

“I AM TRYING TO IMPROVE THE CARE OF WOMEN, THAT IS MY GOAL.” —
IN CONVERSATION ABOUT LOVE AND ABORTION WITH GIESSEN-BASED GP
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“I Am Trying to Improve the Care of Women, That Is My Goal.” — In Conversation about Love and Abortion with Giessen-based GP Kristina Hänel

In its “Berlin Declaration for the Protection of Unborn Life”, the Bundesverband Lebensrecht demanded “love and responsibility instead of abortions.”¹ The confederation is the umbrella organization for several ‘Pro-Life’ groups in Germany which organize every year the ‘March for Life’ in Berlin. But what has love got to do with this? If anti-abortionists demand ‘love’ to protect children, then those who advocate for the self-determination of women to take deliberate choices supposedly stand on the other side of this emotional spectrum. And “who would say that they don’t love children?” asks Giessen-based General Practitioner (GP) Kristina Hänel to problematize the anti-abortionists’ apparent “acting out of love.”² In 2017, Hänel became known nationwide when she was sentenced to pay 6000 Euros because she declared on her website that she performs abortions — which violates section 219a of the German penal code. In addition to her Giessen practice which she has run since 2001, Hänel has worked for the family planning center Pro-Familia and co-founded the association Wildwasser e.V. which campaigns against the sexual abuse of boys and girls.

On_Culture’s current issue intends to stress the ambivalences incorporated in the concept of love — ambivalences which become particularly visible in Hänel’s case. Anti-abortionist’s positions, such as expressed in the Bundesverband’s declaration, suggests how love can serve the oppression of women when the protection of children outstrips the self-determination of women. Hänel’s political commitment and the growing support for her cause, on the other hand, point to the ways in which love can “stick[...] people together”³ in their fight for women’s sexual and reproductive rights. Talking to Kristina Hänel reveals different angles from which love can be conceived of as a political topic. In order to emphasize these angles, I decided to annotate selected parts of our conversation, which is divided in three parts. At first, we address love in Hänel’s own commitment against §219a; secondly, we turn to the women who come to Hänel’s office to have an abortion; and thirdly we talk about the anti-abortionist’s activism. But

talking about love seemingly cannot get by without turning to its extreme opposite: it seems hate is meant when love is used. In which circumstances do these two terms become interchangeable? In our conversation, Hänel shares her thoughts on the love-hate nexus in abusive relationships and her experiences when ‘love’ is solely used as a political strategy to disqualify the opponent.

The very act of talking about §219a introduced a different spectrum of emotions which brought about relevant political consequences. When she first was accused of being in contravention of §219a in 2017, Hänel felt ashamed of being blamed for a ‘wrongdoing.’ In Germany, abortions only go unpunished within the first three months of the pregnancy according to the so-called Fristenregelung which is laid down in section 218 of the penal code. Notwithstanding the possible immunity from criminal persecution, abortions are illegal which therefore transformed their performance into a major taboo subject. In addition to §218, §219a prohibits the ‘promotion’ of abortions. In concrete terms this means that doctors are not allowed to provide concise information on the medical background of the abortions they are offering because the law regards this as ‘advertisement.’⁴

Anti-abortion activists make use of this law to put pressure on Germany’s doctors by filing lawsuits against them — with lasting consequences. To avoid a conviction, most physicians took the provided information offline when threatened with charges. Most prominently among anti-abortionist figures is Klaus Günter Annen, who is the founder of the initiative “Never again” and who runs the website “babycaust.” It was also Klaus Günter Annen who repeatedly reported Hänel for violating section 219a. In 2017, however, when anti-abortionist Yannic Hendricks reported Hänel this time, her case proved novel because for the very first time the charges were not dropped. The trial raised unforeseen public attention which eventually led the government to reform the section. After the reform was passed in February 2019⁵, Hänel’s case had to be reopened. Although the sentence was reduced, the verdict was nonetheless confirmed — a necessary prerequisite to take the case to the Federal Constitutional Court, which Hänel has envisioned doing since her first conviction.

Sahra Rausch (SR): How did you interpret the verdict?

Kristina Hänel (KH): I was relieved about the reduction of the sentence. And I am happy to have this large circle of supporters, without whom it would not be possible to manage the situation. However, the conviction was necessary, otherwise I wouldn't be heard at the Federal Constitutional Court. Besides, an acquittal would not have been possible.

SR: What do you think about the amendment of §219a which was adopted by the German government last spring?

KH: On the one hand, there is this small liberalization that must be seen. However, this has not brought about any change at all. The number of doctors who declare on their webpages "I do abortions" is still not growing. The list that exists, the official list, was immediately used by Mr. Annen to turn it into a pillory list. Our fears have come true that he is using this list — which he has copied and provided with disgusting pictures — to call for attacks on these doctors performing abortions.

SR: What pictures does he use exactly?

KH: The ones that he is also using on "Babycaust." He has taken and copied the list — which you cannot prevent him from doing — and then he linked them to the pictures, just like on the website "Babycaust." He took the data of the practitioners and is now calling for interference.

SR: Did this result in more charges?

KH: No, there were not more charges pressed against physicians. But by taking telephone numbers of these doctors, he publicly vilifies them, and he calls on others, who have similarly fundamentalist views as he does, to attack these doctors' offices.

The "official list" to which Hänel refers provides information of all doctors, hospitals, and other institutions which voluntarily passed the information that they perform abortions within the legal framework of §218 of the penal code. In the agreed amendment of §219a, the Deutsche Bundestag expanded the Schwangerschaftskonfliktgesetz (Pregnancy Conflict Act) to improve the availability of information by commissioning the German Medical Association to update the list on a monthly basis.⁶ Before agreement was reached on the extension of the law, women that wanted to find comprehensive information about who performs abortions in Germany would find the most abundant collection on "babycaust."

KH: But to come back to the slight liberalization of section 219a: the real aggravation and problem in the new §219a is that it established the fact that information now is defined as advertisement — which is a step backwards. Up to now a teleological interpretation was possible, which meant that a judge could have said, “okay, advertising should be punished, information not — I acquit the accused.” This possibility of acquittal is now gone. Therefore, it is a step backwards and not a liberalization, some may not have realized that, but they have allowed it to happen. Now we have the situation that whoever informs, makes himself liable to prosecution according to §219a which was nowhere stated so clearly before.

SR: Could you perhaps briefly explain what led you to take up this commitment and to have the case heard by the Federal Constitutional Court?

KH: I’ve been dealing with indictments for over 10 years now; the proceedings were all closed earlier. But then this case went to trial, which I never expected. But it is probably due to the new way the justice system deals with §219a and with the doctors who perform abortions. When I had to go to court, I first became more and more aware of its significance and consequences. In the reaction to the perception of this issue in public, I realized that I could not simply accept it and that it needed someone who would not give in and who would make the whole thing go public. The creation of publicity in such a case is something that provides protection from reproaches. The silence that surrounds the topic and which also resulted in a ‘secret persecution,’ so to say — that was something that had to stop.

At the beginning of the first trial, I was still hoping that an acquittal could be obtained. It could have created a precedent. Morally, I always thought that I was not doing anything wrong, but legally it was already clear that only a conviction paves the way for a constitutional amendment. At that point, it became clear to me that this case must be heard at the Constitutional Court. This always raises the question of how far such an amendment would be compatible with our democratic and constitutional principles.

SR: Could you elaborate a little further on what you mean by the compatibility with democratic and constitutional principles?

KH: It is a questionable legal construction that the embryo should be protected with its life how it is laid down in Article 1 of the Constitution. This affects so many rights,

such as the right to information, freedom of expression, freedom to practice a profession, the dignity of women, the issue of gender equality and women's health.

SR: Why did other lawsuits suddenly follow your case?

KH: I think that with the public interest in my case, others also didn't want to accept the prosecutor's deal anymore, that is taking the information offline which would then lead to the suspension of the proceedings. Until now, the information has always been taken off the homepages and that has led to a tabula rasa in Germany over the last 10 years. These anti-abortionists who file the lawsuits — Annen and Hendricks — they have really made it so that women can hardly find any medical information on German websites, because they are all gone.

SR: In an interview on SWR in January 2019, you once said that you were ashamed at first when you were accused? What caused this feeling and how did this change?

KH: For many, many years I have been partially ostracized in medical circles. There have always been people in my environment whom I have not told that I do abortions or who have avoided me for my work. I therefore preferred to work 'secretly,' notwithstanding that I obviously worked within the framework of legality. When I had to go to court, it became clear quite quickly that I had to make it public. At first, it was not at all in my interest to be publicly present with this subject. To be associated with abortions in public — no doctor wants that.

SR: In pro-choice activist groups, §219a often is related to §218 which defines the three months within which an abortion is possible, but you try to keep these two discussions separated — why is that so?

KH: Medical care is my subject, I put all my energy into it because this is where I can fight. I have an opinion of §218, but those are not the charges I am facing. If the Federal Constitutional Court is willing to tackle §218, then it will do so, and I will not prevent it. "How do you feel about §218?," that's the crucial question in political initiatives. But my conviction is based on §219. I am trying to improve the care of women, that is my goal.

I was struck by Hänel's elaborations on shame because it exposed the disabling effects of this emotion to act politically. Section 218 and its Fristenregelung along with §219a transformed the performance of abortions into a taboo subject, notwithstanding its immunity from criminal prosecution. Shame here is a "political affect that disturbs" the possibilities to take action.⁷ If exposed to a situation where people might not react accordingly to (in this case legally) defined norms, the feeling of shame is the negative response to commonly recognized moral standards. On its website, the Berlin-based Alliance for Sexual Self-Determination therefore denounces the "repressive morality" which is applied to the politics regarding women's health.⁸ On the other hand, the feeling of shame can also "produce the possibility of novel political actions"⁹ when realizing its oppressive character. In Hänel's case, political consciousness was raised for the ways in which women's access to reproductive and sexual self-determination is still curbed. Her going into public helped to undo the taboo and to transform the shame. The attention raised for her case resulted in the emergence of a nationwide movement against §219a along with a new interest among medical students who now want to learn how abortions are performed as it is not part of their curriculum. The fact that Hänel became a public figure standing up for the right to information to ensure women's health also had effects on the women that come to her office...

SR: What kind of women come to your office? How would you describe their situation?

KH: They come as different as women are. The images that one has so commonly on one's mind are wrong. The majority have children; in Germany, most women are generally between 25–35 years old. There are tragic individual fates, experiences of violence and pregnancies that have occurred under the influence of violence. But there are also women who wanted something else in their relationship, but then they realized that their partner does not want a child.

SR: How do you perceive your role in the situation? How do you support the women?

KH: The women should usually have made a decision when they come to my office. Otherwise, it is also a matter of supporting them in the decision-making process and

eventually guiding them through the abortion in a medically correct way. The abortion is often accompanied by great fears, as women fear being discriminated against again. Since §219a is discussed so openly in public the situation has changed a great deal because women now have a fairly clear picture of me and of what awaits them. They approach me with a great deal of trust which is much greater than before, when I was not so well known.

SR: This really is an exciting development to see how public attention is changing the perspective on the topic. When I started to read more on the demands to change the section, I didn't realize that abortions are subject to such a stigma. I was shocked that you can't just go to the doctor when you want an abortion. In spite of the three-month regulations, I had imagined a more normalized approach.

KH: Indeed, many are shocked when they do not experience an abortion as 'normal' at the doctor's office. On the other hand, however, many rather expect to be treated badly and then endure it. They are often sent back and forth, and especially when the pregnancy is already advanced, this is always accompanied by the fear of whether the abortion is still feasible within the time available.

SR: How does love come into play when women decide to get an abortion — i.e. both in the relationship with the father and in the relationship with the unborn child? What are your experiences? Does it even matter?

KH: Very tragic — also for me personally — are the cases in which love is very great and in which external circumstances prevent the carrying of the embryo to term. In your question you used the term 'child,' the medically correct term would be embryo, because the child only becomes a child when it is born. But in the woman's mind, the embryo can represent the possibility of a child, therefore the embryo is perceived as a 'child.' If the couple love each other so much and then external reasons make the couple no longer able to decide alone whether they can carry the pregnancy, for example because others would have to be involved in the care, or the relationship is not clearly defined, then these are very difficult situations.

SR: In the already mentioned interview you spoke about the fact that it could not be about 'life protection,' because unwanted children wouldn't have a "place" and could therefore not experience love. You further said that "not wanted children are beaten children." Could you explain this in more detail?

KH: An unwanted pregnancy can indeed result in an accepted child — after all, most unwanted pregnancies are carried out. Here, we are talking about those women who decide not to carry the pregnancy to term. Ultimately, there must be a decision for the child and if there is no such decision, then it is a disaster — also for the child. I think I can tell quite well because I have been working with traumatized children for over 20 years. When a child is born, it is there and you take care of it, and yes, then you love these children and then they have a right to life. That should never be put up for discussion, unfortunately, this shift happens regularly in the debate.

SR: What do you mean by this shift?

KH: Well because the term ‘child’ is used to refer to an embryo. As a result, certain images that we have of children are associated with the pregnancy. This is how this shift in the debate works. The issue is not whether a child with Down syndrome should be born, or not. That is a completely different debate. A woman must accept a pregnancy in order to become a mother. Otherwise, she will not become a mother and if people force her to do so, then you are making serious mistakes in my opinion.

The so-called ‘protectors of life’ (‘Lebensschutz’), how ‘Pro-Life Activists’ are called in the German context, “are convinced that the ‘child’ has the right to life and dignity from the very beginning. It develops AS a human being, not TO BECOME a human being” (Elisabeth Winkelmeier-Becker, legal and consumer policy spokeswoman of the CDU/CSU parliamentary group, 12 December 2018).¹⁰ Hänel therefore emphasized how powerful the choices of our words are — something I also learnt from our conversation. Shifting from the term embryo to ‘child’ calls up different imaginaries which anti-abortionists make use of when they justify that ‘children’ need to be protected. This creates a highly ambivalent and moralizing tension between the women’s right to self-determination and “the right to life and physical integrity” defined in Article 2 of the Constitution, which Hänel already emphasized earlier. We therefore got back to this tension between self-determination and the “right to life” and how the latter is used by anti-abortionists.

SR: What role does the self-determination of women play in the anti-abortionists’ proclamations to ‘protect the life of the unborn’?

KH: Women’s self-determination only plays a role to the extent that anti-abortionists accept women’s role as mothers. They have a clear idea of what women are made for,

or which position they should take in society. They would thus support them in fulfilling their role. However, I think that the concept of self-determination has become a bit stale. Speaking of sexual and reproductive rights would perhaps be the better terminology. After all, it is not just a question of women who decide for themselves what they want to do. It also encompasses questions over their bodies, their health, and the responsibility they bear for their family. It's all about whether she wants to carry a pregnancy to term, or not. In this sense, it is about much more than the term self-determination. After all, it is about taking on social responsibility. In the debates of the anti-abortionists these points are of no importance. Just as the child is of no importance when it is finally in the world.

SR: Another aspect regarding the self-determination of women became visible when a judge said that women could not make good decisions because their hormones are disrupted during pregnancy. Where does such an understanding of self-determination come from?

KH: Yeah, that was in the first trial, the county court trial. This alleged hormonal influence of pregnancy on women was mentioned by the judge in the reasoning of the judgement in order to justify why we need these information bans and what the legislator had in mind with §219a.

SR: Do you experience it more often that women's competencies to make decisions are doubted that way?

KH: I believe that this is an old anti-abortion argument, i.e. that women are so hormonally influenced that they can no longer make proper decisions. This argument was not new to me, I just found it astonishing that this is used in court, because it is simply absurd. It would mean that every pregnant woman would have to be declared legally incapable. She would no longer be allowed to sign a contract, she would no longer be allowed to drive a car, she would no longer be allowed to do her job, this would also apply to breastfeeding, because it also influences women hormonally.

SR: What role does the 'love for unborn life' play — if you can put it that way — in the debates of the anti-abortionists? Can such references be seen as a political instrumentalization of love?

KH: By using these images of the child in the context of abortions, they also make a reference to love: for there are few people who would say that they do not love children. However, this has nothing to do with love, they are full of hatred. To illustrate what I

mean: I was at an honoring ceremony in Allgäu and anti-abortionists were sitting at two tables in this room. At some point I heard a baby crying and at first, I thought nothing of it. In the meantime, the anti-abortion activists were removed by the police that was present because they began to unroll posters. In the end, however, a woman came to us who happened to sit at the table with the anti-abortionists. She was completely outraged because they had instrumentalized this crying baby. Instead of comforting it, the mother held it away from herself so that it would continue to cry. This was the proof of what I had always felt and thought about these people — I know that not everyone has to be like this, there are certainly some who comfort their children when they cry — but the idea of using a baby for political purposes would never even occur to me.

KH: Earlier already in our conversation, I thought that we should also look at the concept of love in contexts where sexualized violence is involved. Analyzing the concept of love as a relationship of domination shows how it rather reflects the possession of the other. Particularly in patriarchy, love is something other than what we imagine. The situation described here shows precisely an unmasking of the term ‘love.’ When they take a child and say, “We love children,” but let it cry, then I see that they do not love children, but that they hate women. They hate women and they hate everything that is free, and they are obsessed with sexuality.

SR: When you think about ‘love’ in relation to your work or your commitment — what else would you like to address?

KH: I can think of another topic that we have not yet discussed in detail here. I’m preparing for a trial against Annen.¹¹ It was only yesterday when the 75th anniversary of the liberation of Auschwitz took place (on January 27, 1945, author’s note). The speeches given that day made it clear to me, once again, that it is simply unbearable that people like me, and all women who have abortions, are brought into this Auschwitz context. By filing charges against Annen, I want him to stop doing this.

There are also good prospects for success. He has already lost other injunction suits, but he keeps on doing this. And he certainly is not the only one who comes up with these comparisons. In the process of amending §219a, the German Women Lawyers’ Association has therefore demanded that comparing abortions with the Holocaust should be made a punishable offence. I think this is a very important point. We doctors have always been put into a corner and we could never really defend ourselves in public. It is time that Germany simply takes a clear position. These comparisons cause

every woman who gets an abortion to think that what she does is just the same as what the Nazis did. This is an attack on every woman because the comparison with Auschwitz is the worst thing that exists and that is why it has been rightly banned.

The reference to the Holocaust is a commonly used trope by many ‘Pro-Life’ activists. On his website, Annen declares that abortions are an intensified form of the Holocaust which he describes as the “epitome of horror in the Third Reich.” Furthermore, he quotes an anti-abortion initiative which is called “Never again!” and relates abortions to the Euthanasia-programs of the national-socialist period. The performance of abortions is equated with mass murder. It is an intolerable relativization of the Holocaust which criminalizes doctors and vilifies women at the same time. This reference seems even more problematic if we consider the origins of §219a. Even though, section 219a never was labelled as national-socialist by post-war legislators after 1945, it was introduced in 1933 with the aim to discriminate against Jewish, liberal, and communist practitioners who would perform abortions. By the same token, abortions were denounced as “Jewish.”¹² In the interest of a nationalistic (‘völkisch’) population policy, abortions as well as their public advertising were declared illegal in the name of the Nazi Volksgemeinschaft. Without constructing simple continuities from the national-socialist time until today, many anti-abortionists, however, embrace nationalistic argumentations that target a White nation. As Ahmed put it, love is sticking others together by creating sameness which is then idealized. As much as the creation of cohesion binds one group together, it places the others outside¹³. Hänel emphasized the ambivalences ‘love’ brings about. The child as the “object of love”¹⁴ that needs to be protected turns into an exploitable object serving political aims. Conversely, women turn into the ‘objects of hate’ that need to be tamed and controlled.

But what about the love which inspires political change, which creates solidarity? Sara Ahmed finishes her reflections on love by stating that we have to love the political visions in which we are invested. However, love is a culturally learned emotion — it shapes our romantic love relations, it may serve the nation, but it also can bind people together and inspire political change. But unlike anti-abortionists, and here I quote Ahmed, we should

“resist[...] to speak[...] in the name of love, in the recognition that we do not simply act out of love, and in the understanding that love comes with conditions however unconditional it might feel, we can find perhaps a different kind of line or connection between the others we care for, and the world to which we want to give shape.”¹⁵

In order to give shape to the world, Hänel wants to have §219a declared unconstitutional in Karlsruhe — an aim to which she is one step closer with the retrial in Giessen in December 2019.

Editorial Note

The Editorial Team is glad to present this interview with Kristina Hänel featured in the *Perspectives* section. With this contribution, we sought to link the issue’s theme to the local context of Giessen. Hänel’s case compelled attention throughout Germany and stimulated debates that highlight the political dimension of section 219a. Connecting her case with the concept of love, therefore, seemed particularly interesting in order to complicate established narratives about the love for children or women’s love more generally. We would like to express our special thanks to Kristina Hänel for sharing her thoughts and experiences.

Endnotes

- ¹ Bundesverband Lebensrecht, “Marsch für das Leben,” accessed March 31, 2020, <<https://www.bundesverband-lebensrecht.de/marsch-fuer-das-leben/#toggle-id-7>>.
- ² Sara Ahmed, *The Cultural Politics of Emotion* (Edinburgh: Edinburgh University Press, 2004), 122.
- ³ Ahmed, *Cultural Politics of Emotion*, 125.
- ⁴ Mithu Sanyal, “Germany’s Abortion Law: Made by the Nazis, Upheld by Today’s Right,” in *The Guardian*, January 08, 2020, accessed April 01, 2020, <<https://www.theguardian.com/commentis-free/2020/jan/08/abortion-law-germany-nazis-women>>.
- ⁵ I thank the editorial board for bringing this interview to my attention.
- ⁶ Bundesärztekammer, “Liste von Ärzten, Krankenhäusern und medizinischen Einrichtungen nach § 13 Abs. 3 Schwangerschaftskonfliktgesetz,” accessed March 26, 2020, <<https://www.bundesaerztekammer.de/aerzte/versorgung/schwangerschaftsabbruch/>>.
- ⁷ Bogdan G. Popa, *Shame: A Genealogy of Queer Practices in the Nineteenth Century* (Edinburgh: Edinburgh University Press, 2017), 8 (hereafter abbreviated as ‘Popa 2017’).
- ⁸ Bündnis für sexuelle Selbstbestimmung, “Weg mit § 219a: Recht auf Information zum Schwangerschaftsabbruch,” accessed March 28, 2020, <<https://www.sexuelle-selbstbestimmung.de/7483/kampagne-2018-weg-mit-%C2%A7-219a-recht-auf-information-zu-schwangerschaftsabbruechen/>>.
- ⁹ Popa 2017, 8.
- ¹⁰ Elisabeth Winkelmeier-Becker, “Das Kind hat Lebensrecht und Würde von Anfang an,” in *Tagespiegel-Online*, December 12, 2018, accessed March 29, 2020, <<https://www.tagesspiegel.de/politik/debatte-ueber-paragraf-219a-das-kind-hat-lebensrecht-und-wuerde-von-anfang-an/23747244.html>>.

- ¹¹ Initially, the trial was set for mid-April 2020. Due to the Corona pandemic, the hearing of the action for injunction is rescheduled for August this year. See: Stephan Scholz, “Kristina Hänel wehrt sich mit Unterlassungsklage gegen ‘babycaust.de’” in *Giessener Anzeiger*, May 10, 2020, accessed May 28, 2020, <https://www.giessener-anzeiger.de/lokales/stadt-giessen/nachrichten-giessen/giessen-kristina-hanel-wehrt-sich-mit-unterlassungsklage-gegen-babycaustde_21650620>.
- ¹² Bundeszentrale für Politische Bildung, “Streit um §219a — Podcast zur Debatte um das Werbeverbot für Schwangerschaftsabbrüche,” Episode 2: One Century of Controversies, accessed March 27, 2020, <<https://www.bpb.de/gesellschaft/gender/288256/podcast-spezial-streit-um-219a>>.
- ¹³ Ahmed, *Cultural Politics of Emotion*, 130.
- ¹⁴ Cf. Ahmed, *Cultural Politics of Emotion*.
- ¹⁵ Ahmed, *Cultural Politics of Emotion*, 141.