

Dragana Vujadinović

LEGITIMATION AND DELEGITIMATION OF THE RIGHT TO ABORTION IN IDEOLOGICALLY OPPOSED DISCOURSES: RELIGIOUS AND FEMINIST DISCOURSE

Introduction

Different legal regulations on the issue of abortion in various countries of the world have resulted in decades of conflicting opinions of ideologically opposed groups. Although the process of liberalizing abortion laws, which began in the middle of the 20th century, affected most countries in Europe and the USA, this issue still triggers many debates. In some countries, we can talk about entire movements that aim to change the current laws.

It is known that every individual, social group, or institution that influences a society tends to root its own beliefs in the value system of society. For these attitudes to be adopted and become part of social practice, they must possess legitimacy, that is, society must see them as legitimate.

For this reason, in this paper, we will analyse the arguments put forward by the holders of ideologically oppositional discourses, which are the two dominant discourses that frame the debate on a woman's right to abortion. Language as the basic medium of meaning creation contributes to establishing and maintaining social order and its transformation. The question arises whether the bearers of the mentioned discourses use similar or identical strategies to influence and shape public opinion. Therefore, our research aims not to generalize or describe the feminist or religious discourse as such, but to find in certain statements examples of legitimation or delegitimation through which we can partially describe features of the mentioned discourses.

Bearing in mind the primarily linguistic aspects, but also the comprehensive context in which they are placed.

Legitimation and delegitimation

When we think about the relationship between the concepts of authority and power and how they are established, the process of legitimation emerges as a necessary component between them. Many authors have spoken about the legitimation process, and among the first Weber (1978) marked legitimation as a mechanism that the government reaches for in affirmation. Berger & Luckmann (1991), in clarifying the relationship between institutionalism and legitimation, describe this process as a process of “explaining” and “justifying”. „Legitimation not only tells the individual why he should perform one action and not another; it also tells him why things are what they are. In other words, ‘knowledge’ precedes ‘values’ in the legitimation of institutions“ (Berger & Luckmann, 1991, 111). According to them, institutions also control human conduct by setting up predefined patterns, and in that way, they divert them from many other possible directions.

Legitimation is especially important when it is necessary to transfer knowledge to new generations. Relying on predecessors, Van Leeuwen simplifies; for him, legitimation can be understood as an answer to the questions “Why should we do this?” or “Why should we do this in this way?” (Van Leeuwen, 2008). Van Leeuwen’s work on legitimation pays the most attention to authorization, rationalization, and moral evaluation, and to a lesser extent to the process of myth construction – mythopoesis. Through these four main categories, Van Leeuwen has set the methodological framework for critically analyzing the construction of legitimation in discourse.

A feminist critical discourse approach

We will complete our analysis with a feminist critical discourse approach, due to the complexity of the interrelationships between the gender and the patriarchal context. Following the theoretical determination of FCDA the core of the analysis is according to Lazar “praxis-oriented”, which means that attention is given to the disclosure of social transformation of structures of

gender oppression and spreading awareness about these procedures (Lazar, 2007, 2014).

Temporary language and gender research can be approached through the principles founded by Lazar. FCDA is a perspective that seeks to examine ways in which gendered assumptions and power asymmetries get discursively produced, sustained, negotiated, and contested in specific communities and discourse contexts (Lazar, 2014, 182). Applying FCDA aims to expose the efforts of changing existing laws incarnated in religious discourse, and also to discuss not-so-subtle attempts to label women as murderers.

Material for analysis

In selecting units of analysis, we focused on a small sample of statements from more recent articles in various newspapers and magazines, considering that our interest is primarily directed toward the contemporary approach to this question. In search of examples of religious discourse, we selected articles from Montenegrin online newspapers Analitika, RTCG, CDM, which, among others, conveyed statements from certain religious representatives as well as opinions on this topic from the very few publicly declared feminists in Montenegro. Discussion of a feminist ideological position on the topic was tracked in articles from feminist online magazines Libela, Oblakoder and VoxFeminae, which are Croatian and Serbian, as there is still no registered feminist portal in Montenegro.

Focusing on a small sample allows for an in-depth analysis of the linguistic strategies of legitimation and delegitimation mobilized by these ideologically opposed groups. This also means that the analysis largely depends on the researcher's assessment of which parts should be included, and which should be eliminated from the analysis. Therefore, we don't strive to determine the frequency of the mentioned strategies that are used in religious or feminist discourse, but to describe on a concrete example why they occur, as well as to assume their useful value in future discussions on this topic, i.e. in some other material that will be analyzed. Overall, our analysis is primarily qualitative.

Analysis of religious and feminist discourse

The most important representatives of religious discourse are mainly priests, bishops, etc. but they can also be all members of a certain religious community who find support for their worldview in religion and holy book. Although the church does not have the mechanisms for directly shaping the laws of a country, the study of religious discourse has its purpose. Namely, religious representatives address the members of that specific religious community both directly (at different religious gatherings) and indirectly – through the media. However, people who share their ideological points are also citizens of a certain country, which means that they can be included in its political system. In this way, the church, through an intermediary, can influence the amendment or regulation of the law. For this reason, the study of religious discourse should not be neglected, nor should it be marginalized since spiritual and secular authority have long been demarcated. The fact is that the conservative value system is gradually established through various mechanisms.

By the representatives of the feminist discourse, we mean all declared feminists, as well as activists of the pro-choice movement who advocate the right of women to make independent decisions about their reproductive health. Within the framework of the feminist discourse, in discussions about abortion, the problem is mainly approached from a gender perspective, that is, from the position of gender inequality in a patriarchal society. Also, there is a dominant tendency towards the deconstruction of the religious concept of female identity as universal.

A woman's right to choose or a child's right to live?

The viewpoint of the church towards abortion, regardless of which branch of Christianity it is, rests on the belief that life begins at conception. In the explanation of why the church is against abortion, as an answer to the question, we notice a kind of deviation from impersonal authority, that is from referring to the biblical precept. Impersonal authority, unlike personal authority (legitimation by reference to authority) which implies attaching labels of legitimacy to something just because of their "status or role in a particular institution" (Van Leeuwen, 2008, 106), is based on laws, rules, and legal regulations so that the statements refer directly to those sources, which

automatically invoke their importance and significance in the minds of the listeners/readers. For example, *the Bible says that ...* etc.

The conviction of the correctness of a certain belief towards people does not have the necessary strength if the only argument is that it is correct only because it is written somewhere, even if it was a holy book.

Much more receptive is the use of traditional authorization, whereby legitimacy is ascribed to a particular action from everyday human experience and answering why questions are in a way “because this is what we have always done” (Van Leeuwen, 2008, 108). In this way, all members of a certain community can identify with such belief, not just religious people.

Example 1:

We understand that this topic is dramatic. We do not see things in black and white so we can say this is possible, this is not possible, but in each specific case, we approach it. The attitude of the church is not just a prescription of a book, but a life experience (RTCG, 16. 5. 2022).

Not referring to the Bible, it leads us to the conclusion that even in religious discourse we can find a variety of possibilities to explain the reason why abortion is a non-Christian act, without referring directly to the holy book and the argument that it is so because it is the words of God. So, the twist can also be in the intention of making this idea more receptive to people who do not live according to the Bible. This would mean that abortion is wrong just because experience has multiple times proven that abortion wasn't the right choice. In that case, something is legitimate not because it is written like that somewhere, as in the case of impersonal authorization, but because experience has shown that many women did not repent when they decided to continue the pregnancy. It is possible to approach the legitimation of the position that abortion at any stage is a sin from an angle that does not necessarily include religious dogmatism and the portrayal of women who have decided on this act in the role of criminals.

On this occasion, we will state and try to analyse a completely different approach to this issue. If we look back at the statements of representatives of the very top of the church years ago, we will find incendiary rhetoric that accuses women of falling birth rates and obligates them to give birth, because

otherwise they are not fulfilling their primary function. Lexemes with a high degree of negative expression are used, such as murder or infanticide.

Example 2:

The embryo in the mother's womb is not a simple outgrowth of her organism; it is not the same as her saliva or any of the secretions of her body: in it is the whole man in the nucleus, with all the qualities that make him a man. Fetal infanticide, hidden under the name of abortion, has today become one of the legal rights of men and women. Laws that in one age and age protect human dignity, in another age, until birth and after death, abolish, disapprove, and annul it. Thus, mothers and doctors turn the womb, the workshop of life, into a morgue, depriving the newly conceived child not only of the birthright but also of eternal life. A right that deprives a person of responsibility for another's right to life, and the joy and light of life, does it not justify the crime of homicide? (Analitika, 14. 4. 2012).

In religious discourse, gender is constructed within the framework of given patriarchal patterns and the social role of females is fixed and self-evident. The interweaving of ideological presuppositions and scientific facts, or to put it differently, using the values of scientific objectivity and precision (Van Leeuwen & Wodak, 1999) is used to delegitimize the act of abortion. Using evaluative clauses (another type of moral evaluation) is also evident. It manifests through using lexemes such as *abolish*, *disapprove*, *annul*, *deprive*, etc. Both in religious and feminist discourse moral evaluation is used, which is to be expected if we take into account that this is a morally delicate issue. In religious discourse, it is a call to moral responsibility by asking the explicit question of why a new human being is deprived of the right to experience life, and feminist discourse emphasizes the urge to protect women's right to decide for themselves whether they will become mothers or not, hence it is a defence of reproductive justice.

A special aspect of advocating for the abolition of the abortion implies criminalization of all actors participating in that procedure and also a calling for moral condemnation, which is certainly an explicit procedure of delegitimization by attributing negative qualifications. The practice of abortion is delegitimized in terms of an analogy between *the womb* and *the morgue*, and

in this process, a negative connotation is transferred to the term that has a positive connotation.

New life or control of female sexuality?

Generally speaking in the feminist discourse, we can catch sight of the fear of the gradual rise and eventual victory of conservatives who will decide on women's rights and change laws democratically. Thus, the church's attempts to limit women's freedom so that women will lose not only the right to choose but also the autonomy over their bodies are primarily exposed and deconstructed. Further, the need for women to fit into the ruling androcentric structures is dominantly delegitimized or criticized.

Feminist discourse is oriented towards inviting and making women aware of how they can spread awareness about it or change existing practices by uniting forces.

In the context of Montenegro, we notice that this topic hasn't yet strongly manifested in the feminist discourse, since the issue of the abortion ban hasn't been discussed in political circles, and conducting a debate on this issue is marked as a taboo topic, which means that the advocates of the prohibition of abortion they didn't yet start a wave of public discussions. The situation is different in the region, especially in neighbouring Croatia, where the Catholic Church, with its strong influence, pushed this issue into the public sphere. Therefore, there are polemics on this issue, and the defenders of female rights are obliged to defend this right through discourse so that the law does not change in the future. For this reason, feminist resistance generally prevails and has the greatest influence in the sphere of social networks. Besides social networks, in the Balkan region, there is also a significant number of feminist online magazines (VoxFeminae, Muf, Lola magazin, Oblakoder, Libela) through which every form of gender inequality is problematized.

Example 3:

Because if we make abortion illegal, its availability is limited and the following things are guaranteed: women's mortality will increase, complications and risks to women's health will increase, and, of course, quacks'

income will increase. When a woman decides to terminate a pregnancy, she will terminate the pregnancy (CDM, 17. 3. 2024).

In this specific case, we can primarily observe a reference to the human experience because the fact is that such things happened in the past, so experience teaches us that the same things could happen again in the future if the law on abortion changes. The lexeme *guaranteed* amplifies assurance in these outcomes. In this case, moral evaluation (Van Leeuwen, 2008) is realized by attaching the illegalization of abortion to negative social practices that the social community perceives as bad. And on the other hand, simultaneously abortion is justified in this way.

Example 4:

The entire fight against laws that protect women is thus based on data fabrication and manipulation. While they talk about “infanticide” and compare abortion to the Holocaust in the style of American fundamentalists, the advocates of these dark policies are aware that none of this has anything to do with the truth. However, it is more discreet to talk about it in public, to refer to the abstract rights of embryos and traditional values, instead of saying that they essentially support the legalization of female slavery (Oblakoder, 30. 5. 2022).

According to Van Leeuwen (2008), comparisons in discourse are always used to legitimate or delegitimize an action. In this case, the analogy with *the holocaust* (that is used in the discourse of the abortion ban advocates) is explicit and it necessarily evokes negative feelings and negative mind representations. Exactly this kind of analogies, as we saw in the second example, are tried to be deconstructed in the feminist discourse, since with such comparisons they try to hide the real intentions and implicitly implant in the people’s consciousness that abortion is murder.

Conclusion

The struggle for resistance manifests itself in the aspiration to deconstruct the need to dominate women, to control female sexuality, which is hidden behind the battle for the rights of the unborn child. Language is the most common way to achieve this dominance and to produce inequality. It is for

this reason that many feminists believe that the issue of abortion should not be allowed to become part of the public debate, to prevent its breakthrough into the public sphere.

Denaturalizing women's rights and positioning feminism as a threat to not only an unborn child but to wider society and humanity in general, is achieved through the deployment of the freedom of speech argument. The intentional misconception of the freedom of speech argument, which limits language to a reflection of a person's opinions, excluding the fact that language is a social act – we do things with language, leads to causing harm to a specific social group through language.

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