found in Appendix II.

In conclusion, this thesis heavily on both the research of Snow and Benford (2000) and McFarland (2011) to investigate the debate on same-sex marriage debate in

Germany. By using Snow and Benford (2000), I explain the features and dynamics of frames used by Bundestag politicians. McFarland's article gave me a baseline for my overall methodology, although I used different data criteria. Through a synthesis of these two works, I constructed and analyzed several tables for both proponent and opponent frames used by German politicians. Although it is not a part of my foundational literature, my project provides some insight into modern German political party identity and the broader international GSM movement.

1.3 DATA AND METHODOLOGY

An explanation of the German political process is crucial to understand the data provided in this thesis. Most laws originate in the Bundestag, where members are elected based mixed-member proportional representation. For quite some time, this system resembled a two party-system, divided between the SPD and CDU/CSU faction, but now it is more of a multi-party system. Parties need to form coalitions to secure a majority of seats and create a stable government for each session of the Bundestag. In order for a bill to become a law in Germany, it must first go through three readings. The first reading usually transfers the bill to one or more relevant committees to form an opinion on the bill. After reading the report and recommendations, parliamentary parties debate and can propose motions for amendments as well as comment on the bill as a whole. In the final reading, politicians vote on the bill unless 5% of the members of the Bundestag request another debate. If passed, then it is transferred to the Bundesrat as an act. If the Bundesrat has any objections, an equal number of Bundestag and Bundesrat politicians meet to discuss the legislation in what is called a Mediation Committee. The Bundesrat must

approve any bill that directly affects either the government or finances of the German states, or *Länder*. The Bundestag can pass legislation without the Bundesrat's approval and without an agreement in the Mediation Committee if the bill only affects the federal government and passes with an absolute majority in the Bundestag.

For the purposes of this paper, I focused solely on the complete legal recognition of homosexual relationships in the form of marriage. I did not consider documents or speeches related to extending specific rights, like tax benefits or adoption rights, to civil unions. Including these other documents would venture into other policy fields related to, but outside of marriage policy. Because of my time frame and data criteria, I was able to analyze all relevant written documents and spoken acts related to same-sex marriage from the 17th session of the Bundestag.

My data include official governmental speech acts related to same-sex marriage. This definition encompasses both written and spoken texts. I examined on the official publications of the Bundestag, which are publicly assessable via Bundestag.de. Specifically, I examined motions and bill proposals, which I classified as written speech acts, and speeches. As in most parliaments, a motion can initiate legislative action. I coded all paragraphs in motions because the entire text is the reasoning, arguments, and demands of party representatives. For bill proposals, on the other hand, I only coded the sections on general reasons for the bill proposal (*Begründung)* and legal substantiation for each proposed change (*Einzelbegründung).* This means that I excluded the section containing a sample draft of new legislation. Politicians are given the opportunity to speak on bill proposals and motions. During these formal debates, at least one person from each party gives a speech, and, if permitted, a politician can also interrupt a speech

to ask a question or make a statement. Every meeting is transcribed into a written protocol, which includes the daily agenda, speeches, voting records, and other actions. Thanks to these protocols, I was able to include speeches given in debates on same-sex marriage in five meetings of the Bundestag – 49th, 126th, 187th, 228th, and 247th meetings of the 17th session. A full list of the documents used as data can be found in Appendix I.

I adopted a mixed methods design by employing both qualitative and quantitative research methods based on McFarland's article. I employed qualitative methods by coding my units of analysis. I read through the documents several times to create my list of framing themes. I have used the terms proponent and opponent to describe these themes. Proponent themes argue in favor of same-sex marriage, and opponent themes argue against same-sex marriage. After coding each paragraph, I then used quantitative methods to measure the frequency of each frame. There is, however, a fundamental difference in her research and mine. First, she uses newspaper articles, while I use official governmental speech acts. In tracking her frequencies, she also adopted a different methodology. She elected to count frames on their appearance in an entire document. Instead of looking at the document as a whole, I tracked a frame's appearance per paragraph. By looking at individual paragraphs, I was systematic in my coding. I operated under the assumption that paragraphs are constructed with some form of coherence, in which sentences relate to one another. Therefore, I counted each distinct frame only once per paragraph. In paragraphs containing multiple frames, I counted each type separately. This approach allowed me to track the overall number of times a frame was used per document, rather than if a frame simply appeared in a document.

By focusing on political debates, I had a simplified way of identifying and tracking the framing themes on same-sex marriage. The six parties in the 17th session were the Christian Democratic Union (CDU), Christian Social Union (CSU), Social Democratic Party (SPD), Alliance 90/The Greens (The Greens), the Free Democratic Party (FDP), and the Left.[5] During the 17th session, the CDU, CSU, and FDP were the Majority Government, and the SPD, the Greens, and the Left were the Opposition. In regards to same-sex marriage, the Majority Government voted against the passage of same-sex marriage, and the Opposition proposed legislation on same-sex marriage. Majority/Opposition should not be confused with the terms proponent/opponent. The two factors that influence a party's use and frequency of themes are party ideology and relationship with other parties. While each party had a clear stance on this issue, their position in either the Majority or the Opposition also influenced a party's themes. For example, the FDP was not ideologically opposed to same-sex marriage, but its actions were constricted because of its position as the junior partner in a coalition with the Union parties. To account for internal divisions like this, I coded each speech act considering the potential use of both proponent and opponent framing themes.

1.4 CHAPTER LAYOUT

In subsequent chapters of this thesis, I will illuminate my results, the debate, and the significance of the German framing themes. Chapter Two contextualizes the debate by looking at the history of the same-sex marriage debate in Germany. I have divided my investigation of framing themes by party alliance. Both Chapters Three and Four have the

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[5] The CDU and CSU are sister parties and are often considered together as the collective "Union" faction. For the purposes of this project, I classified them as two separate parties to provide a better explanation for the framing themes used by each political entity.

same structure: 1) a description of framing themes including notable difference between the German and American debates, 2) generalizations about the overall framing theme frequencies, and 3) specific discussions on the dynamics behind framing themes from 2009 to 2013. Overall, I found that the frequency of framing themes reflects party ideology. I also discovered that the Opposition as a whole had more consistent use of framing themes than the Majority. Out of all of the parties, the CDU had the most inconsistency and variation in the use of its framing themes. Chapter Five concludes my thesis as well as provides a prediction for the future of same-sex marriage.

CHAPTER II: HISTORY OF THE SAME-SEX MARRIAGE DEBATE IN GERMANY

The debates in the 17th session reflected the historical discourse on same-sex marriage by the GSM activists and German politicians. Although the discussion on same-sex marriage became popular in Germany during the 1990s, it originated in Western Germany during the 1980s. In 1984, the tabloid *Bild* published a story on the religious blessing of homosexual, usually lesbian, couples (Raab 2011, 225). During this time, the homosexual sub-culture was formulating its collective stance on same-sex marriage. Since the 1960s, the lesbian community has aligned itself with feminist, rather than homosexual movements. Generally, feminists adopted a radical stance on marriage because as an institution it reinforced a patriarchal system. Other activists saw that same-sex marriage was an opportunity to dismantle discrimination and reform the institution of marriage for all couples. Some people tried combining these two opinions by arguing that while relationship recognition needs to be improved, same-sex marriage would help dismantle the patriarchy (Raab 2011, 231-239).

The introduction of the Greens in 1983 and the Party of Democratic Socialism (PDS) in 1989 to the Bundestag changed the way in which the German government handled sexual minorities. For example, the Greens challenged the language used in the Bundestag on homosexuality from 1987 to 1990. The party proposed a motion that included the words "Schwule" and "Lesben," the contemporary terms for gays and lesbians. The president of the Bundestag did not permit the motion, citing its use of slang terms rather than the standard German terms "Homosexuelle" and "Lesbierinnen." In retaliation, the Greens submitted a revised motion that suggested the use of the 19th century terms "Urninge" and "Urniden" to avoid the pathological connotation of

"Homosexuelle" (Raab 2011, 264). Although these motions had a marginal impact, they were symbolic because, for the first time, a party in the Bundestag defended the GSM community.

By the 13th session of the Bundestag from 1994 to 1998, the Greens and the PDS began advocating for the recognition of same-sex relationships through a separate institution known as a civil partnership. The expansion of neo-liberalism during the 1990s provided the context for the push for relationship recognition. Neo-liberalism, a political philosophy based on open markets and liberal economic policy, became the norm for states after the fall of communist regimes in Central and Eastern Europe. It also shifted the essential nature of state regulation on marriage and the family. While still retaining their privilege, the traditional institutions of marriage and family were now based on love and mutual responsibility, rather than security and necessity (Raab 2011, 243-244). This new understanding provided a greater flexibility between homosexuality and the state.

Although internal conflict within the GSM community continued throughout the 1990s, activists in favor of same-sex marriage had greater influence on the Bundestag. During this decade, the Schwulenverband Deutschland (SVD) would become the leading homosexual rights organization in Germany. In 1992, the SVD led a campaign known as "Aktion Standesamt," in which 250 homosexual couples applied for marriage in at their local registry office, or *Standesamt*. Afterward, one couple sued, citing a breach of Article 6 in the Basic Law, which prohibits discrimination. The Federal Constitutional Court heard their case and ruled against the couple because the "gender difference is a

characteristic feature of marriage."[6] As one of the first attempts of collective action for same-sex marriage, this demonstration increased the visibility of the SVD and sparked public debate on the same-sex marriage.

This debate caused initial successes in the legal relationship recognition of same-sex couples from the mid to late 1990s. In 1995, the Greens submitted a bill proposal for the "introduction to the right to marriage for people of the same sex" and it was transferred to the Committee on Legal Affairs and Consumer Protection.[7] In 1998, a majority of representatives from the Committee on Legislative Affairs encouraged the creation of a similar institution to marriage for same-sex couples known as a civil partnership. Shortly afterward, the city-state of Hamburg passed a law permitting civil partnerships and had its first ceremony on May 6, 1999. Around this time, the SPD and the Greens formed the majority government for the 14th session of the Bundestag. In the their coalition agreement, the two parties promised to fight discrimination by introducing the institution of civil partnership (Raab 2011, 294).

Between the start of the 14th session in 1998 and the enactment of the Life Partnership Law in 2001, several homosexual rights organization demonstrated either their disapproval or support of homosexual relationship recognition. Once again, organizations in favor of civil partnerships had substantial social and political influence. In March 1999, the SVD voted to include and represent the interests of the lesbian community in by changing its name to the Lesben- und Schwulenverband Deutschland (LSVD). Under the slogan "just as many rights for just as much love," the organization's

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[6] "Die Geschlechtsverschiedenheit zu den prägenden Merkmalen der Ehe" (BVerfG, 10 April 1993, 1 BvR 640/93).
[7] Ausschuss für Recht und Verbraucherschutz

top priority was the legal recognition of lesbian and gay couples (Raab 2011, 279).[8] The

LSVD garnered public support for the Civil Partnership Law in its *"Ja-Wort – Liebe*

verdient Respekt" campaign. There were a number of other organizations besides the

LSVD campaigning for civil partnerships. For example, the Ökumenische Arbeitsgruppe

Homosexuelle und Kirche (HuK), an association dealing with homosexuality and the

church, also held a number of discussions and dialogs (Raab 2011, 281). Ultimately,

these organizations successfully swayed public opinion and pressured politicians to draft

a bill proposal on civil partnerships.

Introduced by the SPD and Greens, the bill proposal that became the Life

Partnership Law was transferred for the Committee on Legal Affairs and Consumer

Protection. After hearing from nine specialists, the Committee recommended to accept

the bill proposal. The Red-Green Coalition had a majority in the Bundestag, but the CDU

and CSU controlled the Bundesrat. This meant the coalition had to create two separate

bills in order to pass the bill and establish civil partnerships. The first bill, "The Life

Partnership Law," solely addressed federal regulations of civil partnerships. The second

bill, "Amendment to the Life Partnership Law," dealt with state-level regulations, like

certain tax breaks and jurisdiction of the ceremony (Davidson-Schmich, 142). While the

first was passed, the second was failed in the Bundesrat. Afterward, several German

Länder filed an injunction and a suit regarding the Life Partnership Act and the

maneuvers of the Red-Green Coalition. In 2002, the Federal Constitutional Court ruled

that both the law and its passage were constitutional.

An understanding of marriage customs in Germany is crucial to comprehending

the impact of the split legislation. In Germany, a legal marriage can only take place in

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[8] "Gleich viel Recht für gleich viel Liebe"

Registry Office, known as the *Standesamt,* usually located in a local city hall. While there, couples can purchase a marriage certificate (*Urkunde*) and a Family Book (*Familienbuch*).[9] Although marriages occur uniformly in Registry Office across German states, the specifics of the ceremony fall into the competencies of the state. Therefore, the federal level bill included ambiguous wording in order for it to pass without a Bundesrat vote. Specifically, it required civil partnerships to take place at "the responsible government agency" (Davidson-Schmich 2006, 144).[10] Even though all states had to permit civil partnerships, this ambiguity allowed more conservative Länder to complicate the process with additional hardships. For example, homosexual couples in Sachsen could receive neither a Family Book nor a certificate and could only establish a civil partnership at the state, rather than the local, Standesamt (Davidson-Schmich 2006, 149).[11]

Overall, the SPD and the Greens achieved their goal of establishing civil partnerships during the 15th session of the Bundestag, but their political maneuvering ultimately created a bureaucratic mess. Since this session, neither party has been in the same position of power in the Bundestag. After the 2005 Federal Election, the SPD was the junior partner in a "Grand Coalition" with the Union faction in the 16th session. During this time, the government did little to extend more rights to civil partnerships. In the *Förderalismusreform*, the Grand Coalition redefined the relationship between the federal government and German *Länder*. This restricted the federal government's jurisdiction on the Standesamt, making it impossible to pass legislation similar to the

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[9] This book is essentially a scrapbook for a family. It contains information about the marriage as well as a place to include information about the couple's children.
[10] "zuständige Behörde"
[11] For more specific examples of differences between the Länder, see Table 5.3 on page 149 of Becoming Party Politicians by Louise K. Davidson-Schmich.

"Amendment to the Life Partnership Law." The Grand Coalition also voted against several bill proposals and motions by the Greens, Left, and FDP wishing to extend specific rights to civil partnerships or open up marriage. The only rights extended to same-sex relationship during the 16th session were related to inheritance law and health insurance. During the 17th session however, the Majority government, comprised of the Union faction and the FDP, extended a number of rights to civil partnerships. By the end of the session, the only remaining differences between marriage and civil partnerships are the right to joint adoption and the right to call the relationship marriage.

Having explained the context of the debate, I will now transition into the presentation of my results. Overall, I discovered a total of 21 framing themes – twelve proponent and nine opponent. My data included two bill proposals, four motions, and 47 speeches, giving me a total of 393 paragraphs to analyze. Since I wanted to display every frame found, regardless of how minimal its frequency, I did not to include an "other" category. I grouped the parties based on their political alliance when voting on same-sex marriage. The following chapter investigates the framing themes of the Opposition parties – the SPD, the Greens, and the Left. Then Chapter 4 clarifies the framing themes used by the Majority parties – the CDU, CSU, and FDP. These two chapters argue that framing themes used by the Opposition parties underwent minimal discursive changes while themes used by the Majority parties underwent considerable transformation.

CHAPTER III: OPPOSITION FRAMING THEMES

3.1 DESCRIPTIONS OF PROPONENT FRAMING THEMES

Collectively, the Opposition had a total of 32 speech acts – two bill proposals, four motions, and 26 speeches. Despite differing ideologies, the three parties were united in their support of same-sex marriage and shared an understanding of proponent themes. The parties did differ from each other in the frequency of frame usage. The delivery of the speech act, meaning if it was spoken or written, affected frequency as well. Overall, I observed consistent usage by the Opposition parties throughout the five meetings of the 17th session. All three parties relied exclusively on the twelve proponent themes in their speech acts. The name and description for each framing theme can be found in Table 1.

The themes "Equality/rights," "Tolerance," "Not a threat," and "Separation of church and state" are fairly straightforward in their descriptions. The other themes require a bit more explanation. There is a minimal, but important difference between the "Family/marriage" and the "All families" themes. "Family/marriage" separates the two institutions by stating that procreation has never been a requirement of marriage and this expectation should not be imposed on same-sex couples. "All families" argues that same-sex marriage will benefit families by providing a supportive environment for children. The "Social change" and "Global perspective" theme emphasize the changing national and international perception on same-sex marriage. When using the "Social change" frame, paragraphs included citations of public opinion surveys and discussions on how citizens no longer distinguish between marriage and civil unions. In the "Global perspective" theme, politicians expressed concern about Germany's international reputation. The duration of the debate in Germany impacted two themes – "Political

stalling" and "End discussion." When applying the "Political stalling" frame, politicians blame the stagnation of same-sex marriage policy on the other parties in the Bundestag – the CDU, CSU, and FDP. Similarly, speech acts urged members of the Bundestag to pass same-sex marriage in order to resolve the incremental process to full equality, thus creating the "End discussion" frame.

The proponent themes referred to the purposes of the Bundestag and the Federal Constitutional Court. The Basic Law guarantees the protection of marriage and the family by the state in Article 6, Section 1. Also Article 3, Section 3 prevents discrimination on the basis of several identities, including sexual orientation. In 2002, the Federal Constitutional Court explained the constitutionality of the Life Partnership Act of 2001 in regards to Article 6 and Article 3. On the one hand, it stated that allowing civil unions would not conflict with Article 6. The Court also ruled that restricting same-sex couples from marriage is constitutional and is not considered a form of discrimination. Since then, the Court has consistently expanded the scope of rights available to civil unions since this ruling and required the legislature to create laws reflecting each new judgment.

The "Legislative activism" and "Constitutional backing" themes reflect the specific context of same-sex marriage in Germany. The "Legislative activism" theme emphasizes the responsibility of the legislature to reflect the country's political reality, clear up legal inconsistencies, and take initiative in same-sex marriage policy. The "Constitutional backing" theme promotes a broader interpretation of constitutional law. Rather than adhering strictly to the words in the Court's decision, politicians should notice the Court's general trend of extending more rights to same-sex relationships.

Table 1 Proponent Framing Themes

Frame	Description
Equality/rights	Marriage is a civil right; prohibition of same-sex marriage is tantamount to end discrimination. Homosexuals and their relationships should be treated equally in the law.
Tolerance	In a diverse society, it is important to be tolerant of all people; as a moral value this is paramount.
Social change	Society has experienced a "social change" in its understanding of marriage as an institution.
Family/marriage	Same-sex marriage should not be prohibited on the basis of procreation because it is not a requirement of heterosexual marriages.
Family/all Types	Expanding marriage to same-sex couples is pro-family and will benefit and protect the children of these unions.
Not a threat	Same-sex marriage is not a threat to society; it will not affect anyone but the couples and families involved.
Global perspective	A number of countries, international organizations, and agreements encourage the expansion of rights to homosexuals, especially same-sex marriage. Germany does not want to give off the image of being intolerant in the international community.
Political stalling	The current majority government is preventing same-sex marriage by promoting coalition and party loyalty.
End discussion	Granting same-sex marriage would finally close discussions on marriage and civil union.
Constitutional backing	The Basic Law and/or the Federal Constitutional Court allow the expansion of same-sex marriage.
Legislative activism	It is the job of the federal legislature to decide on the issue of same-sex marriage as well as clear up any legal inconsistencies.
Separation of church and state	There is a separation of church and state, which means religious views on marriage are irrelevant.

3.2 THE AMERICAN VERSUS GERMAN DEBATE

The history of same-sex marriage policy in the United Kingdom is very similar to that of Germany. The 53rd Parliament of the United Kingdom passed the Civil Partnership Act of 2004. Much like in Germany, civil partnerships were extended under a government led by a center-left party. After the 2010 general election, the Conservative

Party gained control of Parliament with David Cameron serving as Prime Minister. The Marriage (Same Sex Couples) Act passed with support from the Labour Party and the Liberal Democrats and mixed backing from the Conservative Party. During debates on the bill, David Cameron vocally expressed his support. One quote in particular had resonance by both proponents and opponents in the German debate. When giving a speech to his party in 2011, he declared, "I don't support gay marriage in spite of being a Conservative. I support gay marriage because I am a Conservative" (Advocate Contributors 2011). In July 2013, Parliament legalized same-sex marriage.

After looking at these frames, there is one obvious difference between the American and German debates – the international component. The passage of same-sex marriage policy in other countries played a more important role in Germany than in the United States. McFarland's (2011) did not include any frames mentioning international developments. Even though only four countries had legalized same-sex marriage during her study's time of investigation, there was still international precedent by 2006. In the German debate, politicians looked outside the national context by using the "Global perspective" theme. This frame included a reminder of Germany's former frontrunner status in same-sex marriage policy, international organizations and treaties in favor of same-sex marriage, and/or similar progress of other countries. The passage of same-sex marriage in the United Kingdom gained particular attention by Opposition parties.

3.3 FREQUENCIES OF PROPONENT FRAMING THEMES

Once equipped with my full list of frames, I was able to track the frequency of frames within each paragraph. Out of the 238 paragraphs I read, only six (2.52%) did not

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contain a framing theme. These six paragraphs are generally found near the very beginning or very end of a speech, meaning they served the purpose of transitioning either into or out of an argument. I included paragraphs that had at least one frame, which gave me a total of 232 usable paragraphs. The average number of frames per paragraph is 2.28; two paragraphs included six distinct frames, but the majority of paragraphs (97%) included four or less themes. I compiled my results for the overall frequency of frames used by all three political parties in Table 2. The percentages within this table represent the number of times a theme appeared divided by the total number of frames. Essentially, my results can be divided into two groups – minor frames and major frames. There were seven minor frames with frequencies ranging from 0.38% (No threat) to 5.87% (Global perspective). The five remaining frames are used more frequently, but not uniformly. Within this group, the "Equality/rights" frame appears almost twice as frequently as any other frame. The four other themes have frequencies that lie between 11% and 14%.

Table 2. Overall Framing Theme Frequencies of Opposition Parties

Frame	Total
Equality/rights	25.95%
Tolerance	13.64%
Political stalling	13.45%
Legislative activism	11.93%
Constitutional backing	11.17%
International influence	5.87%
Social change	5.11%
Family/all types	5.11%
End discussion	4.73%
Family/marriage	1.70%
Separation of church and state	0.95%
No threat	0.38%

I first wanted to see if the delivery of the speech act, meaning if it was spoken or written, affected framing theme usage. Table 3 displays the spoken versus written results along the total frequency. With the exception of "Legislative activism," the frequency of the major frames varies significantly depending on the type of speech act. While the order for spoken frequency and overall frequency are very similar, the order of the written frequency is distinct. There are several factors that explain the increased frame diversity of spoken acts. The first reason is that spoken acts chronologically follow written documents. Speakers assume that fellow politicians have read or are at least familiar with the document before the speech. Therefore, speeches and spoken acts already have greater flexibility to include new frames. Speakers are also spontaneous during a speech. They can refer to previous speeches and talk without worrying that their words will become legally binding. This allows for greater freedom to use a more diverse group of frames.

Table 3. Frame Theme Frequency in Spoken versus Written Speech Acts

Frame	Spoken	Written	Total
Equality/rights	23.79%	33.62%	25.95%
Tolerance	15.78%	6.03%	13.64%
Political stalling	16.99%	0.86%	13.45%
Legislative activism	11.65%	12.93%	11.93%
Constitutional backing	9.22%	18.10%	11.17%
International influence	5.10%	8.62%	5.87%
Social change	4.13%	8.62%	5.11%
Family/all Types	4.85%	6.03%	5.11%
End discussion	5.83%	0.86%	4.73%
Family/marriage	0.97%	4.31%	1.70%
Separation of church and state	1.21%	0.00%	0.95%
No threat	0.49%	0.00%	0.38%

Another reason for such variance is the difference in nature between these two types of documents. Bill proposals and motions have a set structure and purpose. Once written, these documents cannot be easily changed, and if approved, they become law. Because authors intend for these to become legally binding, politicians should presumably use frames that have more legal resonance. My results found in the second column of Table 2 confirm this reasoning. The top three most used frames in written documents were "Equality/rights," "Constitutional backing," and "Legislative activism." Politicians support their legal argument with the "Global perspective," "Social change," "Tolerance," and "Family/all types" frames less often.

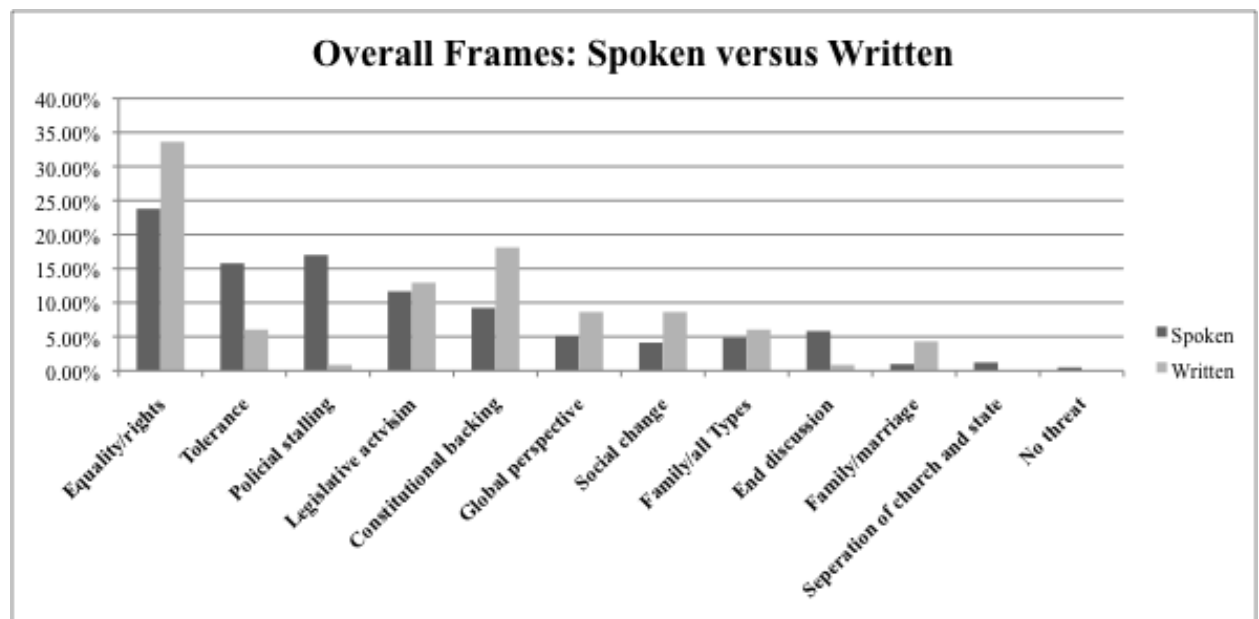**Chart 1.** The Frequency of Overall Spoken versus Overall Written Framing Themes

Chart 1 displays the comparison of overall spoken frames with overall written frames. The chart reveals that the spoken columns correlate closer to a mean line than the

written columns. This is proven by the variance of the spoken data at 0.54% while the variance for the written data is 0.94%. The variance for the total data is 0.53%. The similarity between overall spoken frames and overall total frames is explained by understanding my sample. In my research, I analyzed a total of 174 paragraphs from speeches, and only 58 paragraphs of which came from written documents. Because my data contained a much greater quantity of paragraphs from spoken speech acts, my overall column more closely mirrors the spoken category. I mention the difference in spoken and written speech acts to emphasize the importance of the media when constructing framing themes. Chart 1 also demonstrates that politicians were more likely to incorporate personal sentiments on same-sex marriage into spoken speech acts. In my next section, I focus primarily on changes during speeches as the changes were much more likely to be reflective of the party's true stance and more subject to dynamic processes.

With this table of frequency, I can make a few generalizations about theme usage by individual parties before delving into specific changes of framing themes. I created Table 4 for an easy side-by-side comparison. The first peculiarity is that the Greens used the "Constitutional backing," "Global perspective," and "Social change" frames twice as often as the Left or the SPD. This can be explained by looking at the number of bill proposals. The Greens submitted the only two bill proposals on same-sex marriage during the 17th session of the Bundestag. These two documents had a total of 31 paragraphs and 64 instances of a framing theme. Of these themes, 16 (25%) were the "Constitutional backing" theme. Considering the nature of bill proposals, it is hardly surprising that the Greens relied more heavily on the "Constitutional backing" frame. To back up their legal

argument, they used the "Social change" and "Global perspective" by citing public opinion surveys or explaining the legal principles other nations applied to pass same-sex marriage.

Table 4. Overall Framing Theme Frequency by Party

Frame	The Greens	The Left	The SPD
Equality/rights	23.90%	28.00%	27.63%
Tolerance	10.36%	20.80%	13.16%
Political stalling	11.16%	8.80%	21.05%
Legislative activism	12.35%	11.20%	11.84%
Constitutional backing	15.54%	7.20%	7.24%
International influence	8.37%	4.80%	2.63%
Social change	6.77%	2.40%	4.61%
Family/all types	4.78%	6.40%	4.61%
End discussion	4.38%	4.80%	5.26%
Family/marriage	1.99%	1.60%	1.32%
Separation of church and state	0.00%	4.00%	0.00%
No threat	0.40%	0.00%	0.66%

The next interesting finding is the use of the "Separation of church and state" frame. Barbara Höll from the Left is the only person to apply this frame. She uses it four times in her speech in the 126th meeting of the Bundestag and once in her speech in the 187th meeting. As I will explain in greater detail in the next section, this theme has little resonance with German politicians. The Left also uses the "Tolerance" frame a lot more frequently than the Greens or the SPD. My only potential explanation is the Left's more radical approach to achieve more inclusive relationship recognition. The Left wanted to improve the rights of not only same-sex couples, but also all non-married couples. For example, in the 187th meeting Barbara Höll explained that some politicians from her

party were voting against the proposed legislation. They were worried that voting in favor would be misconstrued as suggesting that nothing else should be done to change the way the state privileges certain relationships over others.

Of the three parties, the SPD used, on average, fewer frames per paragraph than the others. The second most used framing theme by the SPD was "Political Stalling." A potential explanation for both of these observations is the SPD's role in German politics. As one of the oldest parties in the Bundestag, the SPD's major political competitor is the Union faction. These two major powers typically fall in the center of the political spectrum, with the SPD as center-left and the Union as center-right. Using the "Political Stalling" theme gave the SPD a chance to continuously undermine their biggest political competition.

This section provided a detailed explanation of proponent framing theme frequency. Specifically, I presented my overall results and grouped my results into minor and major themes. I also compared frame frequency between spoken and written speech acts, discovering less diversity in written acts. In the next section, I will investigate the dynamics behind these framing themes over the course of the five relevant meetings in the 17th session of the Bundestag.

3.4 DYNAMICS OF PROPONENT FRAMING THEMES

As to the dynamics behind the framing themes, the proponent themes experienced marginal changes from the 49th meeting to the 247th meeting. This means the nature of the overarching framing theme remained the same, not the specific details used to support the theme. In this section, I will describe the dynamics of the proponent framing themes

to emphasize their overall consistency. I will argue that the dynamics of proponent framing themes are a result of discursive processes, specifically frame articulation, rather than strategic processes. This means that the only change to the framing themes was their level of specificity.

The "Tolerance" frame provides an excellent example for retaining the frame theme without using the same specific details. At the heart of the theme, it calls for the passage of same-sex marriage to make Germany a stronger society by recognizing all walks of life. Politicians specifically point to discrimination based on sexual orientation. In the 49th meeting, Barbara Höll of the Left said, "Discrimination is behind the times, and opening up marriage would be a crucial step toward finally ending the discrimination against gays and lesbians."[12] In other words, preventing same-sex couples from marrying reflects and encourages the continued discrimination and stigmatization of gays and lesbians in other levels and contexts in society. Johannes Kahrs added another dimension in the 247th meeting to the "Tolerance" frame by saying that politicians are failing to consider the discrimination faced by young lesbians and gays on school grounds.[13] During the last meeting, Sonja Steffen explained how allowing same-sex marriage would get rid of discrimination in the workforce. She claimed that documents asking for relationship status, i.e. single, married, or partnered, will reveal more about someone's sexual orientation. She then points to an article in *Die Zeit* entitled "Homosexuality still continues to be a career killer." Volker Beck of the Greens also proclaims there is no

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[12] "Diskriminierung ist nicht mehr zeitgemäß, und die Öffnung der Ehe wäre ein wesentlicher Baustein, um die Diskriminierung von Lesben und Schwulen endlich zu beenden" (Plenarprotokolle 17/49, 5140).
[13] "Wenn man mit jungen Lesben und Schwulen spricht, weiß man, was sie bewegt: die Frage ihres eigenen Outings. Sie wissen noch nicht genau, wie sie sich orienterien sollen, sie haben Probleme: zu Hause, in der Schule, überall. Wer die Probleme durch Diskriminierung auf den Schulhöfen kennt, weiß, dass wir in dieser Debatte in vielen Punkten aneinander vorbeireden" (Plenarprotokolle 17/247, 31739).

reason for the discrimination of civil partnerships. Each of these examples demonstrates that the parties emphasized different facets, rather than substantially changing the "Tolerance" framing theme.

To proponent politicians, a diverse and tolerant society respects the way individuals carry out their lives. It should also recognize and support the diverse constructions of the family unit in German society. Although other speakers used this frame, Barbara Höll summed it up in the 247th meeting. She stated,

> "In families there are completely different constellations. There are marriages between men and women, with and without children. There are people living together without marriage certificates: men with men, men with women, women with women, with and without children. There are functioning patchwork families in different models. In some families, the children always stay in one home and the parents move, in other families the care of the child changes. There are a variety of choices in between because our world has become so mobile. We have a responsibility and have to adjust the rules of coexistence to reflect the changed normality. That is what the people expect from us, and rightly so. As the Opposition, we have delivered. [The majority government] is not able to do anything."[14]

This paragraph is packed with five framing themes: "Family/all types," "Tolerance," "Social change," "Equality/rights," and "Legislative activism." It reaffirms that frames interact and overlap to develop a sophisticated argument.

Three frames – "Constitutional backing," "Global perspective," and "Political stalling" – underwent changes over the course of the debate. The Federal Constitutional Court made several landmark decisions relating to civil partnerships from 2009 and 2013.

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[14] "In Familien gibt es ganz unterschiedliche Konstellationen. Es gibt Ehen zwischen Männer und Frauen, mit und ohne Kinder. Es gibt Menschen, die ohne Trauschein zusammenleben: Männer mit Männern, Männer mit Frauen, Frauen mit Frauen, mit und ohne Kinder. Es gibt funktionierende Patchworkfamilien in unterschiedlichen Modellen. In manchen Familien blieben die Kinder immer in einer Wohnung und die Eltern wechseln, in anderen Familien wechselt die Betreuung der Kinder. Inzwischen gibt es Wahlverwandtschaften, weil unsere Welt so mobil geworden ist. Das ist die Normalität. Wir stehen in der Verantwortung und haben die Normen des Zusammenlebens der veränderten Normalität anzupassen. Das ist das, was die Bevölkerung zu Recht von uns erwartet. Wir als Opposition haben geliefert. Sie stümpern vor sich hin" (Plenarprotokolle 17/247, 31735).

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Proponent politicians continuously referred to the Federal Constitutional Court as being "further along" than the Bundestag. With every passing judgment, they argued that the Bundestag should take the initiative to pass same-sex marriage because the Court was continuously expanding the rights of civil partnerships. Volker Beck pointed to the judgment on the Law on Transsexuals as diminishing the importance of gender difference to marriage, despite the explicit wording in the judgments declaring otherwise. Whenever the SPD or the Left used the "Constitutional backing" frame, they typically referred to the general push of the Court toward greater equality.

"Global perspective" had the most variance in terms of supporting details, but the frame consistently repeated the same two-pronged message. On the one hand, this theme explicitly argued that the international community supports same-sex marriage. On the other hand, this strategy was also appealing to the maintenance of Germany's international reputation. The Greens and the Left used this framing theme in several speeches. The SPD used it only twice during Sonja Steffen's speech in the 126th meeting. She spoke generally about the growing international trend, the passage of same-sex marriage in United Kingdom, and Germany's previous position as a forerunner. She expressed concern that Germany "is now in danger of falling behind in this important step for justice and against discrimination."[15]

While Green and Left politicians retained the heart of this theme, one notable change occurred after the speeches in the 126th meeting. During the first two meetings, speakers listed the number of other countries that allow same-sex marriage. By the 187th meeting, Opposition parties pointed to more specific examples. Barbara Höll mentioned

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[15] "Ich denke, wir laufen jetzt Gefahr, dass wir bei diesem wichtigen Schritt für Gerechtigkeit und gegen Diskriminierung hinterherhinken" (Plenarprotokolle 17/126, 14864).

that Denmark requires the state church allow same-sex marriage ceremonies. The Greens used the "Global perspective" theme the most and with a variety of examples. Volker Beck quoted David Cameron and Barack Obama, mentioned the passage of same-sex marriage in the Pope's home country, and pointed to international treaties like the European Convention on Human Rights. Overall, these differences represent minimal discursive changes to the framing theme, rather than a substantive strategic transformation.

The three least used framing themes – "Family/marriage," "Separation of church and state," and "Not a threat" – represent frames that simply did not resonate with Bundestag politicians. In both written and spoken speech acts, prominent politicians rarely mentioned the distinction between marriage and the family, despite this argument's backing by a Federal Constitutional Court decision and by the Ministry for Justice. The only person to apply the "Separation of church and state" framing theme was Barbara Höll of the Left. She used it four times in her speech in the 126th meeting of the Bundestag and once in her speech in the 187th meeting. Politicians also rarely used the "Not a threat" theme to argue that same-sex marriage would not harm either society or heterosexual marriages.

From the first meeting, Opposition politicians employed the "Political stalling" framing theme to criticize the majority government, especially the CDU and CSU. Throughout the course of the debate, there were a few speeches, most notably by Barbara Höll in the 126th and Johannaes Kahrs in the 147th, and a few comments that attacked the actions of the CDU and CSU. By the 228th meeting, this framing theme was used frequently in almost every speech by a proponent politician. The reason for this change

was the upcoming 2013 Federal Election. Volker Beck opens the first debate in 2013 by commenting on Alexander Dobrindt's "loud minority" quote. In his speech, he also explicitly says that if the majority coalition refuses to pass same-sex marriage, then the Bundestag needs a new majority. After calling the CDU and CSU despicable, Barbara Höll insulted the two conservative speakers – Erika Steinbach and Norbert Geis. Johannes Kahrs builds on these statements by claiming the CDU and CSU are out of touch with the German people and are suffering for it. Specifically, he points to the "surprise" victory of an SPD candidate over the incumbent CDU mayor in Wiesbaden election in 2013 (Stern 2013). In the last meeting, Volker Beck, Johannes Kahrs, and Barbara Höll continued their criticisms. Barbara Höll even condemns the CDU and CSU as being similar to a horde of children who know that they need to clean up their mess, but refuse to do it.[16]

The best way to demonstrate the consistency of the Opposition's usage of proponent themes is to look at a side-by-side example of a paragraph from the first meeting with a paragraph from the last meeting. As Volker Beck typically stuffed his paragraphs with several different framing themes at once, I will compare two of his paragraphs. In the 49th meeting, which took place around the Christopher Street Day Parade, he said,

> "Currently, demonstrations and parades for the rights of gay, lesbian, transgendered and intersex people are found throughout the Federal Republic of Germany. The battle for recognition and equal rights has taken place over the past 41 years. We Greens have made our contribution to it, particularly with civil partnerships and the possibility of stepchild adoption. The Grand Coalition of the

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[16] „Ich komme mir vor wie in einem Kinderzimmer. CDU/CSU und FDP verhalten sich wie eine Horde von Kindern, die zwar wissen, dass sie aufräumen müssen, aber es nicht tun wollen" (Plenarprotokolle 17/247, 31734).

SPD and CDU and the current black-yellow majority have caused a standstill in regard to policy on civil rights. Now is the time to take the next step."[17]

In this paragraph he combines the "Tolerance," "Equality/rights," "Political stalling," and "Legislative activism" framing themes. His word choice is assertive, but not necessarily aggressive. He puts blame on the majority government from both the 17th and 16th session of the Bundestag. Almost exactly three years later, in the last debate on same-sex marriage, he said,

> "That's why now is the time – society is so far; the majority of the Bundesrat wants it as well, and many members of your parties are for it – Let us open up marriage! Then we can simply stop this nonsense of fighting over every single regulation. [Passing same-sex marriage] gives the impression of acceptance. As long as we have different legal institutions – civil partnerships for homosexuals and marriage for heterosexuals – we continue to discrimination. That's what we want to overcome. That would be the right signal. It would also be the right way to be effective legislators as recommended by Mr. Krings. Therefore, if [the majority government] doesn't do it in the remaining legislative period, we will open marriage at the beginning of the year in a Red-Green coalition." [18]

He is still employing all of the same framing strategies, with the addition of the "End discussion" frame. The only major difference is the tone of this paragraph. At this point, Volker Beck has been fighting for the rights of gender and sexual minorities for over

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[17] "In diesen Tagen finden überall in der Republik Demonstrationen und Paraden für die Rechte von Schwulen, Lesben, Trans- und Intersexuellen statt. Nunmehr 41 Jahre dauert der Kampf um Anerkennung und gleiche Rechte. Mit der eingetragenen Lebenspartnerschaft und der Möglichkeit der Stiefkindadoption haben insbesondere wir Grünen unseren Beitrag dazu geleistet. Die Große Koalition aus SPD und CDU und auch die jetzige schwarz-gelbe Mehrheit haben in der Bürgerrechtspolitik vor allem Stillstand bedeutet. Es ist an der Zeit, den nächsten Schritt zu gehen" (Plenarprotokolle 17/49, 5141).

[18] Right before this paragraph, Volker Beck quoted CDU politician Günter Krings who thought it was questionable to revise several dozen laws for thousands of specific instances. The German word used is gesetzökonimisch, which means roughly economic with legislation. "Deshalb ist es eigentlich an der Zeit – die Gesellschaft ist so weit; die Mehrheit des Bundesrates will es inzwischen, und auch viele Anhänger Ihrer Parteien sind dafür -: Lassen Sie uns die Ehe öffnen! Dann ist dieser ganze Quatsch, um jede einzelne Regelung zu kämpfen, einfach vorbei. Darin drückt sich dann auch die Akzeptanz aus. Solange wir unterschiedliche Rechtsinstitute haben – Lebenspartnerschaften für Homosexuelle, Ehe für Heterosexuelle -, diskriminieren wir weiter. Das wollen wir überwinden. Das wäre das richtige Signal. Das wäre übrigens auch im Sinne von Herrn Krings ziemlich gesetzökonomisch. Deshalb werden wir, wenn Sie das in dieser Legislaturperiode nicht machen, im ersten Jahr von Rot-Grün die Ehe öffnen" (Plenarprotokolle 17/247, 31736).

twenty years. Because of the upcoming election and mounting dissatisfaction, his words became harsher and more critical.

Despite this embittered tone and focus on the Union faction, the Opposition maintained a consistent usage of the proponent framing themes throughout the 17th session of the Bundestag. They applied the same perspective even though the specific circumstances changed from meeting to meeting. Over the five debates, the framing themes were developed and refined, rather than transformed or redefined. This means that the framing themes used by the Opposition parties only underwent discursive changes. Even though the frequency of themes depended on party lines, the use of the themes was consistent between all three parties. As will be demonstrated in the next chapter, the Majority parties did not share a uniform strategy similar to the Opposition parties, and their usage of framing themes was subject to more variation and inconsistency.

CHAPTER IV: MAJORITY FRAMING THEMES

4.1 DESCRIPTIONS OF OPPONENT FRAMING THEMES

The parties in the Majority had a total number of 21 speech acts, all of which

were speeches. From 2009 to 2013, the legislation proposed by the Majority extended

partial rights to civil partnerships, which does not fit with my data criteria. as it relates to

connected policy fields, rather than marriage. The parties differed not only in their

frequency of framing themes, but also changed the meaning behind certain frames. This

chapter will explain this inconsistency as a result of both party ideologies and alliances.

The FDP was not ideologically opposed to same-sex marriage, but the Union faction was.

Even within the sister parties, there appeared to be disputes on the reasons to prohibit

same-sex marriage. As previously mentioned, I considered each speech individually.

While one speech by the FDP used proponent themes, the rest of the speeches by the

Majority relied primarily on the nine opponent framing themes found in Table 5.

The "Threat/definition" and "Protection of children" themes represent traditional,

heteronormative perspectives on marriage and the family.[19] Politicians from the Union

faction repeatedly described the difference of genders as the "germ cell of the family."[20] I

considered this to be a part of the "Threat/definition" frame, rather than "Protection of

children." "Protection of children" focuses solely on the welfare and care of children,

rather than the definition or expectation of a family. Another frame that discusses the

relationship between heterosexual marriages and same-sex partnerships is the "Different

responsibilities" theme. Through the use of the "Different responsibilities" frame, the

CDU, CSU, and FDP were willing to acknowledge the underlying similarities between

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[19] Heternormativity is the privileging of heterosexuality and heterosexual relationships as the expected or "normal" sexual orientation.

[20] "[Die Familie] ist die Keimzelle der Familie" (Plenarprotokolle 17/187, 22406).

marriage and civil unions and the societal benefits from recognizing same-sex

relationships. Every Majority party, including the conservative CDU and CSU parties,

used some variant of the phrase "equal rights for equal responsibilities."[21]

The parties, however, disagreed on what is considered equal responsibilities.

Much like Opposition parties, the FDP saw homosexual couples as having the exact same

expectations and obligations. The Union, on the other hand, saw a fundamental difference

in responsibilities in all topics related to reproduction, children, and the family. The

conservatives claimed same-sex couples did not have the same responsibilities to the

family as heterosexual couples because there is not a gender difference. As Ute Granold

claimed in the 49th meeting, "children have a right to a mother and father" and "the

gender difference has a significant impact on upbringing and the personal development of

a child."[22] Therefore, they refused to waver on adoption rights and full marriage rights.

The remaining framing themes are representative of the German context.

"Patience" attempts to justify the full extension of marriage rights by emphasizing the

rights same-sex relationships already have. This theme also gives parties the opportunity

to praise their own contribution to same-sex marriage policy. By pointing to the Basic

Law or decisions by the Federal Constitutional Court, the "Unconstitutional" theme

argues, as the name implies, that allowing same-sex marriage is unconstitutional. The

remaining three frames – "Pragmatic politics," "Political attack," and "International

influence," are related to national and international politics. These three frames

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[21] "*gleiche Rechte für gleiche Pflichten*"
[22] "Kinder haben ein Recht auf Vater und Mutter. Die unterschiedliche Geschlechtlichkeit ist für die Erziehung und Persönlichkeitsentwicklung der Kinder von besonderer Bedeutung" (Plenarprotokolle 17/49, 5136).

underwent the most transformation during the 17th session. A general definition can be

found in Table 5, but I go into greater detail in my section on Opponent Frame Dynamics.

Table 5 Opponent Framing Themes

Frame	Description
Threat/definition	Allowing same-sex couples to marry is a threat to both of marriage and the family. Marriage and the family are building components to our society and the legislature should protect them.
Unconstitutional	The Constitution includes a provision for the state to give special protection to marriage and the family. In past decisions, the Federal Constitutional Court allowed or did not require the extension of marriage to same-sex relationships.
Protection of children	Legislators should protect the well being of children. No credible study exists proving that homosexual couples ensure the same level of care to children as their heterosexual counterparts.
Pragmatic politics	The Opposition lacks the political savvy or credibility to do what is best for society in this policy field.
Patience	There has been and/or will continue to be progress in this policy field. Rights have been extended to homosexual relationships, making them almost entirely equal to marriage. Rapid change could be damaging to society.
Different responsibilities	Civil unions, like marriages, represent a lifelong commitment. Because homosexual relationships have the same expectations, they deserve similar rights to a marriage. Since the two institutions are fundamentally different, civil unions cannot receive all rights, however.
Political attack	The Opposition has been using same-sex marriage as an opportunity to attack the Majority. There is no opportunity to exchange ideas and have a discussion.
International influence	Marriage is an issue reserved for the German nation to decide. Looking at the treatment of homosexuals and their relationships outside of Germany does not encourage the passage of same-sex marriage.
Popular perception	The general population retains the same perception of marriage and the family as being between a man and a woman.

4.2 THE AMERICAN VERSUS GERMAN DEBATE

There is a major difference in how American and German conservatives argue against same-sex marriage. McFarland (2011) discovered both a "Religion" and "Slippery Slope" theme in her investigation of the American debate. Neither of these was present in my research. In America, religion is often central to the debate, whether by journalists, politicians, or ordinary citizens. The two German conservative parties – the CDU and CSU – did not once refer to the Bible or Christianity to justify arguments against same-sex marriage. The closest reference was from CSU member Norbert Geis in the 126th meeting, when he referred to the German judicial system being based on Roman law. While this system may have its roots in Christianity, there was not an explicit reference to religion. German conservatives also avoided themes related the slippery slope of same-sex marriage to the institutionalization of polygamy or bestiality.

4. 3 FREQUENCIES OF OPPONENT FRAMING THEMES

During the 17th session of the Bundestag, there were 17 speeches and four formal interruptions from the Majority parties. In the 21 relevant speech acts, there were a total of 173 paragraphs, but 12 of these did not include any framing themes. Now with 161 paragraphs and 231 frames, I had an average of 1.55 frames per paragraph. The results for the overall frequency for opponent frames can be found in Table 6. All of the percentages in my table represent the number of times a particular frame appeared out of the overall number of frames. Since these three parties only had spoken speech acts on same-sex marriage, I only discuss the major trends in the overall framing theme

frequencies. Just by looking at Table 6, it appears that opponent politicians employed a fairly diverse range of framing themes, with a similar major/minor frame description.

Table 6. Overall Frequencies for Opponent Framing Themes by the Majority

Frame	Overall
Pragmatic politics	22.61%
Patience	15.65%
Unconstitutional	15.22%
Threat/Definition	13.91%
Protection of children	12.17%
Different responsibilities	10.00%
Political attack	6.52%
International influence	3.04%
Popular perception	0.87%

Once framing themes are broken down by party, however, the true variation surfaces. There is almost zero convergence on the frequency of frame themes, which is the complete opposite of what I found for proponent frames. The FDP and the Union had vastly different goals for same-sex marriage in the 17th session. The former wanted to extend as many rights as possible and the latter wanted to prevent and delay same-sex marriage as long as possible. Considering the importance of frequency in understanding the dynamics of opponent framing themes, I have reserved a more detailed analysis for the next section.

Table 7. Overall Frequency of Opponent Framing Themes by Party

Frame	FDP	CDU	CSU	Overall
Pragmatic politics	47.37%	13.27%	5.36%	22.61%
Patience	27.63%	13.27%	3.57%	15.65%
Unconstitutional	5.26%	12.24%	33.93%	15.22%
Threat/definition	0.00%	15.31%	30.36%	13.91%
Protection of children	0.00%	25.51%	5.36%	12.17%
Different responsibilities	11.84%	10.20%	7.14%	10.00%
Political attack	6.58%	6.12%	7.14%	6.52%
International influence	1.32%	4.08%	3.57%	3.04%
Popular perception	0.00%	0.00%	3.57%	0.87%

4.4 DYNAMICS OF OPPONENT FRAMING THEMES

The development of opponent frames was drastically different from that of proponent frames because the parties did not have the same objective. Both the CDU and CSU were completely opposed to the extension of full marriage rights, while the FDP was actually in favor of same-sex marriage. Therefore, these three parties had distinct uses of the opponent framing themes. In this section, I will discuss the processes behind framing themes used by the CDU, CSU, and FDP to argue that the disunity in a course of action on same-sex marriage caused framing themes to experience more strategic than discursive change. This means that the essential nature of the framing theme transformed from the first meeting to the last meeting.

Of these nine opponent themes, the three Coalition parties used the "Different responsibilities," "Patience," and "Political attack" frames very similarly, albeit with varying frequencies. By invoking the "Patience" frame, all three parties could remind the Opposition of Germany's advancement in the legal recognition of same-sex couples while also emphasizing their role in this progress. During the timeframe of the 17th

session of the Bundestag, significant strides were taken to expand the rights of same-sex

partnerships as a result of the Federal Constitutional Court decisions. The combination of

two Court decisions in 2009 forced the Coalition government in the 17th session of the

Bundestag to expand the economic privileges of same-sex couples. In July 2009, the

Court held that unequal treatment between marriage and civil partnerships violated

Article 3 of the Basic Law. Then on October 22, the Court decided that the relationship

between parents and children falls under the protection of family provision in Article 6 of

the Basic Law. Since there is no requirement of marriage to have children, unequal

treatment in any area outside of the family is unconstitutional (Deutscher Bundestag

2009).

     A few days after this decision, the CDU, CSU, and FDP signed their Coalition

Agreement.[23] In this document, they promised to "abolish discriminatory inequality in tax

law and to implement the decisions of the Federal Constitutional Court related to the

equality of same-sex partners with married couples into law" (Koalitionsvertag 2009, 12).

The Coalition enacted laws related to inheritance and gift taxes as well as real estate

transfer taxes. It also provided federal employees and civil service workers who are living

in a civil partnership with the same compensation and retirement benefits as their married

counterparts. All three parties used the "Patience" theme to emphasize how their party

has improved sexual minority rights. The CDU and CSU used it to argue that there is no

reason for further discussion because civil partnerships and marriage are essentially

equal. The FDP used it to show the Opposition how close Germany was to same-sex

marriage. For example, Michael Kauch during the 187th meeting said,

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[23] This document includes the three parties' collective aims and goals for the upcoming session of the Bundestag.

"In this legislative period, we liberals have shown that we are able to more effectively advance the rights of lesbians and gays in a coalition with the Union than the SPD was during the last session. That's our contribution. We will continue to go in this direction."[24]

Finally, the Majority parties used the "Political attack" frame in almost the exact same two ways. The first was to comment on the uncouth nature of members from the SPD, the Greens, and the Left. For example, Ute Granold requested Opposition politicians "simply get rid of the shrill tones they raised earlier."[25] Coalition speakers claimed the Opposition used same-sex marriage to criticize the majority government, rather than actually listen to its position. Another politically focused frame used by the CDU, CSU, and FDP was the "Pragmatic politics" frame. It differs from the "political attack" frame because it focuses on the way in which the Opposition is trying to pass same-sex marriage. The phrase comes from a speech given by FDP politician Stephen Thomae in the 49th meeting of the Bundestag. I have defined this frame as meaning, "the Opposition lacks the political savvy or credibility to do what is best for society in this policy field." In regards to political savvy and credibility, the Coalition parties unilaterally criticize the Opposition's hasty decision-making and hypocritical inconsistencies. Again, the parties differ in what they think is best for society. The FDP believes in achieving attainable goals, rather than demanding only for same-sex marriage. The CDU and CSU believe that the passage of same-sex marriage will violate the Basic Law because it "deprivileges" marriage and harms families.

A perfect example of the use of the "Political attack" and "Pragmatic politics" frames relates to a tax privilege known as *Ehegattensplitting*. Germany has a progressive

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[24] „Wir Liberale haben in dieser Wahlperiode gezeigt, dass wir die Rechte von Lesben und Schwulen auch in einer Koalition mit der Union deutlicher voranbringen, als es die SPD in der letzten Wahlperiode geschafft hat. Das ist unsere Leistung. Auf diesem Weg werden wir weitergehen" (Plenarprotokolle 17/187, 22411).
[25] "Die schrillen Töne, die Sie vorhin vorgebracht haben, einfach lassen" (Plenarprotokolle 17/228, 28482).

tax system, meaning the more money people make, the more they pay in income taxes. *Ehegattensplitting* allows married couples to jointly split their income when calculating their income tax. To determine a couple's income taxes, their salaries are jointly added together and halved. Then each half is taxed separately, and the two numbers are added together to calculate how much a couple pays in income taxes. *Ehegattensplitting* usually reduces the amount of income taxes a couple would have to pay if each person was considered independently (Stern 2002). While the Coalition expanded several economic benefits to civil partnerships, this particular privilege was still only available to married couples.

During the 17th Session, the position of the parties on *Ehegattensplitting* and same-sex marriage was almost exactly the same. The CDU, CSU, and FDP wanted to retain the tax privilege, while the SPD, Greens, and Left wanted abolish it. The SPD and the Left integrated their stance on *Ehegattensplitting* within their speeches on same-sex marriage. These speeches usually included a caveat about how intensive discussion on the policy is more appropriate at another time. Barbara Höll, the only speaker from the Left, barely mentioned this tax privilege. During the 187th meeting, she discusses her party's disagreement with the policy as married couples without children usually use it.

During the 126th, 187th, and 228th meetings, speeches from the CDU and CSU highlighted the paradoxical stance, particularly of the SPD, regarding *Ehegattensplitting*. These speeches pointed out that the Opposition sought to expand a privilege that they simultaneously wanted to abolish. Almost every politician in the SPD mentioned *Ehegattensplitting* up until the Federal Constitutional Court's decision in order to prove the state's unequal treatment of homosexual couples. On May 7, 2013, the Federal

Constitutional Court decided *Ehegattensplitting* conflicted with Article 3 (anti-discrimination). Therefore, the legislature needed to expand the policy to same-sex partners. Discussions on this decision were included in the last relevant meeting of the Bundestag, where the use of *Ehegattensplitting* slightly changed. The speeches by CDU representatives Thomas Strobl and Olav Gutting during the 247th meeting emphasized the new importance of the tax policy now that it included same-sex partners. They argued that *Ehegattensplitting* strengthened both relationships and families because the tax benefit provided families with the means necessary to start and support a home. During the same meeting, Daniel Volk of the FDP used *Ehegattensplitting* to employ both the "Pragmatic politics" and "Political attack" frames. He mentioned the paradox of the Opposition's conflicting arguments on same-sex marriage and *Ehegattensplitting*. He also pointed to previous legislation under the Red-Green Coalition, which never sought to expand this tax privilege to same-sex partners.[26]

4.4.1 DYNAMICS OF THE FDP

As indicated by Table 8, the FDP only used six of the nine frames. Almost half of the time, the FDP used the "Pragmatic politics" theme. The FDP generally combined this theme with either the "Patience" frame to highlight their accomplishments or with the "Political attack" frame to criticize the Opposition. The speaker who best represented the typical framing usage of the FDP was Michael Kauch. He was the only member who gave formal speeches in all five debates on same-sex marriage during the 17th session of the Bundestag. His selection as the primary speaker for the FDP is symbolic of the party's dedication to same-sex marriage. He identifies as gay and has lived in a civil

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[26] The Red-Green Coalition refers a time when the SPD and Greens made up the majority government.

union since 2009. As of April 2013, he and his partner had become fathers, co-parenting their daughter with a lesbian couple (Queer Communications GmbH 2013).

Considering the stance of the FDP, the appearance of two frames – "Constitutional backing" and "International influence" – need to be explained. The FDP only used the "Constitutional backing" frame when talking about the construction of bill proposals by the Opposition. During the 187th meeting, Stephen Thomae used it once and Michael Kauch used it three times. On June 29, 2011, the Greens submitted a bill proposal entitled "the introduction of the right to marriage to people of the same sex."[27] During the 126th meeting, politicians decided to transfer the bill proposal to the Committee on Legal Affairs and Consumer Protection. This committee was comprised of 37 members, four of which were from the Green party. The bill proposal and its accompanying report were discussed in the 187th meeting. According to the "Recommended Decision and Report of the Committee on Legal Affairs and Consumer Protection," a nameless member of the Greens defected from the other party representatives (Deutscher Bundestag 2012, Drucksache 17/9611). According to the report, this person claimed that in order for marriage to include homosexual relationships, there would need to be a constitutional amendment, rather than a law. He or she preferred the continuation of policy to equalize the rights of homosexual partners with married couples.

Table 8. Overall Frequency of Opponent Themes Used by the FDP

Frame	FDP	Overall
Pragmatic politics	47.37%	22.61%

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[27] "Einführung des Rechts auf Eheschließung für Personen gleichen Geschlechts" (Drucksache 17/6343).

Patience	27.63%	15.65%
Unconstitutional	5.26%	15.22%
Threat/definition	0.00%	13.91%
Protection of children	0.00%	12.17%
Different responsibilities	11.84%	10.00%
Political attack	6.58%	6.52%
International influence	1.32%	3.04%
Popular perception	0.00%	0.87%

When using the "Unconstitutional" frame, members of the FDP did not argue against same-sex marriage as a policy, but rather how the Opposition intends to carry it out. In the last paragraph of his speech, Stephen Thomae insisted that his party needed to check the constitutionality of same-sex marriage to changes through a "simple bill," rather than a constitutional amendment. [28] While he did refer to the report, he did not mention the defection of a Green party member. Michael Kauch, on the other hand, pointed this out during his speech. While he reaffirmed that FDP agreed with the content of the bill proposal, it the FDP wanted to wait until judicial questions were resolved because the party emphasizes the importance of the constitution.

During this session, Stephen Thomae's speech also included the only use of the "International influence" frame used by the FDP. Specifically, he referred to the 1967 European Convention on the Adoption of Children. This agreement established strict guidelines for adoption, only allowing adoption by either a married couple or a single person. All signatories must uphold the provisions outlined in the Convention. The Federal Republic of Germany signed the Convention in 1967 and ratified it in 1980. As

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[28] "Deswegen wollen wir diese Diskussion zunächst führen, um zu prüfen, ob das Verfassungsrecht Anpassungen benötigt, bevor wir – quasi aus der Hüfte geschossen – einfachgesetzliche Änderungen vornehmen" (Plenarprotokolle 17/187, 22408).

of 2008, the Council of Europe has revised the European Convention on the Adoption of

Children. According Article 7, Section 2 of the revised Convention,

> "States are free to extend the scope of this Convention to same sex couples who
> are married to each other or who have entered into a registered partnership
> together. They are also free to extend the scope of this Convention to different sex
> couples and same sex couples who are living together in a stable relationship."[29]

Germany has yet to sign or ratify the revised version. Stephen Thomae used this frame

not to argue against same-sex marriage, but rather to emphasize that more work needed to

be done before civil unions could be equated with marriage.

In general, the FDP used the "Pragmatic politics," "Patience," and "Different

responsibilities" frames. As indicated by Michael Kauch's speech in the 49th meeting, he

and his party have fought and will continue to fight for the rights of same-sex couples. He

also claimed that the FDP has helped extend more rights to homosexuals than the SPD,

despite having to work with the conservative CDU/CSU faction. He cited specific rights,

such as equality in pay, pensions, and benefits that homosexuals have been given under a

coalition led by the CDU, CSU, and FDP. Up until the 228th meeting, he maintained an

argument focused around waiting and patience. During his fourth speech, there was a

clear change from his past speeches. While he criticzed the Opposition and the

accomplishments of the Coalition, he spoke highly of the future of same-sex marriage.

His shift resulted from decisions of the European Court on Human Rights and the

Federal Constitutional Court to extend the right of "successive adoption" to homosexuals.

This form of adoption allows homosexual partners to adopt their stepchildren. In *X and

others v. Austria*, the Austrian Supreme Court ruling against a woman attempting to

adopt her stepchild by citing the article related to adoption for unmarried couples in the

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[29] European Convention on the Adoption of Children, Strasbourg, 27 November 2013, available from
http://conventions.coe.int/Treaty/EN/Treaties/Html/202.htm.

Austrian Civil Code. The Court ruled "the legislative provisions were based, in line with the biological reality, on the presence of a couple made up of parents of opposite gender."[30] The plaintiffs felt as though they were being discriminated on the basis of their sexual orientation, and therefore took the case to the European Court on Human Rights. The case revolved around two articles in the European Convention on Human Rights – Article 8 (the right to respect private and family life) and Article 14 (prohibition of discrimination). On February 19, 2013, the ECHR found that the plaintiffs were discriminated and called for Austria to change the law. A day before this decision, the Federal Constitutional Court of Germany extended the successive adoption to homosexuals in civil unions.

By allowing successive adoption, there are very few remaining differences between civil unions and marriage. The last big hurdles are full adoption, which means that a couple can jointly adopt children, and the symbolic inclusion to allow same-sex couples to officially marry. With this in mind, Michael Kauch felt optimistic about the opening of marriage. Therefore, he included more favorable frames than oppositional frames. He opened his speech with his party's stance to fully equate civil unions with marriage. He adopted a specific form of the "Constitutional backing" theme used by many of the Opposition speakers. He argued that the Law on Transsexuals and its accompanying decision by the Federal Constitutional Court actually allow same-sex marriage to exist in Germany. He employs the "Legislative activism" frame before explaining his party's overall stance on same-sex marriage during this session of the Bundestag. He explains,

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[30] X and Others v Austria, 2013 European Court on Human Rights App no. 19010/07, available from http://hudoc.echr.coe.int/sites/fra/pages/search.aspx?i=001-116735.

> "Debates in the Coalition are either ended jointly or led by the Coalition. The Coalition should act in this and other contentious issues; we will be successful as a coalition if we find a solution to projects that one of the coalition partners finds important while the other coalition partner perhaps does not want to find a solution, rather than blocking each other."[31]

For the rest of his speech, Kauch criticized the arguments of his coalition partner. He specifically denounced CDU member Ute Granold's statement that allowing same-sex couples to marry violates Article 6 of the Basic Law. When she asks an interim question, he maintained his position. He explained the historical context of Article 6 and then says there is no justifiable reason to discriminate against homosexual relationships. He then spent several paragraphs attacking the "Protection of children" frame. First, he argued that the Federal Constitutional Court's decision to allow successive adoption was not made in the interest of a child's welfare. He then attacked the notion that children need both gender roles and recognized the thousands of children currently being raised by same-sex couples. He concluded his speech by calling the CDU/CSU the loud minority, and used a quote by Guido Westerwelle, openly gay Foreign Minister and member of the FDP, which reads, "When society is further than a party, then the problem isn't society" (Der Tagesspeigel 2013).[32]

His speech had a total of 14 paragraphs with 19 occurrences of proponent themes. The prior tables on opponent themes already include this information. I did not include this information in my tables from Chapter Two, however. Table 9 shows the overall frequencies both before and after adding Michael Kauch's themes. While his speech had a marginal impact on the frequencies, it had a symbolic meaning to the opponent theme

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[31] "Debatten in der Koalition werden gemeinsam beendet, oder sie werden geführt. Diese Koalition sollte in dieser und in anderen strittigen Fragen handeln; denn wir werden dann als Koalition erfolgreich sein, wenn wir die Projekte, die einer der Koalitionspartnert wichtig findet, während der andere Koalitionspartner sie vielleicht nicht will, zu einer Lösung führen, statt uns gegenseitig zu blockieren" (Plenarprotokolle 17/228, 28486).

[32] "Wenn die Gesellschaft weiter ist als eine Partei, dann ist das nicht das Problem der Gesellschaft."

dynamics. Michael Kauch not only avoided opponent themes, he also criticized his coalition partner. An important thing to consider is that his party selected him for this meeting and the last meeting to represent the FDP. His speech is a manifestation of his and his party's frustration against the CDU and CSU. This speech and the two FDP speeches focus more on the politics behind same-sex marriage, rather than the topic itself.

Table 9. Impact of the FDP on Overall Proponent Framing Theme Frequency

Frame	All (Before)	FDP	All (After)
Equality/rights	25.00%	10.53%	24.50%
Tolerance	13.99%	21.05%	14.23%
Political stalling	13.06%	5.26%	12.79%
Legislative activism	11.75%	5.26%	11.53%
Constitutional backing	11.01%	15.79%	11.17%
International image	6.16%	0.00%	5.95%
Social change	5.97%	0.00%	5.77%
Family/all types	5.22%	42.11%	6.49%
End discussion	4.85%	0.00%	4.68%
Family/marriage	1.68%	0.00%	1.62%
Separation of church and state	0.93%	0.00%	0.90%
No threat	0.37%	5.26%	0.54%

In the last relevant meeting, Michael Kauch's speech was fairly brief and only mentioned the SPD and Greens' stance on *Ehegattensplitting*. Daniel Volk, on the other hand, was more aggressive. He spent the entire speech describing how the SPD and the Greens have ruined this "historical moment." He pointed to times when the SPD and Greens did not push for full equality of same-sex relationships during the Red-Green Coalition from 1998 to 2005. His speech simultaneously criticized the two parties for their credibility as the leaders in gender and sexual minorities rights and also their lack of

commitment to simplifying tax law. The reason for Daniel Volk's harshness is the meeting's proximity to the 2013 Federal Election in Germany. This meeting was an opportunity for the FDP to hopefully gain attention and political credit at the expense of parties in the Opposition.

In sum, the reason for the frequency and use of opponent framing themes was due to its political alliance with the CDU and CSU. The goal of the FDP was to maintain good relations with their senior coalition partner in order to extend as many rights as possible to same-sex couples. Throughout the five debates, the FDP maintained the position that the political opportunity for same-sex marriage did not yet exist. Even Michael Kauch's speech, which mostly used proponent framing themes, discussed the politics behind same-sex marriage, rather than same-sex marriage as an institution. The combination of the FDP's ideology and its relationship with the Union parties led to its distinct use and frequency of both opponent and proponent framing themes.

4.4.2 DYNAMICS OF THE CSU AND CDU

During the 17th session, the CDU and CSU had the shared goal of preventing same-sex marriage and focused solely on opponent framing themes. Despite being the two most ideologically similar parties in the Bundestag, however, the CDU and CSU relied on different framing themes. Table 10 shows the frequency of framing themes used by the CDU, the CSU, and their combined total. When considered together, the variance is 0.50%, which means there is diverse mixture of framing themes. When considered separately, this variance for the CDU is 0.54% and for the CSU is 1.45%. Collectively, the top three most used framing themes were "Threat/definition," "Unconstitutional," and

"Protection of children." Individually, though, they did not put the same stress on even the most commonly used conservative framing theme – "Threat/definition." The goal of this section is to explain the dynamics in order to show an internal disagreement within the Union faction on the legal recognition of same-sex relationships.

Table 10. Opponent Framing Theme Frequency of the CDU and CSU

Frame	CDU	CSU	CDU/CSU
Threat/Definition	15.31%	30.36%	20.78%
Unconstitutional	12.24%	33.93%	20.13%
Protection of children	25.51%	5.36%	18.18%
Pragmatic politics	13.27%	5.36%	10.39%
Patience	13.27%	3.57%	9.74%
Different responsibilities	10.20%	7.14%	9.09%
Political attack	6.12%	7.14%	6.49%
International influence	4.08%	3.57%	3.90%
Popular perception	0.00%	3.57%	1.30%

The CSU only had a total of three speeches from two politicians – two from Norbert Geis and one from Thomas Silberhorn. These two politicians used the "Threat/definition" and "Unconstitutional" frames with high frequency. When using the "Threat/definition" frame, they would frequently point to the Basic Law and decisions by the Federal Constitutional Court to justify marriage as an institution between a man and a woman. The most commonly quoted document was the Federal Constitutional Court's decision from 2002 on the Life Partnership Act. In its decision, the Court defined marriage as "a form of a close, two person relationship between a man and a woman

characterized by a personal exclusivity."[33] It allowed for the creation of a separate institution, or aluid, to marriage in order to recognize homosexual relationships. The Court further clarified that heterosexual and homosexual relationships had most, but not all, of the same responsibilities. Therefore, the creation of a civil partnership did not conflict with Article 3, or the provision against discrimination.

The CSU also mentioned the 2008 and 2011 decisions of the Federal Constitutional Court regarding the Law on Transsexuals.[34] The Law on Transsexuals stated that people seeking to change their gender could not be married. This also means that married transsexuals had to divorce in order to change their gender. In 2008, the Federal Constitutional Court made the Bundestag alter the treatment of transsexuals who were married before transitioning to their new gender. Then, in 2011, the Court ruled that the stipulations on marriage were unconstitutional and needed to be changed. Although their 2008 decision did, by a technicality, allow a distinct form of same-sex marriage to exist, it simultaneously reaffirmed the heteronormative definition of marriage. It agreed that the former legislature's goal of ensuring the gender difference was legally acceptable and appropriate (Knott 2010, 1012). The CSU pointed to specific quotes where the Court defined marriage as a long-term relationship between a man and a woman. They also claimed the 2011 decision on the Law of Transsexuals did not say anything substantively different than the Court's previous decisions.

In its three speeches, the CSU maintained a consistent use of framing themes to express its opposition to same-sex marriage. The use of framing themes by the CDU, on

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[33] "Dabei gilt es zu berücksichtigen, dass die Ehe als Form einer engen Zweierbeziehung zwischen Mann und Frau eine personelle Exklusivität auszeichnet" (BVerfG, 17 June 2002, 1 BvF 1/01)
[34] For more information on the Law on Transsexuals, or Transsexuellengesetz, see Knott, Gregory A. 2010. "Transsexual Law Unconstitutional: German Federal Constitutional Court Demands Reformation of Law Because of Fundamental Rights Conflict." St. Louis University Law Journal 54, no. 3: 997-1033.

the other hand, was the most inconstient out of all parties in the 17th session of the Bundestag. While the CSU focused on the definition of marriage and the constitutionality of same-sex marriage, the CDU was more concerned with the welfare of children. The CDU had a total of four people deliver official speech acts, but Ute Granold was the party's primary speaker. Her speeches in the 49th, 126th, and 228th meetings revolved heavily around the ability of same-sex partners to raise children. One possible explanation for the frequency of this frame is her professional background. Ute Granold worked as an attorney in family law, a fact she mentions in one of her speech acts. When answering a formal question from Birgitt Bender of the Greens, Ute Granold makes a special point to emphasize that in her 30 years of experience, she has read countless reports on child psychology that prove children need guardians of both genders.

In all three of her speeches, she reminded her fellow politicians to consider the interests of the child, rather than the affected adults. In her eyes, heterosexual couples raise children better than same-sex partners because homosexuals and their family continue to face stigma and discrimination. Allowing same-sex couples to adopt foreign children, i.e. children not direct decedents of either person, would only put additional hardships on already disadvantaged children. She only referred to the 1967 European Convention on the Adoption of Children once. The majority of her usage of this frame focused on the credibility of contemporary research on adopted children of same-sex couples. She cited a study from the Federal Ministry for Justice that said 47% of children face discrimination because of their living situation. She then discredited studies that said otherwise due to their "limited significance." One study failed to include background

information on the social background of the observed children, and another did not include enough children to make any credible claims.

One important observation is her change in the use of statistics in her speeches. In her last two speeches, she altered her employment of the "Protection of children" theme. She mentions the 2009 report by the Federal Ministry for Justice, but rather than discrediting other studies, she pointed to a hearing in the Committee on Legal Affairs and Consumer Protection in 2011, which said "additional studies are required in order to make a binding decision."[35] She emphasizes in subsequent paragraphs the need of credible information before the CDU could make any changes to adoption policy. She pointed to specific statistics on the number of children available for adoption and the number of willing parents before claiming relationships with a mother and a father should be given preference. In many ways, the repeated use of the "Protection of children" frame may indicate a continuation of the concept of fluid sexuality, which portrayed homosexuals as seducers, especially of children. Granold's entire argument is based on the same fear that same-sex parents adversely impact a child.

As indicated by their frame usage, the CDU and CSU spent the 17th session of the Bundestag trying to delay same-sex marriage. Regardless of the frame used, the goal of both the CDU and CSU was to avoid two changes to same-sex marriage policy in particular – the right to full adoption and the right to name the relationship a marriage. Ute Granold concisely summed up the entire argument of the CDU and the CSU in the 126th meeting of the Bundestag when she said, "We will not allow any changes, even if you resubmit a motion in three months. For the Union, marriage, that is the relationship

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[35] "Die Sachverständigen haben gesagt – das ist im Protokoll der Anhörung nachzulesen -, dass weitere Studien erforderlich sind und eine bessere Datenlage vorhanden sein muss, um eine verbindliche Entscheidung treffen zu können" (Plenarprotokolle 17/228, 28483).

between a man and a woman, will continue to be privileged and remain that way. We also will not allow the adoption of foreign children."

Despite this bold assertion, the extension of rights to same-sex couples was a contentious issue within the Union fraction throughout the 17th session. In late 2012, 13 representatives from the CDU formed a group known as "das Wilde 13," or the Wild 13. The name originates from the nickname of a group of pirates in the children's book "Jim Knopf" by Michael Ende (Alexander 2012). At the CDU Party Conference, the group submitted an initiative for the equal treatment of civil partnerships in tax law. While the topic was debated at the conference, it was narrowly defeated and did not pass (Alexander and Kamann 2013). Olav Gutting, one of the members of the Wild 13, explained his stance on the rights of same-sex couples in an interview with the newspaper *Die Rheinpfalz*, Although he recognized a fundamental difference between marriage and civil partnerships, he believed that the two institutions should have the same tax privileges. His speech in the 247th meeting reflected the same narrow view of equality propagated by other members of the CDU and CSU. Aside from the usual discussion on progress in same-sex marriage policy and Oppositional political maneuvers, he used the "Unconstitutional," "Threat/definition," and "Protection of children" frames to argue against full equality and same-sex marriage. He claimed the Opposition is using a "mosaic of politics" that operates against the middle class and families. He conceded that the decision of the Federal Constitutional Court on *Ehegattensplitting* might have been long overdue, but then explained that he refused to extend full adoption rights to same-sex couples because "it doesn't feel right in his heart."[36] While the group did not promote

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[36] "Die Volladoption von Kindern durch zwei Männer oder zwei Frauen lehne ich persönlich aus einem einzigen Grund ab: Es fühlt sich in meinem Herzen falsch an" (Plenarprotokolle 17/247, 31737).

full marriage rights, the Wild 13 showed the existence of internal conflict within the conservative parties.

Tensions within the conservative faction once again came to a head in February and March 2013. Recall that at the end of February, 74% of Germans were in favor of treating same-sex partners and married couples equally. It also found that 64% of CDU and CSU voters were in favor of equal treatment of same-sex marriage (Der Spiegel 2013d).[37] Another survey, conducted by ARD-Deutschland, reaffirmed that a majority of "CDU supporters" were in favor of equal treatment of same-sex partners with marriage. The survey found that 55% of supporters were in favor and 41% were in opposition (Der Spiegel 2013c). Almost immediately after the release of these surveys, General Secretary of the CSU Alexander Dobrindt brought tensions on same-sex marriage policy to a head within the conservative fraction. In an interview with *Welt am Sonntag*, he said, "As the people's party, the Union must give the silent majority a voice against the loud minority."[38] He then pointed to the number of marriages versus the number of civil partnerships as proof. Like most conservatives in the Bundestag, his goal was to prevent marriage and the family from losing their privilege. His statements enraged homosexuals as well as conservative representatives in bigger cities. The day the interview was published, the CDU lost to the SPD in a run-off election in Wiesbaden for the position of executive leader of city, or *Oberbürgermeisteramt*. In response, Jens Spahn, member of the Wild 13, angrily tweeted that the loss was probably related to the loud minority.[39]

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[37] While these numbers are helpful, they do not tell the full story. One concern is the article is not clear if the question simply refers to the treatment of same-sex couples or if it refers to allow same-sex marriage. As indicated by the Wild 13, some conservatives can be fully in favor of equal treatment without necessarily wanting same-sex marriage.

[38] "Die Union als Volkspartei hat die Aufgabe, der stillen Mehrheit eine Stimme zu geben gegen eine schrille Minderheit" (Alexander et al. 2013).

[39] Spahn, Jens, Twitter post, March 10, 2013, 5:27 p.m., https://twitter.com/jensspahn.

This internal division is apparent in the transformation of the "International influence" frame in Thomas Strobl's speech in the 247th meeting. At first, conservative politicians were quick to counteract the "Global perspective" frame of the Opposition by mentioning the number of countries that do not allow same-sex marriage. The last meeting in the Bundestag occurred after the passage of same-sex marriage in France and the United Kingdom. In this meeting, Thomas Strobl from the CDU combined the "International Influence" and "Pragmatic politics" frame to articulate a different perspective on the conservative opposition to same-sex marriage. First, he argued that the protests in France symbolized the consequence of passing same-sex marriage before society was ready. Then he appealed directly to the Opposition by including a quote by a British politician. Instead of using David Cameron's quote on same-sex marriage, Strobl cited the following quote by one of David Cameron's conservative predecessors: "the use of Conservatism is to delay changes till they become harmless."[40] He concluded his speech by saying the rights of same-sex couples should be done gradually and cautiously. The formation of the Wild 13 and results of the 2013 surveys indicate increasing tension within the conservative faction on the rights of same-sex couples.

The variation and inconsistency in the usage and frequency of framing themes represents the CDU grappling with how to modernize without necessarily isolating its traditional core values. Despite the arguments and debates, the Majority government extended a variety of rights to same-sex relationships. While this change may be incremental, it is far from insignificant. In her book *The CDU and the Politics of Gender in Germany*, Sarah Wiliarty describes the CDU as being caught in the middle of the

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[40] "Veränderung zu verzögern, bis sie harmlos geworden sind." (Plenarprotokolle 17/247, 31732). Strobl did not name the source of this quote, though it most likely came from British Prime Minister Robert Cecil, Lord Salisbury (Roberts 1999).

socially conservative CSU and more progressive FDP in regards to women's issues

(Wiliarty 2010). I would argue that the CDU was playing the same balancing act in

regard to the legal recognition of same-sex relationships.

The CSU consistently argued from the traditional, heteronormative standpoint,

and the FDP argued for a gradual progress to pass same-sex marriage. The CDU was the

one Majority party that fundamentally changed the way it used opponent framing themes.

By altering the "Protection of children" and "International influence" themes, the CDU

opened up room for discussion on same-sex marriage. Ute Granold began claiming the

CDU needs more information instead of arguing that same-sex parents disadvantage

children. Additionally, Thomas Strobl argued for incremental change to prepare society

by pointing to the uproar in France. By having civil partnerships as an institution, the

Union, but especially the CDU, had several opportunities to appear progressive and

supportive without exhibit full commitment to same-sex marriage. With every expansion,

the CDU and CSU also had another chance to delay same-sex marriage with another bill

proposal, another round of speeches, and another vote.

CHAPTER V: CONCLUSION

In Chapter One of my thesis, I posed the question: how do party ideologies and alliances affect the framing themes and frequencies in German debates on same-sex marriage? Specifically, I looked at 53 speech acts related to same-sex marriage from the 17th session of the Bundestag. My data included a total of 393 paragraphs from bill proposals, motions, and speeches. From this data, I discovered 21 framing themes - twelve proponent and nine opponent – on the German debate on same-sex marriage. In Chapter Two, I explained the context of the debate prior to the start of the 17th session in 2009. I structured my discussion on the framing themes by the political alliance of the parties. Chapters Three and Four explained the framing themes and their dynamics of the Opposition parties and the Majority government, respectively. Ultimately, I argued that all parties had consistent usage of framing themes with the exception of the CDU and explained this variation and inconsistency as a result of the CDU trying to synthesize its core traditional values with modern German society.

By using Germany as a case study, my thesis is relevant to research on same-sex marriage policy, contemporary German politics, and framing theory. When gathering relevant literature on same-sex marriage, I noticed that Germany is largely overlooked. Germany has contributed immensely to the development of the gender and sexual minority community and presents an especially interesting case for looking at the interface between gender, sexuality, and the state. A lot of research in framing theory, like McFarland (2011)'s article, assumes framing themes remain the same in a snapshot of time. My thesis demonstrates how frames change, even in the short period of four years. Most importantly, it uses empirical evidence to prove the consistency of framing

themes used in favor of same-sex marriage and the inconsistency of those used against

same-sex marriage, at least in the German case.

My project was not without weaknesses, specifically the reliability of my coding.

This project was my first experience coding documents, and all of my paragraphs were in

German. While I have a firm grasp on the language, I am not a native speaker. As I was

the only person to work on this project, my research would have benefited from having a

mentor to help with my coding. I tried to combat these problems by reading through the

documents multiple times. The first time I read through the documents, I made notes to

compile my list of frames. I then went back through the documents multiple times to note

the frequency of the frames. I also checked the paragraphs once more while entering in

my data. Despite its problems, I ultimately answered my research question.

The one of the major goals of framing theory is to examine how actors connect a

message with an audience to gain support. Having framing themes provides a basis for

comparison either across party lines or between different national contexts. I have already

highlighted that the German debate's inclusion of international events and lack of

reference to religion differs from the American debate. By using framing theory, I

discovered the internal divisions within the two biggest adversaries to same-sex marriage

in Germany – the CDU and CSU. Looking only at the publicized stance on an issue does

not truly expose how parties construct and support their stance. During the 17th session,

the CDU and CSU justified their opposition to same-sex marriage by presenting

themselves as the defenders of traditional institutions. As my results indicate though, the

CDU wavered on its position. With the knowledge of conservatives' most used and most

inconsistent framing themes, GSM activists can capitalize on apparent division within the

Union faction. Looking ahead, activists will have the opportunity to "bridge" their argument with conservatives in the 18th session of the Bundestag.

Considering the results of the 2013 Federal Election, the CDU will once again be caught in between the conservative CSU and a more progressive coalition partner. The CDU and CSU were the clear victors of the election, winning a collective 41.5% of the vote (Der Spiegel 2013a). The FDP, on the other hand, was removed from the Bundestag after the 2013 election because it did not meet the minimum electoral threshold. Despite winning the most seats in the Bundestag, the CDU and CSU did not have a majority of seats and could not form a majority government on their own. With the FDP out of the Bundestag, the Union's only options for a coalition partner were the former Opposition parties, all of whom are in favor of passing same-sex marriage. As of November 27, 2013, representatives from the CDU/CSU and SPD signed a coalition agreement and established a "Grand Coalition" as the Majority government for the 18th session of the Bundestag.

The new Majority will have to grapple with the topic of same-sex marriage in this next session. While the future is still unclear, the CDU and CSU will have to take a more concrete stance on how it approach last two hurdles of same-sex marriage. The coalition agreement between the Union and SPD promises, "to eliminate legal provisions that disadvantage same-sex partnerships."[41] Despite this ambiguous language, I expect the SPD to remain steadfast in its position on same-sex marriage. The second most frequently used frame by the SPD was "Political stalling." Given the SPD's former stance, I expect it to apply pressure on its coalition partner to extend marriage rights to same-sex couples.

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[41] "Rechtliche Regelungen, die gleichgeschlechtliche Lebenspartnerschaften schlechter stellen, werden wir beseitigen" (Koalitionsvertrag 2013, 74).

Otherwise, the SPD will fall victim to the same criticism by the Greens and the Left. As indicated by the CDU's inconsistent usage of framing themes in the 17th session, the CSU might be the only remaining party against same-sex marriage. The passage of same-sex marriage has been a sticking point of the Union for quite some time. I predict that during the 18th session, conservative politicians, like Ute Granold and Thomas Strobl, will get the information on adoption they require and see that German society is prepared for same-sex marriage. To invoke the "End Discussion" theme, I believe Bundestag will finally reach consensus on same-sex marriage during the 18th session and extend full rights to same-sex relationships.

BIBLIOGRAPHY

Adam, Barry D., Jan Willem Duyvendak, and André Krouwel, eds. 1999. *The Global Emergence of Gay and Lesbian Politics: National Imprints of a Worldwide Movement.* Temple University Press.

Advocate Contributors. 2011. "UK Prime Minister." *The Advocate*, October 6. Accessed April 19, 2014. http://www.advocate.com/news/daily-news/2011/10/06/uk-prime-minister-i-support-gay-marriage-because-i-am-conservative.

Alexander, Robin. 2012. "'Wilde 13' rebellieren – CDU streitet um Homo-Ehe." *Die Welt*, November 11. Accessed on April 19, 2014. http://www.welt.de/politik/deutschland/article111368702/Wilde-13-rebellieren-CDU-streitet-um-Homo-Ehe.html.

Alexander, Robin, Joachen Gaugele, Ulf Poschardt, and Thomas Vitzthum. 2013. "Union muss 'Stimme gegen schrille Minderheit' sein." *Die Welt*, March 10. Accessed April 19, 2014. http://www.welt.de/politik/deutschland/article114290201/Union-muss-Stimme-gegen-schrille-Minderheit-sein.html.

Alexander, Robin and Matthias Kamann. 2013. "Die 'Wilde 13' denkt an Meuterei." *Die Welt*, March 12. Accessed April 19, 2014. http://www.welt.de/print/welt_kompakt/print_politik/article114350955/Die-Wilde-13-denkt-an-Meuterei.html.

Bale, Tim, and Andre Krouwel. 2013. "Down but Not Out: A Comparison of Germany's CDU/CSU with Christian Democratic Parties in Austria, Belgium, Italy and the Netherlands." *German Politics* 22, no. 1/2 (June): 16-45.

Beachy, Robert. 2010. "The German Invention of Homosexuality." *Journal Of Modern History* 82, no. 4: 801-838. Accessed April 14, 2014. *Academic Search Premier*, EBSCO*host*.

Benford, Robert D., and David A. Snow. 2000. "Framing Processes and Social Movements: An Overview and Assessment." *Annual Review Of Sociology* 26, no. 1: 611. Accessed April 19, 2014. *Academic Search Premier*, EBSCOhost.

Blackbourn, David. 1998. *The Long Nineteenth Century: A History of Germany*. Oxford University Press: New York.

Clemons, Clayton M. 2013. "Beyond Christian Democracy? Welfare State Politics and Policy in a Changing CDU." *German Politics* 22, no.1/2 (June): 191-211.

Davidson-Schmich, Louise K. 2006. *Becoming Party Politicians: Eastern German State Legislators in the Decade following Democratization*. University of Notre Dame Press, 2006.

Der Spiegel. 2013. "Bundestagswahl 2013: Endgültiges Endergebnis." *Der Spiegel*. Accessed on April 14, 2014. http://www.spiegel.de/politik/deutschland/bundestagswahl-2013-wahlergebnis-grafik-bundestag-wahlkreis-a-923496.html.

_____. 2013. "Gleichstellung: CDU erklärt Debatte über Homo-Ehe für beendet." *Der Spiegel*, March 4. Accessed on April 14, 2014. http://www.spiegel.de/politik/deutschland/cdu-erklaert-homo-debatte-fuer-beendet-a-886770.html.

_____. 2013. "Mehrheit der CSU-Anhänger befürwortet Homo-Ehe." *Der Spiegel*, March 7. Accessed on April 19, 2014. http://www.spiegel.de/politik/deutschland/mehrheit-der-csu-anhaenger-sagt-ja-zur-gleichstellung-der-homo-ehe-a-887559.html.

_____. 2013. "Umfrage: Drei Viertel der Deutschen sagen ja zur Homo-Ehe." *Der Spiegel*, February 27. Accessed on April 19, 2014. http://www.spiegel.de/politik/deutschland/drei-viertel-der-deutschen-sind-laut-umfrage-fuer-homo-ehe-a-885834.html.

Der Tagesspiegel. 2013."Westerwelle attackiert Union wegen Homo-Ehe." *Der Tagesspeigel*, March 5. Accessed on April 19, 2014. http://www.tagesspiegel.de/politik/gleichstellung-westerwelle-attackiert-union-wegen-homo-ehe/7880220.html.

Deutscher Bundestag. 2009. *Gleichstellung eingetragener Lebenspartnerschaften: Zu den Auswir- kungen der Entscheidung des Bundesverfassungsgerichts zur Hinter-bliebenenrente*. By Tilman Hoppe. Drucksache 429/09. Berlin: Wissenschaftliche Dienste, 26 Novemeber. Accessed on April 19, 2014. http://www.bundestag.de/dokumente/analysen/2009/Gleichstellung_eingetragener_Lebenspartnerschaften.pdf.

Deutscher Bundestag. 2012. *Beschlussempfehlung und Bericht: zu dem Entwurf eines Gesetzes zur Einführung des Rechts auf Eheschließung für Personen gleichen Geschlechts (Drucksache 17/6343) und dem Antrag Recht auf Eheschließung auch gleichgeschlechtlichen Paaren ermöglichen (Drucksache 17/8155)*. By the Rechtsausschusses (6. Ausschuss). Drucksache 17/9611. Berlin: June 10. Accessed on April 19, 2014. http://dipbt.bundestag.de/dip21/btd/17/096/1709611.pdf.

Ebke, Werner F., and Matthew W. Finkin. 1996. *Introduction to German Law*. Boston: Kluwer Law International.

Fone, Byrne. 2001. *Homophobia: A History*. New York: Picador USA.

Frankenberg, Günter, and Alexander Hanebeck. 2000. "From Hysteria to Banality." In *Partnership & Pragmatism*, 35-47. Taylor & Francis Ltd. Accessed on April 19, 2014. EBSCOhost.

Goffman, Erving. 1974. *Frame Analysis: An Essay on the Organization of Experience*. New York: Harper & Row.

Hein, Josef. 2013. "Unsecular Politics in a Secular Environment: The Case of Germany's Christian Democratic Union Family Policy." *German Politics* 22, no. 4 (December): 441-460.

Heine, Friedrerike. 2013. "M, F or Blank: 'Third Gender' Official in Germany from November." *Der Spiegel*, August 16. Accessed on April 19, 2014. http://www.spiegel.de/international/germany/third-gender-option-to-become-available-on-german-birth-certificates-a-916940.html.

Herzog, Dagmar. 2005. *Sex after Fascism: Memory and Mortality in Twentieth-Century Germany*. Princeton, N.J.: Princeton University Press.

Herzog, Dagmar. 2005. *Sexuality and German Fascism*. New York: Berghahn Books.

ILGA-Europe. 2013. "Rainbow Europe Map May 2013." *International Lesbian, Gay, Bisexual, Trans, and Intersex Association – Europe*. Accessed on April 19, 2014. www.ilga-europe.org/rainboweurope.

_____. 2013. "What is ILGA-Europe?" *International Lesbian, Gay, Bisexual, Trans, and Intersex Association – Europe*. Accessed on April 19, 2014. http://www.ilga-europe.org/home/about_us/what_is_ilga_europe.

Koalitionsvertrag. 2009. *Wachstum. Bildung. Zusammenhalt. – Koalitionsvertrag zwischen CDU, CSU und FDP*. Berlin, October 29. Accessed on April 19, 2014. http://www.csu.de/uploads/csucontent/091026_koalitionsvertrag_02.pdf.

Koalitionsvertrag. 2013. *Deutschlands Zukunft Gestalten. – Koalitionsvertrag zwischen CDU, CSU und SPD*. Berlin, December 14. Accessed on April 19, 2014. https://www.cdu.de/sites/default/files/media/dokumente/koalitionsvertrag.pdf.

Kollman, Kelly. "Same-Sex Unions: The Globalization of an Idea." *International Studies Quarterly 51, no. 2 (June 2007): 329-357*. Accessed on April 19, 2014. *Academic Search Premier*, EBSCOhost.

Knott, Gregory A. 2010. "Transsexual Law Unconstitutional: German Federal Constitutional Court Demands Reformation of Law Because of Fundamental Rights Conflict." *St. Louis University Law Journal* 54, no. 3: 997-1033. Accessed on April 14, 2014. *Legal Collection*, EBSCO*host*.

LSVD. 2014. "Beratungsangebote." *Lesben- und Schwulenverband*, Last modified March 28. Accessed on April 14, 2014. http://www.lsvd.de/recht/lebenspartnerschaft/stand-der-gleichstellung.html.

Masci, David, Elizabeth Sciupac, and Michael Lipka. 2014. "Gay Marriage Around the World." Pew Research Religion & Public Life Project, February 5. Accessed on April 19, 2014. http://www.pewforum.org/2013/12/19/gay-marriage-around-the-world-2013/.

McFarland, Katherine. 2011. "Media Influence and Frame Diversity in the Debate over Same-Sex Marriage." *Communication Review 14, no. 4: 255-278.* Accessed on April 14, 2014. *Communication & Mass Media Complete,* EBSCOhost.

McLellan, Josie. 2011. *Love in the Time of Communism: Intimacy and Sexuality in the GDR*. New York: Cambridge University Press.

Peter, Thomas. 2013. "Most Germans Support Gay Marriage, Poll Shows." *Reuters*, February 27. Accessed on April 19, 2014. http://uk.reuters.com/article/2013/02/27/uk-germany-gays-idUKBRE91Q0NT20130227.

Pettinicchio, David. 2012. "Current Explanations for the Variation in Same-sex Marriage Policies in Western Countries." *Comparative Sociology* 11, no. 4 (September): 526-557. Accessed on April 19, 2014. *SocINDEX with Full Text,* EBSCOhost.

Raab, Heike. 2011. *Sexuelle Politiken: die Diskurse zum Lebenspartnerschaftsgesetz*. Frankfurt am Main u.a.: Campus Verlag.

Rein, Martin, and Donald Schön. 1996. "Frame-Critical Policy Analysis and Frame-Reflective Policy Practice." *Knowledge & Policy* 9, no. 1 (March): 85-105. Accessed on April 19, 2014. *Academic Search Premier,* EBSCOhost.

Roberts, Andrew. 1999. "Salisbury, The Empire Builder Who Never Was." *History Today* 49, no. 10 (October). Accessed on April 19, 2014. http://www.historytoday.com/andrew-roberts/salisbury-empire-builder-who-never-was.

Snow, David A., E. Burke Rochford Jr, Steven K. Worden, and Robert D. Benford. 1986. "Frame Alignment Processes, Micromobilization, and Movement Participation." *American Sociological Review* 51, no. 4 (August): 464-481. Accessed on April 19, 2014. *SocINDEX with Full Text, EBSCOhost*.

Snow, David A. and Robert D. Benford. 1988. "Ideology, Frame Resonance, and Participant Mobilization." *International Social Movement Research* 1, no. 1:197-218.

Stern. 2002. "So funktioniert Ehegattensplitting." *Stern*, October 2. Accessed on April 19, 2014. http://www.stern.de/wirtschaft/geld/hintergrund-so-funktioniert-ehegattensplitting-313107.html.

_____. 2013. "SPD-Kandidat gewinnt Bürgermeisterwahl in Wiesbaden." *Stern*, March 11. Accessed on April 19, 2014. http://www.zeit.de/politik/deutschland/2013-03/wiesbaden-oberbuergermeisterwahl-gerich.

Tamagne, Florence. 2004. *A History of Homosexuality in Europe, 1919-1939*. New York: Algora Publishing.

Queer Communications GmbH. 2013. "Michael Kauch ist Papa geworden." *Queer.de*, April 24. Accessed on April 19, 2014. http://www.queer.de/detail.php?article_id=19071.

_____. 2011."Transsexuellengesetz verstößt gegen das Grundgesetz." *Queer.de*, January 28. Accessed on April 19, 2014. http://www.queer.de/detail.php?article_id=13585.

Wiliarty, Sarah E. 2010. *The CDU and the Politics of Gender in Germany*. New York: Cambridge University Press.

Wilson, John. 1973. *Introduction to Social Movements*. New York: Basic Books.

APPENDIX I

List of documents used as data:

Motions (*Anträge*) and Bill Proposals (*Gesetzentwürfe*)
Deutscher Bundestag. 2011. *Das Recht auf Eheschließung auch gleichgeschlechtlichen Paaren ermöglichen*. Motion by the SPD. Drucksache 17/8155. Berlin: December 14. Accessed on April 19, 2014. http://dipbt.bundestag.de/dip21/btd/17/081/1708155.pdf.

Deutscher Bundestag. 2013. *Das Recht auf Eheschließung für Personen gleichen Geschlechts einführen*. Motion by the Greens. Drucksache 17/13912. Berlin: June 12. Accessed on April 19, 2014. http://dip21.bundestag.de/dip21/btd/17/139/1713912.pdf.

Deutscher Bundestag. 2011. *Entwurf eines Gesetzes zur Einführung des Rechts auf Eheschließung für Personen gleichen Geschlechts*. Bill proposal by the Greens. Drucksache 17/6343. Berlin: July 29. Accessed on April 19, 2014. http://dipbt.bundestag.de/dip21/btd/17/063/1706343.pdf.

Deutscher Bundestag. 2013. *Entwurf eines Gesetzes zur Einführung des Rechts auf Eheschließung für Personen gleichen Geschlechts*. Bill proposal by the SPD and the Greens. Drucksache 17/12677. Berlin: March 12. Accessed on April 19, 2014. http://dipbt.bundestag.de/dip21/btd/17/126/1712677.pdf.

Deutscher Bundestag. 2010. *Gleichstellung eingetragener Lebenspartnerschaften*. Motion by the SPD. Drucksache 17/2113. Berlin: July 16. Accessed on April 19, 2014. http://dip21.bundestag.de/dip21/btd/17/021/1702113.pdf.

Deutscher Bundestag. 2010. *Öffnung der Ehe*. Motion by the Left. Drucksache 17/2023. Berlin: July 9. Accessed on April 19, 2014. http://dip21.bundestag.de/dip21/btd/17/020/1702023.pdf.

Meeting Protocols (*Plenarprotokolle*)
Deutscher Bundestag. 2010. *Stenographischer Bericht: 49. Sitzung*. Plenarprotokoll 17/49: 5075-5141. Berlin: June 17. Accessed on April 19, 2014. http://dipbt.bundestag.de/dip21/btp/17/17049.pdf.

Deutscher Bundestag. 2011. *Stenographischer Bericht: 126. Sitzung*. Plenarprotokoll 17/126: 14861-14870. Berlin: September 21. Accessed on April 19, 2014. http://dipbt.bundestag.de/dip21/btp/17/17126.pdf.

Deutscher Bundestag. 2012. *Stenographischer Bericht: 187. Sitzung.* Plenarprotokoll 17/187: 22403-22414. Berlin: June 28. Accessed on April 19, 2014. http://dipbt.bundestag.de/dip21/btp/17/17187.pdf.

Deutscher Bundestag. 2013. *Stenographischer Bericht: 247. Sitzung*. Plenarprotokoll
17/247: 31730-31740. Berlin: June 14. Accessed on April 19, 2014.
http://dipbt.bundestag.de/dip21/btp/17/17247.pdf.

Deutscher Bundestag. 2013. *Stenographischer Bericht: 228. Sitzung*. Plenarprotokoll
17/228: 28480-28495. Berlin: March 14. Accessed on April 19, 2014.
http://dipbt.bundestag.de/dip21/btp/17/17228.pdf.

APPENDIX II

Tables from McFarland, Katherine. 2011. "Media Influence and Frame Diversity in the Debate over Same-Sex Marriage." *Communication Review 14, no. 4: 264-265*.

TABLE 2 Frames Used to Debate Same-Sex Marriage Amendments by Group (*N* = 530)

Frame	Description	News or editorial	Letters to the editor	All articles
Pro–amendment frames				
Definition/ building block	Allowing same-sex couples to marry would change the definition of marriage. Heterosexual marriage is a building block of society.	33.0%	15.2%	24.0%
Judicial activism	An amendment is a chance for citizens to decide their laws before judges do.	26.9%	7.8%	18.7%
Bible/religion	The Bible says that marriage is only for a woman and a man. Less specific—my religion says it's wrong, heterosexual marriage is a Judeo-Christian value.	13.0%	8.9%	10.9%
Not needed/ special rights	Same-sex couples can get all the rights that married couples have; they don't need marriage. Homosexuals are looking for special rights and/or marriage is not a right they are entitled to.	15.7%	5.2%	10.4%
Children need mom and dad	Children are best raised by a mother and father that are legally married. The state should support this family form.	10.7%	5.2%	7.9%
Slippery slope	Same-sex marriage is a slippery slope that could lead to legalized group marriage, polygamy, bestiality, and so forth.	2.7%	3.0%	2.8%
Other proamendment	All arguments not included in other codes.	0.4%	0.6%	0.9%
Anti–amendment frames				
Equality/rights	Marriage is a civil right; prohibition of same-sex marriage is tantamount to discrimination.	40.2%	41.6%	40.9%
Tolerance	In a diverse society, it is important to be tolerant of all people; as a moral value this is paramount. Proposed amendment is just mean; its purpose is only to unfairly punish gays.	31.8%	34.6%	33.2%
Change/ constitution	It is inappropriate to use the Constitution to institute policies of the moment. It will only make it harder for future generations to reverse.	29.1%	16.0%	22.5%
Unintended consequences	The amendment will affect unmarried heterosexuals as well. There will be unintended consequences because it goes further than just marriage.	28.7%	14.9%	21.7%
All families	Expanding marriage to same-sex couples is pro-family and will protect children of these unions. Society should promote the morality of living in committed relationships for all people.	19.9%	17.1%	18.5%

(Continued)

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TABLE 2 (Continued)

Frame	Description	News or editorial	Letters to the editor	All articles
Not a threat	Same-sex marriage is not a threat; it will not affect anyone but the couples and families involved.	10.7%	17.8%	14.3%
Separation/ privacy	The separation of church and state in the Constitution means that religious views of marriage are irrelevant. This amendment is government intrusion into private lives.	9.6%	17.5%	13.6%
Other antiamendment	All arguments not included in other codes.	0.8%	0.7%	0.8%
Neutral frame				
Distraction/ political	This is a political distraction from other more important issues. This issue is being used to gain superficial support for one party.	17.6%	10.0%	13.8%
Total		260	269	530