

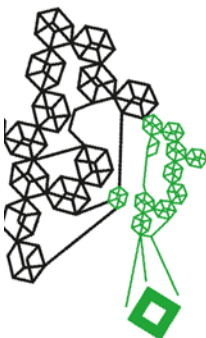
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**The place of evidence and societal values within the current
discourse on pregnancy termination in Germany**



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Abstract

Pregnancy termination and abortion policies and their perception is still a highly contested topic on various levels of human experience and interaction. Abortion laws are under constant change throughout the whole world due to opposing evidential approaches and influential societal values. In Germany, abortion laws are of social and political relevance, but also an individually relevant topic for a lot of women. To address the current discourse on pregnancy termination in Germany, the question of *What is the place of medical and biological scientific evidence, and societal values in the current discourse on pregnancy termination in Germany?*

can be asked. As differing theoretical basis theories on evidence-based policymaking, Foucauldian post-structuralism and feminist post-structuralism are used. As comprehensive research is necessary for such a complex topic, a critical discourse analysis is applied by analysing relevant newspaper articles, opinions pieces, party programs, church reports, and organisational statements gathering central evidential data and insights on societal values. The two central findings of this thesis are for once the minor role evidence plays compared to values, especially as the usage of biological scientific evidence depends on the underlying values actors have. And second, the current discourse is foremost influenced by conservative biopolitical, emancipatory and patriarchal values.

1. Introduction

Pregnancy terminations¹ and abortion policies are without a doubt a current and historic issue which is constantly debated on a social, political, and scientific level. Pregnancy termination has been commonly practiced in most societies in the world throughout time, legally or illegally. The United Nations (2014), Levels, Sluiter and Need (2014) and Cook, Dickens and Bliss (1999) observe a liberalisation trend of abortion policies worldwide leading to increased legalisation and safer medical pregnancy termination possibilities. A central milestone for this global paradigm shift was the *International Conference on Population and Development (ICPD)* in Cairo in 1994, for which 179 countries gathered to create an “[...] ambitious agenda to deliver inclusive, equitable and sustainable global development.” (United Nations Population Fund (UNPFA) 2014: viii). A focus was put on reproductive health and women’s² rights as human rights, pushing for safe pregnancy termination options, while acknowledging maternal deaths due to unsafe abortions as a major risk for women’s health. Access to safe pregnancy termination options have continuously been labelled as a human right by the World Health Organisation (WHO) and the Center for Reproductive Rights (2021). Later, the ICPD was continued by the *Nairobi Summit on ICPD25: Accelerating the Promise (ICPD25)* in 2019 (UNPFA 2020).

Though internationally perceived as revolutionary, the ICPD and ICPD25 did not incorporate a call for legalising pregnancy terminations but addressed the need for safe pregnancy termination options in countries where pregnancy termination is already legal: “[...] access to [...] services, including access to safe abortion services to the full extent of the law [...]” (UNPFA 2020: 57). Women’s rights and pregnancy terminations are still contested as opponents of liberal abortion policies keep emphasising that the right to life of the unborn matters most (e.g., Overdick-Gulden 2012) and biological findings suggest that life already starts after nidation (e.g., Schweizerische Vereinigung für Straflosigkeit des Schwangerschaftsabbruchs (SVSS) n.d.). Finer and Fine (2013) notice pushback within some European countries. Especially Poland has a long tradition of limited abortion policies (Hussein, Cottingham, Nowicka & Kismodi 2018). Various authors also elaborate on restrictions of abortion policies within countries in the form of mandatory counselling and waiting time (e.g., Brown 2013). In Germany, for instance, pregnancy termination is illegal, though medically and legally possible within certain conditions. Pregnancy terminations are dealt with in sections 218 to 219b of the German Criminal Code (Strafgesetzbuch). Section 218 lists pregnancy terminations as illegal with the possibility of punishment with a penalty of imprisonment for a term of one to five years or a fine. Section 218a exempts from such penalty, if the pregnant woman herself requests pregnancy termination, got counselling at least three

¹ In this thesis, the term *pregnancy termination* is used to reduce possible previously established negative affiliations with the term *abortion*. However, related policies and laws are addressed as *abortion policies/ abortion laws*, as this is still the official terminology commonly used by judicial actors.

² In this thesis the term *women* is solely used as *cis-women*. Even though women are all people who identify as woman, in this paper, no data and information are gathered about women outside of a heteronormative understanding. Similarly, not all people who give birth are women. People with an uterus, outside of the heteronormative understanding of cis-women, are as well not under study in this thesis due to limited data and resources.

days prior to the appointment, and the pregnancy does not yet exceed 12 weeks. Section 219 of the German Criminal Code elaborates that counselling by a state-approved agency is mandatory. Section 219a also prohibits informing publicly about pregnancy terminations or claiming to support pregnancy terminations. In contrast to Sections 218a, 219 and 219a of the German Criminal Code, the WHO points out that, for instance, restrictive laws and “[...] unnecessary requirements, such as mandatory waiting periods, mandatory counselling, provision of misleading information [...] delay care [...]” (WHO 2021: para. 1) and are barriers to safe pregnancy terminations (WHO 2021).

In politics, abortion policies are officially based on scientific (i.e., medical and biological) evidence. Scholars of evidence-based policymaking (EBP) (e.g., Parkhurst 2017) suggest that evidence plays a central role in the justification of abortion policies but acknowledge that societal values or historical contingencies influence the current policy debate as well. Parkhurst shows that pregnancy termination is not mainly a topic of women’s health, but rather a discussion “[...] of *rights* [sic!] – rights of women over their bodies or rights of the unborn.” (Parkhurst 2017: 5). EBP theory itself focuses on the use of evidence but is limited in terms of providing understanding of values and contingencies beyond evidence and what kind of evidence is deemed relevant given these values. This thesis introduces post-structural theories to address that limit. Applying Foucauldian post-structural theory and feminist post-structural theory in addition to EBP theory can lead to a comprehensive picture of abortion policies in its wider discursive context in Germany. What is particularly relevant here is the Foucauldian concept of biopolitics which offers a direct understanding of current means and control of reproductive health in nation states. Additionally, post-structural feminist theory moves Foucault’s concepts further to the role of patriarchal and emancipatory values at a discursive level. Feminist theory can be used to emphasise the role of varying societal values in the civil society’s discursive battlefield.

To provide comprehensive answers on the connections and limitations of evidence and societal values within the current discourse on pregnancy termination in Germany a diagnostic research approach is taken. Critical discourse analysis (CDA) enables the questioning and challenging of social phenomena by asking for the place of evidence and values in the current discourse on pregnancy termination in Germany (Wodak 2013). This makes it possible to understand and challenge the meaning of terms used in the broader debate on pregnancy termination in Germany that takes place in party programs, newspaper articles, opinion pieces, and statements by ethical, medical, and religious organisations.

This thesis can be considered scientifically relevant in the sense that it extends the answers that EBP theory can provide and refocuses the debate on values based on post-structural theory. At the same time, it is also relevant for non-academic purposes. Pregnancy termination is still highly contested all around the world. Restrictions on pregnancy terminations have concrete consequences for women not only as political and societal members, but also as private individuals. Therefore, understanding the kind of evidence that is used and the values that policymakers are influenced by, is not solely about the political

and theoretical dimension. It is as well about lived experiences and limitations of women, who must manoeuvre their individual circumstances.

To explore the correlations and interlockings between evidence and values within the current pregnancy termination discourse in Germany, the following research question can be asked:

What is the place of medical and biological scientific evidence, and societal values in the current discourse on pregnancy termination in Germany?

Following, firstly relevant terms are clarified, and the theoretical base of this thesis is presented by focusing on EBP theory, Foucauldian post-structural theory, and feminist post-structural theory. Based on those, six hypotheses are established. Next, the methodology underlying the research of this thesis is elaborated and split into case description and case selection, method of data collection and method of data analysis. The following analysis is divided into four sections. The first three analyse the hypotheses based on the corresponding theory, and fourth a reflection of the analysis is offered. Finally, a conclusion and answer to the research question is provided.

2. Evidence-based Policymaking and Poststructuralism

The following section defines relevant terms, including *pregnancy termination*, *discourses*, *scientific evidence*, and *values*. Following that, the theoretical framework of this thesis is introduced. EBP and its relevance and connection to pregnancy termination is elaborated before a focus is laid on post-structural theory. Next, Foucauldian post-structural theory and feminist post-structural theory and their appliance to pregnancy termination are explained.

2.1. Definitions of Relevant Terms

First, the term *pregnancy termination* must be clarified as the central concept under study within this thesis. Pregnancy termination can be defined as “[...] the termination of pregnancy before the fetus is capable of survival outside the uterus.” (Miller-Keane Encyclopedia n.d.: para. 1). Medically speaking the term refers to induced pregnancy termination, contrary to e.g., natural miscarriages (Miller-Keane Encyclopedia n.d.). Pregnancy termination can take various forms depending on the legal situation within each nation state (see section 1.).

Discourses are in the context of this thesis understood as language, speech, and manners of speaking, signifying that the meaning of what and in which way something is said matters. Discourses are also independent practices with their own dynamics, rules, and linkages. They are an entirety of linguistic and non-linguistic practices, as institutions, functions, and structures (Wilde 2014). This denotes that not only the context and intent is relevant, but that discourses can persevere and develop detached from individuals as societal, political, and legal practices as well. Discourses do not solely name and title actions, objects, and processes, but similarly create or change their meaning and materiality (Bublitz 2019).

Next, *scientific evidence* can be defined as information provided via scientific research that must fulfil several conditions to be reliable evidence. Scientific evidence must be deemed objective, unbiased, valid, reliable, accurate, peer-reviewed and met with professional consensus on its content. It is possible to say that most public, societal actors use scientific evidence to back their arguments and agenda. For that the original scientific evidence is interpreted and utilised (Saunders 2013). Within this thesis medical and biological evidence is central.

Last, (societal) *values* are defined as important and lasting beliefs and behaviours which are considered good, righteous, and desirable by a specific community, group, society, or culture. Values have

[...] a major influence on a person's behavior and attitude and serve as broad guidelines in all situations. [...] The value represents basic convictions that a specific mode of conduct or end-state of existence is personally or socially preferable to an opposite or converse mode of conduct or end-state of existence. (iEdu Note n.d.: para. 2, para. 3).

Thus, values are apparent within an area of tension between what is deemed right and wrong. Values can take different forms based on their context. In this thesis societal values are used as an umbrella term for patriarchal, emancipatory, scientific evidential, and biopolitical values.

2.2. Evidence-based Policymaking

Evidence plays a big part in policymaking as it allows for a well-informed policymaking process. For this, EBP can be seen as a set of methods that uses scientific evidence to inform the policymaking process by aiming at a more rational and systematic decision-making process. The basis of EBP is the usage of rational analysis due to the premise that policies and policy decisions are better informed by scientific evidence. EBP theory however does not pursue influencing policy outcomes and policy goals directly, but rather strives for informing the policymaking process via evidential arguments (Sutcliffe & Court 2005). Supporters of EBP argue that clear scientific evidence enables the usage of reliable information that is particularly relevant for emotionally charged and contested topics (Global Governance Programme 2018). EBP finds great resonance for politics nowadays and especially within the European Union it can be said, that “[...] the use of science as input to policy is kept in high consideration.” (Saltelli & Giampietro 2017: 62).

Following this, the policymaking process that leads to the adoption of particular abortion policies should follow clear and coherent medical and biological scientific evidence. However, the debate about pregnancy termination and abortion policies is still highly contested, with opposing evidential viewpoints observable. Faúndes and Shah (2015) show that unsafe pregnancy termination options are still a major cause for maternal deaths and accountable for 14,5% of all maternal deaths globally. Annually this accounts approximately for 22.000 to 44.000 women dying due to unsafe pregnancy terminations (SVSS n.d.). The WHO draws on medical evidence to emphasise that nearly all maternal deaths occur in countries with restricted abortion policies (WHO 2021).

Opponents of pregnancy terminations, on the contrary, often reference to biological evidence that suggests that human life already starts with fertilisation or the first few days after. From a biological viewpoint, after six to 12 days nidation takes place, organs start to develop after three weeks, and rudimentary blood circulation begins (Beier 2002). Similarly, a common reference to support protection of all unborn life by advocates of restrictive abortion policies (e.g., Ärzte für das Leben e.V. n.d.) is *The Embryo Protection Act* (Embryonenschutzgesetz) within the German Criminal Code. It protects unborn life from mistreatment and defines in section eight that a human embryo is capable of development 24 hours after nuclear fusion and must be treated based on that standard. In connection to articles one and two German Basic Law (Art. 1, 2 Grundgesetz (GG)), it is argued that the dignity of such defined human unborn life is inviolable and has the basic right to life.

Critiques of EBP explain such diverting approaches to pregnancy termination by arguing that weighing and incorporating competing options and opinions in a context-dependent and value-laden world is necessary to generate balanced policies. A sole evidential focus is insufficient (Greenhalgh & Russell 2009). Cairney and Oliver also state that it is impossible to detach evidence from subjective interpretations and opinions. The authors pinpoint challenges such as effective actors combining “[...] evidence with manipulative emotional appeals to influence the policy agenda [...]” (Cairney & Oliver 2017: 1). Evidence can end up being interpreted, used, and presented based on the tendency of the researcher (Head 2013). Overall, the WHO mentions that contesting approaches and stigma prevent safe pregnancy termination possibilities for women (WHO 2021).

Especially, in the context of pregnancy termination, authors within and outside EBP theory suggest that scientific (medical and biological) evidence or science itself cannot provide a full answer to the question of what aspects influence the current discourses on pregnancy termination (Parkhurst 2017; SVSS n.d.). Parkhurst acknowledges the limitations of policymaking purely based on evidence for social, and highly contested topics, such as pregnancy termination (Parkhurst 2017). For example, scholars (e.g., Chesney-Lind & Hadi (2017); Kennedy (2001)) claim, that questions regarding characteristics of a human being and what makes humans human, are matters that science cannot answer on its own. A critical trade-off between denying women autonomy as a basic human right, and protecting unborn life is apparent. Hence, ethical, and moral aspects must be considered (e.g., SVSS n.d.). After all, it is argued that pregnancy termination comes down to societal values about it and what is individually believed to be relevant in that area of conflict and discourse (Parkhurst 2017).

In this context, it is expected to find the above-mentioned evidential lines of argumentation by both, supporters and opponents, of liberal abortion laws within the data under study. In detail, it can be presupposed that similar scientific evidence is used in different ways and different contexts depending on the specific values of the individual or group presenting their argumentation. EBP theory provides a coherent framework to analyse the usage, specific way of incorporation, and importance of medical and biological scientific evidence in the discourse on pregnancy termination in Germany by different actors. For this, it is possible to establish the following hypotheses:

H1: Actors advocating restrictive pregnancy termination options in Germany use and interpret biological scientific evidence based on their values to legitimise their claims.

H2: Actors advocating liberal pregnancy termination options in Germany frame medical scientific evidence in line with their values to legitimise their claims.

2.3. Poststructuralism

As was already shown, aspects besides evidence seem to play a significant role within the pregnancy termination debate in Germany. EBP theory is limited in providing comprehensive answers to the question of restrictive abortion policies and the perception of pregnancy termination in Germany. To fill this theoretical gap of EBP theory, post-structuralism offers interesting theoretical concepts. To start with, scholars such as Chesney-Lind and Hadi (2017) or Kennedy (2001) argue that, inter alia, patriarchal and power structures should be included when studying pregnancy termination as explanatory factors for the battles that supporters of progressive abortion policies face. For this, insights of Foucauldian post-structural theory and Feminist post-structural theory are outlined.

2.3.1. Foucauldian Post-structural Theory

For Foucault, the value of life and control over the population in countries governed by neoliberal governments are central components to secure their status and population. To explain such notions the Foucauldian concept of biopolitics and its impact on reproductive health is explained before elaborating on their role for pregnancy termination in Germany.

Overall, it is possible to say that Foucault's theoretical and political focus, especially in his earlier works (Kristensen 2013), was on "[...] issues through which phenomena of power are manifested in terms of normalization, control, embodiment, subjectivation, and rationalization connected to the social life of concrete individuals and communities." (Losoncz & Takács 2015: 2). Foucault's analysis of power as an institutionalised structure was aimed to understand and comprehend, inter alia, relations of (re-) production, sexual relations, and family relations within societal contexts (Losoncz & Takács 2015).

Following that, biopolitics is a term Foucault used to describe the way governments deal with and conceptualise problems of the population of nation states, such as its health, hygiene, birth-rate, reproduction, or longevity (Steph 2021). Therefore, "[...] biopolitics can be understood as a political rationality which takes the administration of life and populations as its subject [...]" (Adams 2017: para. 3). In *The birth of biopolitics* Foucault argues, that controlling life is central, not controlling death anymore (Foucault, Senellart, Ewald & Fontana 2008). Here, biopolitics are used "[...] to ensure, sustain, and multiply life, to put this life in order [...]" (Foucault & Hurley 2008: 138). Biopolitics were firstly identified by Foucault in the 18th century when governments of nation states wanted to address and deal with already-mentioned issues related to health and population. Biopolitics were applied to provide grounds for the development of health policies which resulted in means to treat the living social body (Steph 2021). In recent history, biopolitics reached its peak during the era of national socialism,

when all means were justified and oriented at the value of life of a specific people and population (Foucault, Senellart, Ewald & Fontana 2008).

In the centre of biopolitics is the modification and manipulation of biological aspects of human life. This is closely connected to questions regarding control and regulation of health of the population, and in the context of this thesis especially reproductive health in the way of pregnancy termination (Kristensen 2013). Biopolitics are presumed to provide answers for this thesis in so far, as the concept offers explanations for the rationale applied to justify the foremost meaning and value of all life and the management and safeguarding of the population as the central body of the nation state. It puts pregnancy termination in relation to historical contingencies in Germany which aim at controlling and modifying all life via health policies in the interest of the government and dominant political actors. It is expected to enable the detection of a clear coherent line between the argumentation of supporters of restricted abortion policies and the governmental structures and policies regarding pregnancy termination in Germany focusing on unborn life, as well as advocates of liberal abortion policies pushing for the maternal living life. Both are expected to be closely informed by the key elucidations of biopolitics, health and population provided by Foucauldian post-structural theory. It can be expected to see an influential connection of biopolitical key aspects on scientific evidence and its incorporation in the discourse on pregnancy termination in Germany. Based on Foucauldian post-structural theory the hypotheses are as follows:

H3: Actors advocating restrictive pregnancy termination options in Germany are influenced by biopolitical notions and apply biopolitical arguments to support their claim that all unborn life must be protected.

H4: Actors advocating liberal pregnancy termination options in Germany use biopolitical arguments to inform their claim that the living maternal life stands above all other factors regarding pregnancy terminations.

2.3.2. Feminist Post-structural Theory

Next, (Foucauldian) post-structural theory is extended by incorporating theoretical feminist key aspects. Feminist post-structural theory is explained, then relevant concepts are applied to pregnancy termination in Germany, and the answers this theory is expected to provide in this thesis are elaborated.

Feminist theoretical concepts add onto post-structural theory by incorporating central feminist values studying the place of independent discourses and historical patriarchal contingencies in the preservation of power and domination structures which push women and queer people into a narrow system of heteronormative standards of gender and sex. The interrelations between language or discourse, power, and subject and their influence on the place of women in society are key for feminist post-structural theory (Schmidt 2001). In this sense, feminist theorists study limitations and restrictions of women due to the ongoing repetition of patriarchal values and their influence on all aspects of life to deconstruct critical hierarchies, but also suggest and explain emancipatory progressive practices to highlight already-

existing progress and ways to move equality, freedom, and self-determination for all forward. Furthermore, feminist post-structural theory aspires to offer practical applications of its theoretical framework and implement lasting change in domination relations between men and women, which up to now structurally subordinate women (Maltry 1998). Patriarchy is an ideological construct subordinating women and queer people below men. Patriarchal notions can be understood as structural oppression of women and queer people on economic, political, cultural, and social levels. Masculine and feminine heteronormative stereotypes are pushed upon all individuals within a society. These stereotypes are applied to strengthen existing domination and power structures. Patriarchy and the enactment of patriarchal values exploit women's labour, fertility, sexuality, their place in the private, public, work, and societal sphere (Rawat 2014). Emancipatory values on the contrary can be seen as values focusing on the liberalisation of people and individuals of any system of dominance and oppression (Smyth 2020). In the context of this thesis emancipatory values such as indispensable and full self-determination of women over their body are central. For pregnancy termination post-structural feminist theory offers an explanation on how dominant and hegemonial thought patterns and policies come into existence and how emancipatory advances counter those. Civil society is foremost seen as a battlefield in which different actors want to control societal reality. Hegemonial reality is created as the result of an articulatory practice between actors who use and influence discourses in a continuous linguistic, institutional, and interactive generation of meaning (Wilde 2014).

Agency is key to understand pregnancy termination discourse. Relevant actors in Germany include opinion-making groups such as newspaper agencies, political parties, institutions such as churches, and interest groups or organisations and individuals including medical organisations, ethical councils, political and societal groups supporting either liberal or restricted pregnancy termination options. It is possible to argue that all these actors have varying interests, agency or impact, motivations and opinions on pregnancy termination while trying to maintain or gain influence on the policy-making process and the overall discourse on pregnancy termination in Germany. The detection of their exact role is part of the analysis section of this thesis.

The theoretical outline of this thesis until now already suggested a necessary interplay of EBP theory and post-structural theory, of evidence and values, to comprehensively study the current discourse on pregnancy termination in Germany. Feminist post-structural theory also argues that nothing is objectively given, and all experience and (empirical) knowledge is manufactured and interpreted by social and cultural practices (Hark 2001).

In relation to pregnancy termination in Germany, feminist post-structural theory offers insights in the contestation of the discourse on pregnancy termination and the varying actors trying to influence societal reality. In addition to Foucauldian post-structural theory, it is possible to put the historical marginalisation of women to the centre of interest. Feminist post-structural theory enables to coherently study influential varying values by different actors and their relation to evidence. It is expected to see patriarchal notions within the data about the discourses used by advocates of restrictive abortion policies,

emancipatory values by advocates of progressive pregnancy termination options and an overall clash of relevant contesting actors and a central outlook on the role existing power and domination structures play within the discourse on pregnancy termination in Germany. Last, the final hypotheses can be set up in the following way:

H5: Actors advocating restrictive pregnancy termination options in Germany underpin their arguments by patriarchal values. Their dominant position in society and policymaking is being threatened by actors supporting liberal pregnancy termination options in Germany.

H6: Actors advocating liberal pregnancy termination options in Germany, who are emancipatory driven, perceive the current discourse on pregnancy termination in Germany as restrictive and assign this circumstance to a structural subordination of women, and patriarchal dominant values.

3. Methodology

Following, the methodology underpinning this thesis and research is outlined. First, the case itself and case selection are described, second the method of data collection is stated and last the method of data analysis is presented.

3.1. Case description and Case selection

The case under study in this thesis is the current discourse on pregnancy termination in Germany with a focus laid on the place and influence of scientific evidence and societal values. For this, qualitative research is conducted, as it enables the detailed and in-depth studying of structures and reasons behind the place of scientific evidence and values and their incorporation by actors who have interest in influencing the current discourse on pregnancy termination in Germany.

Following Bennett and Elman, selecting a case with clear historical connections enables accurate explanation of a current complex social and political world (Bennett & Elman 2006). Path dependence can be identified as a key feature for justifying the selection of the current discourse on pregnancy termination in Germany. In the context of this thesis critical examination of various central values for the current discourse on pregnancy termination in Germany is possible, as values are hardly measurable by quantitative means and depend in the sense of path dependence on circumstances, historical contingencies, and societal structures. Seawright and Gerring also argue that a representative case is beneficial to generate meaningful, representative results. A single comprehensive case had to be selected (Seawright & Gerring 2008). The presented case of pregnancy termination is, as was already mentioned, debated since centuries in Germany on a political, societal, and legal level with progressive, yet seemingly limited movement, but also pushback, and limitations detectable. This contested structure of pregnancy termination and its discourse makes Germany an interesting case within countries of the global north. The German government embodies progressive politics within the European Union to external actors, but is ambivalent on the topic of pregnancy termination, compared to the discourse in

Poland where strong pushback is identifiable, or Sweden which is often referred to as best-practice of liberal abortion policies. Another factor identified is a “[...] useful variation on the dimensions for theoretical interest.” (Seawright & Gerring 2008: 296). An argument for selecting Germany are the theories applied in this thesis and their perceived extensive answer possibilities for the wide variety of information and literature available, as pregnancy termination in Germany is politically and societally openly discussed and argued upon. Similarly, an abundance of contesting actors (see section 2.3.2) are identifiable which leads to a comprehensive display of opinions, values, and arguments.

Still, (selection) bias is without a doubt a serious problem that must be taken into consideration when selecting a case. However, it can be argued that the risks of bias can be outweighed and diminished by meeting methodological basics for case selection, such as the ones addressed above (Bennett & Elman 2006).

3.2. Method of Data Collection

For this research, a wide variety of documents are analysed and studied. Looking at German abortion policies and laws will not lead to sufficient information, as there is only limited content conveyed. Central for this thesis is to study the complex discursive context of pregnancy termination policies. To detect values and the specific incorporation of scientific evidence, which inform debates on pregnancy termination in Germany, a wider picture must be drawn by going beyond laws and policies.

The main criterium for the selection of documents was that each document, first, addresses the topic of pregnancy termination in Germany by directly stating an opinion on the matter (see section 3.3.). Second, each document embeds that opinion in a wider discourse which leaves room for qualitative analysis. Third, each document somehow contains a line of argumentation that relies in the widest way on values and / or medical and biological evidence. Lastly, each document is not itself published as professional scientific research in for example peer-reviewed journals. Actors that are incorporated include medical groups and organisations, politically active organisations and groups, the catholic and protestant churches in Germany, the ethical council of Germany (Deutscher Ethikrat) and main political parties such as the Christlich-Demokratische Union (CDU), the Christlich-Soziale Union (CSU), the Greens (BÜNDNIS 90/ DIE GRÜNEN), the Lefts (Die LINKE) and the Alternative für Deutschland (AFD). These sources and documents were gathered by intensive online research and are all publicly available. During data collection, a focus was kept on gathering documents of all political orientations and opinions. A list of documents is included as data appendix. All documents are in German, as the case studied is Germany. Based on the actors that are presumed to be relevant, 43 documents, counting in total 830 pages were gathered. It was possible to allocate 20 documents of actors advocating a liberal stance on pregnancy termination in Germany compared to the current status quo (see section 1.), while 16 documents were gathered of actors advocating a restrictive discourse on pregnancy termination in Germany compared to the current status quo. Seven documents, all newspaper articles, showed a slight preference toward liberalisation of pregnancy termination, but also provided meaningful information on

advocates of restrictive measures. These seven documents were classified during coding as providing information on both sides. It is possible to say that such thorough method of data collection promises extensive results and a detailed answer to the research question.

3.3. Method of Data Analysis

The thesis elaborates on the connections and limitations of evidence and values within the current discourse on pregnancy termination in Germany. To provide comprehensive answers, it is necessary to use a research approach which offers insights beyond content, while additionally raising critical questions challenging the status quo. For this purpose, a diagnostic qualitative research approach seems most suitable. CDA is understood as a method interested “[...] in the semiotic dimensions of power, injustice, and political-economic, social, or cultural change in society.” (Wodak 2013: 301). As such, “CDA is characterized by the common interest in demystifying ideologies and power through the systematic and reproducible investigation of semiotic data [...]” (Wodak 2013: 302). It allows asking for more structural reasons for the current discourse on pregnancy termination in Germany. In the case of this research, the semiotic data under study takes the form of written documents. By applying CDA, it is possible to look for hidden meanings within text on the basis of the three theoretical approaches used in this thesis. Additionally, it can be said, that CDA fits this thesis well, as especially Michel Foucault and hence Foucauldian post-structural theory, but also feminist post-structural theory can be considered central theoretical traditions in the emergence and establishment of discourse analysis within political science (Pedersen 2009). In relation to EBP, it can be said that CDA can offer insights into the reasons for the usage of evidence in the current discourse on pregnancy termination in Germany. It is possible to argue that varying appliances of evidence in the discourse on pregnancy termination might relate to values.

To systematically analyse data, a coding system was established, and three main aspects can be distinguished. The three theoretical approaches of this thesis are taken as basis and building onto those, the following six-dimensional coding scheme was developed with which all documents are systematically analysed using the software ATLAS.ti.

Coding Scheme	Theory	Concept	Code
Dimension			
A. Biological scientific Evidence	Evidence-based Policy Theory	Biological Evidential Values	basic research on human biology; human embryo development; discussions on when life actually starts
B. Medical scientific Evidence	Evidence-based Policy Theory	Medical Evidential Values	clinical research on pregnancy termination;

			epidemiological research on maternal dangers and deaths; research on health- and abortion policies across the world
C. Biopolitics and Unborn Life	Foucauldian Post-structural Theory	Biopolitical Values	value of new generations; protection of life; present state and future of the (German) population; higher birth-rate; reference to laws in relation to unborn life
D. Biopolitics and Maternal Life	Foucauldian Post-structural Theory	Biopolitical Values	securing the female population; value of women's health
E. Patriarchal Frame	Feminist Post-structural Theory	Patriarchal Values	(traditional) family structures/ traditionalism; protection of the weak; emphasis of church values; emphasis on differences between men and women; freedom of a specific group
F. Emancipatory Frame	Feminist Post-structural Theory	Emancipatory Values	autonomy; women's choice; (political and societal) change; liberation

Table 1: Coding system

By looking for these codes, it is expected to find both biological and medical evidence as relevant, but incorporated differently, depending on values about pregnancy termination. It can be presumed that pregnancy termination in Germany is mostly an ethical topic led by values and power structures. Biopolitical values are expected to be detected within supporters and opponents of liberal pregnancy termination options and based on their orientation influence whose life and health is deemed relevant and must be protected, and thus influence their argumentation based in that. It is also possible to expect that patriarchal values put women in a weaker position, compared to men and disregard their ability to make thoughtful and reflected decisions on their own. Opposed to that, it can be presumed that such dominant societal structures do not go uncontested, but that a constant battle for control takes place within the political and societal spheres. Last, it can be anticipated to conclude that it is not possible to

categorise evidence about pregnancy termination in right or wrong, or more and less relevant, but that evidence ends up being instrumentalised by values.

4. Analysis

The following analysis is split into four main sections with the first three providing answers to each of the hypotheses developed based on each theoretical framework and the last one conveying reflective insights on the analytical findings. In detail, sections 4.1. to 4.3. analyse the standpoints on pregnancy termination in Germany of the actors identified in sections 2.3.2. and 3.2. At the beginning of presenting the results for hypotheses one and two, a short overview is provided of relevant actors advocating either liberal or restrictive pregnancy termination options in Germany that were found during the research process. The goal of this analysis is to show the role of societal values and their influence on the current discourse on pregnancy termination in Germany, while simultaneously analysing the place medical and biological evidence has.

4.1. Evidence-based Policy Theory

In section 2.2. the following hypothesis with a focus laid on actors advocating restrictions on pregnancy termination in Germany, was developed based on EBP theory. At this point results are presented to analyse H1.

H1: Actors advocating restrictive pregnancy termination options in Germany use and interpret biological scientific evidence based on their values to legitimise their claims.

It can be said that conservative actors can be aligned with advocating restrictive pregnancy termination options and discourse in Germany. It is possible to identify the German catholic church and catholic church organisations and groups, as well as the AFD, CSU and CDU among political parties, an abundance of authors of newspaper articles and opinion pieces (e.g., Lojewski 2000), and medical groups in the form of published opinions by doctors (e.g., Overdick-Gulden 2012) or counselling staff for pregnant women (e.g., Stiftung Ja zum Leben 2020a) as relevant and influential. It becomes evident that the more conservative the actor on the political axis the more restriction of abortion policies is demanded. The document analysis found that biological scientific evidence is indeed used by such conservative actors to develop their claims that pregnancy termination should be highly restricted or forbidden – depending on their respective specific political standing – as unborn life must be protected. The documents under study in this thesis provided the insight that conservative actors refer to reproductive biology to state that human life and *human embryo development* starts with the merging of egg and sperm. Aktion Lebensrecht für Alle e.V. (ALFA e.V.) elaborates: “Humans with all their unique

characteristics [...] are created during conception. [...] that regardless of the size or development of the child, it is human from the beginning.” (ALFA e.V. n.d.:1).³

It can be found that most conservative actors advocating restrictive abortion policies refer to church values during their biological argumentation or indeed have a direct link to the German catholic church. The detailed role of church values in the context of the discourse on pregnancy termination in Germany is outlined in section 4.3, but at this point it can be stated that the code *emphasis of church values* was detectable in all documents which mentioned codes of the coding scheme dimension A on biological evidence. For example, the CDU mentions in their basic party program that “The inviolable dignity of a human as God's creature is not accessible to human disposal and must be protected [...]. Life that has not yet been born requires our special protection starting with the fusion of the sperm and egg cell [...]” (CDU 2007: 75). Similarly, the biopolitical code *protection of life* of the coding scheme dimension C, was as well traceable in all documents of conservative actors using the above-mentioned biological evidence to demand restrictions to pregnancy terminations in Germany. In this case the AFD emphasises monetary incentives and “[...] advocates a welcoming culture for new and unborn babies. [...] Women [...] need to be offered financial and other help before and after the delivery so that they choose their child.” (AFD 2016: 44). These two values (*emphasis of church values* and *protection of life*) were the two most detectable codes in documents of actors advocating restrictive pregnancy termination options in Germany.

Given this analytical outcome H1 is relatively well-supported. Codes of biological evidential origin were among the least found codes during the research process. At times when codes of dimension A of the coding scheme were detectable, however they were mostly connected with and informed by the values *emphasis of church values* and *protection of life*. The biological standpoint furthermore depends on the interpretations of the actors which seem mainly based on their incorporated basic values. Actors advocating restrictive pregnancy termination options in Germany use and interpret biological scientific evidence based on their underlying values to legitimise their claims.

Interestingly, it can be stated that actors advocating liberal pregnancy termination options and discourse in Germany, also selectively use biological evidence to justify their claims but with a different outcome. Inter alia Partei der Humanisten draws on biology to argue that

[...] it has been scientifically proven that a foetus can perceive pain as such from around the 24th week of pregnancy at the earliest [...]. At this point in foetal development, there can be no talk of a ‘consciousness’. [...] The demand to grant the foetus, which is unable to survive outside the womb, a right to life [...] seems correspondingly absurd. (Partei der Humanisten 2019:4).

It is striking to see that different evidence on the same topic, which is both biologically correct leads to two very varying political agendas and results on when human life starts and the extent of demands of restricting or liberating abortion policies. Biological evidence seems to be unable to provide an

³ As all information is originally provided in German, all direct quotes used in this analysis, are direct translations of the German original to English.

irrevocable truth on when human life starts, as there is a difference apparent between biological embryonal development and human consciousness. This supports that indeed other factors influence the actors on which biological standpoint to take and emphasise.

H2: Actors advocating liberal pregnancy termination options in Germany frame medical scientific evidence in line with their values to legitimise their claims.

The second hypothesis emphasises a connection of actors advocating liberal pregnancy termination options in Germany with a different source of evidence. To begin with, actors advocating liberal pregnancy termination options in Germany include organisations affiliated with the German protestant church (e.g., Evangelische Frauen in Deutschland e.V. (EFID e.V.) 2004), whereas the protestant church itself argues to support the current legal status quo and focuses rather on reducing societal stigma around women terminating pregnancies. Additionally, the parties BÜNDNIS 90/DIE GRÜNEN and Die LINKE, as well as the German ethical council, political activist organisations (e.g., Pro Choice Deutschland 2021a, 2021b), authors of newspaper articles and opinion pieces (e.g., Stokowski 2019), affected doctors that were legally charged with violating the current abortion laws (e.g., EFID e.V. 2021) and a selection of state-approved consultation centres (e.g., pro familia 2018) can be identified.

The CDA showed that all codes and contexts related to coding scheme dimension B were among the six least concepts coded for. At this point, this suggests that other aspects seem of greater importance to actors advocating liberal pregnancy termination options and discourse in Germany, especially considering that the density of codes ranges from 14 (lowest) to 82 (highest). It can be said that, opposed to the expectations outlined before in this thesis, no information was gathered on research and the role of maternal deaths in Germany within the current discourse on pregnancy termination. Based on the information provided in section 2.2. of this thesis, it can only be assumed that a lack of emphasis on maternal deaths in Germany in the current discourse is due to the legal situation, which limits pregnancy termination, but does effectively not prohibit it, leading to certain pregnancy termination options after all for affected women. Still, for example, Diehl shows that endangerment of women grounded on insufficient medical personnel, societal stigma, legal obstacles, or (sexual) assault are factors that must be considered (Diehl 2019). A main medical argument offered by actors advocating liberal pregnancy termination options in Germany is that

[...] prohibitions and restrictions on pregnancy termination hardly contribute to lowering the number of pregnancy terminations, but merely shift practice into a societal grey area. As a result, pregnancy terminations get increasingly unsafe [...]. A joint study by the World Health Organization and the Guttmacher Institute in 2017 showed a significant connection between the legal status of abortion and unsafe pregnancy terminations. (Krolzik-Matthei 2019: 4).

Due to various possible viewpoints on medical evidence – and which evidence is deemed relevant and scientific – it can be assumed that the specific contextual use of medical evidence depends on the values of the actors. For example, EFID e.V. relate medical issues to patriarchal values: “[...] it is considerably more difficult for women to make an informed and self-determined decision about an abortion. While

in other areas [...] measures are supported that strengthen people's education and freedom of choice, this is not the case with women's reproductive rights and sexual self-determination.” (EFID e.V. 2021: 1). “In a social climate in which abortion is tabooed and people associated with it are stigmatised or openly threatened and pressured, more and more medical professionals are deciding not to offer abortions.” (Krolzik-Matthei 2019: 8). However, such an argumentative connection was rarely found within the documents of actors advocating liberal pregnancy termination options in Germany under study. At this point, it is possible to conclude three things. First, the medical aspects applied differ from the ones that were expected. Second, medical scientific evidence seems to be of less relevance for actors advocating liberal pregnancy termination options in Germany. Third, when mentioned, it is seldomly linked with values to support their agenda. It can be concluded that H2 is ill-supported, with some very rare exceptions observable.

Interestingly, and similar to the results of H1, it was discovered that medical aspects and concerns were also applied by actors advocating for restrictive pregnancy termination options in Germany. The main concern mentioned was post-abortion-syndrome (PAS) which suggests that pregnancy terminations strain women’s mind and conscience lastingly (Christdemokraten für das Leben e.V. (CDL e.V.) 2001). Diehl counters:

In fact, the PAS is not recognised as a clinical picture by a single scientific institution worldwide. [...] According to the APA, abortions do not have a negative impact on women's mental and physical health. On the other hand, having to carry an unwanted pregnancy to term could very well trigger trauma. (Diehl 2019: 3).

4.2. Foucauldian Post-structural Theory

Next, hypotheses three and four are tested. These hypotheses create a relation between actors advocating either restrictive or liberal pregnancy termination options in Germany and Foucauldian post-structural theory.

H3: Actors advocating restrictive pregnancy termination options in Germany are influenced by biopolitical notions and apply biopolitical arguments to support their claim that all unborn life must be protected.

It was possible to detect a lot of references to biopolitical claims within the argumentations of actors advocating restrictive pregnancy termination options and discourse in Germany. For instance, the most detectable code in all documents under study was *protection of life* and the fourth-most was *present state and future of the (German) population*. Following that, conservative actors incorporate biopolitics within their claims majorly. In the AFD basic party program, central argumentative references, regarding children, the state, health policies and families were backed by biopolitical incentives. In several cases, the AFD highlights the so-called German population, differentiated from people who are not part of that, and how to support it (AFD 2016). In relation to pregnancy termination, children and families are seen as central pillars. “The undesirable demographic developments in Germany must be

counteracted. [...] mass migration is not a suitable means for this. Rather, by means of an activating family policy, a higher birth-rate among the local population must be achieved as the only viable solution in the medium and long term.” (AFD 2016: 40). Additionally, the AFD “[...] opposes all attempts to trivialise abortions, to support abortions on the part of the state or even to declare them a human right.” (AFD 2016: 44). Inter alia Drobinski also depicts that the catholic church has a history of using biopolitical notions to inform their demand to restrict pregnancy terminations and abortion laws: “In 2005 the Pope from Poland compared abortion to the Shoah; [...] Joseph Ratzinger also equated abortion and murder.” (Drobinski 2018: 1). An emphasis on protecting all unborn life, and not a certain selection, can be seen in biopolitical emphasis of the indivisible *value of new generations*. The association CDL e.V. suggests that pregnancy terminations should as well be prevented when the child was conceived through sexual abuse and rape. “Nevertheless, the child thus conceived is an independent person who is not to blame for the crime [...] what right do you have to kill the innocent child who is not involved in the crime?” (CDL e. V. 2001: 14). Lastly, it was evidential that advocates of restrictions on pregnancy terminations in Germany often show *reference to laws in relation to unborn life* as past or current abortion laws which restrict pregnancy terminations and build their argumentation onto justified state intervention. Overdick-Gulden mentions that based on article 1 German Basic Law the human dignity of all, also unborn life is unimpeachable. The author grounds this in historic legal developments: “When the Basic Law was passed on May 8th, 1949, the scope of the ‘right to life’ (Article 2 GG) included the ‘germinating’ human life [...] which has been confirmed several times by later decisions of the Federal Constitutional Court, such as 1993 [...]” (Overdick-Gulden 2012: 1).

Based on these results, it can be concluded that H3 is well-supported and actors advocating restrictive pregnancy termination options in Germany indeed are influenced by biopolitical notions and apply biopolitical arguments to support their claim that all unborn life must be protected.

H4: Actors advocating liberal pregnancy termination options in Germany use biopolitical arguments to inform their claim that the living maternal life stands above all other factors regarding pregnancy terminations.

Moving on, the second hypothesis of the Foucauldian post-structural theoretical framework will be elaborated. Hypothesis four concerns the use of biopolitical arguments by actors advocating liberal pregnancy termination options in Germany. First, it is possible to say that claims informed by and based on biopolitical notions are made by actors advocating liberal pregnancy termination options in Germany. In particular, an emphasis is put on the *value of women’s health*, which is strongly promoted. Die LINKE draws a connection between historical detectable traditional gender relations in all aspects of life, e.g., the long-debated rights to vote or to work and argues that “[...] the old gender constellations continue to have an impact on the organization of reproductive work.” (Die LINKE 2011: 18). “Multiple stresses cannot be individualised.” (Die LINKE 2011: 20). Women’s health must be pushed in the focus of the current societal and political discourse on pregnancy termination in Germany, as unwanted pregnancies and giving birth, as well as not sufficient information and medical personnel to terminate a pregnancy,

put unnecessary physical strains on the bodies of women and can cause trauma. Opposed to argumentations of actors advocating restrictive pregnancy termination options and their emphasis on PAS, studies have shown that the greatest stress women with unwanted pregnancies face, is stress because of insecurity if, and when a pregnancy termination would be possible (Diehl 2019). Instead of protecting all life, a focus should be laid on the quality of wanted life once birthed and the securing of the women's and child's economic and health future as governmental goals. "Life is considered a value in itself; anti-abortion opponents are usually far less interested in its quality [...]" (Partei der Humanisten 2019: 5). Furthermore, "[...] the search for doctors terminating pregnancies is difficult in some regions of the Federal Republic. It is above all this information deficit that must be compensated for with a reform [...]" (Hassenkamp 2019: 1) This is seen as a health issue and a dangerous supply gap the German state currently faces.

Such claims are backed by the idea of an *intersectional state as the future* (see section 4.4.). This goal is based upon the argument that e.g., "[...] section 219a of the Criminal Code was introduced as a crime as part of the national socialist criminal law reform in 1933." (EFID e.V. 2021: 3). Hence, a legal and discursive change of direction is appropriate to process and recondition Germany's approach to pregnancy termination detached from such problematic thinking. Notably, BÜNDNIS 90/DIE GRÜNEN demand an incorporation of marginalised groups. "People are different, but their rights and dignity are the same. A diverse, non-discriminatory, equal and inclusive society means democratic progress for all." (BÜNDNIS 90/DIE GRÜNEN 2020: 52).

All in all, H4 is well-supported, as actors advocating liberal pregnancy termination options and discourse in Germany apply biopolitical arguments to support maternal and women's lives. Still, a slight dissonance is identifiable, as biopolitical values regarding women are presented, yet a trade-off between different opinions and values is acknowledged. In this regard, it is interesting to detect that opposed to the expectations and the phrasing of H4, women's lives are not put above all other factors and aspects. Weighting of varying aspects, facts, and opinions is suggested. Arguments of actors advocating restrictive pregnancy termination options are and will always be located in a field of tension contrasting autonomy and health of women (Deutscher Ethikrat n.d.). Additionally, and opposed to the results of H3 and assumptions of section 2.3.1, women's lives are not more connected to the population as a whole, but rather treated in an individualised manner.

4.3. Feminist Post-structural Theory

This section offers an analysis of the source material to assess the fifth and sixth hypotheses. These hypotheses draw on feminist post-structural theory and deal with actors advocating restrictive pregnancy termination options and their incorporation and usage of patriarchal values as well as actors advocating liberal pregnancy termination options and their incorporation and usage of emancipatory values.

H5: Actors advocating restrictive pregnancy termination options in Germany underpin their arguments by patriarchal values. Their dominant position in society and policymaking is being threatened by actors supporting liberal pregnancy termination options in Germany.

To begin with, it is of interest to state that two patriarchal values (*emphasis of church values* and *freedom of a specific group*) have the second and third highest density out of all codes used in this thesis. As was already mentioned in section 4.1., the incorporation of church values is significantly relevant for conservative actors in their current advocacy of restrictive pregnancy termination options in Germany. This can be backed by the result, that it was detected in 14 out of the 16 documents of actors advocating restrictive pregnancy termination options under study. It is striking to see that a focus on church values was often connected to supporting marginalised groups in a way of liberation. To enable understanding for such liberation notions, the additional code *conservative liberation* (see section 4.4.) was introduced during the beginning of the document study. The CDU mentions that “[...] the human is created by God in his own image. [...] The dignity of all people is the same, regardless of gender, skin colour, nationality, age, [...] disability, health [...]. Human dignity - including the unborn and the dying - is inviolable.” (CDU 2007: 7). Later, liberation understood as conservative liberation, and opposed to emancipatory liberation, was also made apparent by introducing policy demands that make the starting of a traditional family easier and more appealing to women by creating monetary benefits that childless people are excluded from. “Families with children have to be in a better tax position than those without children. [...] In addition, targeted incentives must be set so that parents decide to have several children.” (CDU 2007: 32). Conservative liberation as a patriarchal value could as well be detected in calls for more educational work which highlights the right to life of the unborn. It

[...] can be strengthened by information and education work. In this way a growing number of people - women and men - could gain the conviction: It is not my place, and that is why I am forbidden to offend other human life in the form of unborn life. (Evangelische Kirche in Deutschland (EKD) n.d.: 8).

Continuously, the patriarchal value *freedom of a specific group* was identifiable in 13 out of 16 of the documents under study and accordingly offers nearly as much insight and importance as the value *emphasis of church values*. In all cases of actors advocating restrictive pregnancy termination options in Germany, the freedom to self-determination, and protection from heteronomy of the foetus is superordinated above women’s autonomy, and the freedom of choice over a women’s own body (EKD n.d.). Furthermore, ALFA e.V. speaks of a questionable right of autonomy of women, as an “[...] abortion [...] is a deliberate act of killing a child before it is born.” (ALFA e.V. n.d.: 1).

At this point, it can be finalised that actors, advocating restrictive pregnancy termination options in Germany, indeed underpin their arguments by patriarchal values, especially the emphasis of church values and a focus on freedom of a specific group, mainly the unborn life in this context. Regarding the presumption that dominant actors are threatened in their central discursive role in Germany, as suggested by feminist post-structural theory, no indication was found in the context of pregnancy termination.

However, the research has unveiled certain phrasings applied by conservative actors, which put the assumption close that a wish to protect a certain current status quo of society is apparent. For instance, the AFD mentions that wearing a hijab must be prohibited and does not fit the German liberal culture (AFD 2016). It remains highly unlikely though that conclusions can be drawn from this for the discursive battle on pregnancy termination in Germany.

H6: Actors advocating liberal pregnancy termination options in Germany, who are emancipatory driven, perceive the current discourse on pregnancy termination in Germany as restrictive and assign this circumstance to a structural subordination of women, and patriarchal dominant values.

Last, the final and sixth hypothesis is analysed based on the outcomes of the document analysis. Overall, all codes of the emancipatory framework can be situated in the lower third to the middle regarding density of codes (26 to 43). A central focus of actors advocating liberal pregnancy termination possibilities in Germany, was found to be promoting change from and offer *critique on stigma and patriarchal values* (see section 4.4.). This code was discovered during the coding process and enabled analysing critique on actors who work to maintain or worsen the status quo from an emancipatory viewpoint, and on one-sided discursive structures which influence the societal and political perception of making advances to perceive the limiting of women's full autonomous decision-making in the matter of pregnancy termination as socially acceptable. On several occasions Die LINKE mentioned in their basic party program the need to overcome patriarchal structural subordination of women which, inter alia, is brought to the fore in the current discourse on pregnancy termination in Germany. Heteronormativity "[...] is tacitly regarded as a benchmark for political and social norms. This norm excludes." (Die LINKE 2011: 53). Furthermore, obligated counselling set in section 219 of the German Criminal Code, is perceived as an embodiment of patriarchal values, as "We don't want to trust women or forgive anything when it comes to their sexuality and childbearing ability. [...] We do not want to acknowledge that the women concerned are the most competent experts in this situation, who can oversee the consequences of motherhood that only they have to bear." (Diehl 2018: 2). Deutscher Ethikrat also argues that "The debate is still influenced by religious and cultural values, even though these no longer provide a generally binding normative point of reference in a pluralistic society." (Deutscher Ethikrat n.d.: 1). In this context, actors advocating liberal pregnancy termination options in Germany also reason that the reference of actors advocating restrictive pregnancy termination options to current abortion laws and article 1 of German Basic Law (see section 4.2.) depend on interpretations based on patriarchal understandings. "The concept of human dignity in the Basic Law is not designed statically. It only defines and develops in interaction with social values, which in turn are subject to change over time." (Taupitz 2009: 4).

Another relevant demand, following the intersection of the codes (*political and societal*) *change and autonomy*, that reoccurs regularly is the deletion of sections 218 to 219b of the German Criminal Code. "The right to self-determination about one's own body and one's own life must apply without restriction to all people, especially women [...]. It also includes self-determined abortions that have no place in the

Criminal Code [...]” (BÜNDNIS 90/DIE GRÜNEN 2020: 56). This is justified by a call for necessary *liberation* and decriminalisation to improve protection “[...] for those affected [...] against criminal offenses, in particular insults, verbal abuse, threats and that these persons in particular are protected from discrimination.” (Pro Choice Deutschland 2021a: 2). De-stigmatisation is only possible if pregnancy terminations are not understood as a crime anymore. Additionally, it could lead to important changes of societal perceptions of women’s health and help generate productive exchange on issues such as miscarriage or postnatal depression (Diehl 2019).

Given these results, it is observable that emancipatory actors perceive the current discourse on pregnancy termination in Germany as restrictive and clearly assign this circumstance to a structural subordination of women, and patriarchal dominant values. A focus, opposed to the original assumptions of this thesis, is laid on displaying criticism on current conservative actors and values. This overall outcome as well matches the results of previous H1 and H3 which both show the central role varying values play in this context. Concluding, H6 is also well-supported.

4.4. Reflection

This reflection section depicts four codes that were found missing in the initial research design and added at the beginning of the research and coding process to enhance the gathering of results. Other relevant aspects of the research design that are not directly used in this analysis, are discussed as part of the conclusion of this thesis.

First, it was apparent that a differentiation between church values and Christian values was necessary. Church values were from that discovery on understood as values connected to Christian beliefs such as *God*, or *creation*, and Christian values as basic values of Christianity such as *showing kindness* or *being accepting*. This distinction was made based on the documents under study by the German catholic church and the German protestant church. The protestant church in Germany and protestant church actors especially differentiate between these two types of values, while the catholic church and its actors mainly always speak of Christian values, even though a distinction is apparent in their texts. For instance, Bischof Lehmann states that no reference or orientation on how to deal with pregnancy termination is found in the bible, and then builds the position of the German catholic church on the early handle of the first Christian and catholic communities (Bischof Lehmann 1991). It becomes apparent that not Christian values are lean on to support the conservative viewpoint of the German catholic church, but rather the values of the first catholic church organisations. For this, the code *emphasising Christian values* was created.

Second, during coding of the documents of actors advocating liberal pregnancy termination discourse in Germany, it was also identifiable that opposed to the already created code of *present state and future of the (German) population* in the coding scheme dimension C, the code *intersectional state as future* was relevant. Especially, BÜNDNIS 90/DIE GRÜNEN (2020) emphasise the need for an intersectional outlook in their basic party program.

Similarly, as was already mentioned in section 4.3, within documents related to advocating a restrictive discourse on pregnancy termination in Germany, support for women and their rights, were often put to the forefront to push the agenda of the actors. Opposed to the understanding of women's rights in the emancipatory frame, this notion could be classified as *conservative liberation*, as its arguments were always limited to change the societal perception of women toward women feeling freer to bear more children and be happy in traditional family structures, without being exposed to pressure by feminist emancipatory values (e.g., CDL e. V. 2001).

Last, while analysing documents of actors advocating liberal pregnancy termination discourse in Germany, it was possible to see that these actors do not solely use the language of the emancipatory frame but offer critique on the language and codes shown in the patriarchal frame as well (e.g., Die LINKE 2011; Vorsamer 2019; Pro Choice Deutschland 2021b). Hence, the code *critique on stigma and patriarchal values* was added.

5. Conclusion

To conclude this thesis, it can be said that a comprehensive picture on the current discourse on pregnancy termination in Germany was provided. At this point, the main research question can be answered in the following way.

What is the place of medical and biological scientific evidence, and societal values in the current discourse on pregnancy termination in Germany?

To begin with, medical scientific evidence plays a minor role in the current discourse on pregnancy termination in Germany, as actors advocating liberal pregnancy termination options tend to utilise non-evidential aspects, such as biopolitical and emancipatory values and therefrom derived ethical and moral demands. As was already suggested, this might be attributable to the legal status in Germany, which currently ensures medically safe pregnancy terminations, even though barriers and burdens in several instances are imposed. Biological scientific evidence on the other side is applied in the societal discourse, not only by actors advocating restrictive pregnancy termination options, but, as was shown, also by actors advocating liberal possibilities. Two differing biological viewpoints on evidence of the same topic, allow the conclusion that the selective usage and incorporation of biological scientific evidence into the argumentation by both liberal and restrictive advocates, depends on other values.

This leads to the outcome that societal values, which were in this thesis studied as biopolitical, patriarchal, and emancipatory values, have the most prominent role in influencing the current discourse on pregnancy termination in Germany. Not only is the use of biological scientific evidence based on these values, but they also have the biggest impact apart from scientific evidence. It can be argued that the discourse on pregnancy terminations in Germany cannot be led by scientific evidence of neither medical nor biological scientific evidence. Rather moral and ethical implications, informed by the specific values the relevant actors have, are of central importance. Societal values are not only created

and upheld by the actors which influence the current discourse on pregnancy termination in Germany, but it can be assumed, based on the understanding of discourse in this thesis, that societal values are contingent phenomena which vice versa influence the relevant actors in two detectable directions – either to advocate restrictive pregnancy termination options or to advocate liberal ones. This result paints, in line with feminist post-structural theory, indeed the picture of the German discursive society as a battlefield of actors for controlling and leading the discourse on pregnancy termination now and in the future. Interestingly, it can be observed that opposed to theoretical information of Parkhurst who linked pregnancy termination after all to EBP in section 2.2., non-evidential aspects are of way greater relevance for the discourse on pregnancy termination – at least in Germany.

It was shown that a lot of aspects are relevant in the current discourse on pregnancy termination in Germany and this thesis provides a meaningful overview and pertinent answer to the research question. However, providing an answer with practical implications and recommendations was, firstly, not the goal of this thesis, and secondly, is a highly complex, multilevel endeavour that can hardly be provided by scientific research. Based on the results of this thesis and the answer to the research question, it can be suggested though that the current discourse on pregnancy termination in Germany and research on it, is not about deciding on who is right or who is wrong, but rather on showing the differing ethical and moral standpoints and arguments and their current place. Therefore, further research could have a more detailed focus on these ethical and moral implications, based on the results this thesis provided on the place of medical and biological scientific evidence and societal values. Moreover, each aspect that was mentioned in the analysis that is of relevance for the current discourse on pregnancy termination in Germany, is a complex topic in itself. Following this, future research could provide in-depth insights on one or two influential aspects. Additionally, it would be interesting to see further incorporation of the points that were discovered to be missing in the research design during the research process. Those specific aspects are depicted at the end of this conclusion. Next, future comparable research would be of interest to, for example, see, whether scientific evidence has a different place in the discourse on pregnancy termination in other countries. Last, this thesis was not able to analyse the discourse on pregnancy termination with a central intersectional outlook. Studying this discourse, connected to people with an uterus and women outside heteronormative understandings, could support dissolving discriminatory contexts of queer existences.

Even though a lot of results were provided, the research question answered, and all hypotheses in depth analysed in a critically discursive way, several additional aspects surfaced, which made the high multi-level complexity of this topic apparent. In this context, the initial research design had some further noteworthy limitations apart from the ones that were mentioned in section 4.4. The remainder of this concluding section discusses three central findings.

First, the complexity of prenatal diagnosis, pre-implantation diagnostics, and the pre-birth discovery of children with fatal or not fatal disabilities and the critical societal values that influence perceptions such as whose unborn life is more valuable and liveable, was a central debated aspect within the documents

under study. This thesis, however, was not able to address this important *discourse on children with disabilities*, even though it is unquestionable of great relevance, as it can be argued that within the German society and political sphere prejudices and stigmatisation of people and children with disabilities still exist.

Next, of central interest is as well the finding that specific actors show *ambiguities in their adopted positions*. They cannot easily be categorised in advocating either liberal or restrictive discourses on pregnancy termination in Germany. Especially the CDU shows ambiguity as the party directly advocates restrictive abortion policies in its basic party program and calls for unlimited protection of all human life beginning with the merging of sperm and egg (CDU 2007), but in a proposal regarding countries of the global south of the CDU/CSU and the Sozialdemokratische Partei Deutschland (SPD), they push for comprehensive reproductive health and autonomous decision-making on family-planning by women (Fraktionen der CDU/CSU und SPD 2020). In a similar way, the official statements by the German protestant church clash with other protestant church organisations. The protestant church in Germany officially supports the current legal status quo as the value of all life, including all unborn life as a gift of God must be protected, but acknowledges the problematics of stigma (EFID e.V. 2004). Opposed to this, the protestant church organisation EFID e.V., see all autonomy with the pregnant women and advocate full support and understanding of societal and church actors. They argue that a change of discourse and legality is necessary, focusing on preventive education and accessible information instead (EFID e.V. 2004).

Last, during coding, some further *relevant, yet not included concepts*, were discovered. For example, critique by actors advocating restrictive abortion laws on the emancipatory framework and what it stands for. For instance, the AFD basic party program criticises that women who choose to have children and do not work are less respected in the current German society, as emancipation-oriented actors assign less value to such decisions (AFD 2016). This concept became evident toward the end of the coding process and therefore was not added, as it would not have offered a comprehensive picture anymore in all documents under study. Moreover, some phrasing about and presentation of women and actors choosing to advocate liberal pregnancy termination options and liberal abortions laws, by actors advocating restrictive pregnancy termination options, can be seen critically. For example, scientific research on gender and patriarchal discriminatory structures is labelled as insufficient to meet scientific standards (AFD 2016) or actions of women terminating their pregnancies are described as intentionally killing their unborn child (e.g., Bischof Lehmann 1991; Ärzte für das Leben e.V. n.d.). Such notions were throughout analysing the documents, coded as *Freedom of a specific group* within the frame on Biopolitics and Unborn Life. Toward the end of coding, it was identifiable that an own code would have been beneficial due to an increasing amount of such argumentative notions.

Even though it is possible to say that the research design was incomplete, it still was extensive and detailed leading to the gathering of valuable information. It is arguable that a selection of what to focus on is necessary, as a fully comprehensive incorporation of all relevant aspects is hardly ever possible.

Similarly, the research design connected two different theoretical frameworks – evidence based policymaking and post-structuralism – and hence offered an interesting new approach within political science to the topic of pregnancy termination in Germany.

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Declaration of Own Work

I, _____, confirm that the work for this bachelor thesis with the title:

was solely undertaken by myself and that no help was provided from other sources as those allowed. All sections of the paper that use quotes or describe an argument or concept developed by another author have been referenced, including all secondary literature used, to show that this material has been adopted to support my thesis.

Place / Date

Signature

X

Anna-Marlen Brellochs