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Mothers, Morality and Abortion: The Politics of Reproduction in the Formation of the German Nation

By Yvonne Frankfurth[1]

Abstract

A substantial amount of literature dealing with conceptualisations of the nation has neglected the importance that gender and the politics of reproduction play in the construction of national identities. Analysing images of political campaigns and activists as well as public discourses on motherhood, abortion and childcare, I will illustrate the importance that gender and sexuality assumed in German nation-building projects before and after its unification in 1990.

After 1949, East and West German ideas of nationhood were premised on opposing ideas of gender roles, in that politicians within these two German nations mobilised distinct gender identities to assert their respective political system as superior and progressive. While in East Germany, the progressiveness of the socialist project was measured along the lines of women's integration into the labour force; in West Germany, the idea that a woman's identity was primarily rooted in motherhood played an influential role in nationalist discourses. Once East and West Germany reunified in 1990, these opposing ideas of gender roles clashed. This became particularly visible in the context of political debates around abortion and childcare. An analysis of these debates suggests that the "new" unified German nation was premised upon a story in which the West German idea of the housewife-breadwinner model prevailed. This was diametrically opposed to what was framed as the East German "woman-worker" who had free access to abortion, and was abjected as immoral and backward. Analysing how such a national story was constructed is highly valuable, as it elucidates the ways in which gender has become a constitutive and structural element in the nation-building process of unified Germany to the present day.

Key words: Germany, politics of reproduction, abortion, gender, nation

Introduction

The nation is, among other things, a symbolic community that is held together by powerful figures of belonging, as well as through an imagined code of shared values built through the repetition of specific historical narratives about key events and people. The ways in which women feature in national discourses as social and biological reproducers is fundamental to understanding the social and cultural renewal of the national community. As Foucault has stated, "sexuality has always been the forum where the future of our species, and at the same time our 'truth' as human subjects, are decided" (1991:111). Building on this theoretical backdrop, this essay will use images

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Research methodology: Secondary literature analysis

from political campaigns, public discourses on abortion, childcare and women's integration into the labour market, to illustrate how reproduction and gender figured as structuring elements in imagining nationhood in East and West Germany between 1949-1990, as well as in the reunited Germany after 1990. Rather than providing a fixed definition of gender (equality), I will trace the ways in which its meaning was reframed and/or reproduced within these shifting contexts.

After World War II, Germany was divided into the American-guided Federal Republic of Germany (West Germany) and the Soviet-led German Democratic Republic (East Germany) and thus became grounds of the East/West political and economic contestations in the context of the Cold War (1949-89). While a majority of academic studies have analysed the emergence of different political and economic identities in the East/West divide, I will focus on how politicians in East and West Germany mobilised distinct gender identities in East and West Germany to assert their respective political system as superior and progressive in the Cold War battle of ideas.

The different political and economic systems of East and West Germany constructed diverging notions of an ideal worker and a model family, which were framed in diametrically opposed ways in the East and West German family and labour market policies. In West Germany, the notion of gender equality was closely tied to that of the US, and was measured in terms of the attainment of the housewife- breadwinner model, which was anchored in the industrial capitalist system of the West. East Germany, in contrast, orientated its social policies on the Soviet project of socialism, which mainly defined gender equality in terms of women's labour force participation. Both in the context of East and West Germany's gender regimes discourses of gender were mobilised to promote and legitimise the respective political and economic systems.

The West's emergence as the winner of the global contestation of liberal capitalism against Soviet socialism meant that the normative Western framework of change would shape the discourses of reunification and transition in Germany after 1990. The emergence of this unequal power relationship between East and West shaped gender discourses in such a way that they gave expression to the hierarchical relationship between East and West and reaffirmed a type of "otherness" that categorised the East as "past" and the West as "future".

The ways in which gender and reproductive policies play an integral part in the national agenda can be observed to the present day. This essay will suggest that while nation-building is a deeply gendered process, this process must by no means be temporally linear or follow previously established patterns. Rather, looking at some reproductive policies like the extension of the childcare system in Germany today, it seems that politicians have "forgotten" about their once-antagonistic stance on East German notions of gender roles. I will thus finish by illustrating the importance of "forgetfulness" in the construction of national imageries on reproduction.

The Gendered Construction of the Nation

It is quite rare for the analysis of national imaginaries to make explicit reference to their highly gendered and sexualised uses of history, narrative and genealogy. Indeed, despite the almost extreme use of highly gendered representations of patriotism, and the prominent place of reproductive imagery in the depiction of national identities, often neither gender nor parenthood are explicitly mentioned in literature on nations and nationalisms. Benedict Anderson, for example, has theorised the nation as an "imagined community", which emerged as a result of the development of print capitalism and the subsequent creation of a community of people speaking and reading in their country's vernacular (1991). Anderson insightfully observed how a heterogeneous group of people may become a nation, a "cultural artefact", an "imagined political

community", through an integrative process of imagination (1991:3–4). Through this process, the national community becomes an artefact in the minds of people who may never meet, but who are connected through the abstract imagination of a shared community (1991:6). In this, nation-building becomes a process of constant self-invention, or as Joane Nagel puts it, "nations are empty vessels waiting to be filled by symbolic work" (2003:157). While Nagel stresses the vital role that gender and sexuality plays in constructing a national identity, Anderson never explicitly uses gender as a concept to theorise the process of nation-building, but merely acknowledges the ways in which nationalism may be rooted in a masculinised imaginary, what he calls a "fraternity" and "a horizontal comradeship" (1991:7).

An acknowledgment of the gendered construction of the nation is similarly absent in the influential conceptualisations of the primordialists, such as Edward Shils (1957), Clifford Geertz (1997) and Pierre van den Berghe (1979), who theorise the nation as a continuation or extension of kinship relations and family systems, which misses the complex and intricate intertwinement of gender with projects of nation-building. Theorists who have rightfully stressed the importance that reproduction assumes in nationalist ideology include, for example, Floya Anthias and Nira Yuval-Davis (1995), Lauren Berlant (1997), Joane Nagel (2003) and Sylvia Walby (2006). As Yuval-Davis points out, "an individual usually enters "a people" by being born into it" (1997:4). Crucially, such a statement is indicative of a discourse that may itself be historically contingent and overlapping with that of nation-building. Focusing on the ways in which women feature as symbols of culture and nationhood, she demonstrates how in nationalist discourses women have often inhabited the ambiguous position of figuring as symbols of the nation while at the same time being absent in the public national domain, possessing an "object identity" rather than a "subject position" (1997:47).

Similarly, in her account of how US national citizenship has come to be defined by matters of intimacy from the 1960s, Lauren Berlant (1997) suggests how ideas, images and narratives of sexuality and reproduction may shape national culture and the public sphere. Since the mass circulation of embryonic images, she argues, the embryo has come to act as a vessel for ideas of nationhood. Not yet able to speak, the embryo lends itself to become a national object of protection, a projection for cultural fantasy that provides a fruitful ground for thinking about ideas of national identity. In this fantasy, the role of the woman is primarily defined in terms of motherhood and her ability to biologically and socially reproduce the nation. As Bordo summarises, "the woman is cast in advance as already a mother embarked on a life trajectory of mothering" (1993:96). Such a depiction creates the ambiguous position, in which women may figure as national symbols (of motherhood) while being barred from the national public sphere as subject agents.

It is important to note that different processes of nation-building are based on different frameworks for preferred gender relations, or "gender regimes" (Connell 1987). As Walby has argued, confrontations over gender relations are inherent to the development of nations themselves: "competition and contestation between nations is often gendered [...] in that changes in the dominance of one nation over another can have implications for the gender regime in those nations" (2006:128). In her analysis of how sex and nationalism were intricately connected in the nation-building processes of Europeans and Americans *vis-a-vis* their colonials, Nagel rightly stresses that the idea of who we are (as a nation) "is as much defined by "what we *are*" as by its antithesis of "what we *are not*" [...] and part of our national self-construction process (is) the attribution of moral and sexual characteristics to them and us" (2003:155).

As such, one's own national identity is constructed in relationship to "the other". As will be demonstrated further below, I will suggest that in East and West Germany, notions of "what we

are not" were constructed by differing gender regimes, in which opposing values pertaining to the reproductive role of the woman fed into the respective nation's political self-definition. Politicians acting on these dichotomies between East and West Germans, then, did not necessarily reflect social reality but constructed their own world of seemingly incompatible gender relations. Conflicts concerning national identity within reunified Germany after 1990 can therefore be understood as a contestation over a stylised understanding of "West German" versus "East German" gender relations.

Women as National Symbols in West and East Germany, 1949-1990

In 1949, two separate German states were founded. These (patriarchal, male-dominated) West and East German states used their policies on "women's liberation" after 1949 in part as a symbolic language to differentiate themselves from each other. Against this backdrop, the respective national identity was partially premised upon the "woman's role", which came to stand for modernity, progressive state policies, socialism, and morality.

In West Germany, the family constituted a key site for the political self-definition of the national community, as it featured "a storehouse of uniquely German values that could provide a good basis for post war recovery" (Moeller 1993:6). Prevailing ideas and practices of the traditional breadwinner-housewife family model provided a "morally superior" entity that was supposed to counter socialist ideas from "the East". In this ideal family construct, West German men and the state were seen as protectors of women and children, illustrated, for example, in the Christian Democrat's election poster, "Protect us! Be ready for defence. Elect: CDU" (image available here https://goo.gl/images/zRJP8b). In this poster, a disproportionally big red hand representing communism is shown as threatening a defenceless mother and child, who appear frightened and in need of protection. In this depiction, the mother is shown in an "object identity", serving as a national symbol to represent women's perceived need of paternal state protection, and indeed, about the West German state itself needing protection; so the woman is symbolic of the West which must retain its separation from the "immoral East". The poster also hints at the patriarchal power structure in West Germany, in which men featured in leading political roles, as a moral authority and as protectors of the nation. This unequal power relationship between men and women was further consolidated in marriage: according to West German law, husbands had full control over their wife's income (if she had any) until 1958; and, until 1977, women had to provide written permission from their husbands if they wanted to work (Haller 2010).

Cultural representations of the housewife maintained that a woman's place was in the domestic realm, defined by the three "K" words: *"Kinder*, *Kirche*, *Küche"* [children, church, kitchen]. This concept can be vaguely translated into the English expression *barefoot and pregnant*, referring to the normative expectation that women should solely work in the domestic realm and have children. A slightly different version of the German proverb first appeared in a collection of German proverbs in 1870, reading "Four K's for a pious woman: to keep respect for Church, Chamber, Kitchen, Children" (Wander, 1870 [1992], author's translation). The view that a woman ideally did housework, raised children, and went to church to keep a moral spirit, not only endorsed a heterosexual family model, but also created the tacit expectation that a woman had to be a mother to fulfil her gender role. The anthropologist Daphne Berdahl observed that East German women were ridiculing West German women for what they perceived as a life confined to the domestic sphere: "We have often made fun of that, of women in the West who list "housewife" as their profession" (1999:201).

In East Germany, the women's liberation movement played a significant part in the political self-definition of the national community. The success of its perceived gender equality was measured along the lines of women's integration into the labour market. East Germany had the world's highest rate of female labour participation. In the mid-1980s, around 49% of the East German labour force was made up of women, with 83% of all women being in employment. In contrast, in 1983 about 39% of West German women were part of the labour force, most of whom worked part-time (Guenther 2010).

In East Germany, International Women's Day was organised on an annual basis by the Union Federation, and occurred continuously between 1946 and 1990 (Mueller-Vogg, 2016). In 1954, the Federation announced the Women's Day in the form of a poster that illustrated an East German woman proudly working as a mechanic (image available here: https://goo.gl/images/fUK5ER). The poster suggests that it was not uncommon for women to work in what were considered typically male-dominated fields, and echoed the commonly propagated slogan: *Gleiche Arbeit, gleicher Lohn* [same occupation – same wage]. Crucially, in their quest for gender equality, East German politicians neglected the importance of changing men's social roles as well as women's (see Becker-Schmidt 2001; Einhorn 1991). While East German women were integrated into the labour market, men were not expected to support women in the domestic sphere, and while women were constructed as both workers and mothers, men were not seen as both workers and fathers. This led to what is often referred to as the "triple socialisation" of women under German socialism: "the obligation to be a devoted wife and mother, a dedicated worker, and an active member of the community" (Einhorn 1991:24).

West German women often referred to their East German counterparts as *Rabenmütter* [raven mothers], insinuating that, like ravens abandoning their nests, East German women left their children in cribs and kindergartens from an early age, in pursuit of their careers (Kaminsky 2016). Such a view was reinforced through the extensive network of childcare in East Germany, which was free of charge. Before unification in 1990, about 90% of 1-3 year olds attended childcare in East Germany, while only about 3% of children under the age of three were in cribs in the West (Bundesregierung 2016; Guenther 2010). The different gender regimes not only differed with regards to childcare but also in terms of contraceptive choices. The East German Parliament imposed no restrictions in terms of the availability of contraception, such as condoms or the contraceptive pill (see Kuller 2004). After its initial introduction in 1965, the East German politicians decided to make the pill free of charge in 1972, so that it became easily accessible, "even [to] 14-year old girls" (Einhorn 1993:461). This stood in stark contrast to West Germany, where the pill was released earlier, but was initially prescribed only to married women who already had children and suffered from pre-menstrual syndromes (Barthemely 2011). Such a strict regulation of the availability of contraception was in line with the criminalisation of abortion in West Germany, which promulgated the view that "moral" behaviour was defined in terms of saying "yes" to a child.

At the same time as the pill was made available free of charge, the East German legislators decided to legalise abortion in the first twelve weeks of pregnancy, also free of charge. Granting personal freedom in an area where the liberal-democratic West had imposed restrictions led to a sense of pride among East Germans. As Ferree describes it, "comparison with this less restrictive rule in the East now became a continuing source of discontent in the West [...] and women's greater emancipation was claimed as East Germany's accomplishment and reproductive rights became one potent symbol of this" (2012:58). Asserting their apparent progressiveness in relation to one another demonstrates how policies pertaining to reproduction were actively used by politicians in

East and West Germany to frame their national identities in diametrically-opposed ways.

Shortly after the East German legalisation of abortion, the West German government also revised its regulation of abortion, which held that having an abortion could be punishable with a prison sentence for up to five years. During the debate, there was widespread media coverage and mass mobilisation by activists and feminist groups calling for an elimination of the strict regulation (see Lenz, 2010). These movements featured so-called groups that promoted slogans like "my womb belongs to me" and "having children or not is our decision alone" (Ferree 2012:40-57). Ultimately, the West German Constitutional Court (1974) ruled that, "human life starts with nidation[2] and is a continuous process that cannot be divided into different stages." According to this conceptualisation of human life, the embryo was declared to deserve human dignity from the moment of its implantation inside the women's uterus. Acknowledging the need to protect the embryo's dignity, the legislators considered it necessary that abortion would remain a criminal act in principle. Consequently, women could only access abortion after a doctor had confirmed that their medical, psychological, social or genetic circumstances legitimised the procedure (see Mattern, 1991).

This regulation of abortion could be seen as a "national compromise"; while granting women access to abortion in the first trimester after a doctor's approval, it also retained a sense of respect and morality in light of the embryo's status as a national object of protection. In the minds of many, it positioned West Germany as a highly moral nation, which was inclusive and protective of all members of its imagined community, including the unborn ones. This legal decision was henceforth used as a basis for West German politicians to, both tacitly and overtly, characterise East Germany's free access to abortion as morally questionable, as will be discussed further below. This was because the East German Abortion Act neither acknowledged that an embryo had a right to live, nor demanded a doctor's legitimation of an abortion.

Defining the Moral Community of Unified Germany

On 3rd October 1990, East and West Germany were officially re-unified. The collapse of Soviet state socialism in 1989 and the West's emergence as the "winner" from the Cold War meant that the German unification process would follow the terms set by West Germany. In the process of unification, two treaties came into effect, the second of which meant that former East Germany officially "ceased to exist as a sovereign nation" and became part of the German Federal Republic (Mattern 1991:647). As East Germans constituted only one-third of the total unified population, they had fewer political votes and representatives than their West German counterparts. Accession of East Germany to the constitution and territory of West Germany in 1990 resulted in the normative expectation that "the East had to become more like the West", and that it would have to "catch up" with the West German economic, social and political advances of the past forty years.

Observing the everyday interactions between Berlin police officers in the early 1990s, the sociologist Andreas Glaeser (2000) insightfully observed how East and West Germans were framed in a temporal relation to each other, something he called "allochronisation". In daily conversations, West Germans tended to present themselves as the "future" of East Germans, thereby categorising the East/ East Germans as "past". This echoes Nagel's (2003) idea that nation-building relies on a process of "othering", in which there is a tacit expectation for "the other" to become more like "us". Categorising East Germans as "backward" and "past" seemed to legitimise West Germans taking on a role as a "teacher" and serving "as paternal benefactors for East

[2] Nidation refers to the implantation of the fertilised egg in a woman's uterus.

Germans and to manage the future of Germany on their behalf" (Boyer 2006:373).

In her analysis of television portrayals, Kathrin Hoerschelmann suggests how post-unification soap opera's tended to portray East German male characters "as "weak" or unsuccessful", which was often juxtaposed with the image of West German men who were "self-confident, successful, active, progressive and powerful" (1997:391). East German women were often depicted either as "unattractive copies of the socialist working-woman ideal, or [...] as eroticised objects of Western male, sexual desires" (ibid). Such analyses of gender representations in media discourses are valuable in that they mirror the hierarchical relationship that prevailed between East and West Germans, as well as between men and women within this East/West distinction.

After unification, family policies were largely shaped by West German ideas of gender and reproduction (see Guenther 2010). For instance, West German politicians discredited the East German elaborate network of childcare and all-day schools by depicting them as sites of socialist indoctrination, accused East German women of being raven mothers, and "in the anxious debate about teenaged criminals and skinheads in the new eastern states it was widely argued that their anomie derived from a deprivation of motherly love" (Tooze 2011:75). This antagonistic stance against former East German ideas of gender and family policies exemplifies the role that gender regimes play in the competition between different national identities as well as how national reproduction assumes significance not only in the biological but also in the social realm (Walby 2011; Yuval-Davis 1997).

By discrediting the childcare infrastructure and cutting its funding, West Germans fostered the notion that social reproduction ought to take place at home, with one's mother, and not in public childcare institutions. Moreover, by removing a substantial amount of formerly public childcare institutions, East Germans were structurally forced to adapt to the new national community (Haney and Pollar 2003). Unemployment skyrocketed once the economic landscape was "modernised" and social structures like childcare, which used to facilitate the combination of employment with mothering, disappeared. Between 1990-1995, twice as many women as men were unemployed in former East German regions, and overall unemployment rates for both men and women reached about 50% (Guenther 2010).

Partially due to this economic and structural instability, the number of births to former East German women dropped by 60% between 1990-1995 (Ferree 2012). This decline was a radical shift from the high birth rates which had been prevalent in former East Germany. Journalists politicised this birth drop "as a deliberate act of defiance: a "birth strike" by East German women" (ibid). Such a framing seemed to suggest that East German women were disengaging from the national project. Along these lines, major newspapers illustrated the "birth strike" using dramatic imageries, such as "creeping depopulation", "the East Germans are slowly dying out", and "the bleeding dry of a desolate land" (Doelling and Schulz 2000:127). Due to the central role that motherhood played in the West German national imagery, such a notoriously negative depiction of an apparent "birth strike" further discredited and marginalised East German women's position in the new national community.

The Abortion Debate – The "Unwanted Child of Unification"

Before the second unification treaty could be signed, legislators from both states had to decide which East German laws would remain valid in unified Germany (Mattern 1991). As Andrea Wuerth observed, "The statement of principles and regulations in the Unity Treaty, perhaps

even more so than the laws governing citizenship, can be considered state strategies for defining the terms of "belonging" to the German nation." (1997:14) Due to the contradictory views on reproductive politics, the Abortion Act soon came under scrutiny. West German politicians considered the East German regulation of free access to abortion as so problematic and morally questionable, that an immediate agreement could not be found (Mattern 1991). As a result, abortion came to be a major topic of public and parliamentary debate in the ensuing years, becoming what the legal scholar Mattern termed the "unwanted child of unification" (1991). The image of an "unwanted child" played on the common portrayal of unification as a "marriage in which the wife/[East Germany] loses her identity/name and becomes subordinated to the husband/[West Germany]" (Ferree 2012:133). The latter metaphor echoes the West German tradition whereby a woman takes her husband's surname after marrying, pointing to the unequal power structure between men and women, as well as between East and West Germans. Crucially, the German abortion debate became symbolic and indicative of the vastly differing ideas of gender and reproduction that had prevailed in the former two gender regimes.

In various articles, Andrea Wuerth has explored the political and media discourses of the German abortion debates (Wuerth 1997; Wuerth and Monger 1997). As she describes, in the parliamentary debates revolving around abortion, West German Christian Democrats promoted the view that the (East German) free access to abortion was incongruent with western democratic and moral values (1995). Abortion, to their mind, was a statement against the West German family model, and thus, in a way, precluded one from taking up membership in the national community. This was analogous to the former West German Secretary-General Edmund Stoiber, who had demanded in 1987 that the words "abortion" and "termination of pregnancy" be substituted by the phrase "killing of human life", thereby strikingly exemplifying the stance of Christian Democrats on the issue of abortion (Duden 1993:50).

Consequently, there was a tacit expectation for East Germans to abandon their right to abortion in order to gain access to the new national community, in which a strict regulation of abortion was equalled with exemplary moral behaviour (Wuerth 1997). Indeed, "West German legislators emphasised the moral superiority of the West German state, which "protected unborn life", to the moral bankruptcy of the East German state, which some legislators felt had "encouraged abortion" by legalising abortion in the first trimester" (Wuerth and Monger 1997:72). To discuss the regulation of abortion, the new government in unified Germany created a special committee formed of mostly West German men from the areas of politics, medicine and religion (Wuerth 1997). The language deployed in these discussions advocated the West German view on abortion by defining the issue as a legal resolution, whose major objective it was to guarantee the national protection of unborn life. This sort of language not only stressed the state's paternalistic role but also diminished women's autonomy and bodily self-determination.

The circulation of images of the embryo have fundamentally transformed the idea of reproduction, the role of the mother in pregnancy, as well as the view on the perceived need to protect the unborn child (Berlant, 1997). As such, it is worth briefly examining the ways in which images and photographic artwork may have shaped how German actors have conceptualised and constructed meanings around "the embryo" and "the pregnant/aborting woman". One example of a very widely-circulated image was a government brochure titled "Life before birth. The development the child's body and spirit in the mother's womb" (image available here https://goo.gl/images/koqY0z; see also Wuerth and Monger 1997:52-78). The embryo on the cover of this brochure features detailed body parts, such as clearly-discernible fingers and a face with closed eyes. Such depictions humanise the embryo in ways which symbolically lift it out of the

woman's womb into public space (see Petchesky 1974). As an object of public debate within the abortion discourse, the embryo became a "real human being", a future member of the national community, one that appeared to deserve the right to live and to "open its eyes". Such cultural representations of the embryo are highly useful in understanding how German politicians constructed their meaning about who belonged to the German national community, and who was deserving of state protection and dignity.

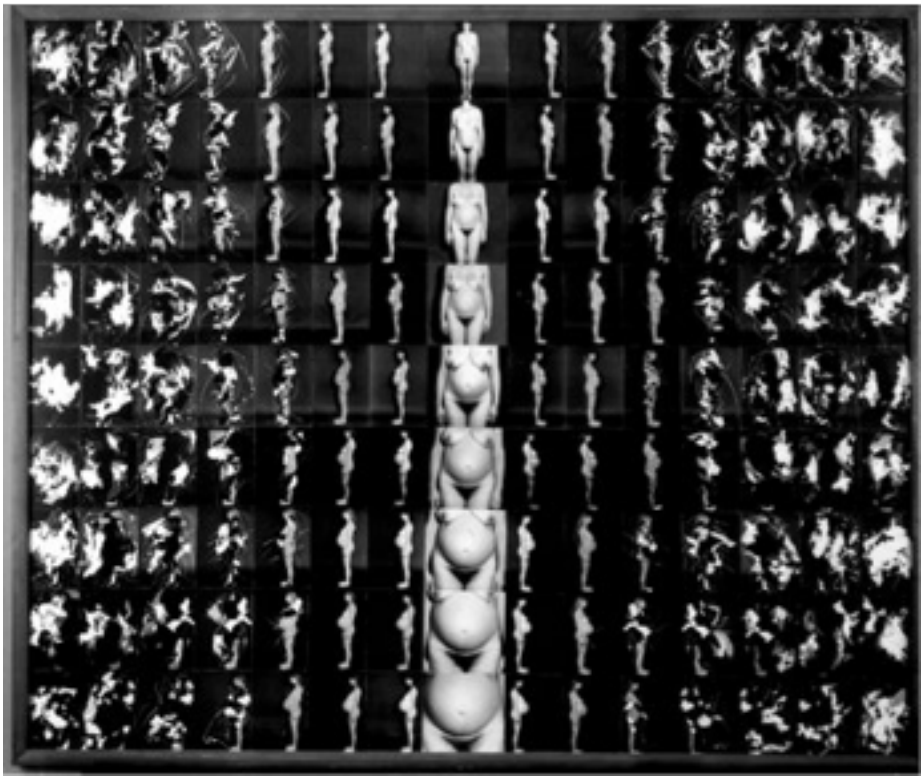

Figure 1. "*Schwanger*" [Pregnant] Photos confronting the viewer with a woman's disintegrated pregnant body. ©*Annegret Soltau, retrieved from http://www.annegret-soltau.de/.*

While numerous leaflets, posters and images featured the technological perspective of the embryo, Annegret Soltau's (1990) feminist work countered this by focusing on the pregnant woman. In her work "*Schwanger*" [Pregnant] she foregrounds the gradual transformation of a pregnant woman's body, by assembling 135 images that each show her body from a different angle (see Figure 1). By depicting the perceived dis-integration of the body, Soltau symbolises the ways in which pregnant women may come to feel estranged from their own body, which resonates with what Emily Martin called the "pregnant woman's fragmented sense of body and self" (1992:16-23). This may bring to light the perspective of the woman – perhaps, her fluctuating feelings, or the change in her bodily features. It shows what a pregnancy "does" to a woman and portrays it as something a woman cannot control once it has started. This piece of art emphasises the idea that a woman alone should be in charge of deciding whether or not she wants to embark on this journey of bodily transformations; indeed, whether she wants to have a baby and become a mother, or not.

Moral Mothers do not Abort

Crucially, the dominant discourse in the German abortion debate defined morality in relation to the protection of the embryo, and not in terms of women's needs or concerns. It was never addressed how the moral protection of unborn life, and the subsequent emergence of a kind of personhood, might itself be morally questionable. Such a conceptualisation of embryonic life arguably increased pressure on pregnant women to bear a child. It also disregarded the psychological effect that such visualisations may have on women who inadvertently lose their child through stillbirth or miscarriage. For example, Helen Keane provides an imaginative account of the ways in which women, having lost their child unintentionally before birth, interpret and use visual representations of embryos (2009). Against this backdrop, Soltau's focus on the pregnant woman as a subject, rather than an object of medical and political intervention, importantly reminds us of the potential emotional and physical struggles of pregnant women, who must decide for or against bearing a child on a personal level.

In 1993, the German Federal Court declared that "the right to life of the unborn may not be placed, even if just for a limited period of time, in the hands of a free, not-legally-bound decision of a third person, even the mother herself", a decision, which greatly diminished the autonomy of women and led to a restriction of bodily self-determination (Wuerth 1997:17). Based on these premises, an Abortion Act was passed in 1995, which gave women the right to make the decision about an abortion themselves in the first twelve weeks, after they had passed "pro-life oriented but outcome-open" counselling. Abortion remained a criminal act; one that was, however, non-punishable (German Penal Code, §218).

The passing of this act had a particularly strong effect on East German women, for whom it was a drastic change from their previous free access to abortion. Further, the idea of having to attend a counselling session before getting access to an abortion seemed to tacitly suggest that East German woman who had previously had an abortion without such a counselling session may have acted without a conscience. Finally, the categorisation of reasons for an abortion into medical, criminological, eugenic and social indications, implied that the majority of women who chose abortion for personal reasons were somehow frivolous and their decision not as justified as women who had other reasons.

The fact that the regulation of abortion remained anchored in the penal code was itself very symbolic. While abortion was not to be punished under the above-described conditions, it remained, in principle, a criminal act. The purpose of a penal code is to regulate the relationship between the state and the citizen; it is conceived to contain only those matters that disrupt social order. Placing abortion in this legal framework seems to suggest that the penal code serves as a national anchor of moral ideas and that, consequently, it is a woman's moral responsibility to cherish the advent of a pregnancy, regardless of whether it is (un)wanted. Moreover, the idea that moral behaviour and abortion are two incongruent antidotes acutely fails to acknowledge that abortion is not *per se* a statement against motherhood. Rather, such a view disregards the multitude of reasons that may count towards a woman's decision for choosing to have an abortion. It further ignores that some women wanting an abortion may already be mothers, who decide against having *another* child.

Conclusion

Ultimately, examining the ways in which the embryo and motherhood have emerged as national symbols of protection in the politics of reproduction before and after unification is key to

understanding how gender has figured as a structuring principle in the German nation-building process. The outcome of the abortion debate in the 1990s is not surprising, if we acknowledge that it presented a window of opportunity for (West German) parliamentarians to assert a national identity premised upon an idea of morality that was defined in terms of the protection of motherhood and unborn life. Indeed, the German abortion debate is exemplary for indicating how politicians mobilised gender policies to define the boundaries of East/West German national identities. It further illustrates how the discursive opposition between East and West Germany found its direct expression in contrasting politics of reproduction and notions of gender, in which each government asserted its own political system as progressive.

However, it is crucial to question the idea of "progress", as the vision of what a "progressive" politics of reproduction constitutes is spatially and temporally contingent. During unification, progressiveness was being defined in terms of the West German ideal of the breadwinner-housewife structure, in which women featured primarily as social and biological reproducers. The allegedly culturally-advanced position of West German progressiveness was opposed to East Germany, which in turn was cast as "past", "pre- modern", and aspiring to the West German "future". Indeed, the idea of progress becomes a useful category of analysis, when we consider the ways in which the selective evaluation of the "past" is a powerful tool for national identity building projects. As the French historian Ernest Renan pertinently reminds us, "forgetfulness, and I would even say historical error, are essential in the creation of a nation" and, further, "the essence of a nation is, that all its individual members should have many things in common; and also, that all of them should hold many things in oblivion" (2001 [1882]:166).

In line with Renan's words, in the late 1990s and 2000s, German politicians started to follow some of the pathways that the ostensibly "backward" East German political discourse had once taken. In so doing, German politicians were "forgetting" their once antagonistic stance *vis-a-vis* East German notions of gender and reproduction. This "forgetfulness" can be observed in several policy changes that have occurred in Germany over the past few years. For example, in 2015, the German Parliament introduced legal quotas for women, which effectively means that at least 30% of the members of non-executive boards ought to be women. This policy change suggests that a woman's role is no longer solely defined in terms of motherhood, but also by her achievement in the labour force as was the case in former East Germany. Another example is the 2013 legislative change, which grants German parents the legal right to a space in a kindergarten for their children from the age of one. This effort to expand the network of childcare, again, seems to stand in stark contrast to the once-promulgated West German policies shortly after unification.

While acknowledging that some former national ideals may have been "forgotten" or "adjusted", however, the idea of the protection of motherhood and the embryo remain vital in public discourses in Germany to the present day. When it comes to the regulation of reproductive technologies, for example, the German Embryo Protection Act (1990) remains relatively strict, prohibiting surrogacy, embryo research and the donation of egg cells. The latter is justified by the fear that an egg donation "divides biological motherhood", which is perceived to be "detrimental to the child's well-being" (see Frankfurth, 2016). In 2012, the majority of parliamentarians voted for the legalisation of pre-implantation genetic diagnosis (PGD). PGD is a reproductive technology that gives intended mothers the opportunity to bear a biological child, even if she, or the intended biological father, carry a genetic disease that may otherwise lead to a stillbirth or a severely-disabled child. The idea that a woman's identity (and personal happiness) is rooted in motherhood, and that PGD facilitates the fulfilment of the desire of motherhood, played a significant role in the legal decision-making process (ibid).

All in all, we can not only observe the intricate ways in which gender and the politics of reproduction continue to surface in present-day legal and public discourses. Importantly, we can also see how policies pertaining to the reproductive sphere may not be introduced in any temporally linear way that follows previously established patterns. Rather, they may become entrenched in a process of "forgetfulness", which incorporates both "new" and "old" cultural fantasies of motherhood, morality, and defines the imagined boundaries of the national community.

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