

Human rights as the means, the goal and the absolute value:  
Analysis of the use of human rights concept in legitimation of sexual  
and reproductive health and rights

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This study examines the function of human rights appeals and ideology in authority construction and legitimation of sexual and reproductive health and rights (SRHR) in *Accelerate Progress – Sexual and Reproductive Health and Rights for All* – a report by the Guttmacher-Lancet Commission on SRHR. The main objective of the study is to determine the function of human rights in authority construction of the report. Moreover, the study examines the presence of allegedly shared values of universality as well as the implications of the human rights values and ideology, and their contribution to the SRHR discourse and the key message of the report (integrated definition of SRHR).

The analysis is conducted by examining ‘human rights’ keyword occurrences in their contextually relevant textual environments. The main methods are Critical Discourse Analysis (CDA) (Fairclough 1989) and van Leeuwen’s legitimation theory (2007). In the frame of CDA, the method of critical reading from engaged and estranged positions is integrated in the analysis (Janks 1997). The analyzed material was categorized according to van Leeuwen’s four legitimation strategies; authorization, rationalization, moral evaluation and mythopoesis. In total 27 keyword occurrences of ‘human rights’ are examined by using these categories and the interpretative analysis is guided by the core elements of CDA; ‘critical’, ‘power’ and ‘ideology’.

The analysis shows that appeals to human rights have several functions and they appear as a component in all four legitimation strategies. Human rights are framed as a legal obligation, a moral imperative, a central component in SRHR, and an absolute universal value. The discussion concludes that the human rights discourse in the Guttmacher-Lancet report appears often as an abstract ideology that assumes universally shared moral agreement and lacks meaningful relevance in the lived SRHR realities of people. However, more research is needed to address this gap and develop the human rights framework to accelerate process in implementation on grass-root level.

Keywords: human rights, SRHR, sexual rights, reproductive rights, legitimation, critical discourse analysis

# Table of Contents

- 1 Introduction ..... 1
- 2 Human rights: a policy, an ideology or a moral discourse? ..... 5
  - 2.1 Human rights and the Western legacy..... 5
  - 2.2 The great debates on human rights..... 9
  - 2.3 Are human rights an ideology? ..... 11
    - 2.3.1 Identity and membership ..... 12
    - 2.3.2 Activities and objectives ..... 13
    - 2.3.3 Norms and attitudes: defining the good and the bad ..... 14
    - 2.3.4 Access to resources ..... 15
  - 2.4 Human rights discourses and the element of power..... 16
- 3 Sexual and Reproductive Health and Rights ..... 19
  - 3.1 What is SRHR? ..... 19
  - 3.2 A brief history of SRHR through three paradigms ..... 21
    - 3.2.1 The Population Control Paradigm 1954-1994 ..... 21
    - 3.2.2 The Human Rights Paradigm 1994- ..... 24
    - 3.2.3 The Post-ICPD fragmentation era 1995- ..... 26
  - 3.3 Contextualizing *rights* in SRHR ..... 27
    - 3.3.1 Relevant studies on sexual rights and SRHR discourse ..... 28
  - 3.4 Key actors in SRHR ..... 30
    - 3.4.1 The Lancet..... 30
    - 3.4.2 The Guttmacher Institute..... 31
    - 3.4.3 The Guttmacher-Lancet Commission on sexual and reproductive health and rights ..... 32
- 4 Theoretical frameworks..... 34
  - 4.1 Critical Discourse Analysis ..... 34
    - 4.1.1 A brief history of Critical Language Studies ..... 35
    - 4.1.2 Discourse ..... 36
    - 4.1.3 Critical..... 38
    - 4.1.4 Power..... 40
    - 4.1.5 Ideology..... 42
  - 4.2 Legitimation strategies by van Leeuwen..... 43
    - 4.2.1 Authorization..... 44
    - 4.2.2. Moral evaluation ..... 46
    - 4.2.3. Rationalization ..... 49

4.2.4. Mythopoesis .....	52
4.3 Critique of Critical Discourse Analysis .....	53
4.3.1 Subjectivity.....	54
4.3.2 Conceptual vagueness and methodological ambiguity .....	55
4.3.3 Lack of self-criticism .....	56
4.4 Critique of legitimation framework.....	58
4.5 Previous studies.....	59
5 Material and methods .....	62
5.1 Material .....	62
5.2 Methods.....	63
6 Analysis.....	67
6.1 Human rights in authorization.....	68
6.2 Human rights in instrumental rationalization.....	72
6.3 Human rights in theoretical rationalization.....	75
6.4 Human rights and moral evaluation .....	78
6.5 Human rights in mythopoesis.....	81
7 Discussion .....	83
7.1 Remarks on the conduct of analysis.....	83
7.2 The authority of institutions and scientific social practices .....	85
7.3 Human rights as a moral imperative .....	85
7.4 Human rights as the highest normative power .....	86
7.5 Human rights as the ultimate stage of development .....	87
7.6 Human rights as the dramatic climax .....	88
8 Conclusions .....	90
List of References.....	93
Appendices	
Appendix 1: Universal Declaration of Human Rights (abbreviated) (Human Rights Resource Center 1998).	
Appendix 2: The Core International Human Rights Instruments (OHCHR 2020e).	
Appendix 3: Integrated definition of sexual and reproductive health and rights proposed by the Guttmacher-Lancet Commission in their report (Guttmacher-Lancet Commission on SRHR, 2018, 2646).	
Appendix 4: Finnish summary	
List of tables	
Table 1: Van Dijk's categories of the ideology schema (2000, 17) .....	11
Table 2: Recapitulation of van Leeuwen's legitimation strategies .....	67

## List of abbreviations

CDA	Critical Discourse Analysis
ICPD	International Conference on Population and Development
LGBT+	Lesbian, gay, bi-, trans- and other sexuality, sex and gender diverse people
MSM	Men who have Sex with Men
NGO	Non-governmental organization
PoA	Programme of Action
RHR	Reproductive Health and Rights
SFL	Systemic Functional Linguistics
SRH	Sexual and Reproductive Health
SRHR	Sexual and Reproductive Health and Rights
UN	United Nations
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
US	United States
WHO	World Health Organization

# 1 Introduction

The historical creation of *sexual and reproductive health and rights* (SRHR) as part of universal human rights is story of recognition, politicization and normativization. Since the 1950's when reproduction and population control entered the international political scheme in the United Nations, states have debated on the meaning and measures of controlling fertility (Sharpless 1995, 81; 87). More than health or rights, states were concerned about population growth and resources which are intrinsically connected to political power and state survival. In time, as the women's rights movement became stronger, family planning became recognized as a human right – a right to decide when or if to have children and how many (Sharpless 1995, 94; Mattar 2008, 62-63). However, the elaboration of human rights to cover family planning as a *reproductive right* was preceded by strong politization of the issue – a battle in which secular individualism met with religious communalism (Berro Pizzarossa 2018, 6-7). Nevertheless, the historical outcome was established in 1994, and reproductive rights shifted family planning from the private sphere of life to the public domain (*ibid*)

The principles of human rights and equality were thus attached to reproductive rights, and the concept of sexuality began to enter the discourse. Framed as human rights defense, Western societies used their soft power to infuse the discourse with the public opinion about liberal sexuality with critique to cultural practices that reflect gender inequalities (Szczepanik 2014, 18). The claims of universality of all human rights concern all individuals in the world, and this moral and legal framework has been used to construct authority validity in diplomacy, medicine as well as in military interventions (Szczepanik 2014, 16-18).

The normativization of human rights and their use in discourse to impose norms and measure development or state obedience, is essentially connected to power. Using a fundamentally Western normative framework as a global political instrument requires legitimation and, as the human rights of most of the people in the developing world are not fulfilled, the legitimacy of the framework is rightfully questioned (Barreto 2018, 559). The inefficiency of human rights instruments has been attributed to the lack of intercultural dialogue in both the original negotiations of the human rights treaties as well as in their adoption to national legislations and implementation (Barreto 2018, 560). Moreover, the abstract language of universalism in human rights fails to consider the various lived realities of people and, consequently, mold the human rights meaningful for people in pluralistic cultural settings

(Barretto 2018, 549). This issue of inefficiency due to abstraction is evidently relevant in all treaties and agreements tied to human rights discourse, including the sexual and reproductive rights.

Critical study of human rights discourse draws an inevitable connection between language, power and politics (van Dijk 1996, 84-85). During the last decades, human rights have become a globally accessible moral and legal language which is applied to express universal ethics and measure development (Szczepanik 2014, 15). Moreover, the sexual and reproductive health and rights as part of the universal human rights has become a sensitive 'stress test' for human rights compliance that only few, if any, nations pass (PAI 2015). This thesis sets to examine the role of human rights in the construction of legitimacy in the Guttmacher-Lancet report on sexual and reproductive health and rights. The Guttmacher-Commission is a consortium of researchers and advocates that work with sexual and reproductive issues. Their publication, *Accelerate Progress – Sexual and Reproductive Health and Rights for All*, discusses the sexual and reproductive health and rights from perspectives of medicine, global politics and human rights advocacy (Guttmacher-Lancet Commission on SRHR 2018). In this study I address the authority position, the assumptions of values and issues that are deemed 'common knowledge' by this Western cooperative. As the construction of authority is profoundly connected to power (Bencherki et al. 2020, 8-9), this study examines critically the linguistic structures through which the Guttmacher-Lancet Commission produces authority. Moreover, the study aims to contribute to the wide scholarly discussion about the problematique of the universality claim of human rights in the SRHR frame: the current discourses fall short in recognizing the gap between international policy frames and reality interpretation and implementation in different national and community level settings (Standing et al. 2011).

The material for this study was selected based on my personal interest in SRHR, international relations, power (ab)use and critical linguistics. As insinuated previously, the human rights discourse has been created and nurtured under the Western ideology of individualism and universality. In the human rights framework, the SRHR discourse also shows signs of abstract individuality disengaged from the social realities of many people, resulting in inefficient implementation and unilateral moral imperialism. The Guttmacher-Lancet report on sexual and reproductive health and rights advocates for a more integrated approach to SRHR that would consider the previously neglected elements of sexual rights, such as free definition of one's own gender and sexual orientation, independent decision about sexual partner(s) and autonomous decision about who to marry. However, many studies show that definitions and



policy recommendations fall short in implementation should the historical, cultural, social, religious and ideological context be disregarded. Further, the disconnection between definitions and reality may even hamper the implementation of policies and obstruct the fulfillment of sexual and reproductive health and rights. This thesis joins the discussion about the importance of connecting the international SRHR discourse to the real lives of people. Moreover, it contributes to the critical examination of human rights as a political and moral tool and a scale of measuring global development, progress and cultural sophistication in Western standards. Considering this objective, the research questions this thesis aims to answer to are:

1. What is the function of appeals to human rights in the construction of legitimation in the report?
2. How are allegedly shared values of universality present in legitimation?
3. What are the implications of the values and ideologies in the SRHR discourse and do they contribute to the key message of the report (integrated definition)?

The material will be examined by using Critical Discourse Analysis (CDA) as the approach is the most suitable for the analysis asymmetrical power relations that have deep ideological, historical and social roots. (Fairclough 1989). Moreover, to study authority constructions in the occurrences of ‘human rights’ as a keyword, I apply van Leeuwen’s strategies of legitimation (van Leeuwen 2007). Finally, the social implications will be discussed in the frame of CDA’s definitions of ‘critical’, ‘power’ and ‘ideology’. I expect to find human rights references mostly in contexts in which strong moral evaluations are presented. I base by hypothesis on previous studies that show that the human rights language bears little relevance to people’s lived realities in reproductive and sexual decision-making (see for example Standing et al. 2011). I anticipate, that instead of addressing human rights components specifically, the language contains abstract references to universal principles and vague ethical values that are assumed to be ‘common sense’.

This study comprises of eight chapters. The first two chapters lay a general overview of the social context of this study, namely the human rights regime and the sexual and reproductive health and rights. In the chapter on theoretical framework, I will introduce CDA and legitimation framework and discuss their central features relevant to this study. Moreover, I will address some of the methodological critique and present a literature review of studies that employ CDA and legitimation in similar studies. Subsequently, I will present the material and methods, and proceed to the analysis of legitimation strategies. The discussion chapter connects

the key findings to the social context and addresses the results in the wider frame of the report. Finally, in the conclusions of this study I present my remarks on the topic in a wider context of human rights and SRHR discourse, address some limitations and conclusively discuss the possibilities of future research.

## **2 Human rights: a policy, an ideology or a moral discourse?**

In this chapter, I will introduce the social and ideological frame in which this study takes place. The term *human rights* is used here as a collective noun to refer to the *human rights regime* – an establishment of an international frame of reference manifested in the Universal Declaration of Human Rights (henceforth also referred to as the Declaration), various subsequent treaties, conventions and declarations, as well as a network of norms. Moreover, the term *human rights advocate* refers to both individual actors as well as the international system of legislative and judicial bodies, organizations, institutions and other associations that promote and protect human rights.

In the first section I will give an overview of the development of human rights as a political concept and the dilemma of Western normativity. Even though there are various disciplinary approaches to human rights, here the subject will be discussed from the perspective of human rights criticism as it proves most fruitful in the context of this study. Secondly, I will introduce and discuss two major debates that are essential in understanding human rights as both a theoretical concept and a doctrine. Subsequently, I will assess how human rights constitute an ideology by applying the ideology schema by Teun A. van Dijk. Finally, I will discuss the problematique of human rights discourses in legitimation of authority and use of power.

### **2.1 Human rights and the Western legacy**

The Universal Declaration of Human Rights is an international agreement that consists of 30 Articles that govern an individual's rights and freedoms granted on the basis of humanity (United Nations 2020b, see appendix 1). As the basic tenet, the Declaration aims to ensure the protection and emancipation of individuals and guarantee their elementary rights and freedoms regardless of the nationality, ethnic origin, religion, gender, language or any other status (*ibid*). Moreover, the Declaration is based on the principles of universality and inalienability, indivisibility, interdependence and interrelatedness, equality and non-discrimination, participation and inclusion, and finally, accountability and the rule of law (UNFPA 2005).

The Declaration was proclaimed in 1948 by the United Nations General Assembly, a key intergovernmental organ that oversees the universally accepted jurisdiction for human

rights legislation (United Nations 2020a; 2020b). The Declaration was created in the aftermath of the World War II as an agreement by the international community that similar atrocities shall never happen again (United Nations 2020c). In addition, there are nine international human rights instruments, that expand the Declaration and function as instruments of implementation of the rights of people in various spheres in life (see appendix 2).

The Universal Declaration of Human Rights has sparked in total 80 other declarations and treaties that govern specific topics, such as sexual and reproductive health and rights, and the rights of specific groups, such as women, children, racial and ethnic minorities, the disabled, indigenous peoples and migrant workers (United Nations 2020d; Nickel 2019, 3). This family of treaties and declarations unite topics and like-minded political aspirations under the umbrella of human rights creating a discourse of *universal values* that are attached to standards of development and the ideal of liberal peace (David 2018, 2; Szczepanik 2014, 15). Furthermore, the family of human rights-related international statements and agreements have formed an ideology with a unique discourse of ‘universally founded morality’ that has been successfully *glocalized* (David 2018, 2; Roudometof 2016, 45).

In general terms, glocalization means a process in which a local phenomenon becomes global. Examples of successful glocalizations are, for instance, the status of English as the *lingua franca*, the worldwide consumption of the American popular culture and, to some extent, the Western ideology of individualism (de Sousa Santos 2002, 42-43; Donnelly 2007, 287; Depaigne 2005, 1). In the context on human rights, glocalization is often used critically to refer to the omnipresence of Western liberal values in the drafting of the Universal Declaration of Human Rights. Indeed, the drafting process was led by the wealthy post-war states of the political West, and the final Declaration has been said to be founded in historical bills of rights from Western societies, such as the Declaration of the Rights of Man and the Citizen (France, 1789) and the Bill of Rights (United States, 1791) (Nickel 2019, 3.1; Murphy 1981, 437-439). Moreover, due to the colonialist structures, most Asian and African countries were not members of the United Nations at the time of the formulation of the Declaration, and thus, they did not participate in the process (An-Na'im 1990, 15). Later, when they ratified the Declaration and participated in the formulation of subsequent, human rights-bound documents, they did so in the value structures and philosophical assumptions that were already established. Due to these institutional and political structures, the Declaration is said to be inherently biased:

[T]he preexisting framework and assumptions favored individual civil and political rights over collective solidarity rights, such as a right to development, an outcome which argue that inherent differences exist between the Western notion of human rights as reflected in the international instruments and non-Western notions of human dignity.

(An-Na'im 1990, 15-16)

The human rights framework has been criticized for its cultural insensitivity to recognize values that often pertain to Asian cultures, such as community and family values and social harmony over individual freedom (Nickel 2019, 4; Bauer and Bell 1999, 133-134). Moreover, the tendency to equate individual rights with development and progress has been widely criticized by various scholars across disciplines (see for example Murphy 1981; de Sousa Santos 2002; Depaigne 2005). Human rights as universal moral norms which exist independently from national legislations but which are obligatory for states to incorporate in their policies, has frequently provoked criticism from social scientists and historians who advise cautiousness in claiming something universal, and warn about ethnocentrism and cultural imperialism (Nickel 2019, 1; 4).

In the light of this criticism, suspicions about political use of human rights discourse seem logically justified. Human rights have become a synonym for development, progress and justice, and the concept has been adopted in political discourses as an instrument of power (Szczepanik 2014, 15). Moreover, states' compliance with human rights has become the measure of success (Jahren 2013, 1-2; Nickel 2019, 3; Murphy 1981, 437-439). Appealing to the promotion or protection of human rights has become a common political strategy to legitimize moral and even military interventions (Jahren 2013, 2; Bogain 2017, 476). Furthermore, the human rights frame has transformed from being a tool of resisting power abuse to an embedded discursive element in power politics (David 2018, 1).

Human rights advocates are sometimes accused of ethnocentrism and moral imperialism of often unconscious assumption of moral, cultural, religious or educational superiority of some values (usually one's own) over others (Nickel 2019, 4; Talbott 2005, 15-16). Others' values are then measured by one's own standards which are seen as the most progressed form of development. Ethnocentric assumptions are deeply connected to power and ideologies and they are manifested in cultural imperialism exercised by countries that are economically, technologically and militarily strong. These countries impose their doctrines, values and standards of development on others (Nickel 2019, 4). As an example one might consider the juxtaposition between the Western values of liberty, individualism and gender

equality and the Asian values of authority obedience, communality and social harmony over personal freedom (*ibid*).

Despite the criticism human rights as a normative and philosophical concept has received, the Universal Declaration of Human rights as a political enactment assumes a key position in many international treaties and has been incorporated into the International Human Rights Law and core actions of the United Nations. However, research shows that international law does not guarantee full or even partial compliance with human rights obligations (see OHCHR 2018). Despite the role of the United Nations as the international human rights' watchdog, there are no legal bodies that have instruments to enforce implementation on a global scale (Murphy 1981, 433). According to Cornelius F. Murphy Jr., an American professor of law, human rights are not grounded in a solid legal frame in the international system, but instead they are "sustained by a general loyalty to fundamental principles" (Murphy 1981, 433). Moreover, he explains that

[P]rofound gaps remain between assertion and reality. A verbal consensus – whether in a declaration, resolution, or covenant – does not determine practice. The discontinuities are not only the result of ineffective enforcement. They also exist because the verbal formulations are susceptible of great variations in interpretation.

(Murphy 1981, 434)

Jürgen Habermas, a renowned German philosopher and sociologist, follows Murphy's ideas in his work on legitimation through human rights. He separates law from morality and, notes that no system that relies on the goodwill of people can function as a moral imperative in a world where "whatever is not explicitly prohibited is permitted" (Habermas 1998, 158). Murphy agrees with this thought and argues that the fallacy of an authentic universal society and humanistic principles is one of the most fundamental reasons for why establishing a global system of human rights has undergone turmoil and been of limited success (Murphy 1981, 433). Indeed, considering the ideologically unilateral process of the formulation of the Universal Declaration of Human Rights, Murphy's point of view seems logically justified.

As there are no supranational entities that possess legal power transcending that of sovereign states, there are, consequently, no legal systems that preserve social consensus on human rights. This means that there is no *de facto* consensus nor consistency in understanding and implementing human rights, and thus, they are susceptible to dispute and political wrangling. According to Murphy, disagreement on the content, implementation and compliance of human rights stem from differences in fundamental cultural and philosophical

presuppositions and the prevalent political and societal power dynamics nationally, regionally and internationally (Murphy 1981, 433-434). However, despite the fragmentation in understanding human rights, the usage of the concept as a political and normative tool shows consistencies on the discourse level. In other words, appeals to human rights follow similar normative constructions and assume a shared value system that is normalized by the Universal Declaration of Human Rights (see for example OHCHR 2020a; Council of Europe 2020a; Dannreuther 2016). However, accepting human rights as an ideology has not been a straightforward process. The definition of ideology carries a historical burden that affects both its theoretical conceptualization and modernization. Moreover, the elementary qualities of human rights, namely the moralistic approach and the claim for universal principles, have raised significant debates in the academic community.

## **2.2 The great debates on human rights**

The ideological status of human rights has long been contested amongst researchers, and the discussions are manifested in three major theoretical debates: 1) cultural relativism vs. universalism, 2) human rights as an ideology, and 3) human rights as an approach in sociological research (David 2018, 2-4). As the first two debates are the most relevant in the present study, I will discuss them here in more detail.

The dialectic of *cultural relativism* vs. *universalism* is one of the great debates in the human rights frame both in academia and in politics and it primarily concerns the nature of human rights (David 2018, 4; de Sousa Santos 2002, 46). The main concerns in the debate are the definitions of the good for the human, the origin of the human rights, their importance and openness to interpretation in different cultural settings, as well as the prevalence of the Western ideas as the mold for universal rights (Gayim 2016; Nickel 2019, 4). In the relativist view, the universality of human rights is impossible for both empirical and ethical reasons (David 2018, 5). Relativists believe that there are no unconditional things that should not be done to any human and, correspondingly, no things that should be done to everyone (Perry 1997, 462). In other words, to relativists, there are no rights that are absolutely true for all humans because there is no universally shared understanding of the 'good for the human'.

Another, ethical justification is related to the criticism of ethnocentric neo-colonialization in which Western values are de-contextualized and globally enforced (Nickel 2019, 4; David 2018, 5). In the relativist perspective, there is no universal morality based on

humanity as such, and each nation creates its own moral principles and definitions of ‘the good for the people’ (David 2018, 5). However, relativists often fail to understand that even though there are cultural differences in understanding the concept of the human good and its everyday implications, there are common biological and social needs that constitute ‘a good’ which is universal to all human beings (Perry 1997, 472).

As opposed to relativists, universalists appeal in their arguments to a shared understanding of human needs and the ‘the good’ as an inherent quality of humans and, consequently, the foundation for human rights. They believe that fundamental freedoms, and norms of equality, autonomy and democracy should be set as the foundational ethical standards adoptable by all political systems, cultures and religions (Sybesma-Knol in Lakatos 2018, 10). For universalists, protection of an individual is essential in the advocacy work: every human being is given equal rights in birth on the basis of humanity, and those rights are inalienable (Donnelly 2007, 283; Lakatos 2018, 10). Moreover, the universality of human rights is justified by the high acceptance rate; around 86% of the United Member states have ratified the Declaration and other core human rights treaties, as well as recognized human rights as part of the international law (Donnelly 2007, 288; Donnelly in Lakatos 2018, 11).

The second major debate was born in sociology and political sciences, where the concept of ‘ideology’ has carried a negative connotation. Ideologies have been associated with political theories, such as Marxism, and have been labelled by the anti-Marxists as ‘false consciousness’ of popular but misguided beliefs of the ruling class that seeks to legitimize their dominant political power (David 2018, 3; van Dijk 2000, 7). Furthermore, ideologies have been understood as “thought systems that serve to defend a particular social order, and that broadly express the interests of its dominant or ruling group” (Mannheim in David 2018, 3). This view was also shared by Hannah Arendt, a prominent political philosopher of the 20<sup>th</sup> century. She understood ideologies as “secular religions which, by claiming a monopoly of truth, refuse to tolerate opposing ideas and rival beliefs; they possess a ‘totalizing’ character and serve as instruments of social control, ensuring compliance and subordination” (Arendt 1951 in David 2018, 3). In this view, I, who voice criticism about the elementary principles of universality and Western ideological bias, would be opposing human rights. This kind of radical argument about the totalitarian nature of the human rights paradigm is the reason why labelling human rights as an ideology has been rejected: classifying the noble intentions of human as an (negative) ideology would mean that the concept is corrupted and that the intentions of the advocates would actually be harmful (David 2018, 4). Even though the understanding of ideology has



become more flexible over the years, the historical connotation continues to be an obstacle in the theoretical conceptualization of human rights as an ideology (David 2018, 1).

### 2.3 Are human rights an ideology?

In the contemporary understanding of ideology as a system of beliefs, ideologies are not linked to political or religious groups and movements only. Instead, they are understood more flexibly as social practices that can be both ‘positive’ and ‘negative’ depending on a person’s stance (van Dijk 2000, 6-8). However, even though the general notion of ideology has become broader, the idea of ‘false consciousness’ and juxtaposition lingers: “WE have true knowledge, THEY have ideologies” (van Dijk 2000, 6-8). The social polarization is inherent to ideologies and exists in discourses that aim to legitimize *our* views as opposed to *theirs*. In this matter the human rights ideology is not an exception. States or actors who do not fully adhere to the human rights principles or de-emphasize some rights are readily judged as human rights violators (Nickel 2019, 4). Whoever is not with us is against us.

Even though ideologies are complex products of socio-historical development, conventions and representations, they all share some core features that can be identified through six schemes: membership, typical activities, overall aims, norms and values, position towards others and resources. Examining human rights through these schemes may provide an answer to our question; do human rights constitute an ideology?

**Table 1** Van Dijk’s categories of the ideology schema (2000, 17)

<b>Categories of the ideology schema</b>
Membership criteria: Who does (not) belong?
Typical activities: What do we do?
Overall aims: What do we want? Why do we do it?
Norms and values: What is good or bad for us?
Position: What are the relationships with others?
Resources: Who has access to our group resources?

### 2.3.1 Identity and membership

Distinguishing one ideology from another happens through marking the boundaries between ‘us’ and ‘them’, that is, defining the “group self-schema” (van Dijk 2000, 18). The group self-schema solidifies the collective beliefs and the identification criteria – the social cognition of ideology (*ibid*). In this view, the ‘minimum requirement’ for membership would be the commitment to respect and accept the universality and inalienability of the human rights as stated in the Universal Declaration of Human Rights, and always take peaceful actions in order to do justice to the Declaration on Human Rights Defenders (OHCHR 2020d; Human Rights House Foundation 2020).

The spreading of the global ideology of human rights has allowed the emergence of non-governmental human rights networks across the world (Ignatieff 2000, 291). This *advocacy revolution* has given rise to a ‘global civil society’ that has broken the states’ traditional monopoly in conducting international affairs (*ibid*). Moreover, the global human rights advocacy movement has formed a relatively cohesive community of actors who share the same moral principles. However, even though united by shared values, the global civil society is by nature fragmented and imbalanced, and there is heterogeneity and varying views on how absolute or culturally flexible human rights are. The relativist–universalist debate exists also within human rights advocates; Is there room for cultural interpretation? Would that overrun the idea of universalism? Whichever the case, it should be noted that not all relativists are anti-universalists per se, extreme polarity and absolutism is detrimental and absurd (de Sousa Santos 2002, 46). In fact, disagreements about the universality of human rights or disapproval of their formation process cannot typically be attributed to the universalist–relativist dichotomy (Perry 2017, 482). Reasonable disagreements and a natural heterogeneity of opinions among people is natural and characteristic also to ideologies (*ibid*).

Who are ‘them’ in the human rights ideology? A simple answer would be anyone who represent hostile, opposing ideologies. In this view, racist ideologies would serve as a direct opposition to human rights. However, defining ‘them’ in the human rights ideology may also consist of more subtle differences. As mentioned earlier, ‘cherry-picking’ of rights and actions that promote a certain right over another may be interpreted as violations of human rights.

### 2.3.2 Activities and objectives

The human rights ideology is normative and follows an emancipatory agenda (Arat 2008, 907). In this frame, the human rights ideology suggests that all societal activities, both domestic and international, should adopt a human rights-based approach as the guiding principle. In practice this means respect, promotion, protection and fulfillment of human rights through intra- and intergovernmental action. Also values of participation, equality, non-discrimination, empowerment and transparency are at the core of human rights-based activities (see for example SIDA 2015; ENNHRI 2020). However, as discussed earlier, lack of consensus in how human rights should be implemented locally, nationally and internationally undermines efficiency and may result in confusion about the justification of norms and interpretations inside the human rights community (Winston 2007, 279).

Human rights advocates are not only individual persons but also states, international networks, governmental and intergovernmental organizations who engage in human rights activities (see for example Human Rights Watch 2020a; Council of Europe 2020b; Amnesty International 2020). Within the United Nations and the, there are several organizational bodies that focus on human rights and the related treaties (United Nations 2020a; European Parliament 2020). These bodies supervise and develop the legal basis of human rights and develop guidelines to member countries. Moreover, they are involved in policy processes to ensure that human rights are included as a cross-cutting theme in intergovernmental activities (European Parliament 2020; European Union 2020). In addition, there are independent supranational judicial bodies that supervise and enforce the protection of human rights (ICC 2020; IJRC 2020). The purpose of these judicial bodies is to investigate and bring to trial cases of severe human rights violations, genocide, war crimes and crimes against humanity (ICC 2020). The bodies also resolve cases of civil and political rights violations on the basis of human rights agreements (IJRC 2020).

Human rights advocates aim to promote, protect and fulfill human rights. They want to create a world in which every individual has the right to life with dignity, the right to use and develop qualities of intelligence and talent, and to satisfy their physical, social, mental and spiritual needs (United Nations 2020b). This vision is founded in the philosophy of solidarity, equality and universality of rights on the basis of humanity (Advocates for Human Rights 2020). As discussed, there are various civil society, governmental, international and supranational bodies and organizations that approach this goal from different angles. Some aim to bring violators to justice while others aim to monitor and investigate (ICC 2020; Amnesty

International 2020; Human Rights Watch 2020b). Moreover, human rights education aims to empower people by giving knowledge about their rights as well as skills to embed those rights into the social and political reality (Human Rights Resource Center 2005a; OHCHR 2020e). The human rights advocates' ideological vision is clear: a world in which all individuals' human rights are fulfilled. Reaching that goal in a world of confronting priorities between actors is enormously challenging. Additionally, human rights advocates face challenges of both internal fragmentation due to inefficiency and outside pressure from governments.

### **2.3.3 Norms and attitudes: defining the good and the bad**

In simple terms, all actions that hamper the fulfillment of human rights are deemed bad in the human rights advocates' perspective. Furthermore, activities that promote or protect human rights are good and desirable. However, the 'moral imperative' of human rights has been used for political ends to legitimize security measures comparable with actions of war (Ignatieff 2000, 311; Bogain 2017, 476). These actions are also known as humanitarian interventions.

Humanitarian interventions are actions in which military force is used to respond to a grave violation of human rights (Benthall 2017). They have been endorsed by the United Nations under the resolution A/RES/60/1, the 'Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity' (United Nations General Assembly 2005). It should be noted that the resolution has been adopted in only 2005, while interventions justified by human rights violations and peacekeeping have occurred since long before (see for example Human Rights Watch 1994; United Nations General Assembly and Security Council 1999; Human Rights Watch 2004). While the resolution states that only appropriate diplomatic, humanitarian and other peaceful means are to be used, it does not provide clear guidelines for implementation and thus, leaves room for interpretation and political maneuver. Moreover, the gap between the discourses of state sovereignty and intervention on humanitarian basis has not been bridged (Ignatieff 2000, 312). As a result, there are differing views about the appropriateness of human rights interventions and, consequently, no consensus about the absolute good and bad.

As universalists, human rights advocates welcome to the group every individual, group, institution or state that protect and promote human rights. As the members of the human rights ideology, advocates share a *social memory* – knowledge and attitudes that define the boundaries of the group (van Dijk 2000, 14). This common ground forms the foundation of the ideology and the basic system of beliefs. If the complexity of human rights ideology were to be

reduced to three basic tenets that differentiate it from others, those could be 1) the universality and indivisibility of rights stated in the Universal Declaration of Human Rights, 2) commitment to protection, promotion and fulfillment of all human rights, and 3) solidarity, equality and supporting of the victims. These tenets would further serve as the measurement of like-mindedness. For some human rights advocates, the attitude towards the ‘others’ is determined by their compliance with human rights. Moreover, for human rights advocates, the antagonist is someone who directly or indirectly poses a threat to the fulfillment of human rights. Hence, also abstract entities such as policy amendments to security or citizenship laws, are strongly criticized by the human rights community (see for example Human Rights Watch 2019a; Human Rights Watch 2019b).

#### **2.3.4 Access to resources**

As discussed earlier, there are no qualifications for human rights advocates besides the acceptance of the principles of the human rights treaties. Accordingly, there are no distinguished group of ideology leaders, other than the United Nations, to guard the access to the resources of knowledge about human rights. The ideology of the of human rights advocates and the group of defenders is a rather loose consortium of people, united merely by the common principles and the vision of a world they wish to create. In this respect, the basic resources of knowledge are accessible to anyone regardless of whether they are staunch supporters of human rights or actors who employ the discourse for their own ends. However, global inequalities in access to education and restriction in, for instance, freedom of assembly hamper the access to knowledge about human rights.

Even though the resources of knowledge are open access, the power to influence and engage in international activities are at the hands of few. Some of biggest actors and human rights advocates are the United Nations with the power to gather all states worldwide and set standards, the International Criminal Court with the power to convict, and some human rights networks and cooperatives, such as the Human Rights Watch and Amnesty International with the power to investigate, expose violations and campaign for human rights (OHCHR 2020d; Human Rights Resource Center 2005b). Additionally, these actors have resources to monitor, enforce and support the advocacy work on a large scale.

## 2.4 Human rights discourses and the element of power

As a conclusion to the previous section, it can be stated with clarity that the human rights regime has ideological traits. After an assessment of the applicability of van Dijk's ideology schema, my conclusion is that the framework of human rights has acquired a global community of staunch supporters who, relying on the institutional structures, the foundational documents and the shared vision, have established a human rights ideology. However, due to the natural diversity of views in the global community, there is no consensus in neither the understanding of the extent of the rights nor their implementation. From a linguistic point of view, the different understandings of human rights manifest themselves in various discourses that coexist and overlap, reflecting different realities and change.

Considering the divergence of interpretation and the absence of political transnational authorities, human rights are vulnerable to political power abuse embodied in language (Jahren 2013, 1-3). In politics, decision-makers and authorities use human rights as a discursive tool to construct 'the good' (us) and 'the bad' (them). Naturally, in the human rights discursive frame 'the good' are the defenders and protectors of human rights and 'the bad' are the violators. However, sometimes the 'violation' is in the eye of the beholder. As mentioned earlier, defense of human rights has served as a justificatory framework in legitimation of security measures and use of military force (Ignatieff 2000, 311; Bogain 2017, 476). Research has shown that Western democratic states use human rights in *securitization*, that is, a discursive act in which an issue is framed as a threat to national security and thus requires extraordinary measures (Buzan et al. 1998, 26). These forms of political power use in the name of human rights have been studied by using Critical Discourse Analysis as a theoretical approach (see for example Bogain 2017; Sadeghi et al. 2014). As will be discussed in further detail in chapter 4, Critical Discourse Analysis investigates and exposes power abuse in language and sides with the oppressed. It is a normative approach that takes a critical stance towards social structures that (re)create power imbalances. Moreover, Critical Discourse Analysis aims to explain how domination is produced and legitimized through language (van Dijk 1996, 84).

In the context of human rights discourses, certain elements that refer to general humanitarian values are repeated, and they serve as the basic criteria in argumentation. In ideological discourses, these elements are called the *topoi*, and they form a consolidated core of a discourse (van Dijk 2000, 53). In human rights discourses, the *topoi* are 1) defense of human rights, 2) critique towards those who violate or disregard them, and 3) appeals to norms

(van Dijk 2000, 73). Appeals to norms in human rights discourse may be formulated through the aforementioned juxtaposition between ‘us’ and ‘them’, and in terms of ‘what we should do’ (*ibid*). Moreover, the formulation may be done through appeals to moral responsibility to protect human rights, denounce the wrongdoers and show empathy to victims (*ibid*). Appeals to norms and moral responsibility assumes the notion of universality and disregards the problem of the Western hegemonic value structure embedded in the human rights discourse (Ignatieff 2000, 326). Indeed, this kind of imbalance of power manifested in language is in the interest of critical discourse analysts.

As has been discussed, claims for moral universality of rights that transcend the nation, culture, geography, ethnicity, or religion are not unproblematic. Many studies on the human rights ideology and discourses have noted that the universality claim has gained ideological features and continues to maintain and reconstruct the intellectual hegemony of the West in the spirit of post-Cold War cultural imperialism (Donnelly 2007, 306; Ignatieff 2000, 288; 326; de Sousa Santos 2002, 44; 56; Perry 1997, 485). By claiming the principles universal, the moral imperative of Western states to interfere with practices that collide with their value system is legitimized (Szczepanik 2014, 18). However, *counterhegemonic human rights discourses* have been developed as alternatives to the West-dominated agenda. Alike the ‘original’ ideology, counterhegemonic discourses promote the emancipatory agenda while emphasizing the need for intra- and cross-cultural dialogues in order to genuinely claim universality (de Sousa Santos 2002, 46; Perry 1997, 494; An-Na’im 1994, 121). Moreover, instead of seeing the Declaration as a ‘common secular faith’, counterhegemonic discourses recommend the inclusion of religion so that the understanding and implementation of human rights would be better ‘domesticated’ in the Islamic world (Murphy 1981, 437; Perry 1997, 494-495; de Sousa Santos 2002, 46; Petersen 2018).

When examining the 30 Articles of the Universal Declaration of Human Rights (see appendix 1), an inevitable question arises; why do human rights need to be criticized, as the ideology does not seek to oppress anyone? In my view, the answer lies not in the function or objectives of human rights per se, but instead in the foundational imbalance of power. As the Declaration is neither a product of all states’ joint effort, nor is there a common understanding of its meaning and implementation, the claim of universality is bias and anchored in a philosophy that reflects a culturally specific, Western understanding of individuality and equality (An-Na’im 1994, 121). One might still wonder; who is the subject of control in the human rights ideology and how is the power imbalance manifested? I claim that the issue is not about *who* human rights ideology seeks to control, but instead about the claim of the ownership

of truth and refusal to tolerate opposing views. Moreover, any discourse that aims to dominate the moral sphere is susceptible to manipulation and abuse of power.

In the next section, I will discuss sexual and reproductive health and rights, a concept connected to human rights as a result of women's rights advocacy work in the 1980's and 1990's. Sexual and reproductive health and rights as a concept has undergone several paradigm shifts over the years, and including it fully under the umbrella of human rights is an ongoing debate in the present day.



### 3 Sexual and Reproductive Health and Rights

*Sexual and Reproductive Health and Rights* (also referred to henceforth as SRHR) have been attached to human rights through several international treaties and consensus documents that establish the rights of women against sexual violence and discrimination, define and recognize the definitions of reproductive health and rights, as well as sexual health (UNFPA 2004; Väestöliitto 2020). Similarly to human rights, there is no global consensus on sexual and reproductive rights nor their implementation; the topic continues to be a widely debated political issue in international discussions about development and demography, as well as gender equality (Berro Pizzarossa 2018, 1-2; Standing et al. 2011, 1-2). The emphasis of the debate has changed over the years and different aspects have been highlighted. These changes can be best understood by looking at the historical development of the SRHR issues through three paradigms.

In the first part of this chapter, I will introduce the general definition of sexual and reproductive health and rights. Subsequently, in the second part I present an account of a brief history of SRHR through three paradigms which reflect changes in the international political arena leading to changes in discourse frames. In the third part, I will discuss the contextualization of *rights* in SRHR as studies show that the understanding and realization of rights varies significantly across cultures, and the gap between the SRHR framework and the ‘people on the ground’ is wide and unbridged (Standing et al. 2011, 1). Finally, I will give a short overview of some of the key global actors in SRHR and introduce *the Lancet*, *the Guttmacher Institute*, and their collaboration *the Guttmacher-Lancet Commission* – the author community behind the report on Sexual and Reproductive Health and Rights.

As this chapter will show, the issues of gender equality, coercive practices and abuse of human rights in limiting individuals’ sexual and reproductive rights are debated topics that connect the realms of ideology and international politics. Given the sensitivity of the topic, as a critical discourse analyst I acknowledge that my language may contain evaluative elements that reflect a critical stance towards certain issues of political power use in SRHR.

#### 3.1 What is SRHR?

SRHR is a conceptual combination of four separate but complementary fields: sexual health, reproductive health, reproductive rights and sexual rights (Guttmacher–Lancet Commission on

SRHR 2018, 2645). The concept may occur in different combinations, such as SRH (sexual and reproductive health) or RHR (reproductive health and rights) depending on which aspects are highlighted. The contemporary definition of sexual and reproductive health was first instituted in the United Nations Cairo Programme of Action (PoA), adopted at the International Conference on Population and Development (ICPD) in Cairo in 1994.

According to the United Nations Population Fund (UNFPA), *reproductive health* is “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes” (UNFPA 2014, 59). In this definition, reproductive health also implies the ability to have safe and satisfying sex life and the capability to reproduce when or if wished (*ibid*). Reproductive health thus covers the reproductive services, such as antenatal, postnatal and maternal care, access to modern contraceptives, regulation of fertility (including abortion where not illegal), as well as treatment of sexually transmitted diseases and cancers of the reproductive system (UNFPA 2014, 62).

In the Cairo PoA, *sexual health* is discussed in the context of human sexuality and gender relations in terms of gender-based violence, respect for physical integrity, risky sexual behavior and sexually transmitted diseases (UNFPA 2014, 72). However, even though the term occurs in the document approximately 50 times, sexual health does not have an independent definition, and it is discussed in connection with reproductive health and family planning, as well as male’s sexual education and responsibilities for fertility (UNFPA 2014, 73). In the Cairo PoA, the definition of sexual health is included to extend the notion of reproductive health from mere prevention of illness and health care to a more comprehensive enhancement of personal relations (UNFPA 2014, 59).

*Reproductive rights* are based on human rights and other international consensus documents that recognize the “the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to” (UNFPA 2014, 60). Moreover, reproductive rights imply that all people have the right to access reproductive health services as well as information about human sexuality and reproductive health (Guttmacher–Lancet Commission on SRHR 2018, 2645).

Finally, the definition of *sexual rights* as an individual’s right to choose their sexual partner, sexual orientation, form of sexual activity and whom to marry if they so choose, does not appear in the Cairo PoA. Moreover, the issue continues to be heavily debated in the present day (Girard 2007, 320-321; 357; Berro Pizzarossa 2018, 13; Guttmacher–Lancet Commission

on SRHR 2018, 2645). Since the drafting of the Cairo PoA, the terms ‘sexual rights’ and ‘reproductive rights’ have met opposition from religious actors, such as the Holy See and Islamic countries. As a result of intense negotiations, sexual rights were omitted from the final PoA document as a trade-off for the current definition of reproductive rights (Girard 2007, 328). Moreover, in their oral statements and expressions of reservations, a number of countries resisted abortion as a form of birth control, same sex sexual relations, and defended the understanding of SRHR as pertaining to traditionally gendered, conjugal, heterosexual framework (UNFPA 2014, 188; 194; 197; 202). As will be discussed, the historical development of sexual rights in the SRHR concept has experienced wide political, religious and activist lobbying, and has undergone change in international political and advocacy discourses.

### **3.2 A brief history of SRHR through three paradigms**

As has been noted, sexual and reproductive health and rights (SRHR) is a long-contested political issue in international population politics. The concept has strong cultural, historical and religious variations as it is about the fundamental question about an individual’s right to choose whether or not to have children, how many if any and when and with whom (Garcia and Parker 2006, 17; 22) The most significant historical developments in the modern SRHR politics and discourse can be examined through three paradigms that coincide with major international conferences of population and development which have resulted in international agreements and proclamations (Berro Pizarossa 2018; Sharpless 1995).

#### **3.2.1 The Population Control Paradigm 1954-1994**

In the 1950’s, the post-World War economic development and the rapid population growth due to medical advances in developing countries raised concerns in the United States about the global development and sufficiency of resources (Sharpless 1995, 76; Missing Women and the Bachelor Time Bomb 2018; Connelly 2008, 115; 120). The population control discourse of the time was influenced by the *neo-Malthusian* view of the world – a revised 18<sup>th</sup> century population growth philosophy by Thomas Malthus, a British economist, who argued that “populations would continue expanding until growth is stopped or reversed by disease, famine, war, or calamity” (Kagan in Investopedia, s.v. “Thomas Malthus”; Berro Pizarossa 2018, 2).

To control the ‘population bomb’, several foundations in the United States began

campaigning for family planning to curb the large birth rates globally (Missing Women and the Bachelor Time Bomb 2018). Family planning as public policy was anchored in discourses of economic growth, and population control was incorporated in the US development politics through securitization of the issue, that is, framing the issue an immediate national and international crisis (Sharpless 1995, 77). As a result of powerful political influence, the issue was raised on the agenda of the United Nations in the World Population Conference in 1954 and 1965. There the discourse focused not on sexual and reproductive health or rights, but instead on reproduction reduction. It is worth noting that even though the Universal Declaration of Human Rights was proclaimed already in 1948, it had not yet become a strong frame of reference in international politics. In the 1950's, the population growth discourse was dominated by a belief that the accelerating rate of population growth was the main cause of poverty and environmental degradation, and thus, an obstacle to development (Berro Pizzarossa 2018, 2). Adhering to this belief, the objective was to reduce poverty by reducing the number of children poor people have (Pai Panandiker and Umashankar 1994, 94).

This era marks the beginning of *the Population Control Paradigm* during which Western government-funded crash programs for rapid population control were established in developing countries, such as India, China and South Korea (Berro Pizzarossa 2018, 2; Connelly 2008, 5; Sharpless 1995, 87-88). Some of the most infamous crash programs were China's one-child policy and the Emergency Period in India during which abortions were performed by poorly trained medical staff in unsafe circumstances, unsterile intrauterine contraceptive devices were placed inside women in unsanitary conditions and people were dying from botched operations in primitive sterilization camps (Connelly 2008, 175; 324; Missing Women and the Bachelor Time Bomb 2018).

During the Population Control Paradigm, many Western governments supported family planning programs with millions of dollars, and the funds were channeled to population control programs through the United Nations Population Fund (UNFPA) founded in 1969 (Connelly 2008, 286; Missing Women and the Bachelor Time Bomb 2018). However, policies to reduce birth were introduced in many developing countries already in the early 1960's. As a part of these policies, contraception was publicly distributed and sexual education was offered by both Western family planners and their local delegates (Missing Women and the Bachelor Time Bomb 2018). Framing reproduction and having fewer children as a citizen's duty was easy in countries where the community comes before an individual. In South Korea, the discourse of reproduction was framed as a problem for economic growth; there were too many people and limited resources for a full post-war recovery (Connelly 2008, 205; Missing Women

and the Bachelor Time Bomb 2018). Countries recovering from war were the first to receive conditional development aid from the United States in exchange for birth reduction (Missing Women and the Bachelor Time Bomb 2018).

In addition to financial support, Western contraceptive devices and ultrasound technology were imported in developing countries to monitor pregnancies and urge parents to have fewer children by enabling pre-natal sex-determination (Connelly 2008, 244). As a consequence, in societies that favor males, the abortion rates and infanticide of female fetuses rose, resulting in a distorted ratio of women to men still prevalent in the present day (Missing Women and the Bachelor Time Bomb 2018, Connelly 2008, 346; 356). The crash programs aimed to reduce fertility during one generation by controlling the reproduction of the poor. However, as could be anticipated, this did not improve the root causes of poverty but instead worsened the situation for many; in rural communities, children often are the only economic security parents have (Missing Women and the Bachelor Time Bomb 2018).

By the mid-1960, women's rights movement had gained support, and criticism of coercive birth control measures and the Population Control Paradigm was voiced by advocates both in the United States and Europe (Sharpless 1995, 94). The feminist approach to population control emphasized the importance of women's holistic role in family planning and humane treatment, equality and freedom (Sharpless 1995, 93-94). However, public health and foreign development aid were extensively male-dominated, and women's holistic role in the development process was not seen relevant in the paradigm at the time (Sharpless 1995, 94). By the end of 1960's, the coercive population control establishments had experienced an erosion of confidence, as research showed no consistent correlation between rapid population growth and slow economic development (*ibid*). Moreover, evidence proved that coercive birth control methods were unnecessary as, according to the women's rights advocates, "improvements in living standards and the position of women, via more equitable social and economic development [would] motivate people to want fewer children" (Sharpless 1995, 93). In this view, the declined population growth rate would be a natural consequence of women's empowerment.

A prelude to the human rights language was seen in Tehran in 1968, when the United Nations member states gathered in the International Conference on Human Rights and adopted a resolution that linked population control to human rights explicitly (Berro Pizzarossa 2018, 3). However, despite agreeing that slower population growth rates would offer an opportunity to advance the living conditions and fulfill the human rights of many, the human rights language in the Proclamation of Tehran was adjusted to fit the Population Control Paradigm. In essence,

this meant that the coercive practices co-existed with the human rights language (*ibid*).

By the time the Bucharest World Conference on Population was held in 1974, the language of development and human rights had entered the Population Control Paradigm (Berro Pizzarossa 2018, 3). It was now understood that the problem of poverty was not the consequence of rapid population growth but instead the cause, and three major changes were adopted in the World Population Plan of Action (WPPA) (*ibid*). Firstly, the action plan stated that human rights override governmental population policies and that the states should ensure that people enjoy reproductive rights, that is, have the right to determine the number and spacing of their children freely and responsibly (POPIN 1974, 10). Moreover, they should be offered the means to do so by ensuring access to information (Berro Pizzarossa 2018, 3; POPIN 1974, 10-11). Secondly, in the WPPA, reproductive rights were given to “all couples and individuals” – a wording which took the Paradigm a step towards the concept of ‘individuality’ in the human rights narrative (POPIN 1974 ,10; Berro Pizzarossa 2018, 4). Finally, the WPPA recognized the equal status of women in the holistic development of society and quality of life. Moreover, it was agreed that the opportunity for women to freely plan births improves their lives as individuals (POPIN 1974, 23).

Throughout the 1970’s and 1980’s the feminist movement progressed, and the voices of women’s rights organizations became more powerful in international affairs. The uses of coercive birth control practices were criticized widely, and the rights to reproductive choice and bodily integrity were strongly advocated (Berro Pizzarossa 2018, 4). Active criticism of the Population Control Paradigm and strong advocacy against the instrumentalization of women’s bodies to achieve political demographic goals began to change the way in which reproduction was understood (Sharpless 1995, 94; Berro Pizzarossa 2018, 4). The ice began to thaw and reproductive rights gained a foothold in the frame of human rights.

### **3.2.2 The Human Rights Paradigm 1994-**

The beginning of the *Human Rights Paradigm* coincides with the *Cairo International Conference on Population and Development (ICPD)* in 1994, when the United Nations member states established a consensus on human rights as the foundation for governmental population politics (Berro Pizzarossa 2018, 6). For many women’s rights organization, human rights advocates and researchers the paradigm shift of 1994 marks the most significant transition towards the recognition and fulfillment of SRHR as a more holistic concept (see for example UN Women 2019; UNFPA 2019; Gruskin and Sundari Ravindran 2014; Cohen and Richards

1994). In the ICPD, SRHR was first formally recognized and the definition of reproductive rights was refined to explicitly state that individuals have the right to decide when and if to reproduce and to have the necessary knowledge for informed fertility regulation and family planning (Zuccala and Horton 2018, 2581). The ICPD implementation document, the Cairo Programme of Action (PoA), was deemed revolutionary as it covered not only voluntary family planning as a reproductive right and safe pregnancy services as reproductive health but also the prevention and treatment of sexually transmittable diseases as a part of sexual health (UN Women 2019; United Nations 2014). This recognition was further consolidated in the *Fourth World Conference on Women in Beijing* in 1995 when the *Beijing Declaration and Platform for Action* recognized that “Women’s health [...] is determined by the social, political and economic context of their lives, as well as by biology” (United Nations 1996). However, even though the ICPD achieved consensus in the incorporation of reproductive rights, reproductive health and sexual health to human rights to demographic policies, the concept of ‘sexual rights’, especially in the context of women’s autonomous decision-making, remains to be contested (Garcia and Parker 2006, 14; Haslegrave and Bernstein 2005, 62).

Even though the ICPD in Cairo and the Conference on Women in Beijing demonstrated a historical change in the SRHR paradigm, achieving consensus was not easy and several compromises had to be made to accommodate conservative states and religious actors (Berro Pizzarossa 2018, 9). Prior to the ICPD, the ‘unholy alliance’ of the Holy See and World Muslim League had expressed their concerns about the ‘moral decadence’ and ‘extreme individualism’, and appealed to the Catholic and Muslim states to refrain from participating in the conference. Moreover, in their statements, the unholy alliance resisted the United Nations’ draft texts about contraception and abortion as individuals’ sexual rights (Berro Pizzarossa 2018, 7). It is worth noting that even though the religious actors have only an observer status in the United Nations, they have taken an active role in the discussions as moral gatekeepers of the Catholic and Muslim world (*ibid*). Thus, due to the influence religion has in many Latin American countries as well as in conservative Middle Eastern states, the Cairo PoA was received with reservations (Cohen and Richards 1994, 152-154; McIntosh and Finkle 1995, 248). Nevertheless, despite the public disagreement and internal lobbying, the document was adopted by 179 United Nations member states and is still considered as one of the most promising tools to link SRHR policy to implementation (McIntosh and Finkle 1995, 250; Standing et al. 2011, 2; UNFPA 2019).

### 3.2.3 The Post-ICPD fragmentation era 1995-

Even though the ICPD was considered a milestone in a comprehensive approach to sexual and reproductive health, the common mindset soon lost focus, and the implementation of the Cairo PoA began to vary considerably from country to country: goals were quantifiable disease-focused initiatives, and anti-abortion organizations' lobbying slowed progress (Berro Pizzarossa 2018, 10; Standing et al. 2011, 2; Haslegrave 2013, 62-63). This *Post-ICPD Fragmentation Era* after 1994 marks the third paradigm and a period where “[...] the discussion became dispersed, leaving the topic to be addressed in a fragmented manner – limited [...] to sexual and reproductive health but not rights.” (Berro Pizzarossa 2018, 10). Indeed, most of the United Nations policy papers address SRHR narrowly, focusing only on sexual and reproductive health. Moreover, documents and publications that do address SRHR in its entirety rarely define sexual rights as a separate entity from reproductive rights (see for example WHO 2020a; UNFPA 2020; United Nations 2015).

Despite fragmentation, the human rights paradigm continues to exist, and the United Nations has established global level policy agreements, two of the most significant being the *Millennium Development Goals (MDGs)* in 2001, and the *Sustainable Development Goals (SDGs)* in 2015 (Yamin 2013, 52; Haslegrave 2013, 64; Berro Pizzarossa 2018, 10). The Millennium Development Goals were eight global goals that the 191 members states of the United Nations agreed to aim to achieve by 2015. Even though the MDG's had some references to gender equality and reproductive health, the SRHR issues were originally omitted from the framework, and the reproduction clauses were reduced to refer to maternal health only (Berro Pizzarossa 2018, 10). International women's movements considered this a betrayal to the ICPD achievements, and an additional sub-goal of 'Universal access to reproductive health' was added five years later (Berro Pizzarossa 2018, 10; Yamin 2013, 2). As a result of a strong resistance from the 'unholy alliance' and opposition from conservative political actors, SRHR was never really incorporated into the MDG framework and, consequently, little progress was achieved in gender equality during the program (Berro Pizzarossa 2018, 10). By contrast to the MDG's, SRHR was included in the Sustainable Development Goals more extensively: three of the 17 main targets to be reached by 2030 include direct references to SRHR and access to education. Moreover, several sub-targets address SRHR and refer to the human rights instruments, namely the Cairo and Beijing action plans (United Nations 2015, Goal 3., Goal 4., Goal 5.; Berro Pizzarossa, 2018, 10; Galati 2015, 78-79).

Even though some international milestones and agreements have been achieved,



SRHR continues to meet strong opposition (Berro Pizzarossa 2018, 13). The ‘unholy alliance’ and other religious actors, such as the Mormons, the Russian Orthodox and the American fundamentalists often find common ground in traditional values of ‘purity’ and ‘modesty’ and consequently, oppose contraception, abortion and freedom to choose a sexual partner (NORAD 2013, 1-4, Berro Pizzarossa 2018, 14). Moreover, the opposers base their arguments on human rights as, in their view, abortion violates the Article 3, “Everyone has the right to life, liberty and security of person” in the Universal Declaration of Human Rights (United Nations 2020b; Berro Pizzarossa 2018, 12). However, in the view of human rights defenders and SRHR advocates, right to life in the context of abortion means that “any legal restrictions on the ability of women to seek an abortion must not jeopardize their lives or subject them to severe physical or mental pain or suffering” (Berro Pizzarossa 2018, 12). Indeed, as this controversy shows, appeals to human rights in discourse does not guarantee a meaningful commitment nor common understanding of the concept (Williams and Blaiklock 2016, 387).

The debate on population control and SRHR in international politics continues in the present day partially due to the resurgence of religious and socially conservative values on a global scale (see Davies 2016; McDonald et al. 2018; Zacharenko 2016, 11). Due to the complexity of SRHR as an umbrella of rights, sexual rights remain often ambiguous in political discussions and thus, the topic poses challenges in international negotiations (Berro Pizzarossa 2018, 13). Moreover, the post-ICDP fragmentation era continues to the present day, and the implementation and accountability mechanisms of human rights and SRHR lack holistic cooperation between policy makers, ground-level communities and the private sector (Williams and Blaiklock 2016, 388).

### **3.3 Contextualizing *rights* in SRHR**

As the Millennium Development Goals and the Sustainable Development Goals demonstrate, sexual rights continue to be underrepresented in international documents and hence, the definition remains ambiguous. Moreover, sexuality is addressed through health issues and family planning only bearing traces of the Population Control Paradigm. The inconsistencies in understanding SRHR lead to poor policy implementation that bear little relevance to people’s everyday lives (Standing et al. 2011, 1). Next, I will introduce studies that illustrate the complex relationship between the international SRHR frame in relation to the sexual and reproductive lives of people and communities.

### 3.3.1 Relevant studies on sexual rights and SRHR discourse

Literature on SRHR can be divided broadly into three categories that 1) examine the construction of rights conceptually in the human right system (see Mattar 2008, 2) approach SRHR policy issues from the normative human rights perspective (see Daley and MacDonnell 2011), and 3) engage in advocacy campaigning of specific rights (see Widau-Melmer 2015) (Standing et al. 2011, 1). However, there is little research on how the international language of universal human rights and sexual rights relates to the lives of the people at the grass root level (Standing et al. 2011, 1). In fact, universal declarations of rights seldom consider the variations of individual and community identities – a key issue for conceptualizing rights and realities in community-oriented cultures (Undie and Izugbara 2011, 2)

Several studies have shown that the Western language of abstract individualism in human rights and SRHR frameworks is disconnected from the collective self-identities in many societies (see for example Undie and Izugbara 2011; Siddiqi 2011; Rashid 2011; McGregor and Mills 2011). Moreover, the universal SRHR framework is not necessarily relevant to all people as such, as there is a plurality of different understandings of health and well-being (Standing et al. 2011, 1; Napier et al. 2014, 1607).

It has been suggested by many studies that the discrepancies in the language of legal individualism and the collective understandings of self be addressed through acknowledging the contextual dependency of human rights and sexual entitlements (*ibid*). In an ethnographic study of indigenous cultures in Nigeria, researchers Chi-Chi Undie and Chimaraoke Izugbara examined how sexual and reproductive rights are interpreted in the local community setting (Undie and Izugbara 2011, 2-3). In their study, Undie and Izugbara discovered that the indigenous notions of sexual rights come from collective norms and human virtues that stem from historical realities and lived experiences (*ibid*). They do not contradict with human rights per se but are nevertheless much more firmly grounded in the everyday social experiences and community customs of people (Undie and Izugbara 2011, 3-4). For example, sexual relationships outside marriage are accepted as long as they are publicly known in the community and they are considered adultery only when kept a secret (Undie and Izugbara 2011, 6). Even though these kinds of social settings carry the danger of promoting the rights of some over others, they are genuine social realities that are bound to historical-cultural continuum and thus cannot be approached with an abstract, universal SRHR framework.

Another noteworthy study about the contextualization of sexual rights examines the self-identity of sexual minorities in Bangladesh. In her study, Dina Siddiqi examined how

globalized sexual identity categories, such as LGBT+ and MSM (Men who have Sex with Men) correspond with the local realities in urban Bangladesh (Siddiqi 2011, 1). She discovered that the global sexual rights discourse that activists, NGO's and public health providers use is too narrow to describe the fluid sexual behavior and identities. Moreover, Siddiqi's makes significant findings about marriage as a central social institution, sexual taboos and gender-biased sexual behavior (Siddiqi 2011, 4-5). She notes that "procreative heterosexual marriage is central to the regulation and experience of sexuality across the board [...] This reflects the centrality of marriage to the social construction of sexuality and identity in Bangladeshi society" (*ibid*). In this frame, sexuality pertains to the institution of marriage which is considered a cornerstone in the society. However, the results of Siddiqi's study also show that while extramarital sexual relations are a taboo, they do exist and are "sanctioned or tolerated or ignored, as long as such activities remain hidden from the public gaze and they do not disrupt the ideal of procreative heterosexual marriage that is more or less mandatory for men and women" (*ibid*).

In this context of public vs private sexuality and societal taboos, the disjunction between the Western understanding of liberal sexuality embedded in SRHR discourse and the traditional societies realities becomes visible. Policy programs that use 'West-led' SRHR approach to empower sexual minorities and promote stigma-free sexual self-determination are futile, unless they manage to understand the differences between sexual identity construction and behavior:

...a heterosexual/homosexual binary understanding of sexuality cannot be mapped unproblematically onto ground realities. Who is 'straight' and who is not is by no means self-evident. The reality is very messy and inconsistent. By the same token, sexual practices and acts do not necessarily come with a social identity. That is, a consistent relationship between sexual practices and social identity cannot necessarily be assumed. An individual's sexual desires and social desires can go in different directions. Sexual identities are not only fluid and overlapping but they are contextual and contingent.

(Siddiqi 2011, 5)

The lack of contextual relevance of many sexual rights is also highlighted by Sabina Rashid in her study on adolescent women's sexual health in urban slums in Bangladesh (Rashid 2011, 1). In her anthropological research, Radish showed that Bangla women's decisions about marriage, childbearing, abortions in the realities of slum life are distant from the formal national SRHR policies in Bangladesh (Radish 2011, 8). Moreover, Radish notes that the normative rights and the freedom to choose a spouse cannot be genuinely secured before the structural inequalities,

extreme poverty and gender-based violence are addressed (Radish 2011, 2).

As the presented studies show, the claims of universality of SRHR or human rights cannot be realistically justified, as there are huge differences in social realities that affect individuals and their communities. Setting the fulfillment of SRHR as an objective requires more research on the relevance of rights in people's lives so that the objectives may be attained through realistic 'bottom-to-top' policy formation and community-engaged implementation. Moreover, Western-led SRHR actors and coalitions should be cautious of not to exercise cultural imperialism and repeat the post-colonialist population control scheme, framing it a battle for human rights. Indeed, the lack of trust in Western institutions and the United Nations' population programs under UNFPA can be considered well justified, as the actors who have been involved in the sexual and reproductive health issues since the 1950's Population Control Paradigm continue their work now in the name of human rights (Berro Pizzarossa 2018, 2-3; Missing Women and the Bachelor Time Bomb 2018).

### **3.4 Key actors in SRHR**

As the paradigm overview showed, there are several national and international actors operating in the SRHR frame. On the global level, the state leaders meet and discuss SRHR issues in high-level political summits under the auspices of the United Nations. The international summits also provide a platform for NGOs, religious actors, the academia and other interest groups to influence processes and engage in discussions. On a regional level, the United Nations agencies, such as UNFPA, UNICEF, WHO, UN Women and UNDP support the local actors in SRHR policy implementation as well as monitor development. In addition, non-UN actors, such as civil society actors and social movements influence the political and social trends. International, cross-sectoral cooperatives may launch initiatives that aim to change the course of policy or discourse on local and global levels. One such example is the Guttmacher-Lancet Commission on Sexual and Reproductive Health and Rights – a joint effort of *the Guttmacher Institute*, an American research and policy organization on SRHR, and *the Lancet*, an international general medical journal.

#### **3.4.1 The Lancet**

The Lancet is an independent, peer-reviewed, weekly published general medical journal that is considered one of the worlds' most respected medical journals (Lancet 2019a). Founded in

England in 1823, it was established by an English surgeon Dr. Thomas Wakley who, appalled by the nepotism and depravity of his surgical teachers, wanted to reform how evidence-based medicine was made public and make science available to the common people (Lancet 2019a; Lancet 1997, 1866; Jones 2008, 1410).

Since its early development, the Lancet has evolved a high-impact international journal with more than 10 000 publications and is today considered an authoritative voice in global medicine (Lancet 2019a, Menon 2019). However, the prestigious position of the Lancet has raised criticism and questions about the objective nature of medicine and political stance-taking in the journal (Feldman 2014, 351; NGO Monitor 2014; 2017). In 2014, the Lancet publication ‘Open Letter for the People of Gaza’ addressed the violent clashes between the Palestinians and the Israeli in the occupied territory of Gaza (Manduca et al. 2014). The publication was widely criticized, and the Lancet was accused of “exploiting health for anti-Israel advocacy” and “demonizing Israel by exploiting medical frameworks (NGO Monitor 2017; Schiffmiller 2015). The debate about the ‘ethics’ of mixing politics and medicine in a scientific medical journal continues and is also discussed in the present study as the cooperation between a medical journal and an advocacy organization is not uncomplicated.

As a family of medical publications, the Lancet encompasses original research articles, publication series, editorials, book reviews, as well as specialty journals (Lancet 2019a). In addition to these, there are various groups and cooperatives working on a wide range of medical topics in clinical medicine and global health. These groups form *commissions* which comprise of researchers, practitioners and influential leaders from different fields of medicine and other scientific disciplines. Some of these collaborations are established ad hoc to address a specific phenomenon or a health issue (Lancet 2019b). Such was the case with the establishment of the Guttmacher-Lancet Commission that embraced the contemporary discussion about sexual and reproductive health and rights (Guttmacher–Lancet Commission on Sexual and Reproductive Health and Rights 2018).

### **3.4.2 The Guttmacher Institute**

The Guttmacher Institute is an American non-profit organization and a center of population research and innovation. The institute served originally as the Center for Family Planning and it was established during the Population Control Paradigm – the “era of unrestrained enthusiasm of government-sponsored family-planning” sparked by the wake of public attention and discussion about unwanted childbearing and its societal consequences (Sharpless 1997, 87;

Guttmacher Institute 2015). The early development of the Center was nurtured by Alan F. Guttmacher, an obstetrician-gynecologist and an advocate of reproductive rights. After his death in 1977, the Center was renamed the *Guttmacher Institute* in his memory (Guttmacher Institute 2015).

The work of the Guttmacher Institute is funded by private foundations and donors and it does not receive public funding in the United States government (Guttmacher Institute 2015). Even though this financial independence secured the Guttmacher Institute's programmatic work after the Trump administration reinstated the 2001 Mexico City Policy in 2017 (also known as 'the global gag rule'), the organization voiced strong criticism, calling the act "an attack on U.S. family planning and global health aid" (Starrs 2017). The reinstated policy entailed restricted government funding for organization that provide abortion referrals as means of family planning (White House 2017). Several organizations and institutions working with SRHR joined the outcry, and considered the policy a setback for the achieved progress in gender equality and sexual health and rights (Human Rights Watch 2018; Barot 2017). Indeed, this policy action as a part of the wider context of global 'anti-choice' movement set the baseline for the cooperation between the Guttmacher Institute and the Lancet.

### **3.4.3 The Guttmacher-Lancet Commission on sexual and reproductive health and rights**

The collaboration between the Guttmacher Institute and the Lancet was established in early 2016 anticipating the 25th anniversary of the ICPD in 2018. The Commission began its work by forming an international consortium of commissioners, a secretariat, an advisory group and the Lancet (Guttmacher Institute 2019a). The parties were called together to conduct consultations, synthesize available evidence and to engage in SRHR research with affiliated organizations such as the African Institute for Development Policy (AFIDEP), African Population and Health Research Center, Women Deliver and other advisory groups and institutions (Guttmacher Institute 2019a).

The role of the Guttmacher Institute was to provide administrative structures to the working process and support communication, while the Lancet managed the publication procedures of the report (Guttmacher Institute 2019b). The product of the collaboration, the report *Accelerate Progress – Sexual and Reproductive Health and Rights for All*, was published in May 2018. Its main objective was to propose a new, integrated definition on SRHR that would elaborate on the traditional definitions and add a socio-cultural dimension to sexual rights (see appendix 3). The report was warmly welcomed by organizations and institutions working with SRHR,

human rights, gender equality and minority rights (IPPF 2018; Bateson et al. 2019; Kanem 2019). Since the launching of the report in May 2018, the Guttmacher-Lancet Commission has continued its research and advocacy work for SRHR as well as expanded its work by initiating three country-level partnerships with civil society organizations in Mexico, Lebanon and Zambia to integrate the reports' key findings to local advocacy work (Guttmacher Institute 2019c). Moreover, the Commission has published several complementary analyses, summaries, infographics, and commentary blog posts to further deepen the collaboration and elaborate on the key message of integrated definition on SRHR (Guttmacher-Lancet Commission 2019). Additionally, the Commission continues active engagement in the contemporary SRHR discussion through social media (Guttmacher-Lancet Commission 2019).

## 4 Theoretical frameworks

This section provides an overview of the two main theoretical frameworks that define the approach of this study, namely the Critical Discourse Analysis (henceforth also referred to as CDA) and the strategies of legitimation by Theo van Leeuwen. In this thesis, the two frameworks are used in a complementary fashion so that one supports the core ideas of the other: Van Leeuwen's legitimation strategies provide concrete tools for the analysis of how human rights are linked to legitimacy in discourse. Moreover, the strategies are linked to the core ideas of CDA, namely ideology and power, and they provide a valuable tool in the critical examination of power relations and constructions of legitimation (van Leeuwen 2007, 92).

In this chapter I will give an overview of the CDA as a framework, including the central line of thought, its understanding of the relationship between language and the reality, as well as the key concepts essential to understanding the theory and the aim of this study. I will proceed to present the van Leeuwen's legitimation strategies introducing the main categories and their subcategories. Finally, I will present a literature review of previous studies conducted by employing legitimation theory and CDA. Furthermore, I will address some of the criticism CDA and legitimation theory have received and give my own responses to some of the key issues discussed.

### 4.1 Critical Discourse Analysis

*Critical Discourse Analysis* is based on the idea of language as a form of social practice. The term refers to a linguistic approach of researchers who examine *discourse units* critically to expose both covert and transparent uses of power and dominance present in the material (Wodak 2001a, 4). In CDA, these discourse units are context-dependent networks of language and social practices, and the relationship between language and power is examined by studying these networks (Wodak 2002, 6). In this chapter, I briefly introduce the history and the elements central to the development of CDA as a framework. Moreover, I define the key aspects central to understanding CDA in the context of this study.



#### 4.1.1 A brief history of Critical Language Studies

The early emergence of a critical study of language was stemmed from the 1970's linguistic research in Britain (Wodak 2001a, 5). Characteristic to this development in sociolinguistics of the time was to see the notions of power, hierarchy and ideology as sociological variables in language and thus, regard them relevant for interpretation or examination of text (Wodak 2001a, 4). The beginning of the development of the CDA network of researchers was marked by the launch of several publications from the members of CDA network at the turn of the decade (e.g. see Fairclough 1989, Wodak 1989, van Dijk 1990). These works laid the foundation for the research of language as social practice, and took special interest in discourse of power and ideology, as well as discourse as a constructor of social and cultural change (Fairclough et al. 2011, 357; Leistyna 2001, 183).

The core development of critical language studies can be traced to the 'three great names of CDA' and their works that marked key milestones in the early history of CDA: Norman Fairclough (Language and Power 1989), Ruth Wodak (Language, Power and Ideology 1989) and Teun A. van Dijk (Discourse and Society 1990) (Haig 2004, 129). In addition to these pioneers, Michael Halliday and his groundbreaking work with *Systemic Functional Linguistics* (SFL) in the 1970's and 1980's provided a new analytical way of looking at how social categories correspond to linguistic forms (Fairclough et al. 2011, 60, see Halliday 1978).

Since its development in the late 1980's and the early 1990's, CDA has become a widely adopted approach in social analysis of discourse. In methodological terms, it engages in a *transdisciplinary* dialogue with various other disciplines to address the relationship between language and social change. According to Fairclough, transdisciplinarity (as opposed to interdisciplinarity) describes well the theoretical and methodological development and the dialogue between disciplines that eventually construct the ever-evolving CDA approach (Fairclough 2001, 121). That is to say, the nature of the approach varies according to the subjects examined in CDA: each investigation is different depending on the aim of the study and, consequently, so is the variety of methodologies used. It is generally agreed by the academics and CDA practitioners that any explicit method within discourse studies in humanities or social sciences may be used in CDA research as long as it is able to adequately and relevantly produce insight on how discourse produces social and political inequality or abusive domination (Fairclough et al. 2011, 359). Thus, CDA does not limit its analysis to specific structures of text or talk but systematically relates these to structures of socio-political

context. Considering this, it is worth noting that CDA has never been a single specific theory nor does it propose any particular methodology (Wodak 2002, 6-7).

Many CDA researchers have based their studies on the Hallidayan Systemic Functional Grammar because the framework dives to a deep level in the analysis of metafunctions and interconnectedness of language, ideals and ideologies, as well as the relationships between participants. Because of these qualities and the shared views with CDA, it is said that understanding of SFG is necessary for an appropriate understanding of CDA (Wodak 2001a, 8). However, as mentioned earlier, despite the popularity of SFG, since its first steps CDA has been an interdisciplinary approach not tied to any specific methodological tool. Its roots lie in the heterogeneity of methods, and the subjects of analysis are accordingly diverse in nature: media discourses, gender and minority issues, politics and hierarchy, as well as dimensions of identity are all examined under the CDA approach by various researchers across disciplines (Wodak 2001a, 4). Indeed, CDA has come to be used widely in socio-linguistic research, media studies, language socialization and environmental studies, to name a few (see Haig 2004, 129-130; Lin 2014; Guardado 2018; Smith 2006).

However, as promising as the divergency of the use of CDA is, there is a risk of discrepancy in the use of the most essential elements that separate CDA from other critical language studies, namely the definitions of *discourse*, *critical*, *power* and *ideology*. For this reason, I find it important to next define what is meant by these terms in the context of this study.

#### **4.1.2 Discourse**

As there are various uses of CDA, so are there several ways of using the term *discourse* depending on not only the researcher but also the academic culture, time and place. In central Europe, the notion of discourse relates to the tradition of rhetoric and text linguistics, whereas in the English-speaking world, it means both written texts and oral expression (Wodak 1996, Wodak 2002, 8). Some researchers define the term based on the level of abstraction: texts as knowledge (discourse), conforming to the Foucaultian school of thought (Foucault 1972, 49,74; Adams 2017). Others, then, follow the discourse-historical approach and define discourse as an intricate accumulation of “simultaneous and sequential interrelated linguistic acts, which manifest themselves [...] as thematically interrelated semiotic, oral or written tokens” (Wodak 2001b, 65). The present study, however, follows a so-called ‘Faircloughian definition of discourse’ which bundles together elements in human language (linguistic, semiotic,

interdiscourse), abstract social structures and concrete social events that construct social processes and change (Fairclough 2001, 121). This bundle constitutes *discursive events* that not only create and shape social structure, situations and institutions but are also themselves created by human interconnections (Fairclough et al. 2011, 258).

What are, then, the components of discursive events? One way to define discursive events is to examine which kinds of ‘rules’ underlie in the system of communication. Linguistically, the rules are rather straightforward: written, spoken or sign language, also referred to as the *product* of a *discourse production process*. This process, in turn, comprises of social actions that take place between and outside linguistic expression, govern social human actions, define the right and wrong in a social context and negotiate meaning in interaction (Fairclough 1989, 24-25). They are contextual rules that affect human interaction. For example, in the working context of the Guttmacher-Lancet Commission, these rules might have been agreements on the working language, submission deadlines or style of academic writing. Moreover, these arrangements have been a result of a negotiation of meanings, responsibilities and proper practices – definitions of the code of conduct and the rights and wrongs in the working context. Ultimately, the linguistic result of the discourse production process, the report, reflects the social realities that have taken place outside the text.

Adhering to the definition of discourse as a linguistic rule system and a collection of social realities and experiences, it is safe to say that discourse involves social conditions that shape human subjectivity in between and outside language creating different frames and interpretations of realities (Fairclough 1989, 25; Leistyna 2001, 183). According to Fairclough, different discourses can be examined on three levels of social organization that shape the way people produce and interpret texts (both written and spoken): 1) the social situation – the actual social environment in which the discourse occurs, 2) the social institution: broader network of the discourse and 3) the society as a whole (Fairclough 1989, 25). Thus, text production and interpretation are dependent on people’s knowledge of language, beliefs, values, assumptions and representations of their natural and social realities.

As has been stated, according to Fairclough, discourses are representations of social life in different frames (Fairclough 2001, 123). These frames set the boundaries for interpretation in a given context. For example, in politics, the SRHR may be framed a discourse of population control or global development, whereas in the feminist movement, SRHR discourse occurs in the frame of human rights, gender equality and freedom of individuals. By contrast, in the economic frame, SRHR may be discussed in terms of turnovers in contraceptive

innovation financing, increased GDP due to women's increased economic productivity or benefit-cost ratios of investments in maternal health care.

As the examples show, each discourse varies in its social context and language, and represents a different positioning or a stance towards the subject in question. Moreover, they are constructed in a broader frame of language use and sociocultural value that exist a continuum of history and other discourses (Fairclough 2001, 123; Du Bois, 2007, 139-140). Hence, a critical discourse analyst does not only analyze texts or their interpretations in a given frame, but also aims to explain the aforementioned conditions of social situation, social institution and the society as a whole.

The construction of the discursive representation is inherently also a process of self-(re)construction in relation to others; different discourses not only represent social actors differently but they also construct the positioning of the representator (Fairclough 2001, 123). In this study, for instance, the Guttmacher-Lancet Commission (representator) places itself in a position in which it defines its relationship (authority) to the SRHR issue and the actors around it (represented). As will be shown later in this study, this positioning is constructed in legitimation by appealing to certain expertise and authority power position that are sometimes taken for granted. It is, indeed, this kind opaque manifest of power and control through language, that the *critical* discourse analysis is fundamentally interested in (Wodak 2001a, 2).

### **4.1.3 Critical**

What separates CDA from other discourse studies is the understanding of the term *critical*. The critical dimension in CDA can be examined through its stand towards power (ab)use and the self-criticism of the construction of the theory itself. The roots of CDA can be traced to the Frankfurt School *Critical Theory* and the second-generation *critical social theory* of Jürgen Habermas (Fairclough et al. 2011, 359; Encyclopedia.com 2019a). In brief, the critical social theory aims to reform social criticism stemming from the Marxist view of the world: it categorically rejects the mainstream intellectual and political cultures, criticizes capitalism and aims to promote human liberation. Moreover, most importantly, the critical social theory seeks to expose the many forms of power abuse, domination and oppression (Encyclopedia.com 2019b).

The same resistance to oppression, domination and the critical stance towards social power constructions, has remained at the heart of CDA since its early development. However, nowadays the term *critical* is used in a broader sense as it has been shaped by the many

disciplines working under CDA. The contemporary ‘critical’ focus of today’s CDA is in the networks of phenomena and language exposing the interconnectedness of things (Wodak and Meyer 2009, 7). According to Wodak, the critical stance in CDA could be understood as “having distance to the data, embedding the data in the social context, taking a political stance explicitly, and having a focus on self-reflection as scholars doing research” (Wodak 2002, 8-9). Here, taking a ‘political stance’ means that a CDA researcher commits to the original values of the approach, namely resisting power abuse and siding with the oppressed. However, power resistance in CDA does not necessarily mean that all research topics need to examine serious cases of exploitation and lead to revolutionary discoveries about hidden power structures. Indeed, as power imbalances exist a natural part of human interaction, any social phenomenon could be subject to critical examination.

In addition to the critical examination of the outside world, a CDA researcher should also exercise self-evaluation through many mirrors across disciplines. The self-criticism of science and a scientist in CDA stems in part from the views of Jüger Habermas. In his view, it is in the very nature of critical science to be self-reflexive and consider the historical context of the social and linguistic interactions examined while acknowledging the position and the interests of the examiner (Habermas in Fairclough et al. 2011, 360). The CDA research process is based on this principle, and it recognizes the role of subjectivity and problematizes the idea of objective research (Leistyna 2001, 186). As a CDA researcher, I too engage in self-evaluation and acknowledge the impact of my subjective experiences, society or culture-imposed values and the institutional context which all affect my positioning, and the aspects I choose to highlight in my research. Indeed, this critical self-reflection is exercised through *critical reading*.

Critical reading is a method in CDA in which a text is read from *engaged* and *estranged* positions (Janks 1997, 330) The engaged position is often taken naturally if the reader agrees with the values of the text and identifies with the ideology (here human rights ideology). This means that the analyst reads *with* the text by identifying the ‘natural, preferred way’ of reading and interpretation (Janks 1997, 330-331). Contrastively, the *estranged* position means alienation from the text – a critical stance towards the message. This means reading *against* the text by resisting apparent naturalness of the message (Janks 1997, 331). In CDA, the engagement-estrangement positioning can be used to describe, interpret and explain textual and non-textual elements, as well as their sequencing, layout and juxtaposition that construct a discursive representation of social reality (Janks 1997, 229). Moreover, the engagement–estrangement positioning helps the researcher recognize their subjectivity in the study and

acknowledge that their interpretations of textual constructions are only versions of reality; social relations, power and authority construct world views, perceptions and practices manifested in discourse constructions. Indeed, engagement without estrangement with texts (and their underlying ideologies) may result in biased interpretations of data and further reinforce a certain power structure that the researcher is set to criticize in the first place (Janks 1997, 331).

#### 4.1.4 Power

Power has both physical and psychological dimensions. In addition to physical use of power, such as violence or restriction to space, power has a *cognitive* dimension of control (van Dijk 1996, 85). This means that dominant groups control, influence and shape the structures of public discourse and communication and, as a result, shape people's knowledge, attitudes, values, ideologies and norms (*ibid*). According to Fairclough, “[p]eople internalize what is socially produced and made available to them, and use this [...] to engage in their social practice, including discourse. This gives the forces which shape societies a vitally important foothold in the individual psyche” (Fairclough 1989, 24). It is worth noting, however, that the shaping of attitudes, values, ideologies, etc. is not necessarily done forcefully by authorities who impose their views on others, quite the contrary. The construction and maintenance of power position are complex processes that require *legitimation*, that is, reasoning and explanations as to why a certain status quo of power should be preserved (Fairclough 2001, 124; Vaara et al. 2006, 794). Moreover, it should be remembered that power exists as a natural phenomenon in human relations and does not by definition imply abuse. According to Teun van Dijk, a consistent critical analysis of discourse should be able to “describe and explain how power abuse is enacted, reproduced or legitimized by the text and talk of dominant groups or institutions” (van Dijk 1996, 84). Indeed, this is the main aspiration of the present study.

Van Dijk distinguishes between power, social power and dominance even though they are heavily interrelated. *Power*, in van Dijk's view, is a “property of relations between social groups, institutions or organisations” being a phenomenon that exists naturally in a world of unevenly divided social resources, such as wealth, status and access to information (van Dijk 1996, 84). Moreover, power can and often does lead to institutionalized *social power* – a form of control that enable routines of power reproduction. Finally, in van Dijk's view, *dominance* is a form of social power abuse that is morally illegitimately or unlawfully exercised to maximize the gain of some at the expense of others, resulting in social inequality. Moreover,

dominance is a process rather than a solidified, absolute state of affairs: it is formed gradually and may be prone to changes if challenged or resisted (van Dijk 1996, 84-86).

In his classic work *Language and Power*, Fairclough discusses two different aspects of power: power *behind* discourse and power *in* discourse. Power behind discourse focuses on the real-life phenomena – the social ‘rules’ that play behind the scenes and influence the discourse (review 4.1.2 ‘discourse production process’) (Fairclough 1989, 43-44; 55-56). In the second aspect, power in discourse, discourses are places where the underlying dimensions come into play and are actually enacted in an interactive process. Texts include various differing views and narratives that form a discourse on paper – “a concrete realization of abstract forms of knowledge” (Wodak 2002, 8). Texts are products of a power struggle between the views of the writers (Fairclough 1989, 34). Wodak and Meyer summarize this idea well:

[I]t is very rare that a text is the work of only one person. In texts, discursive differences are negotiated; they are governed by differences in power that is in part encoded in and determined by discourse and by genre. Therefore, texts are often sites of struggle in that they show traces of differing discourses and ideologies contending and struggling for dominance.

(Wodak and Meyer 2009, 10)

The power struggle between narratives can also be discerned from works with seemingly only one writer. I use the word *seemingly* here because, for instance this academic paper is written by one person only, but the use of references demonstrates a power struggle between different viewpoints and narratives. Moreover, I have used the author’s authority (power) to include in this work the views of only some distinguished scholars over others. Hence, this study is also a battlefield between various views and representations and I, as a writer, exercise the power to give voice to an exclusive group of CDA professions, thus constructing and consolidating a specific reality of the CDA in the research world. From this it can be inferred, that the analysis of power in CDA is, in fact, two-fold: On one hand, the researcher studies the representation of the ‘outside world’ in a discourse, and, on the other hand, the analyzed material itself is infused with an internal power struggle between narratives.

As mentioned earlier, constructing a power position requires legitimation – reasons and explanations that aim to justify an action or a social practice. As will be discussed in from section 4.2 onwards, legitimation can be realized in a variety of ways which all aim at justifying a claim and, consequently, a maintain certain balance of power. Even though this study focuses on authority construction and its relation to power and social realities, it does not assume abuse of power. However, it does take a critical stance towards the means through which the power

of human rights ideology is upheld, reconstructed and justified in the Guttmacher-Lancet report. Moreover, it links the discourse to a wider social order in which actors around sexual and reproductive issues advocate a certain viewpoint and ‘normalize’ their ethical values as in the bargaining table of beliefs and ideologies.

#### 4.1.5 Ideology

In CDA, *ideologies* refer to covert, naturalized fundamental beliefs of groups and its members. They are systems of thoughts and views through which humans understand the world. They also lay the foundation for the social practices for people and groups (van Dijk 2000, 7-8). In this frame, for instance, racist ideologies – deep, naturalized belief in a human race-system and the superiority of one race over another – may be realized as discrimination, rejection and even violence. However, this being said, it is crucial to note that ideology is not inherently a hostile concept, despite its common negative connotation.

Belief systems embody also the so-called ‘positive’ ideologies founded in the opposition of violence, discrimination or other forms of power abuse (van Dijk 2000, 8). These ‘anti-ideologies’, such as anti-militarism or anti-sexism, not only oppose the ideologies of discrimination and oppression, but also develop and exist independently; for example, in addition to protesting war, the anti-militarist ideology encompasses beliefs of pacifism and criticism of all forms of violence (War Resisters’ International 2019). In the same way, human rights discourse constitutes and is constructed by a *human rights ideology* defending human rights, human morality and promoting the values of humane treatment of every individual (van Dijk 2000, 8; 73; Nickel 2019, 2.1).

Power, as has been discussed, occurs as a natural phenomenon in human interaction and hence, plays an essential part in the life cycle of ideologies as well (van Dijk 2000, 35-36). According to Lea David, a researcher of critical sociology, the emergence of any ideology can be traced through three social-historical processes that are related to the role of power: 1) cumulative organizational power, 2) cumulative doctrine power, and 3) the envelopment of microsolidarity (David 2018, 2). In the context of the human rights ideology, the *cumulative organizational power* means power that “grows through discourses, knowledge and institutions, through its bureaucratic apparatus, involves the constant increase of its organizational capability for coercion” (*ibid*). In other words, the human rights ideology consolidates its position through the institutions of law and politics in repeated social practices and discourses that ultimately manifest a doctrine. In time, a consolidated ideology may become



institutionalized and establish normative standards of *cumulative doctrine power*. The human rights ideology also follows this pattern as it exercises normative dominance and standardization (*ibid*). Finally, the third phase of *envelopment of microsolidarity* implies emotional bonds that work as a social glue uniting a heterogenous group of people with varying experiences and views under the same ideology. (*ibid*) The key here is that, in order to produce a stable power position, the emotional attachments and small group solidarity needs to be sustained for a long period of time (*ibid*).

As has been noted, the human rights ideology and the discourses within are the points of departure for the SRHR discussion in the context of this study. Moreover, the human rights ideology functions as the underlying ideological foundation from which the Gutmacher-Lancet report stems. These underlying structures of human rights ideology and power will be analyzed in the frame of CDA and by utilizing the van Leeuwen's legitimation strategies as analytical tools. The following section will provide a general overview of these tools and give some insight into how power use can be justified in discourse.

## **4.2 Legitimation strategies by van Leeuwen**

As has been discussed, discourses should be studied as representations of reality and products of interactions that reflect and shape social realities – power relations, authority and ideologies (van Leeuwen 2008, 2). For these reasons, the present study examines the research material through the frame of CDA while using the legitimation strategies as a magnifying glass to analyze the details.

*Legitimation* is a linguistic act that aims to construct authority or validity in social practices. As mentioned earlier, these social practices form and are formed by discourses – complex simultaneous and interrelated linguistic acts that construct social realities (Wodak 2001b, 65; Fairclough 2001, 121). As a linguistic act, legitimation is perhaps easiest understood as the 'because' in the question 'why' (van Leeuwen 2007, 94). In his article, *Legitimation in Discourse and Communication*, Theo van Leeuwen, a Dutch linguist and one of the key developers of social semiotics, explains that legitimation acts are explanations to actions, claims, narratives, existing conditions, circumstances and the state of affairs (van Leeuwen 2007, 91-92).

In all these actions, power is naturally involved, as legitimations justify proposed claims and practices that are outcomes of power use in a given context. According to van

Leeuwen, legitimations may occur as explicit references in discourse where they give detailed reasons and explanations about the legitimized practices, or they may go almost unnoticed (van Leeuwen 2007, 92). Moreover, legitimations can also be used to *de-legitimize*, that is, framing an issue in a negative way in order to create confrontation and persuade the audience to agree with the criticism. Van Leeuwen classifies legitimation strategies into four major categories according to their forms and contextual occurrences in interaction (van Leeuwen 2007, 92). Indeed, many legitimation strategies use specific linguistic resources and are mostly identifiable by the structures they employ (*ibid*).

#### 4.2.1 Authorization

*Authorization* – legitimation by reference to authority of position, tradition, institutional authority of a person, custom or law. According to van Leeuwen, legitimation by appeal to authority appears in six different ways:

1) Personal authority. Authority is vested in a person due to their status or role in an institution. For instance, authority is vested in a teacher as the representative of a school or, as in the following example, the editor-in-chief of the Lancet as the representative of the Guttmacher-Lancet Commission. According to van Leeuwen, a person in this kind of authority position need not invoke other kind of legitimation, as a mere ‘because I say so’ suffices (van Leeuwen 2007, 94). However, in reality, further reasoning for an argument will most likely occur. In personal authority legitimation, the utterance typically includes an obligation modality and a verbal process of ‘saying’, ‘declaring’, ‘reporting’, ‘announcing’, ‘questioning’ or ‘criticizing’, to name a few examples (van Leeuwen 2007, 94; Halliday 2014, 302-303). Below is an example in an extract from a comment article addressing the Guttmacher-Lancet Commission Report (Zuccala and Horton 2018, 2582):

- (1) In tandem, the Commission argues that to realise SRHR for all, countries must look beyond health services to address laws and norms that influence gender equality.

In the example above, personal authority is vested in the representatives of the Guttmacher-Lancet Commission, namely Richard Norton, the editor-in -chief in the Lancet and Elizabeth Zuccala, a senior editor in the Lancet. It is worth noting that even though the example includes a verbal process and an obligation modality, an explicit reference to personal authority or the idea of ‘because I say so’ remains unclear, and cases as these may overlap with *expert authority*.

2) Expert authority. Legitimacy is constructed by appeal to expertise by either directly announcing credentials or by implying it contextually (van Leeuwen 2007, 95). In expert authority legitimation, the utterance may take a form of a verbal process or a mental process which reflects feelings, thoughts, desires or other human emotions (van Leeuwen 2007, 94-95; Halliday 2014, 214;249). Consider the following example (Guttmacher–Lancet Commission on SRHR 2018, 2644):

- (2) We also urge this community to embrace the recommended package of essential SRHR interventions and ensure its inclusion in national and international plans and frameworks that work toward universal health coverage [...] The Guttmacher–Lancet Commission on Sexual and Reproductive Health and Rights consists of 16 commissioners [...] with multidisciplinary expertise and experience in a broad range of SRHR issues.

By explicitly announcing the credentials, the Commission as a group of “multidisciplinary expertise and experience in a broad range of SRHR issues” entitles itself with authority in the report (Guttmacher–Lancet Commission on SRHR 2018, 2644).

3) Role model authority. Role models and opinion leaders set examples that people follow. These models may be celebrated members of a peer group in a given context, known media personas or exemplary people that others are encouraged to follow and adopt a certain type of behavior or beliefs (van Leeuwen 2007, 95). Examining the dynamics of a role model and a follower more closely, I have found that in order to be successful, role model authority legitimation requires a feeling of ‘sameness’ or value agreement from the followers’ part. Hence, role model authority can only be legitimized if the audience finds the role model relatable or the legitimized issue agreeable.

4) Impersonal authority. Impersonal authority refers to laws, rules, policies and regulations that are appealed to in order to legitimize a claim, procedure or justify the contextual state of affairs (van Leeuwen 2007, 96). Legitimation is often expressed as a verbal process of ‘stating’ or ‘saying’ with a key element of legislation or other similar element that expresses obligation, such as ‘regulation’, ‘guideline’ or ‘policy’ coupled with adverbs and adjectives such as ‘compulsory’, ‘obligatory’, ‘mandatory’ (*ibid*). Consider the following extract an example (Guttmacher–Lancet Commission on SRHR 2018, 2662):

- (3) The WHO guidelines on safe abortion, however, state that the right to conscientious objection does not extend to a right to impede or deny access to lawful abortion services or to delay care. The guidelines advise that health-care providers must refer women to an easily accessible provider.

5) Authority of tradition. Customs and habits are assumed to serve for legitimation “because this is what we have always done” (van Leeuwen 2007, 96). The social or institutional rules that traditions bring along are enforced by allegedly everyone in a given context and community. This leads to the assumption that everyone has the knowledge and the know-how in a context that needs not explicit justification (*ibid*). Authority of tradition occurs often implicitly and hence, does not follow a specific, detectable linguistic pattern. For instance, marking the list of references at the end of a research is an implicit way for creating legitimacy in a publication; few researchers actually state that the references list is provided for research validity. Additionally, marking the list of references also produces legitimacy by relying on authority of conformity in scholarly institutions, ‘because that’s what most people do’ (van Leeuwen 2007, 97).

6) Authority of conformity. The final authorization strategy relies on social conventions and alleged obedience to the rules of conformity that are often implicit (van Leeuwen 2007, 97). Similarly to the authority of tradition, authority of conformity assumes a common background knowledge of social traditions and are realized through high frequency modalities, such as ‘the majority’, ‘many’ and ‘often’ or in a form of an explicit comparison. In the context of human rights, implicit authority of conformity exists strongly; it is difficult to voice reasonable disagreement on an issue that everyone seems to agree on without facing public disapproval (Jahren 2013, 21). This is, again, another example of the complex nature of human rights and the ambiguity of language revolving around it.

#### **4.2.2. Moral evaluation**

Moral evaluation is legitimation by reference to (often vague) value systems. In some cases, moral evaluation is combined with authority legitimation and expressed explicitly as something being ‘good’ or ‘bad’ (van Leeuwen 2007, 97). However, in most cases moral evaluation is implicit and connected to discourses of moral values. As in legitimation by appeal to authority of tradition or conformity, a certain level of agreement or *naturalization* is assumed. In other words, issues and practices are depicted ‘normal’, ‘healthy’ or ‘useful’, and they operate on an unconscious level of assumed general agreement (van Leeuwen 2007, 97).

As a result, moral evaluations rarely follow any specific linguistic structure and may appear as ‘common sense’ According to van Leeuwen, “as discourse analysts we can only ‘recognize’ them, on the basis of our common-sense cultural knowledge” (van Leeuwen 2007, 98). Moreover, he notes that “only the social and cultural historians can explain the moral status

of these expressions, by tracing them back to the moral discourses that underlie them” (*ibid*). Indeed, examining the underlying principles, ideologies and their reflections on the social order is elemental in CDA and, even though difficult to detect, there are some hints that can guide a researcher towards revealing norms that lay between the lines.

1) Evaluation. Evaluative expressions, such as ‘perfectly normal’ and ‘only natural’ are central in moral evaluations that aim to legitimize an action or an object (van Leeuwen 2007, 98). As the concepts of ‘normal’ or ‘natural’ vary across cultures and eras, the definitions carry a heavy normative load. Consider the example below (Guttmacher–Lancet Commission on SRHR 2018, 2676):

- (4) Some programmes harness the potential of the internet as a source of good information and a force for social change, and as a tool to counter the misinformation and negative stereotypes and *behaviours* that circulate widely.

In the example, the adjectives (underlined) modify the nominal groups (italicized) and give moral evaluations on what ‘good information’ does to ‘negative stereotypes and behaviors’. There is no explicit argumentation for certain moral values, but the ‘good’ and the ‘negative’ are assumed to be generally agreeable concepts. In addition, moral evaluation is constructed by *naturalization*:

‘Naturalization’ is a specific form of moral evaluation, a form which in fact denies morality and replaces moral and cultural orders with the ‘natural order’. Morality and nature become entangled here, and discourse analytical methods cannot disentangle them.

(van Leeuwen 2007, 99)

Legitimation of phenomena, issues or practices as the ‘natural order’ is difficult to identify because the lines between cultural variation of moralities and the facts of the physical world may be blurred (van Leeuwen 2007, 99). Van Leeuwen explains that naturalization may occur as reference to time or the concept of change (*ibid*). However, the only way to try to discern the foggy boundaries of natural change and culturally affected change is to ask a question ‘can this be in principle changed by human intervention?’ (*ibid*).

2) Abstraction. Moral evaluations can be constructed by referring to practices in abstract ways that moralize them, that is, give them a moral connotation in a given context (van Leeuwen 2007, 99). For example, instead explicitly stating that ‘a woman has undergone an abortion’, one might say ‘a woman has exercised her legal right to choose whether or not to

have children'. In the legitimation by abstraction, phenomena and practices are described in an abstract way to set a moral overtone. In this example, abortion is linked to a discourse of moral values by framing the practice an issue of legal rights or human rights.

3) Comparison. Another way of expressing moral evaluation is to draw parallels between two social events and express comparisons. According to van Leeuwen, comparisons are constructed either through similarity expressions, such as 'like' or 'same as' or as circumstances of comparison, such as 'as good as' or 'as natural as' (van Leeuwen 2007, 100). In addition, *analogies* are used as comparisons in order to legitimize or de-legitimize an issue (van Leeuwen 2007, 99). Van Leeuwen explains that in analogy, one social practice is judged by the moral values of another (*ibid*). Consider the two examples below (Zuccala and Horton 2018, 2581):

- (5) Why now? Around the world, SRHR are under attack. Progress is not inevitable and the gains made to date cannot be taken for granted.
- (6) If anything, more than two decades after ICPD, there has been one constant: women's bodies continue to be the battlegrounds on which ideological battles are fought, with devastating results.

In both examples, references to 'war' and 'fighting' are used as euphemisms to describe the alterations to SRHR policies that have recently been passed in several countries internationally (see for instance Boyer 2018; Spring 2018; Santora and Berendt 2018). These include, among others, stricter abortion laws (Poland), promotion of abstinence-only programs (United States) and decriminalization of some forms of domestic violence (Russia) (*ibid*). The patterns of two social events, namely 'warfare' and 'changes to SRHR policies', follow van Leeuwen's definition of analogy as a de-legitimation strategy. As explained earlier, de-legitimation strategies aim to show an issue in a negative light. The examples (8) and (9) illustrate a moral evaluation through analogy is constructed by comparing the changes in SRHR policies to a state of war – chaotic, devastating and harmful to progress – constructing a strong, clear stance and critical evaluation of the ideologies that start the 'battles'. However, paradoxically, the human rights ideology is also a participant which, alike its opposers, plays the tug-of-war with women's bodies.

### 4.2.3. Rationalization

Van Leeuwen's third legitimation strategy refers to reason and is divided into two categories: *instrumental* and *theoretical rationalization* (van Leeuwen 2007, 101). Instrumental rationalization means reasoning by reference to the goals, effects and uses of a practice or an action, while theoretical reasoning means naturalization (van Leeuwen 2007, 101; 104).

1) Instrumental rationalization can be divided into three sub-categories according to their orientation. Firstly, in the *goal orientation* purposes are constructed by references to motives, intentions, goals, aims, etc. which are either realized implicitly or expressed with a 'to' purpose link (van Leeuwen 2007, 102). The goal orientation can be detected by identifying the explicitly expressed agent in the construction of: "I do x in order to do (or be, or have) y" (*ibid*). See the following example (Zuccala and Horton 2018, 2581):

- (7) In January 2017, President Donald Trump reinstated an expanded version of the global gag rule, banning funding for foreign non-governmental organisations that provide abortion services, counselling, or referrals, or advocate for liberalization of abortion laws.

In this example, 'President Donald Trump' is the primary agent in both clauses. Here the 'to' purpose link is replaced by the present participle form of the verb 'ban', making an exception to the rule of the purpose link. However, this exception is common and could be said to follow the goal orientation formula.

The second sub-category, *means orientation*, focuses on *how* a goal is achieved. The purpose is constructed in the action and the formula has two options (van Leeuwen 2007, 102): 1) "I achieve doing/being/having y by x-ing", which is formed through the circumstances of means (by, by means of, through), and 2) "X-ing serves to achieve being/doing/having y", in which the means might be implicit. Consider the following two examples of both formulae respectively (Guttmacher–Lancet Commission on SRHR 2018, 2644; 2677-2678):

- (8) ICPD broke new ground by linking reproductive rights to human rights that were already protected under international laws.
- (9) Addressing gaps in supply chains for essential medicines, supplies, and equipment is also a key part of strengthening health systems.

The example (8) explicitly states the means through which ICPD accomplished new achievements, whereas in the example (9) the means are expressed much more vaguely. However, examining the example closely, one can conclude that ‘addressing gaps’ constitutes as ‘strengthening health systems’, thus conforming to the van Leeuwen formula.

Finally, the third sub-category of instrumental rationalization is *effect orientation* which focuses on the outcomes of actions and practices (van Leeuwen 2007, 103). Here, at the center of examination are the end results which can often be detected from a clause by searching for structures of ‘so that’ or ‘that way’ (*ibid*). Consider the following examples (Guttmacher–Lancet Commission on SRHR 2018, 2668; 2677):

- (10) It is essential to improve communication between men and women on issues of sexuality and reproductive health, and the understanding of their joint responsibilities, so that men and women are equal partners in public and private life.
- (11) WHO defines task shifting as, “to train cadres who do not normally have competencies for specific tasks to deliver them and thereby increase levels of health care access.”

The example (10) serves as a typical example of effect orientation in instrumental rationalization as it includes a common ‘so that’ structure in the purpose clause. Contrarily, in the example (11) the purpose clause has two parts; it includes both a goal orientation initiated by ‘to’ and an effect orientation initiated by ‘thereby’. In blended cases such as these, the co-occurrence of goal and effect orientation requires careful examination: if the orientations overlap or are embedded in one clause, identifying the final purpose of the action outcome without an explicit linguistic structure (so that, that way) might prove challenging.

In van Leeuwens view, to understand rationalization, it is essential to distinguish between rationalization as a legitimation strategy and general explanations the purposes of things. By this, van Leeuwen means that not all explanations are legitimations (van Leeuwen 2007, 101). What differentiates an ‘ordinary’ explanation of purpose from legitimation, then, is the element of *morality*; some form of moral evaluation must be present in the statement for it to function as legitimation (*ibid*).

2) Theoretical rationalization, the second main category of rationalization, is founded on an assumed natural state or the truthfulness of things. It states “the way things are”, and usually occurs in one of three forms: *definition*, *explanation*, or *prediction* (van Leeuwen 2007, 103). According to van Leeuwen, ‘definition’ means that “one activity is [...] defined in terms of



another” (*ibid*). Definitions, like any rationalization legitimations, must include a moral element and “both activities must be objectivated and generalized, and the link between them must either be attributive (‘is’, ‘constitutes’, etc.) or significative (‘means’, ‘signals’, ‘symbolizes’, etc.)” (*ibid*). Consider the following example (Guttmacher–Lancet Commission on SRHR 2018, 2669):

- (12) Unfortunately, insufficient funding means many successful programmes are never scaled up after the pilot stage.

The example follows van Leeuwen’s definition category closely, as one social activity is defined by terms of another in a generalized manner. Moreover, the significative ‘means’ functions as the link between the two entities and the moral evaluation can be found in the words ‘unfortunately’, ‘insufficient’ and ‘successful’.

Theoretical rationalization can be also expressed through *explanations* that place the actor at the center of examination. In van Leeuwen’s view, explanations describe the nature of the actors and routine activities in a general manner, as though a habit or a practice is to be taken for granted “because doing things this way is appropriate to the nature of these actors” (van Leeuwen 2007, 104). Explanations as rationalization strategies can be ambiguous, and it can be challenging to identify a transparent case of explanation. The following extract aims to provide an example (Guttmacher–Lancet Commission on SRHR 2018, 2670):

- (13) Finally, health professionals and researchers should recognise the range of behaviours and identities grouped together under umbrella terms such as LGBTQI and sexual minorities.

In this example, health professionals and researchers are assumed to be the suitable actors to make scientific discoveries of various sexual orientations and behaviors because ‘that is suitable to the nature of these actors’. In other words, truthfulness by nature, generalized scientific approach and a skillset to make reliable observations are taken for granted in the case of researchers and health professionals. These generalized assumption about the truth of science have been developed over time. They have progressed from individual attributes to the common social knowledge (naturalization) as a result of a long tradition of certain community practices, rules and laws commonly adhered to by medical and scientific professionals.

Finally, the third way to use theoretical rationalization is through *prediction*. Despite the resemblance to authority legitimation, predictions are based on expertise based on experience. They assume shared commonsense knowledge and, thus, they are easily rejected

by a contrary experience (van Leeuwen 2007, 104). An example of a prediction as a form of theoretical rationalization would be a claim that abstinence before marriage leads to greater relationship satisfaction. This claim could easily be denied by people with experiences of premarital sex in pleasurable and happy relationships.

#### 4.2.4. Mythopoesis

As the final major category of legitimation, van Leeuwen introduces storytelling, *mythopoesis*. According to van Leeuwen, in *moral tales*, legitimation is constructed through the protagonist whose actions and practices are rewarded and legitimate order of things is restored (van Leeuwen 2007, 105). Furthermore, the stories often follow a classic narrative pattern where the onset of the story is a problematic situation or an obstacle which, as the story progresses, is overcome victoriously by the protagonist (*ibid*). Similarly, *cautionary tales* are constructed around the protagonist, but unlike in moral tales, the activities do not lead to happy endings. The aim of a cautionary tale is to give a warning – to de-legitimize an action or a social practice that the protagonist has engaged in. The warnings can be explicit (x happens if y), inverted (rhetorical questions, irony), or symbolic in which case specific actions represent more than one story (van Leeuwen 2007, 106). The following examples illustrate a moral tale and a cautionary mythopoesis respectively (Guttmacher–Lancet Commission on SRHR 2018, 2655):

- (14) In October, 2017, the Twitter hashtag #MeToo went viral, with thousands of women sharing their experiences of sexual assault and abuse [...] #MeToo was crucial in confronting the stigma and shame associated with being sexually assaulted or harassed; it showed that sexual violence is not an isolated occurrence but a deeply entrenched problem in society. #MeToo achieved what Tarana Burke wanted when she first tweeted it in 2006: it raised awareness about the overwhelming prevalence of sexual harassment and called for the perpetrators to be held accountable.
- (15) The explosion of personal stories came after an onslaught of allegations against a prominent movie producer, resulting in his expulsion from the US Academy of Motion Picture Arts and Sciences [...] In the USA, #MeToo was successful in removing perpetrators, from chief executive officers to elected officials, from their positions of power – positions that had allowed them to commit these acts in the first place.

The example (14) follows the classic story pattern where the problem (world of stigma and shame) is overcome (launching #MeToo) by a brave protagonist (Tarana Burke) who shows the

truth (sexual violence is not an isolated occurrence) and makes an impact (raising awareness). By comparison, in the example (15), the actions of the protagonist (prominent movie producer) are de-legitimized. Furthermore, the protagonist and others who have done similar de-legitimized actions are referred to as perpetrators. The moral of the story is that you should be cautious of what you do: If you are a high-rank person who commits the de-legitimized actions, you will lose your power position and live unhappily ever after.

Storytelling as a form of legitimation is a powerful strategy: it incorporates elements of authority legitimation (expert voice and narration), moral evaluation (evaluative expressions and analogies), and rationalization (means and effect orientation, definition). Furthermore, when based on past events in real-life, mythopoeses engage the audience simultaneously in multiple situational and cultural settings – the present moment and that of the story (de Fina and Georgakopoulou 2011, 30; 33-34).

### **4.3 Critique of Critical Discourse Analysis**

While Critical Discourse Analysis has become an academic success, it has also received criticism (Billig 2008, 784). When language is studied critically by using language the situation is inevitably paradoxical: how can we examine power and ideologies critically while we ourselves carry ideologies of our own? Even though this vicious philosophical circle cannot be broken by any individual researcher, the dilemma can be addressed by acknowledging one's own position and stance towards the research material (Fairclough 2001, 126). However, CDA has traditionally been blamed for a susceptibility to heightened subjectivity, conceptual vagueness and methodological ambiguity (see for example Widdowson 2004; Silverman 2001; Tyrwhitt-Drake 2005, 59; 87; Breeze 2011, 501). Moreover, the lack of self-criticism has been under scrutiny among the critics: even though CDA underlines the importance of self-criticism in research, the plethora of disciplines and methods CDA accepts under its roof inevitably changes this core feature (Breeze 2011, 498).

In the following sections, I will discuss some key issues CDA has been criticized for, namely the issue of subjectivity, conceptual vagueness and lack of self-criticism. In addition, I will present my own response to the criticism and discuss my position as a researcher. While I find CDA fascinating and support its cause, I consider myself a critical friend of CDA and understand some of the criticism the theory has received. Furthermore, I agree with Edward

Haig in his view that “[p]aradoxically...it is often the more sympathetic critics who make the most penetrating criticisms” (Haig 2004, 130).

### 4.3.1 Subjectivity

One of the issues CDA has been criticized for is the problem of partiality, and more, the lack of systematic methods of obtaining data and interpreting the results (Breeze 2011, 503; Hidalgo Tenorio 2011, 195). As CDA does not propose any specific analytical apparatus, it is the researcher’s responsibility to find the appropriate (socio)linguistic tools. This freedom of choice is only limited by the ground rules of CDA – resistance to power abuse and dominance. Consequently, there is room for methodological maneuver and theoretical fallacy (Tyrwhitt-Drake 2005, 51). However, since its early steps, CDA has addressed the issue of subjectivity and highlighted that the researcher should aim at ‘distancing’ themselves from the data. This is done by acknowledging one’s position as a subjective examiner of discourses and reality which are unavoidably affected by the one’s own experiences, values, ideologies and history (Wodak 2001a, 8). It should be reminded here that CDA has its foundations in the critical social theory and thus aims to examine the causes of social change. In other words, CDA is a *normative* approach that evaluates social beliefs and practices as beneficial or harmful (Fairclough and Fairclough 2012, 79). This is evidently manifested in CDA’s focus on domination and power abuse. Furthermore, CDA is *explanatory*, and distinguishes between normative and explanatory critique (*ibid*).

The researcher’s awareness of their own position is an integral part of the critical, self-reflexive analysis which supports the emancipatory cause of CDA analysis (Fairclough 2001, 126). The emancipatory agenda is essential in CDA as a scientific practice as it has the mechanisms for explaining a social phenomenon through discourse as well as changing them by revealing power structures (Fairclough et al. 2011, 357). Instead of observing discourses from the outside, a CDA researcher’s role is to engage in an analytical dialogue with the text and the social realities from which the research material stems. By being aware and openly stating the researcher’s own position, the issue of partiality becomes addressed, even though it never fades – nor should it: According to Siegfried Jäger, it is impossible to reconstruct objective truth by relying on one’s own knowledge and interpretations of reality (Jäger 2001, 60). CDA follows this view and does not aim to establish unquestionable truths: discourse analysis is interpretative and explanatory (Fairclough et al. 2011, 368). Research of humane phenomena (behavior, social structures, language) are inherently affected by the knowledge,

experiences and viewpoints of the researcher. In my view, it would be illogical to expect that approaches that investigate humanistic disciplines would aim for positivist objectivity and the empiricism of ‘hard sciences’.

#### **4.3.2 Conceptual vagueness and methodological ambiguity**

As has been discussed there are various methods of analysis and disciplines that have been adopted under the umbrella of CDA. Over the years, many disciplines have brought their own views and concepts into CDA with both progressive and potentially confusing results. On one hand, the interdisciplinary nature of CDA has prevented theoretical stagnation and allowed the approach to develop and create multiple branches and applications (see for example Meyer 2001). On the other hand, the plurality of concepts has resulted in complexity as there are multiple disciplines that bring their own terminology, philosophy and interpretations to the table.

In addition to the conceptual vagueness, critics have raised to discussion a concern whether or not CDA research can produce valid knowledge without explicit, replicable methodological procedures (Hidalgo Tenorio 2011, 195; Haig 2004, 133). However, multiple CDA pioneers in their various works have responded to this criticism extensively stating that “The choice of appropriate methods (data collection and mode of analysis) depends on what one is investigating. Thus, for example, it is likely that a different set of analytical and theoretical tools will be required” (Fairclough et al. 2011, 358). Moreover, as CDA is about studying complex social phenomena, multi-methodological approaches are evidently required (Wodak and Meyer 2009, 2). However, some of the CDA researcher acknowledge that “International, theoretical and methodological integration would obviously benefit the realization of a common aim, namely to analyse, understand and combat inequality and injustice” (van Dijk 1993, 279).

Even though the criticism of methodological fallacies may be justified in some cases (see Breeze 2011, 502-503), CDA cannot be blamed for a complete absence of analytical tools and propositions of methods. As mentioned, SFL is one of the most widely used tools in CDA, even though it has received criticism for being “defective because it fixes on isolated sentences instead of utterances” (Widdowson in Hidalgo Tenorio 2011, 195). However, even some of the harshest critics admit that it is possible to analyze language by its social functions, as SFL does, and reach conclusions about ideologies and power structures in texts (Breeze 2011, 503; Haig 2004, 138-139).

In addition to SFL, there are various other tools established to approach discourse analysis critically and ensure validity (see for example Fairclough 2003; Wodak 2001b; van Leeuwen 2007; van Leeuwen and Wodak 1999). For this study I have chosen van Leeuwen's legitimation strategies that are used in CDA to analyze power structures as well as underlying assumptions about ideologies manifested in discourse samples. Moreover, as will be discussed in methodology section, *critical reading* supports the researcher to examine their own positioning towards the analyzed material and thus challenge the issue of subjectivity.

### 4.3.3 Lack of self-criticism

Over the years, as CDA has become an established academic discipline it has developed an identity different from other critical language studies. Some of the characteristic features are the critical examination of the researchers' position in a study, the methodology, and the discipline as a whole. Concerns have been raised for all three issues.

Firstly, as was discussed in the context of subjectivity, the researcher should be aware of their own position and how it affects their methodological choices, data collection and, finally, the interpretation of the results. This is done in order to distance the researcher from the data and remain critical of one's own research process (Wodak and Meyer 2009, 3; 32). However, to critics, this attempt to distance oneself from the data serves merely as a reminder of the researcher's duty to expose dominance and side with the dominated (Tyrwhitt-Drake 2005, 87). In Fairclough's view, however, the researcher's self-reflexivity is the only way to access the discourse production processes and make meaningful conclusions and interpretations:

[The mental] processes take place in people's heads, and it is therefore not possible to observe them as one might observe processes in the physical world. The only access that the analyst has to them is in fact through her capacity to herself engage in the discourse processes she is investigating. In other words, the analyst must draw upon her own [(interpretative procedures)] in order to explain how participants draw upon theirs.

(Fairclough 1989, 167)

I agree with Fairclough's thoughts on critical self-awareness and thus, throughout the study, I aim to openly acknowledge the impact of my interpretation on the analysis and its social implications.

The second dimension of self-reflexivity relates to reflexivity as a methodological component in CDA research. According to Wodak, multimethodological and multitheoretical research is an imperative in CDA (Wodak 2011, 64). Moreover, critical and self-reflective CDA research should turn back on itself and ask ‘how effective is this critique?’, ‘does it contribute to social emancipation?’ and ‘is it affected by academic practices and the researcher’s own positioning?’ (Fairclough 2001, 126). However, these questions are mere guidelines for a CDA researchers and there are no rigid procedures for self-reflection. Consequently, this lack of instructions is seen as a methodological flaw by some critics as they claim that in CDA any method will do as long as they produce social emancipation and reveal power structures (Widdowson in Breeze 2011, 503).

The response to this critique leads us back to the roots of CDA: The approach does not aim to be or become a mature framework or a saturated theory that can be applied to any data as such. As CDA encompasses several disciplines and does not represent a holistic paradigm, critical views of methodology should indicate the criticized discipline in a given study (Wodak 2002, 7).

Finally, the third dimension of self-reflectivity critique concerns CDA as an intellectual enterprise, uncritical of its own activities. To the critics, CDA appears as an all-encompassing network of theoretical ideas that does not engage in dogmatic debate (Breeze 2011, 501; Haig 2004, 136). To the supporters of CDA, the heterogeneity of disciplines is not an issue per se, but they do acknowledge that the fragmented field of CDA might lose its common focus of resisting dominance (van Dijk 1993, 279). Critics urge that CDA be more critical towards its own activities; how it produces complexity and intellectual dominance through academic ‘branding’, that is, marketing CDA as the first choice in critical language studies (Hidalgo Tenorio 2011, 195; Billig 2003, 36). Moreover, according to Michael Billig, a British sociolinguist, CDA researchers should focus more on their own language use in order to avoid the same unselfconscious biases in language use that they analyze in the first place (Billig 2008, 784). He states that “we cannot use critical terminology unreflexively, as if our own words are somehow magically innocent” (Billig 2003, 36).

I agree with Billig and consider his criticism well justified. Critical discourse analyst should remember that language use is, indeed, more than a matter of style, it is a matter of power. Language represents certain ideologies, emphasizes some aspects over others thus producing inequalities. The question then is: Is the researcher aware of this and can are they able to address the issue by engaging in an inner dialogue throughout the research process? As a developing CDA researcher, I find it my responsibility to remain critical of both my own

language use and the vague rhetoric of the discipline. The academic community of CDA can only learn and develop itself by looking in the mirror and facing the uncomfortable.

#### **4.4 Critique of legitimation framework**

Van Leeuwen's legitimation strategies form a linguistic approach in a broader framework of social science theories and studies on how legitimacy is produced (see ScienceDirect: Legitimation 2020). The connection between critical language studies and legitimation is not new, and several studies on legitimation have been realized by using CDA as a framework (see for example Bogain 2017; Reyes 2011; Yağcıoğlu and Cem Değer 2001). However, the relationship of legitimation and CDA is not altogether rosy, and critical perspectives have been presented. This section discusses some of the most pressing critique focusing on van Leeuwen's legitimation strategies through the lenses of CDA.

In *Political Discourse Analysis: A Method for Advanced Studies*, Norman and Isabela Fairclough discuss van Leeuwen's legitimation strategies (2007) and note that there is ambiguity in defining what is 'justification' as opposed to 'legitimation' (Fairclough and Fairclough 2012, 109). According to Fairclough and Fairclough, legitimation has a narrower, more particular scope and usually invokes publicly shared, sometimes institutionalized systems of beliefs, norms and values (*ibid*). In their view, should a justification lack those outcomes, it does not constitute a case of legitimation. I concur with Fairclough and Fairclough's opinion that van Leeuwen's framework fails to address adequately the notions of legitimation and argumentative justification, and the risk of confusion between the two. Argumentative justifications (explanation) may bear a resemblance to legitimations but their inner logic is different. Fairclough and Fairclough emphasize that legitimations are essentially forms of arguments that include justification for a controversial proposition (Fairclough and Fairclough 2012, 110) However, in his work van Leeuwen clearly explains the difference between a regular purpose construction (explanation) and a legitimation when discussing instrumental rationalization: "In order to serve as legitimations, purpose constructions must contain an element of moralization" (van Leeuwen 2007, 101). I consider this statement a solid enough example of the difference between an explanation and a legitimation.

While Fairclough and Fairclough acknowledge that the work of van Leeuwen (2007) has had a high impact on the empirical research in the legitimation framework, they raise a concern about how van Leeuwen draws seemingly no connection between the social-



ideological context and the legitimation case examined (Fairclough and Fairclough 2012, 110). In other words, Fairclough and Fairclough believe that every justification (legitimation utterance) that is reasoned by appeal to authority, morality or reason is connected to a publicly recognized system of values, norms and beliefs – ideologies (*ibid*). While I agree with Fairclough and Fairclough in their critic statements about the lack of connections between legitimation strategies and belief systems, I reckon their arguments too heavily founded in the perspectives of CDA. To me, van Leeuwen’s legitimation strategies present primarily as tools for sentence-level language analysis, not instruments of critical social evaluation. For this reason, I chose to use the tools in the frame of CDA.

In this study, special attention is given to the notions of human rights and human rights ideology. Moreover, legitimation strategies as forms of argumentations are examined on the bases of these notions to build bridges between linguistic realizations of power use and the ideologies from which they stem. As previously explained, this study examines legitimation strategies employed to construct authority in the context of SRHR and human rights discourse. Furthermore, the purpose of this study is to examine how human rights are included in legitimation strategies and how presumably shared frame of moral principles of universality are referred to.

#### **4.5 Previous studies**

The legitimation framework and van Leeuwen’s legitimation strategies have been used widely in studies that examine authority in decision-making, justification of control and construction of ‘us vs. them’ in parliamentary discourse (see for example Vaara et al. 2006; Rojo and van Dijk 1997; van Leeuwen and Wodak 1999). Moreover, the legitimation framework has been competently connected to CDA in many scholarly works that study discursive legitimation strategies of security, de-legitimation in socio-cultural and ideological contexts, as well as political control and the use of power (see for example Bogain 2017; Reyes 2011; Yağcıoğlu and Cem Değer 2001; Rojo and van Dijk 1997; van Leeuwen and Wodak 1999). Next, I will present a few researchers that illustrate how van Leeuwen’s legitimation strategies are combined with CDA. Subsequently, I will give examples of studies that examine human rights discourses from a critical perspective.

As noted, van Leeuwen’s legitimation strategies have received much attention in the academic community of sociolinguistic research and have been employed in various researches

to a wide array of data (Fairclough and Fairclough 2012, 110). For instance, in the study of news coverage of the protests in Egypt during the Mubarak regime in Iran, van Leeuwen's legitimation strategies were used to determine the different discursive strategies used by two ideologically different news networks (Sadeghi et al. 2014). All four of van Leeuwen's legitimation strategies were applied to a corpus consisting of 20 news articles from two news networks, and the analysis was conducted by examining sentence-level tokens from the data. As the main output, the study showed a frequency list of the legitimation strategies used by each news network. In spite of using CDA as a framework, the paper presented little concluding remarks on the significance of the social conditions behind the study.

Another, quite recent publication used the same approaches in a study of the social construction of the anti-doping movement and legitimation of anti-doping regulations in three publications by the World Anti-Doping Agency (Qvarfordt et al. 2019). Van Leeuwen's legitimation strategies were employed in the frame of CDA by following a three-dimensional model of structure examination, interaction interpretation and social explanation (Bryman 2012, 538). The study provided an extensive description of the analytical process and managed to answer the question of why the social practice of anti-doping movement exists in its current form.

With regards to the topic of the present study, I found no studies that employ van Leeuwen's legitimation framework to the human rights discourse in SRHR material. However, after a careful online search I found several publications that examine critically the human rights ideology, its Western biases and the use and abuse of human rights discourse in politics (see for example Perry 1997; De Lauri 2016; David 2018; McIntyre 2003; David 2018; Szczepanik 2014). Moreover, CDA has been used in combination with human rights-based approaches to examine gender, sexuality and human ecology (see for example Daley and MacDonnell 2011; Brok 2019). I will shortly discuss some of the common characteristics I discovered in critical researches of human rights ideology and discourse.

Many critical studies on human rights address the issues of Western ideological bias and the dichotomy between the cultural relativism and universalism. They discuss the problem of setting human individuality as the most fundamental moral unit, as the concept is strongly anchored to the Western liberal worldview (Freeman 1995, 25). However, these studies do not merely criticize the origins of human rights but also propose and discuss alternative approaches to understanding the concept more profoundly and, consequently, enhancing the implementation (see for example David 2018, de Sousa Santos 2002). As discussed earlier, counterhegemonic human rights discourses and multicultural dialogue about the meaning of

human rights are emerging and, if successful, they provide new angles to the research and, ultimately, policy-making processes (see An-Na'im 1990, de Sousa Santos 2002; Basok 2009; Rajagopal 2006).

Even though many studies criticize the Euro-American centrality in the formation process of the Universal Declaration of Human Rights, they do not deny the core aims of human rights, namely the need to protect the vulnerable from abuse and oppression (Winston 2007, 301). Instead, through revealing the normative complexities and operational vagueness, the critical friends of human rights aim to answer the troublesome question of why human rights have little effectiveness in preventing states and other actors from violating them (Winston 2007, 301; Murphy 1972, 305; Posner 2014). In addition to the ideological and philosophical perspectives, the human rights language has also been critically studied in the context of the international law and political use (see for example Jahren 2013; Szczepanik 2014; Paz 2014; Bogain 2017). As human rights have become an overarching, yet ambiguous concept in the international relations, the framework has been embedded in the structures of political power play (Jahren 2013, 1)). Consequently, human rights have become susceptible to rhetorical abuse and manipulation for political ends, such as declarations of war on terrorism (Jahren 2013; Bogain 2017, 477-478). Critical discourse analyses on human rights discourses show that due to the lack of clarity in meaning and disagreement in implementation, human rights do not fulfill their original purpose, namely protect the weak from abuse (Jahren 2013, 2).

This dilemma is also the motivation for the present study; the purpose of this thesis is to contribute to the discussion about the ambiguity of human rights principles that, if applied as such in their current form, produce ineffective results. Through a careful examination of the Guttmacher-Lancet report on SRHR, this study aims to show that constructing authority by appeal to allegedly shared moral human rights principles carries the risk vagueness. Moreover, the normative message may address only those who already accept the human rights ideology. Should the results prove this to be the case, the implementation of sexual and reproductive health and rights could face a similar ineffectiveness as that of human rights.

## 5 Material and methods

In this chapter I will present the material and methods used in the analysis. In the section on material, I will give an overview of the structure of the Guttmacher-Lancet report on SRHR and discuss the main themes of the report. In the methods, I will describe the analysis process and explain how the analytical tools are applied in practice. By examining the Guttmacher-Lancet report in the frame of CDA and through van Leeuwen's legitimation strategies, this study aims to determine the function of human rights appeals in the construction of legitimacy, and how allegedly shared values of universality are present in legitimation. Moreover, the purpose of the study is to join the academic discussion about the implication of the values and ideologies in the SRHR discourse.

### 5.1 Material

The material analyzed in this study comes from a report *Accelerate Progress—Sexual and Reproductive Health and Rights for All* published by the Guttmacher-Lancet Commission on Sexual and Reproductive Health and Rights commission in May 2018. The report is an outcome of collaboration between the Guttmacher Institute and the Lancet medical journal and its aim is to propose a revised, more elaborate and integrated global definition of SRHR is based on the understanding of sexual and reproductive health as physical, emotional, psychological and social well-being in all sectors relating to sexuality and reproduction (Guttmacher–Lancet Commission on SRHR 2018, 2643). The report discusses these issues from the viewpoints of human rights as well as economic, judicial and educational rights, and considers the previously neglected rights of minority groups and people in vulnerable positions (Zuccala and Horton 2018, 2582-2583; Guttmacher–Lancet Commission on SRHR 2018, 2645-2646). Moreover, the report takes a critical stance towards conservative global policy developments that have hindered the realization of reproductive and sexual rights all over the world (see for example Roth 2020; Hogan 2019).

The 43-page long report is divided into seven sections which discuss the key components of SRHR in relation to the proposed integrated definition (Guttmacher–Lancet Commission on SRHR 2018, 2644). The first section lays the foundation of the report by introducing the new definition of SRHR and giving an overview of the historical processes in

the development of the concept. The second section discusses the global trends that affect the SRHR, for instance, the changing demographics, migration, natural disasters and armed conflicts. Next, the third section presents information on the sexual and reproductive health needs from the viewpoints of availability and access to services. Subsequently, the fourth section identifies and discusses the SRHR needs of populations with special needs for services and information. These are, for instance, adolescents, LBGT+ individuals and other minorities, persons with disabilities, and women and children in vulnerable positions due to, for instance, forced migration or underage marriage. In the fifth section, graphs, modelled budget drafts and data from surveys are presented to give an estimate of the annual global cost of investment in SRHR holistically. Subsequently, the sixth section identifies the areas in local, regional and global health care and policies which should be improved in order to attain the highest fulfillment of SRHR. These suggestions consider the judicial, political, social and educational factors, as well as the role of technology and innovation. Finally, the seventh section discusses the significance of SRHR and presents evidence-based recommendations for actions and policy reforms. Inside the seven sections, there are panels, tables and figures that provide contextual background narratives, detailed information on health care statistics and data from surveys. Each section, chapter and paragraph is accompanied by references to studies, data from United Nations institutions and other academic publications.

The analyzed material comprises of text samples chosen by keyword occurrences of ‘human rights’ across the seven sections, the executive summary and the introduction chapter. The relevant amount of analyzed data in total covers 27 instances of ‘human rights’ occurrences in their contextually relevant text environments that give background information. Moreover, the larger text samples tie ‘human rights’ occurrences to the wider discourse in the report. As discussed earlier, the ICPD in Cairo in 1994 is considered one of the most progressive international conferences in which a global action plan for sexual and reproductive health was accepted. Thus, each section and the recommendations for SRHR policy improvements use the Cairo PoA as the key reference document. Moreover, the guiding principle throughout the report is the commitment to human rights and the notion of universality in SRHR services and information (Guttmacher–Lancet Commission on SRHR 2018, 2643).

## **5.2 Methods**

This study examines the different ways ‘human rights’ are presented in legitimization strategies used by the Guttmacher-Lancet Commission in their report on sexual and reproductive health

and rights. The analysis is conducted by examining discourse structures that appeal to (presumably) shared universal moral principles and human rights values and it is guided by a method of critical reading, in which a text is read from engaged and estranged positions (Janks 1997, 331). Even though the analysis focuses on the text examples, critical reading functions as the basis for analysis and thus, the report as a whole is read through several times. Moreover, each reading position is repeated multiple times in order to observe and understand emerging subjective biases and variability in interpretations between readings. In the present study, critical reading is employed to form a holistic interpretation of the report in the wider SRHR and human rights discourse. Furthermore, contrastively to other studies in which critical reading has guided CDA methodology of text description, interpretation and social analysis (see for example Janks 1997; Hamed et al. 2017), the present study incorporates critical reading in the analysis of legitimation strategies in which critical perspectives to authority construction, power and ideology are presented.

In the *engaged* position I read the material from a non-critical perspective and aim to accept the argumentation about human rights, SRHR and universality as given. Moreover, I submerge in the human rights ideology and agree with the claims and naturalization of social practices and interpret the text in the ‘preferred’ way (Janks 1997, 330). Contrastively, in the *estranged* position I take a critical stance towards the sequencing of phrases, the use of collocates and juxtaposition of human rights. As discussed, the estranged reading against the text implies resistance to the textual and institutional power that is often naturalized in a discourse and thus, is undetectable by cooperative reading that favors engagement (Janks 1997, 331).

The Analysis presents the results of a critical interpretation of textual examples which include the keyword compound ‘human rights’. While it does not explicitly discuss observations from the engaged reading positions, I acknowledge that unintentional engagement and disregarding of some critical interpretations may occur due to subjectivity and naturalization. The chosen textual examples were found by using the ‘search’ option (Ctrl +F) for ‘human rights’ in the electronic version of the report, and 27 out of 28 keyword occurrences were included in the analysis as they were part of the original text, not direct quotes from other documents. The relevance judgement of their textual environments was based on the intention to provide adequate amount of background information and other relevant details so that the function of each keyword occurrence may be demonstrated. For this reason, the chosen examples vary in length to show the broad discussion context; some samples may comprise of a few sentences while others may include a whole paragraph. Furthermore, most of the relevant

‘context’ sentences are grammatically connected to the keyword phrases by connectors, conjunctions or determiners, so they are naturally linked to the keyword.

The keyword compound ‘human rights’ and its collocations in the report were chosen to narrow the data and to reflect the primary research question ‘What is the function of appeals to human rights in the construction of legitimation in the report?’. In addition, in order to provide answers to the second research question ‘How are allegedly shared values of universality present in legitimation?’, implicit references to norms and values of universality are examined as they may occur in a form undetectable on word-level. Indeed, as has been discussed, some forms of legitimation do not follow any specific linguistic structure and thus a qualitative, comprehensive approach is needed.

In the interpretative process, the situational context of the text translates as social and institutional power in reality, and the explicit and implicit knowledge and value assumptions become tokens of the author-reader interaction. As power use is connected to legitimacy, the analysis of textual samples is conducted by using the four major categories of legitimation by Theo van Leeuwen: 1) *authorization*, legitimation by reference to authority of law, custom or tradition and persons in which institutional authority is vested. 2) *moral evaluation*, legitimation by reference to value systems. 3) *rationalization*, legitimation by reference to goals or uses of institutionalized social action. 4) *mythopoesis*, legitimation conveyed through good-outcome vs bad-outcome narratives and rewards or punishments (van Leeuwen 2007, 91-92.). Van Leeuwen’s legitimation theory together with the CDA framework provide a tool for a deep, structural analysis of power use in language. Finally, the social context of the interpretation is described and explained in the Discussion chapter. The social implications of the key results of the legitimation analysis are discussed in the frame of CDA’s core elements, namely those of ‘critical’, ‘power’ and ‘ideology’. The Discussion chapter aims to provide an answer to the final research question of ‘What are the implications of the values and ideologies in the SRHR discourse and do they contribute to the key message of the report?’

Even though bridging CDA and legitimation theory creates a suitable interdisciplinary collaboration in this study, the methodologies do have some limitations. As discussed in sections 4.3 and 4.4, both approaches have been criticized for terminological ambiguity and the risk of subjective choice of data, methods and presentation of the results. As a critical friend of CDA, I recognize these issues and acknowledge that should the same data be examined by another researcher, the choice keywords, relevant examples and emphasis in analysis could lead to different results. However, in the present study, this does not constitute an insurmountable obstacle as the aim is not to establish categorical truths about the nature of human rights or

sexual rights discourses. Instead, the study means to initiate discussion, indicate a need for further research and ultimately contribute to the critique about the gap between the discourse of 'rights' and the social realities of the everyday lives of the people.



# 6 Analysis

This interpretative legitimation analysis examines the construction of authority and appeals to human rights in selected textual examples. As discussed in the context of theoretical framework, legitimations are discursive strategies in which the author aims to validate a claim and answer to the unspoken ‘why?’. They tell about the relationship dynamics between the author and the audience; the power position, assumptions about shared notions of ‘common-sense’ and values. Legitimations may occur implicitly or explicitly and, according to van Leeuwen, they usually take the form of authorization, moral evaluation, rationalization or mythopoesis.

**Table 2** Recapitulation of van Leeuwen’s legitimation strategies.

Authorization	Legitimation by appeal to personal, expert, role model or impersonal authority (institution, tradition, conformity).
Moral evaluation	Legitimation by appeal to moral values.
Rationalization	Legitimation by appeal to reason and knowledge; goals, effects, actions, or the nature of things.
Mythopoesis	Legitimation through narratives; moral and cautionary tales.

In this chapter, I present the application of legitimation strategies in textual samples based on the findings of the keyword ‘human rights’. In total 27 keyword occurrences were included in the analysis in their textual environments. It is worth noting that some samples include various overlapping legitimation strategies. In these cases, all detectable possibilities are discussed. Moreover, the textual samples vary in length due to sentential structures and contextual relevance, that is, the coherence between utterances on textual or ideological level. Contextual interpretation connects not only the textual samples to the report as a whole but also the meaning of the text to real world events and phenomena. It aims to provide answers to the following research questions: What is the function of human rights appeals in the construction of legitimation in the report? How are allegedly shared values of universality present in legitimation? What are the implications of the values and ideologies in the SRHR discourse and do they contribute to the key objective of the report (integrated definition)?

## 6.1 Human rights in authorization

‘Human rights’ as a component in authorization occurs 7 times in forms of impersonal, expert and personal authority construction. Some of the strategies blend elements from other legitimation types and form mixtures of strategies. The components of these blended strategies are discussed as they occur.

- (16) The definition of SRHR presented in this report (panel 3) is broad, inclusive, and based on human rights principles; it builds on international consensus agreements and technical guidelines that take a progressive approach to ensuring health and wellbeing.
- (17) Building on agreements,<sup>1,2,10,14-16</sup> WHO publications,<sup>17,18</sup> and on international human rights treaties and principles,<sup>27</sup> we present a comprehensive, integrated definition of SRHR as the basis for the remainder of this report (panel 3). Although the definition applies to everyone, the issues are especially relevant for women because of biological factors and because of socially defined gender roles that discriminate against them.
- (18) Since human rights principles and conventions underlie SRHR, states that have signed and ratified the conventions are obligated to implement them through domestic laws, policies, budgets, and judicial decisions—or they can be held accountable in a court of law. Consensus agreements such as the SDGs, and technical documents, such as the Global Strategy for Women’s, Children’s and Adolescents’ Health, do not have the same legal standing as treaties and conventions, but they serve as guidance for governments worldwide and as sources of leverage for health, development, and rights advocates.
- (19) Essential sexual and reproductive health services must meet public health and human rights standards, including the “Availability, Accessibility, Acceptability, and Quality” framework of the right to health.<sup>28</sup>

The examples (17), (18) and (19) show how the main message of the report, namely the integrated definition of SRHR is constructed and justified (Guttmacher–Lancet Commission on SRHR 2018, 2679; 2646. Furthermore, example (18) gives an account of the legally binding nature of human rights conventions and their relation to SRHR (Guttmacher–Lancet Commission on SRHR 2018, 2683). The strategy used in examples (16) and (17) is an implicit impersonal authority, constructed through appeals to the human rights framework as well as international agreements. I use the term ‘implicit’ here, as the verbal process of stating or

declaring is absent, and the element of obligation is not present in a detectable linguistic form. In the example (18), 'human rights principles and conventions' serve as the legislative element followed by a cognate adjective 'obligated'. However, the example (18) does not include a verbal process either. This is also the case in the example (19), in which the obligation is expressed through the modal verb 'must' but a verbal process is absent. In all examples the implied impersonal authority of consensus agreements relies on the institutional authority of the United Nations and the legal treaties established under its auspices. Moreover, the authority of technical guidelines and publications comes from the conformity of a (abstract) scholarly community who approves the guidelines as valid, scientific tools. Moreover, numbers in superscript refer to the list of references in the report, which further as a publication convention provides transparency and traceability to research functioning as validation to arguments.

In addition to impersonal authority, example (17) includes elements of personal and expert authority and can be considered a blended strategy. The statement 'we present' follows the typical form of personal authority legitimation including a verbal process. Even though the utterance does not have an explicit obligation modality, basing the argument on the moral responsibility to respect agreements and treaties can be considered an implicit obligation. On the other hand, the same statement can be interpreted as expert authority in which 'we' refers to the Gutmacher-Lancet Commission. Moreover, expert authority legitimations also take the form of a verbal process and show either explicit or contextual implications of expertise. Here, expertise is granted on the base of the validity and authority of given sources in superscript. They imply that the Commission is professionally skilled as they base their proposals on the chosen sources. As mentioned earlier, blended legitimation strategies pose challenges for interpretation and, as none of the interpretations above are textbook examples of van Leeuwen's personal and expert authority legitimations, there is a possibility of error. The interpretations rely on contextual clues in the text and may require further analysis in order to determine how meaningful the differences are in relation to the social reality and power use.

However, whether impersonal, expert or personal authorization, the relationship between the producer of legitimation (Gutmacher-Lancet Commission) and the consumer of legitimation (the reader) is clear; the legitimations assume a certain level of knowledge about the (morally) binding nature of international agreements as well as human rights treaties and principles. Human rights treaties are assumed to command respect, legal and moral obligation and authority even though their contents are not explicitly explained. Moreover, the reader is expected to accept the human rights principles as universal guidelines that as naturalized, common-sense values are adoptable to SRHR as such. The universalism is implied both in the

word ‘international’ as well as in ‘principles’. To recall, universality, inalienability and indivisibility, interdependence and interrelatedness, equality and non-discrimination, inclusion, accountability and the rule of law are the core principles of the human rights regime. They are set to guide all human rights activities regardless of geography, culture, nationality, race, religion, ethnicity or gender (David 2018, 4). By appealing to human rights treaties and principles as known concepts and accepted values, the producer of legitimation (re)creates and strengthens the power position of the human rights doctrine in discourse as well as in social reality. The invitation to join the ideology and advance change in real life becomes clear in the following example:

- (20) Finally, we highlight effective and promising interventions in sexual and reproductive health, and we present recommendations for high-priority actions based on the evidence and rooted in human rights to serve as a guide for those who want to work for change.
  
- (21) Would the essential sexual and reproductive health services described in this report provide good value for money? And can countries afford them all? Evidence shows the investments yield benefits on many levels and over time, in addition to enhancing individual health and human rights.

The example (20) shows, another case of a blended legitimation strategy (Guttmacher–Lancet Commission on SRHR 2018, 2644). Personal and expert authority are both manifested in ‘we highlight’ and ‘we present’. However, no obligation modality is present. Similarly to the example (17), the expertise is contextually implied and tied to the credibility of the referred documents. Basing the recommendations for action on scientific evidence and human rights ‘we’ (the Commission) argues for academic responsibility, professionalism and scholarly ethics – qualities acknowledged by many researchers worldwide (Ibrahim et al. 2012, 523-524). In addition to contextual expert authority legitimation, the Commission announces its credentials explicitly a few paragraphs later, further justifying the credibility of their statements: “The Guttmacher–Lancet Commission on Sexual and Reproductive Health and Rights consists of 16 commissioners from Africa, Asia, Europe, the Middle East, North America, and Latin America, with multidisciplinary expertise and experience in a broad range of SRHR issues” (Guttmacher–Lancet Commission on SRHR 2018, 2644).

The example (21), illustrates an implied expert authority of ‘evidence’ which in scientific discourse functions as an indisputable authority that requires no further justification (Guttmacher–Lancet Commission on SRHR 2018, 2671). The authority of ‘evidence’ relies on

both historical conventions and the conformity of the scholarly community and thus, bears traces of authority legitimation by appeal to tradition and conformity. Regarding the term ‘human rights’, the core message of the example is ‘investments enhance human rights’; the language of investments and SRHR resembles a sales promotion in which a buyer is convinced of a value-for-money deal. In this context human rights function as a ‘best-buy’ in the marketing scheme.

In addition to legitimizing the Commission’s position and the authority of scientific evidence, the position of the actors behind the historical development of the human rights paradigm of SRHR is justified through expert authority:

- (22) A year after ICPD, delegates to the Fourth World Conference on Women in Beijing, China (Sept 4–15, 1995),<sup>10</sup> reaffirmed the ICPD agreement and defined the human rights of women as including, “their right to have control over and decide freely and responsibly on matters related to their sexuality...free of coercion, discrimination and violence.”

In the example (22), the action of ‘defining the human rights of women’ is legitimized by appealing to the ‘delegates’ who represented the participating governments in the conference (Guttmacher–Lancet Commission on SRHR 2018, 2645). Here the verb ‘define’ could be considered a verbal process as the negotiations and agreements have most likely involved conversations and speeches. The expertise is contextually implied as it is assumed that government delegates who participate in international negotiations are experts in politics. In this example, a renewed definition of the ‘human rights of women’ is the outcome of the agreement between experts and, along with the Cairo PoA, is regarded as one of the most progressive steps towards a common agreement on SRHR.

As the authorization legitimation examples show, human rights are not referred to as the primary authority or an entity of inherent power. Instead, human rights ‘build’, ‘underly’ and ‘define’ SRHR definitions, and activities are ‘based on’ and ‘rooted in’ them. Human rights are mentioned as a central element along with international agreements, consensus documents and other guidelines that aim to appeal to legislative imperatives, scientific evidence as well as to standards of morality. However, as the next section shows, human rights normativity is not a complex element in authority legitimation only, but it also constitutes the means, the purpose and the results in appeals to reason.

## 6.2 Human rights in instrumental rationalization

As discussed in section 4.2.3, instrumental rationalization appeals to reason and aims to legitimize a practice by reference to its goals, methods and outcomes. When explicit, the linguistic formulae of instrumental rationalization follow a distinguishable, almost a mathematic pattern and thus, they are relatively easy to detect.

- (23) Countries must also take actions beyond the health sector to change social norms, laws, and policies to uphold human rights. The most crucial reforms are those that promote gender equality and give women greater control over their bodies and lives.

The example (23) shows a blended case of two subcategories of instrumental rationalization, namely goal orientation and effect orientation, (Guttmacher–Lancet Commission on SRHR 2018, 2642) The goal orientation begins with ‘to change social norms’ that marks the beginning of the purpose clause. Moreover, the effect orientation, marked by ‘to uphold human rights’ is embedded in goal orientation. In this example, upholding human rights is the ultimate outcome of changes in social norms, laws and policies that countries are demanded to take action in.

At this point, it is worth remembering that the difference between a rationalization legitimation and a general explanation is the element of morality. Here, two aspects reveal the underlying normative assumptions and express commitment to the Western understanding of nation states and individual moralism. Firstly, the statement ‘countries must’ positions states as the primary actors in legal and political activities, as well as in social change. The legal status of nations is clear, and they are by law obliged to respect individuals’ human rights (Freeman 1995, 25-26). However, placing states as the primary actors to drive social change assumes that top-down-driven change is possible and that it is the state’s responsibility. Moreover, changes in cultural and social norms are often linked to state interventions and institutional programs, such as formal education or foreign development cooperation projects, and the prevalent social status quo is frequently framed negatively in the report.

Secondly, Western individual moralism places gender equality and bodily autonomy at the center of needed reforms. In Western societies, gender inequalities and cultural practices that restrict women’s autonomy are strongly criticized in the public opinion (Szczepanik 2014, 18). Moreover, individual freedom and the right to choose are the core principles in the liberal system of Western values (*ibid*). As has been shown, the same value-base has laid the foundations of the principles in the human rights ideology.

- (24) National governments, in turn, must hold local communities accountable for upholding individual rights and implementing global standards for medical ethics and public health. Where opposition to specific rights or services exists, or where services do not meet acceptable standards, advocacy by civil society organisations, backed by UN agreements and human rights treaties, will be essential.

The example (24) includes similar requests for states to take legal and policy actions to support human rights (individual rights) and improve health care (Guttmacher–Lancet Commission on SRHR 2018, 2684). It shows a blended case of effect orientation and moral evaluation. Here, ‘upholding individual rights’ (here a synonym for human rights) is the final outcome of the process in which governments hold communities accountable. What is notable is that ‘individual rights’ and ‘specific rights’, as well as ‘acceptable standards’ are not defined, which indicates a strong presumption about background knowledge of the reader or a shared understanding and acceptance of implied values. The implementation of ‘global standards’ refers to both the health care guidelines by WHO and the assumed universality of medical ethics – a system of moral principles based on Western understanding of quality medical care (WHO 2020b; Coward and Ratanakul, 1999, 1-3). The same principles that govern human rights underpin WHO’s global standards of medical ethics: “While concerns about ethics and human rights are closely related – human rights, after all, are ultimately grounded in overarching ethical principles, such as liberty and equality” (WHO 2020b, 11).

Regarding the function of ‘human rights’ in the example (24), the phrase ‘backed up by human rights treaties’ describes human rights treaties as a key element in the ‘essential’ advocacy work of civil society actors. Here, similarly to authorization, human rights treaties are referred to as an entity that has a supportive function – actions are ‘backed up’ by it. In fact, the institutional authority of human rights treaties that support advocacy work shows traces of impersonal authority legitimation. However, in the absence of verbal process and the component of obligation, the evaluative adjective ‘essential’ tilts the clause in the favor of moral evaluation legitimation.

- (25) Around the world, LGBTQI people face persistent discrimination – sometimes legally sanctioned and sometimes violent. These individuals suffer from higher rates of unintended pregnancies, HIV, other STIs, violence, and mental health conditions than the general population, and many individuals are reluctant to seek care or reveal information about their sexuality to health-care providers. SRHR policies and programmes must acknowledge and respond to their needs, both to protect their human rights and to address urgent health conditions.

- (26) Successful interventions have been piloted in many low-income and middle-income countries, some of which are highlighted in this report, but many effective approaches have not been implemented on a wide scale. Thus, civil society groups and others committed to advancing SRHR must work across sectors, and they must hold governments accountable to their commitments not only to improve health but also to uphold human rights.

The examples (25) and (26) show instrumental rationalization through means of goal orientation (Guttmacher–Lancet Commission on SRHR 2018, 2682; 2643). In the example (25), human rights protection is the goal which needs to be acknowledgement and responded to by SRHR policies and programs. Even though the actors are abstract entities, they are addressed explicitly as the agents who ought to implement the actions. In example (26), the actors are the civil society groups and other SRHR advocates, and the goal of the action is the promotion and support of human rights. In both examples, a rather straightforward answer to the legitimation question ‘why must they act?’ is ‘human rights’. This rational justification relies on the assumption that an issue is the common-sense to the reader (van Leeuwen and Wodak 1999, 105-106). Moreover, the protection of human rights is stated as a self-evident fact in the context of sexual rights and health care. Even though the moral element of the justification is implicit, it relies on the allegedly shared understanding of human rights as a universal, self-explanatory cradle of norms that ‘must’ be protected. In addition to objectives, human rights also serve as the tools through which quality services and legal progress are achieved:

- (27) Building on the vision for SRHR and evidence presented here, this Commission recommends that every country provide an essential package of sexual and reproductive health interventions, consistent with those recommended by WHO<sup>18</sup> (panel 8). This package aligns with the Commission’s comprehensive definition of SRHR (panel 3) and the specific needs and service gaps identified, for which proven and effective interventions exist. Services must be provided in ways that respect human rights, global medical ethics (as defined by WHO), and public health standards.
- (28) ICPD broke new ground by linking reproductive rights to human rights that were already protected under international laws (panel 1).<sup>7</sup> It is also credited with shifting the primary focus of family planning programmes from reducing fertility and curbing population growth to empowering women and promoting individual choice with regard to childbearing.

Both examples employ instrumental rationalization through means orientation (Guttmacher–Lancet Commission on SRHR 2018, 2680; 2676). In the example (27), respect for human rights



defines the way in which sexual and reproductive health services should be provided. That is to say, in order to attain quality health services, human rights must be protected. Once again, the strong obligation modality ‘must’ is used to mark urgency and duty. In the example (28), the means of ‘breaking new ground’ is formed explicitly in the expression ‘by linking reproductive rights to human rights’. Here, human rights are given additional credibility by referring to the international law. Similarly to previous examples, both ‘human rights’ utterances assume that the reader is familiar with the principles and considers them an institutionalized, logical element in justification.

### **6.3 Human rights in theoretical rationalization**

Theoretical rationalization is the second major subcategory of rationalization and it is founded on the ‘truthfulness’ of things. In other words, theoretical rationalizations assume that practices or issues occur naturally. The moral component is a moralized activity or a ‘value’ that has a special meaning (van Leeuwen and Wodak 1999, 107).

- (29) The global health and human rights communities have worked for decades to define and advance SRHR, encountering both advances and setbacks. The first global agreement that created a common language was the Programme of Action of the ICPD.<sup>1</sup>

The example (29) shows a blended case of goal orientation of instrumental rationalization and an explanation which refers to the nature of actors in their routine activities with SRHR issues (Gutmacher–Lancet Commission on SRHR 2018, 2644). In explanations, the focus is on the nature of the actors and their habitual, generalized activities. In example (29), the explanation occurs as an implied statement that human rights communities work with SRHR issues simply because ‘that is in their nature’. On the surface level, theoretical rationalizations appear as common-sense arguments and are seemingly disconnected from moral values (van Leeuwen and Wodak 1999, 108). However, the moralized activity in theoretical rationalization may be detected by examining the activity in which the actors are engaged. Here, that activity is advancing SRHR. Moreover, the moral value of advancing SRHR is expressed in ‘advances and ‘setbacks’ which evaluate the degree of success. In general, theoretical rationalizations rely heavily on the assumptions about background knowledge or shared value base.

- (30) Reproductive rights rest on the recognition of the human rights of all couples and individuals to decide freely and responsibly the number, spacing, and timing of their children, to have the information and means to do so, and the right to attain the highest standard of reproductive health.
- (31) Achievement of sexual and reproductive health relies on the realisation of sexual and reproductive rights, which are based on the human rights of all individuals
- (32) To counter opposition based on long-standing customs and beliefs, sexual and reproductive health advocates must work in local communities to engage parents, teachers, and community and religious leaders. Respecting cultural and religious values is important, but these values should not be used to justify denying people their rights. A continuation of the status quo would mean that human rights violations, such as child marriage, female genital mutilation, intimate partner violence, and sexual coercion and violence, will persist, along with major inequalities in health and access to health care.

All three examples above constitute a case of definition as a subcategory in theoretical rationalization. In definitions, one activity or entity is defined in terms of another, and the link between the two entities is often attributive (existential verbs) or significative (mean, indicate, imply, symbolize, etc.). In the examples (30) and (31), the definition of reproductive rights is justified through human rights which serve as an impersonal, institutional authority (Guttmacher–Lancet Commission on SRHR 2018, 2645; 2646). Moreover, the transitive phrasal verbs ‘rest on’ and ‘be based on’ connect reproductive rights to human rights. The phrases could be interpreted as ‘reproductive rights depend on the recognition of the human rights’. In this understanding, if human rights are not recognized, reproductive rights do not exist in their actual form. Thus, human rights define the content of reproductive rights. Moreover, the moral component and the universality claim can be detected from the normative wording of ‘all couples and individuals to decide freely and responsibly’.

In the example (32), the definition significative component ‘mean’ is much more unambiguous (Guttmacher–Lancet Commission on SRHR 2018, 2679). In the underlined statement ‘a continuation of the status quo’ refers to cultural and religious values which are framed as human rights violations in the following list; the current ways violate human rights. Moreover, the critical moral stance towards religious and cultural practices, as well as customs and beliefs, is notably explicit in the utterance ‘Respecting cultural and religious values is important, but these values should not be used to justify denying people their rights.’ This phrase is probably the most explicit demonstration of how human rights are placed above all other belief systems, and thus ideologized. Additionally, the utterance ‘to counter opposition’

speaks to directly to the members of the human rights ideology defining and strengthening the membership identity and position towards others (review section 2.3).

- (33) Population growth is one of the factors driving climate change, but the relationship is complex [...] Adoption of an approach based on human rights and equity is a central principle for both population health and environmental sustainability, and it offers a constructive and positive way forward on this challenging topic.

In the example (33), the definition form follows a similar pattern to the one in example (31), namely that an issue ‘relies on’ or is ‘based on’ another (Guttmacher–Lancet Commission on SRHR 2018, 2649). Moreover, it includes an effect orientation which defines the ultimate purpose of a legitimized activity, that is, ‘for population health and environmental sustainability’. Regarding human rights, here the core message is ‘adoption of an approach defined by human rights is a central principle’. Even though semantically perhaps a little awkward, the utterance implies that human rights are an essential component in an approach that contributes to progress. Furthermore, the elements of moral evaluation are expressed in ‘a constructive and positive way forward’. As in most rationalization legitimations that appeal to the natural state of things, the common-sense elements are also present in this example: human rights and equity are ‘objectified’, that is, referred to as natural, self-explanatory elements that evidently entail positive effects. This assumption follows the already detectable common pattern of legitimation in which the underlying values are firmly connected to the human rights ideology and the Western norms therein.

- (34) Coercion in reproductive decision making – whatever form it takes – is a violation of human rights. Forcing a woman to terminate a pregnancy she wants, or to continue a pregnancy that she does not want, violates the right to decide freely whether and when to bear a child – and the right to have that decision respected and guaranteed by government.
- (35) Sexual rights are human rights and include the right of all persons, free of discrimination, coercion, and violence, to: achieve the highest attainable standard of sexual health, including access to sexual and reproductive health services<sup>10</sup> [;] seek, receive, and impart information related to sexuality [;] receive comprehensive, evidence-based, sexuality education<sup>20</sup> [;] have their bodily integrity respected [;] choose their sexual partner [;] decide whether to be sexually active or not [;] engage in consensual sexual relations [;] choose whether, when, and whom to marry [;] enter into marriage with free and full consent and with equality between spouses in and at the dissolution of marriage<sup>17</sup> [;] pursue a satisfying, safe, and pleasurable sexual life, free from stigma and discrimination [;] make free, informed, and voluntary decisions on their sexuality, sexual orientation, and gender identity.

In the example (34), coercion is equated with violation of human rights and it follows the familiar form of definition (Guttmacher–Lancet Commission on SRHR 2018, 2650). The moral component is embedded in the ‘violation of human rights’ as rights offences are the main immoral activities in the human rights ideology. In the example (35), sexual rights are defined in terms of human rights and an extensive list of rights is given to further define the concept (Guttmacher–Lancet Commission on SRHR 2018, 2545). Here, the legitimacy of human rights is extended to cover sexual rights; the argument is that all moral elements that are valid in the human rights frame are also true for sexual rights. However, no political consensus agreements, definitions or legal recognition of the term sexual rights exist at the international level (Galati 2015, 83). Hence, instead of validating sexual rights by appeals to human rights legislation, the legitimation strategy relies on the normative importance of human rights and serves as an advocacy argument. The attempt to legitimize sexual rights as ‘naturally’ equal with human rights assumes that the reader is either unaware of the legal status of sexual rights or agrees with the idealistic argument that sexual rights *should be* human rights.

#### **6.4 Human rights and moral evaluation**

Moral evaluation as a legitimation strategy relies on (often implicit) value systems and beliefs about what is good, essential, useful, normal, healthy, etc. (van Leeuwen and Wodak 1999, 108). In the case of human rights, the values may be related to the principles and norms or the legislative authority position. Moral evaluations often combine other legitimation strategies that strengthen the authority or naturalize the subject of legitimation (van Leeuwen 2007, 97) Such blended cases can also be seen in the following examples.

- (36) Panel 1: Principles of human rights as applied to sexual and reproductive health: The right to sexual and reproductive health is an integral part of the “right to the highest attainable standard of physical and mental health,” enshrined in article 12 of the International Covenant on Economic, Social and Cultural Rights.<sup>4</sup>

In the example (36), human rights principles serve as an attributive component in sexual and reproductive health and reproductive rights (Guttmacher–Lancet Commission on SRHR 2018, 2644). Moreover, sexual and reproductive health is linked to human rights by referring to a specific Article in one of the core human rights instruments (see appendix 2). Using direct quotations is generally uncommon in the report and thus, it could be interpreted that the

quotation here aims to accentuate the importance of the issue and enhance the validity of the claim by appealing to law as an objective authority. This discursive effect coupled with the evaluative adjective ‘integral’ sets a moral tone in the utterance. Moreover, implicit moral evaluations can be inferred from ‘highest attainable health’ – a normative concept hard to define due to varying cultural understandings of human well-being (Napier et al. 2014, 1607).

- (37) Female genital mutilation, usually performed early in life on girls aged 0–14 years, is a traditional practice that aims to reduce sexual desire in women and render them marriageable from a cultural perspective. It is an extreme form of discrimination against women and a violation of their human rights – ie, their right to health, security, and physical integrity, and to be free from torture and cruel, inhuman, or degrading treatment.

The example (37) shows a case of de-legitimation of the practice of female genital circumcision (Guttmacher–Lancet Commission on SRHR 2018, 2653). Several elements demonstrate moral evaluation. Firstly, the word choice on ‘mutilation’, that means injury, disfigurement or a deprivation of an important body part, shows a moral stance toward the practice. The term is widely used by several United Nations organizations and it shows dedication to the human rights, bodily integrity and gender quality principles (WHO 2008). Secondly, morality is stated in the value judgement of ‘extreme form of discrimination’, in which ‘extreme’ defines the degree of immorality. Furthermore, ‘violation of human rights’ refers to the practices that the human rights ideology opposes. What is assumed here is that the reader is familiar with the practice as no explanation is given about the procedure. Hence, the target audience here might be medical personnel or women’s rights advocates who already agree with what is stated.

- (38) Additional benefits of investing in SRHR are potentially large and require further research [...] Moreover, many SRHR outcomes are valuable to individuals and societies even if they are not quantifiable: fulfilling human rights, improving social equity, empowering women, and engendering more peaceful societies.

The moral evaluation in example (38) becomes evident in what is considered ‘valuable’ (Guttmacher–Lancet Commission on SRHR 2018, 2672). Here, SRHR outcomes and human rights are claimed to be important and beneficial for their own sake even if their monetary value could not be quantified. Comparing the examples (36) and (38) one can notice a considerable change in discourse. In the example (36), the frame is ‘legal discourse’, and the connection between reproductive rights and human rights is stated as a solid, legislative fact, made explicit

by referring to the Article 12 in International Covenant on Economic, Social and Cultural Rights. Contrastively, in the example (38) fulfilled human rights are framed a morally beneficial by-product in the discourse of investments. This change of discourse may indicate a positional shift from policy-oriented readers towards potential investors – a move that tailors the human rights discourse to address a respective audience.

- (39) Mobilisation of women’s and human rights groups and engaging adolescents, men, and health activists will be essential for moving the SRHR agenda forward
  
- (40) The unfinished agenda is large, yet the rapid pace of technological change, the health, education, and economic gains of the past 20 years, and the renewal of global development goals give hope that progress in achieving universal access to SRHR is possible. Inclusive and equitable progress is only possible, however, if attention is also given to the protection of human rights for all.

In the Guttmacher-Lancet report, the final section discusses the implications of advancing SRHR and presents recommendations for policy and civil society actors. In the examples (39) and (40), the essential mobilization of human rights groups and the forward-looking encouragement for hope resembles the language of activism and social movement in which communities and individuals are called for action (Guttmacher-Lancet Commission on SRHR 2018, 2684). Both examples advocate for volunteerism and place the human rights principles of universalism and equity at the center. Furthermore, alike in earlier examples of moral legitimation, a shared value base and acceptance of the practices as routine activities is assumed. The final example of moral evaluation provides a case of naturalization as a reference to political change:

- (41) National laws and policies have also evolved over time, providing the frameworks and setting the rules for implementing SRHR-related programmes and services. In some cases, they provide guarantees or protections for human rights; in others, they impose limitations.

In the example (41), the ‘evolvment’ of laws and policies can be interpreted as a moral element as the term has a connotation of development, progress, evolution and growth (Guttmacher-Lancet Commission on SRHR 2018, 2650). In the context of human rights ideology all laws and policies that ‘guarantee’ and ‘protect’ people’s rights are considered favorable and progressive. However, unlike what is implied in the naturalized expression of ‘evolving over

time', these laws do not change by themselves. Implying a systematic evolution of laws that evolve towards an ultimate state of development and human rights fulfillment places countries and cultures on a scale by which moral progress and superiority is measured. Yet, considering the many cases of use and abuse of human rights discourses and the presumptions about some values as universal common truths, this system of measurement might already be in place (Szczepanik 2014, 15).

## 6.5 Human rights in mythopoesis

The moral tales of mythopoesis typically follow a structure of narratives; a place, a setting, a protagonist, actions, and an outcome (van Leeuwen 2007, 105). They aim to legitimize a practice, an issue or an element which either restores a desirable order of things or achieves a hoped change.

- (42) In Peru, more than 10 000 young people successfully challenged the constitutionality of the criminalization of consensual sex among teens, which had the effect of prohibiting preventive reproductive health services for adolescents. In 2012, the court ruled in their favour referring to international human rights law and the country's constitution (and the fact that many teens were already parents), and it declared that young people aged 14–18 years had a right to personal autonomy and self-determination regarding their sexuality.

The example (42) employs a full narrative plot of mythopoesis (Guttmacher–Lancet Commission on SRHR 2018, 2644). The onset takes place in Peru (place) in which consensual sex among teens is criminalized (setting). The rising action occurs when more than 10 000 young people (protagonist) challenge the constitutionality of the law (action). The climax of the story is when the court rules in their favor (outcome of an action) by means of referring to the human rights law, the national constitution and the empirical proof. Finally, the victorious happy ending is achieved when the protagonist and their community (young people aged 14–18) are given autonomy and their sexual right is fulfilled.

There are various morals of the story and the interpretation depends on which aspects are placed under the magnifying glass. If one chooses to examine the role of young people in the story, the moral would be the promotion of individual freedom of choice, the importance of adolescents' sexual rights, and the power of civil society movement. Moreover, the youth would serve as an exemplary role model authority. On the other hand, if the role of human rights in

the story is examined, the international human rights law is at the center of the plot climax and contributes to the drastic change of affairs.

Unlike in many other occurrences, here human rights and their function are contextualized in real-life events, and their use as a legal instrument is tangible. However, oftentimes the connection between human rights discourse and the local realities of people, especially considering their sexual rights, is abstract and relies on assumptions about shared values as well as common knowledge and mindset. In the following chapter of Discussion, I present some of the key findings of the analysis and discuss the critical social implications in terms of ideology and power structures.



## **7 Discussion**

In this chapter, I will present the key findings of the interpretative analysis of legitimation strategies and explain how the human rights ideology manifested in discourse is part of a social reality that is shaped by power structures. The discussion is divided into sections that follow the order of the analysis, namely the legitimation categories. In each section, some of the most noteworthy findings of the legitimation analysis are highlighted, and their implications are explained in the light of the core elements of ‘critical’, ‘power’ and ‘ideology’ of CDA (review sections 4.1.3-4.1.5). Throughout the chapter, I will discuss the socio-cultural implications of the human rights ideology in discourse and thus aspire to join the critical academic discussions about the disconnection between the human rights language and the social reality.

### **7.1 Remarks on the conduct of analysis**

This study was motivated by my personal interest in human rights discourses and their often abstract representation in many advocacy publications, education material and policy recommendations, such as the Guttmacher-Lancet report on SRHR. As discussed, connecting human rights to sexual rights is not unproblematic, and the relevance of (some ‘imposed’) rights in people’s lives needs more research. Moreover, I was interested in the power politics that played behind the formation process of the Universal Declaration of Human Rights and its subsequent treaties. As will be discussed, the principles of human rights show strong influence of Western cultural normativity and thus, the universality claim might be controversial.

My interest in power, ideologies and critical examination of authority construction led me to choose CDA and legitimation theory as my main tools of analysis. Inspired by the themes of human rights ideology, I chose to examine the contextual occurrences of the keyword ‘human rights’ in the report. The analysis was guided by three research question: What is the function of appeals to human rights in the construction of legitimation in the report? How are allegedly shared values of universality present in legitimation? What are the implications of the values and ideologies in the SRHR discourse and do they contribute to the key objective of the report (integrated definition)? I expected to find textual samples which illustrate presumably shared universal moral principles and the human rights ideology. Moreover, I was interested to see in how viewpoints, recommendations and the power of authority is legitimized in the report. For

this, the legitimation strategies proved to be a valuable instrument. My hypothesis was that ‘human rights’ are used in the report in contexts which show moral evaluation. Moreover, I believed that the authority rhetoric will be vague. I based my hypothesis on previous studies that have shown that human right are often used as a “powerful mixture of a moral trump card and a series of buzzwords” which potentially confuse the strategic objectives and lead to an even further lack of uniformity in understanding human rights (Jahren 2013, 23).

As explained in the methods section, the analysis was directed by critical reading *with* and *against* the text. The engaged reading with the text was relatively easy to perform as I share the ideological principles of the human rights ideology. Moreover, I am influenced by the Western socio-cultural understanding of individuality, role of institutional authority and academic practices, which affects what I consider ‘natural’ or transparent. As I considered most of the claims in the report well justified, I could relatively easily agree with them. However, it is noteworthy to identify the risks becoming ‘too’ engaged with a text; as a member of a society in which ‘culture’ is often discussed in the frame of ‘foreign cultures’, it is important to assume a critical perspective towards what could be considered an ‘othering discourse’ – a practice of ethnocentric dividing of people to ‘us’ and ‘them’ (Powell 2017). To overcome these risks, estranged reading *against* the text proved essential.

The estranged reading against the text was comparatively easy to implement as I paused to examine my attitudes, assumptions and previous knowledge critically on repeatedly. Through estranged reading, I could become aware of the various cultural interpretations of sexuality, individuality and the abstract language of human rights. The reiterative process of analyzing the report and reviewing the findings helped to detect where a shift from engaged reading to estranged reading had occurred. This technique proved beneficial, and I could reveal some of my unconscious bias and thus, improve the analysis.

The engaged-estranged positioning proved also useful in the analysis of the legitimation strategies and the interpretation of the use of ‘human rights’ in the examples. Each example was pre-analyzed and thus arranged according to van Leeuwen’s legitimation strategy categories. The contextual interpretation of each example was guided by the research questions. Moreover, the interpretations considered the relationship of the legitimation producer (Gutmacher-Lancet Commission) and the reader as it would give valuable information about power dynamics; what is assumed to be common knowledge, which practices occur ‘naturally’, and what are the underlying values. As discussed in section 4.1.4 on power in CDA, power exists in both the interplay between the discourse and social reality, as well as *intratextually*, that is, inside the text. As the Gutmacher-Lancet report has been written by various writers

with varying preferences for subject emphasis and motives, such as political lobbying or educational contribution, the report naturally contains multiple, simultaneous discourses that are negotiated outcomes of a power struggle between texts and their producers. While I acknowledged this presence of this intratextual power play, I considered the report a unity in my analysis, and did not distinguish between the writers and their casting.

## **7.2 The authority of institutions and scientific social practices**

In authorization legitimation, most of the constructions of personal, impersonal and expert authority relied on human rights as an institutional authority that would secure the validity of argumentation. In the examples, authorizations referred frequently to international agreements assuming that their status and respectability is acknowledged. However, as discussed, most of the international consensus agreements are not legally binding and, even though states are obligated to adhere to the International Human Rights Law, there is no shared common understanding of its implications. Thus, a discourse that binds sexual rights to human rights is a discourse of ideals; as sexual rights are not legally recognized, the legitimation relies on the ethical value of allegedly shared principles and their moral imperative.

The element of power in authorization lies in the relationship between the author and the reader and, more particularly, in what is assumed to be common knowledge and shared values. In personal authorization, the reader is expected to acknowledge the professional status of the Commission and trust their presentation. This becomes clear in how the Commission refers to the human rights framework, previous studies and scientific evidence to support their arguments. What connects the text and the social reality is the publication platform which further consolidates the authority power of the discourse: The prestigious status of the Lancet as the hosting institution enhances the impression of professionalism. Indeed, the naturalized social practices of scientific research, the distinguished position of the Lancet as the publication platform, and the wider context of human rights law and ideology produce strong, cumulative organizational and doctrine power (review section 4.1.5 on Ideology).

## **7.3 Human rights as a moral imperative**

Human rights in instrumental rationalization occurred as goals, means and effects. In many cases, the respect or protection of human rights was the main objective, while in some examples

human rights functioned as the means to achieve SRHR goals or address health issues. Almost all instrumental legitimations included an explicit obligation ‘must’ that appealed to national governments, abstract policies and programs as well as civil society actors. In most cases, the obligation expressions were not grounded in legal liabilities of states but instead they appeal to a moral imperative. However, abstract appeals to civil society actors to hold their governments accountable to protect human rights assumes that the actors under the ideology umbrella of human rights form a homogenous group that shares a universal understanding of sexual and reproductive rights. This can be understood as use of cognitive power in the human rights ideology where an authority entity shapes the moral standard and values through discourse (review section 4.1.4 on Power).

The principle of universality did not occur in instrumental rationalization explicitly. However, the demands to ‘uphold human rights’ implies that the concept is valued above everything else. This implicit framing of human rights as the ultimate objective is an appeal to the a reader to share the vision and accept the protection of human rights as a desirable social practice. Here, the authority relationship between the author and the reader is based on an assumption about common knowledge as well as microsolidarity, that is, emotional bonds that unite people in the same ideology.

As discussed in the analysis, rationalization legitimations include a moral component which differentiates them from plain explanations. In the analyzed examples, the moral element was often connected to the underlying value assumptions about the human rights as a guarded object. Furthermore, moral elements were detectable in the principles of gender equality and bodily autonomy. These aspects were named as the most crucial reforms in countries’ actions to protect human rights, and they reflect on the Western value-base and priorities.

## **7.4 Human rights as the highest normative power**

In theoretical rationalization the ‘truthfulness’ of claims were in the focus, and many examples showed cases of definition in which one practice is defined through another, authoritative entity. In definitions, reproductive rights and policy approaches were legitimized by appeals to human rights as the foundational entity on which social practices are based. As there were no references to the legal status of human rights, it can be interpreted that the references appealed to universal moral principles and human rights in abstraction. Indeed, the morality element became evident in the framing of human rights-based approach as the ‘positive way forward’, as well as in how

human rights violations and sexual rights were discussed. Moreover, sexual rights were defined as human rights, thus implying that both the morality imperative as well as the legal obligation concern both concepts. However, as has been discussed, sexual rights do not obtain a legal status in the international law and thus, contrasting sexual rights to human rights is a rhetorical tool that aims to incorporate the two subjects under the same ‘truth’ value in a discourse.

The of the most noteworthy findings in theoretical rationalization relates to example (37) and the phrases ‘Respecting cultural and religious values is important, but these values should not be used to justify denying people their rights’ and ‘A continuation of the status quo would mean that human rights violations [...] will persist’ (Guttmacher–Lancet Commission on SRHR 2018, 2679). The attitude stance towards cultural practices and religions that do not conform with human rights principles was expressed in ‘important *but*’ where the meaningfulness of the word ‘important’ is stripped by the following conjunction. When cultures and religions are framed as potentially damaging entities, they (re)construct discourses of ‘otherness’ (Powell 2017). Moreover, by ignoring the contributive effects of religions and social norms on the fulfillment of human rights and advancement of SRHR, the Commission solidifies the power position of human rights and places the principles above all other belief systems and social practices. Consequently, this widens the gap between the human rights discourse and the grass-root level social realities, which in turn slows the desired progress and hinders the impact of the report. Ultimately, the moral division between human rights and other beliefs may divide people ideologically to ‘us’ and ‘them’, strengthening a discourse of otherness; ‘*we* have ethical truths, *they* have immature beliefs’ (Powell 2017).

## **7.5 Human rights as the ultimate stage of development**

In moral legitimations, human rights were used in contexts that demonstrated explicit moral stance and ideological commitment. They were considered an ‘integral’ element on which reproductive rights are based. Moreover, the fulfillment and protection of human rights were named as the ‘essential’ practices that advance progress towards achieving universal access to SRHR. Additionally, human rights were discussed in the context of laws and policies that either advance or obstruct progress. One especially noteworthy issue was how the ‘evolvment’ of laws and policies was naturalized as though laws undergo evolution over time towards a higher state of development. This polarized statement about laws that either protect or limit human rights set a moral overtone, and implicitly proposed that a normative scale exists on which

absolute obedience to human rights as the universal normative framework is measured. You are either with us or against us, one may recall.

Should human health (including sexual and reproductive health) be taken as the ultimate measure of progress, some values, laws and cultural practices may indeed be more harmful than others. However, as perceptions of physical and psychological *well-being* are affected by many more things than health, cultural and norm diversity should be considered not antagonists to human health but instead contributors to various understandings of what ‘the good for the human’ is (Napier et al. 2014, 1607; David 2018, 5). Moral evaluations about what is ‘essential’, ‘valuable’ or ‘progressive’ construct a certain normative frame in which some views are superior to others. In social reality, this discourse consolidates the power position of the human rights normativity but does not necessarily accelerate progress towards their legal fulfillment and mutual understanding of implications. Instead of unilaterally defining what is universally good for the humans, SRHR advocates should engage in cross-cultural dialogue to learn more about the various understandings of well-being and good life.

## **7.6 Human rights as the dramatic climax**

Finally, in the moral tale of mythopoesis several elements were legitimized, and the human rights law was at the center of the plot twist. The moral narrative included several assumptions about the agency of the youth as changemakers, the democratic social processes, the human rights principles as well as liberal sexuality. It highlighted the role of the youth in social activism and emphasized the importance of taking the ownership of the future in one’s own hands. Moreover, the story legitimized the existence of democratic constitutions and the international law; the triumphal outcome of the legislation change was only possible because of the rule of law – one of the core principles in the human rights frame.

Finally, the sexual liberty and bodily autonomy, underpinned by (Western) values of openness and individuality, were the achieved results of the fortunate story. Even though contextually applicable in the story of Peru, the liberal model of sexuality encoded in the discourse on sexual rights is not relevant as such in many lived realities of people in the developing world (Standing et al. 2011, 6). Thus, instead of imposing a ‘one size fits all’ approach to sexual and reproductive rights, structural and cultural adaptation should be made at national, regional and local levels. This would require an adoption of the cultural relativist approach which, in many human rights activists’ view, would perhaps compromise the principle

of universality and, consequently, weaken the power position of human rights. In the following chapter of Conclusions, I present my closing remarks on this topic and discuss the limitations to the study as well as its significance for future research.

## 8 Conclusions

The purpose of this study was to examine the function of human rights in claims that aim to legitimize propositions about sexual and reproductive health and rights. The hypothesis was based on the expectations that ‘human rights’ as a keyword occurs mainly in moral evaluation legitimation. However, the analysis showed that the concept has been used rather evenly in all four legitimation strategies and there is no clear concentration of moral evaluation in the use. Even though my original hypothesis proved thus inaccurate, the analysis showed that human rights as a bundle of principles, an abstract concept and a legal framework often assumes the power position of a moral imperative authority.

Human rights served multiple functions in legitimation. They were labelled as the foundations of SRHR, a desired goal or a valuable entity in its own right. However, the references were frequently abstract and ‘naturalized’ in contexts where background knowledge of the human rights principles or ideological assimilation was assumed from the reader. Moreover, references to cultural practices, social norms or traditional gender roles were framed negatively and contrasted with human rights violations and barriers to achieving SRHR. Placing real life social practices in juxtaposition with human rights principles has the potential of widening the gap between the global human rights discourse and their meaningful grass-root implementations.

The motivation for this study stemmed from the desire to join the discussion about how abstract references to human rights in argumentation may not be connected to the national, regional or local realities of individuals. A global normative framework on which there is no common understanding is extremely challenging to genuinely implement in the lives of every individual. By showing that human rights references assume shared ideology and adoption of the principles as the universal norms, I believe I have contributed to the academic discussion. However, wider research on human rights applied in SRHR discourse is needed to both increase understanding and propose concrete solutions.

Critical Discourse Analysis served as an excellent tool for critical examination of the ideology and power in the material. However, in order to employ the approach in more depth and analyze the social processes inside and beyond the text, comparative corpus studies that include the more material are needed. Furthermore, extensive studies could address the issue of



narrow data, or, ‘cherry-picking’ which CDA has been criticized for. This potential defect could be addressed and overcome in a doctoral thesis.

Van Leeuwen’s legitimation strategies proved to be a useful tool in the text sample interpretation, and the choice of keywords corresponded well to the research questions. However, further study is needed, and more keywords would be helpful in examining the contextual function of ‘health’, ‘sexual’ and ‘women’ – some of the words with the highest frequency in the Guttmacher-Lancet report. In addition, the critical reading revealed several themes on which further study would be fruitful; the problematique of an overrepresentation of regional data from developing countries in the validation of universality claims, the representation of men as violators and an impairment to SRHR in context of developing countries, and the meaning of foreign interventions in SRHR development. Further studies could analyze these from the perspectives of empowerment vs. victimization of the subjects in the report while examining critically the emancipatory agenda of the human rights ideology.

The human rights discourse in the report is strong, and its position is (re)constructed through multiple legitimation strategies that refer to the institutional power, normativity and social practices. Moreover, human rights are tied to scientific evidence which supports the argument that when fulfilled, human rights generate progress, accelerate development and restore quality of life. In this view, human rights serve as a secular savior that works through institutional practices globally. All everyone has to do is simply follow the lead.

The versatile use of human rights in legitimation strategies, shows that human rights’ position as the global power ideology is strong and solid. Indeed, it is difficult to disagree with a positive ideology that does not exercise power abuse or dominate any group, and that is accepted by people all over the world. For this reason, submerging in the estranged positioning in critical reading proved challenging; Was I able to present critical viewpoints in a way that I will not be framed as a human rights opposer? Whatever the answer, I am convinced that questioning the power position of human rights contributes to revealing their normative complexities and operational vagueness. Moreover, as a critical friend of human rights I have aimed to develop the ideology and answer the troublesome question of why human rights have little effectiveness in preventing states and other actors from violating the principles.

I claim that a single ethical framework that assumes universalism, but which has been developed unilaterally in the heat of the post-World War II power politics, is prone to achieving little global success. To achieve progress, the moral universalism of human rights should engage in intercultural dialogues in which understandings of the human well-being could be negotiated. From the universalists’ perspective, the reluctance to make this shift towards

cultural relativism is understandable, as negotiated meanings of human rights and well-being could allow states to cherry-pick some rights while overlook others. However, as this happens already due to the lack of shared understanding of human rights implication and implementation, the cultural relativists' approach might provide new perspectives to global partnership dialogue.

As sexual and reproductive rights are linked to human rights (at least on a discourse level), same complexities apply in the rights definition and implementation. The key objective of the Guttmacher-Lancet report was to propose and accelerate an adoption of an integrated definition that would for the first time consider sexual rights as an integral part of SRHR. However, apart from the definition, the report did not sexual rights specifically as a separate entity from reproductive rights thus reinforcing the traditional interconnectedness and failing to promote new, socio-cultural definitions of sexuality.

What are sexual rights, then in the frame of human rights? I claim that sexual rights as a concept is even more complicated than human rights as there are so many understandings of sexuality in terms of behavior vs. identity, public vs. private and individual vs. relationship(s). As a result, sexual rights cannot be defined without cross-cultural engagement and an open approach to various understandings of sexuality in different lived realities. In order to achieve genuine progress and successfully communicate the idea of sexual rights in the integrated definition on SRHR, advocates should engage in self-reflection and ponder on their own sets of underlying values. Moreover, by engaging in grass-root dialogues with people in different cultural settings, advocates may learn which rights are relevant in the lived realities of people. This engagement also eradicates 'otherness', softens the lines between 'us' and 'them', gives an opportunity for mutual learning and contributes to a change from 'equal or different' to 'equal and different'.

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# Appendix 1

Universal Declaration of Human Rights (abbreviated) (Human Rights Resource Center 1998).

Article 1	Right to Equality
Article 2	Freedom from Discrimination
Article 3	Right to Life, Liberty, Personal Security
Article 4	Freedom from Slavery
Article 5	Freedom from Torture and Degrading Treatment
Article 6	Right to Recognition as a Person before the Law
Article 7	Right to Equality before the Law
Article 8	Right to Remedy by Competent Tribunal
Article 9	Freedom from Arbitrary Arrest and Exile
Article 10	Right to Fair Public Hearing
Article 11	Right to be Considered Innocent until Proven Guilty
Article 12	Freedom from Interference with Privacy, Family, Home and Correspondence
Article 13	Right to Free Movement in and out of the Country
Article 14	Right to Asylum in other Countries from Persecution
Article 15	Right to a Nationality and the Freedom to Change It
Article 16	Right to Marriage and Family
Article 17	Right to Own Property
Article 18	Freedom of Belief and Religion
Article 19	Freedom of Opinion and Information
Article 20	Right of Peaceful Assembly and Association
Article 21	Right to Participate in Government and in Free Elections
Article 22	Right to Social Security
Article 23	Right to Desirable Work and to Join Trade Unions
Article 24	Right to Rest and Leisure
Article 25	Right to Adequate Living Standard
Article 26	Right to Education
Article 27	Right to Participate in the Cultural Life of Community
Article 28	Right to a Social Order that Articulates this Document
Article 29	Community Duties Essential to Free and Full Development
Article 30	Freedom from State or Personal Interference in the above Rights



## Appendix 2

The Core International Human Rights Instruments (OHCHR 2020e).

Acronym	Human rights instrument	Date
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination	21 Dec 1965
ICCPR	International Covenant on Civil and Political Rights	16 Dec 1966
ICESCR	International Covenant on Economic, Social and Cultural Rights	16 Dec 1966
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	18 Dec 1979
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	10 Dec 1984
CRC	Convention on the Rights of the Child	20 Nov 1989
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	18 Dec 1990
CPED	International Convention for the Protection of All Persons from Enforced Disappearance	20 Dec 2006
CRPD	Convention on the Rights of Persons with Disabilities	13 Dec 2006

## Appendix 3

Integrated definition of sexual and reproductive health and rights proposed by the Guttmacher-Lancet Commission in their report (Guttmacher-Lancet Commission on SRHR, 2018, 2646).

Sexual and reproductive health is a state of physical, emotional, mental, and social wellbeing in relation to all aspects of sexuality and reproduction, not merely the absence of disease, dysfunction, or infirmity. Therefore, a positive approach to sexuality and reproduction should recognise the part played by pleasurable sexual relationships, trust, and communication in the promotion of self-esteem and overall wellbeing. All individuals have a right to make decisions governing their bodies and to access services that support that right. Achievement of sexual and reproductive health relies on the realisation of sexual and reproductive rights, which are based on the human rights of all individuals to:

- have their bodily integrity, privacy, and personal autonomy respected;
- freely define their own sexuality, including sexual orientation and gender identity and expression;
- decide whether and when to be sexually active;
- choose their sexual partners;
- have safe and pleasurable sexual experiences;
- decide whether, when, and whom to marry;
- decide whether, when, and by what means to have a child or children, and how many children to have;
- have access over their lifetimes to the information, resources, services, and support necessary to achieve all the above, free from discrimination, coercion, exploitation, and violence.

Essential sexual and reproductive health services must meet public health and human rights standards, including the “Availability, Accessibility, Acceptability, and Quality” framework of the right to health. The services should include:

- accurate information and counselling on sexual and reproductive health, including evidence-based, comprehensive sexuality education;
- information, counselling, and care related to sexual function and satisfaction;
- prevention, detection, and management of sexual and gender-based violence and coercion;
- a choice of safe and effective contraceptive methods;
- safe and effective antenatal, childbirth, and postnatal care;
- safe and effective abortion services and care;
- prevention, management, and treatment of infertility;
- prevention, detection, and treatment of sexually transmitted infections, including HIV, and of reproductive tract infections; and
- prevention, detection, and treatment of reproductive cancers.

## Appendix 4

### Finnish summary

#### Johdanto

Tässä tutkielmassa tarkastellaan kriittisesti ihmisoikeusideologian heijastumia seksuaali- ja lisääntymisterveyttä ja -oikeuksia koskevassa Gutmacher–Lancet -komission raportissa *Accelerate Progress – Sexual and Reproductive Health and Rights for All*. Ihmisoikeuksien kriittinen tarkastelu diskurssissa yhdistää vallan, ideologian ja sosiaalisten rakenteiden käsitteet, ja pyrkii havainnoimaan ihmisoikeusregiimin kielellisiä ilmentymiä (Szczepanik 2014, 14). Tutkielmassa ihmisoikeusregiimi käsittää kansainväliset sopimukset, normatiiviset periaatteet sekä yhteisön, joka on sitoutunut edistämään ihmisoikeusperiaatteita. Nämä periaatteet sekä yhteisön moraalisaännöt luovat ihmisoikeusideologian, joka nojaa institutionaaliseen valtaan, moraalisaäntöjen ”oikeaoppisuuteen” sekä niiden pohjalta muodostuvaan yhteisöllisen solidaarisuuden ja sosiaalisen muistin muodostumiseen (David 2018, 2). Ihmisoikeusideologiassa normisto nostetaan muiden moraalioppien yläpuolelle, mikä sovellettuna politiikkaan muodostaa arvoasteikon, jolla valtioiden laillisuutta, kehitystä ja arvojen hyveellisyyttä mitataan (Jahren 2013, 1-2; Nickel 2019, 3; Murphy 1981, 437-439).

Ihmisoikeudet on määritelty Yhdistyneiden Kansakuntien (YK) yleismaailmallisessa julistuksessa ja ne hyväksyttiin YK:n yleiskokouksessa vuonna 1948. Julistuksen lisäksi ihmisoikeuksien määritelmää on myöhemmin laajennettu useilla kansainvälisillä yleissopimuksilla, jotka määrittelevät mm. naisten ja lasten oikeudet, taloudelliset, sosiaaliset ja sivistykselliset oikeudet, kansalais- ja poliittiset oikeudet sekä lisääntymisoikeudet (United Nations 2020d; Nickel 2019, 3). Ihmisoikeuksien universaaliudesta käydään sekä juridista että filosofista väittelyä, jossa kriittiset osapuolet tuovat esiin länsimaisen kulttuuri-imperialismin sekä vinouman poliittis-ideologisessa valta-asetelmassa kylmän sodan aikaisessa maailmassa, jossa ihmisoikeudet luotiin (Nickel 2019, 4; Talbott 2005, 15-16). Ihmisoikeuksien poliittinen (väärin)käyttö sekä usein abstraktille tasolle jäävä diskurssi ulottuvat myös liitännäisiin sopimuksiin ja käsitteisiin, kuten seksuaali- ja lisääntymisoikeudet.

## Tausta

Seksuaali- ja lisääntymisoikeudet ovat olleet pitkään poliittisen väittelyn aiheena, eikä käsitteestä ole saavutettu yksimielisyyttä nykypäivään mennessä. Kansainvälisen poliittisen kädenväännön seurauksena lisääntymisoikeudet hyväksyttiin osaksi ihmisoikeuksia Kairon väestö- ja kehityskonferenssissa (ICPD) vuonna 1994, mutta seksuaalioikeuksien laillista asemaa ei kirjattu konferenssin toimintaohjelmaan (Programme of Action) eikä käsitteellä ole laillisesti sitovaa asemaa kansainvälisessä oikeudessa (Girard 2007, 328). Seksuaalioikeuksien laillisen aseman hyväksyntää osaksi ihmisoikeuksia hidastaa oikeuksien määrittelyn sosiologiset erot sekä uskonnolliset, historialliset ja muut kulttuuriset vaikutteet. Lisäksi ihmisoikeuksien toimeenpanosta sekä arvomerkityksestä ei ole maailmanlaajuisia yksimielisyyttä, vaikka ihmisoikeusdiskursseissa usein painotetaan universaaliutta (Murphy 1981, 433-434).

Tässä tutkielmassa tarkasteltava Guttmacher–Lancet -komission raportti käsittelee seksuaali- ja lisääntymisterveyttä ja -oikeuksia lääketieteellisestä, poliittisesta sekä ihmisoikeusnäkökulmista, ja sen keskeinen tavoite on edistää seksuaalioikeuksien integroidun määritelmän laajaa käyttöönottoa (Guttmacher-Lancet Commission on SRHR). Raportissa seksuaali- ja lisääntymisoikeuksien integroitu määritelmä pohjataan ihmisoikeuksiin ja se huomioi ensimmäistä kertaa seksuaalisuuden sosiaaliset ulottuvuudet, kuten seksikumppanin vapaa valinta, seksuaalinen nautinto ja turvallisuus, kehollinen koskemattomuus sekä seksuaalinen suuntautuminen ja sukupuoli. Seksuaalioikeuksien sitominen ihmisoikeuksiin ei kuitenkaan ole täysin selväpiirteinen, sillä universaaliuden periaatteiden soveltaminen seksuaalisuuteen kulttuuri- ja sukupuolisensitiivisenä aiheena tuo mukanaan ihmisoikeusdiskurssin ongelmakohdat; abstraktiuden ja länsimaisen liberalistisen tasa-arvokäsitteen. Tutkimukset osoittavatkin, että kansainvälinen ihmisoikeus- ja seksuaalioikeusdiskurssi käsittelee seksuaali- ja lisääntymisoikeuksia usein normatiivisuuden kautta eikä luo merkityksellistä yhteyttä todelliseen elettyyn elämän ja ruohonjuuritason seksuaalirealiteetteihin (Standing et al. 2011).

## Teorettinen viitekehys

Tässä *kriittisen diskurssianalyysin* tutkielmassa tarkastellaan, miten ihmisoikeuksia käytetään auktoriteetin ja vallankäytön oikeutuksessa Guttmacher-Lancet komission raportissa. Kriittinen

diskurssianalyysi (Critical Discourse Analysis, CDA) on tutkimusmetodi, jossa sosiaalista valtaa ja käytäntöjä sekä epätasa-arvoa luodaan, ylläpidetään ja vastustetaan diskurssissa (Wodak & Meyer 2009). Kriittisessä analyysissä *diskurssilla* tarkoitetaan kielellisiä käytäntöjä ja kanssakäymistä, jotka selittävät ja rakentavat tuntemamme todellisuutta (Fairclough 1989, 25). Lisäksi metodin keskiössä ovat vallan ja ideologian käsitteet, jotka ovat merkittävässä osassa myös tässä tutkielmassa.

Kriittisessä diskurssianalyysissä *valta* viittaa sosiaalisen todellisuuden luonnollisiin ilmiöihin, jotka ilmenevät ihmisten välisissä suhteissa ja heijastuvat täten myös kieleen – diskurssiin. Diskurssissa olevat rakenteelliset valta-asetelmat, painotukset ja sanavalinnat ovat siis sosiaalisen todellisuuden ilmentymiä, joita toistetaan ja rakennetaan yhä uudelleen kielen kautta (Fairclough 2001, 123). Sosiaaliset ilmiöt täten viittaavat myös ideologioiden ilmentämiseen kielessä, jota tämä tutkielma tarkastelee.

*Ideologia* kriittisessä diskurssianalyysissä tarkoittaa ajatusmalleja ja uskomuksia, jotka ovat kehittyneet järjestäytyneiksi sosiaalisiksi toimintatavoiksi ja käsitteiksi (van Dijk 2000, 8). Määritelmään kuuluu keskeisenä osana myös vallan käsite, sillä ideologioiden syntyminen on yleensä kolmivaiheinen prosessi, jossa institutionaalinen valta tuottaa kumulatiivista doktriinin valtaa luoden lopulta solidaarisen yhteisön, joka hyväksyy ideologian arvot ja keskeiset opit (David 2018, 2). Tästä näkökulmasta tarkasteltuna voidaan todeta, että ihmisoikeusregiimi ja sen institutionaalinen sekä normatiivinen valta ovat luoneet ideologian, jossa ihmisoikeusmyönteiset tahot tekevät yhteistyötä ja luovat vahvaa normatiivista diskurssia (van Dijk 2000, 8; 73; Nickel 2019, 2.1).

*Kriittinen* näkökulma diskurssianalyysiin käsittää sekä tutkittavan aiheen että tutkijan omien kantojen tarkastelun suhteessa aineistoon. Koska metodin perimmäinen tarkoitus on valtasuhteiden epätasapainon kriittinen tarkastelu ja esiintuominen, kriittinen diskurssianalyysi pyrkii puolustamaan sorrettuja ja voimaannuttamaan vallan alla olevia luoden sosiaalista muutosta. Kriittinen suhtautuminen tutkittavaan aiheeseen ottaa täten keskiöön sosiaaliset rakenteet ja vallan väärinkäytön. Miksi siis ihmisoikeuksia tulee tarkastella kriittisesti? Vaikka ihmisoikeusregiimillä on voimaannuttava ja heikkoja puolustava tarkoituspäätös, alun perin länsimaisen ideologiapohjan valtavirtaistaminen ja legitimoiminen universaaliksi sisältää valtavinouman, joka on kriittisen diskurssianalyysin mielenkiinnon kohde. Tutkittavan aiheen ei siis sinänsä tarvitse sisältää vallan väärinkäyttöä, jotta sen kyseenalaistaminen olisi merkittävää kriittisen diskurssianalyysin näkökulmasta.

Kriittinen tarkastelu käsittää myös tutkijan omien lähtökohtien, odotusten ja subjektiivisten oletusten näkyväksi tekemisen sekä niiden vaikutusten tunnistamisen

tutkimuksessa. Poikkitieteellisenä tieteenalana kriittisen diskurssianalyysin tutkimuslähtökohdat sisältävät luontaisesti jälkiä tutkijan luontaisesta subjektiivisuudesta tulkinnoissa, mikä ylläpitää sosiaalisia rakenteita diskurssien ja todellisuuden välillä (Habermas Fairclough'n ym. teoksessa 2011, 360). Kriittisessä diskurssianalyysissä tutkijan itsetutkiskelun ja omien näkökantojen pohdinnan tarkoituksena on pyrkiä ottamaan etäisyyttä tutkimusaiheeseen ja täten ymmärtää, miten tutkijan omat vaikutteet koskettavat tiedonkeruuseen, analyysiin sekä johtopäätöksiin (Leistyna 2001, 186). Tässä tutkielmassa itsetutkiskelu sekä tutkittavan aiheen kriittinen tarkastelu toteutetaan *kriittisen lukemisen* kautta, jossa tutkija asettuu sekä *asianajajan* (engaged position) että *vastustajan* (estranged position) rooleihin suhteessa tekstiin (Janks 1997, 330-331).

Asianajajan roolissa tekstiä tulkitaan niin, että sen keskeinen viesti ja valta-asetelmat hyväksytään kyseenalaistamatta. Aineistoa tarkastellaan ”suositellusta” näkökulmasta siten, että sen päämäärä hyväksytään ja tarkoitusta edistetään. Vastustajan asemassa tutkija pyrkii etääntymään aineistosta ja tarkastelemaan sen viestiä, olettamuksia ja sosiaalisia heijastumia kriittisesti. Vastustaja kyseenalaistaa tekstin oletetun luonnollisuuden tarkastellen samalla omaa puolueellisuuttaan ja subjektiivisuuden vaikutusta tulkintoihin. Asianajaja-vastustaja-asetelma tukee tutkijan itsekriittistä arviointia suhteessa tutkittavaan aiheeseen ja auttaa tunnistamaan sosiaalisia valtarakenteita luovia ja ylläpitäviä elementtejä sekä todellisuudessa että diskurssissa (Janks 1997, 229).

Diskurssianalyysin lisäksi tässä tutkielmassa Gutmacher-Lancet komission raporttia tarkastellaan myös Theo van Leeuwenin legitimaatioteorian kautta. Legitimaatio on kielellinen toiminta, jolla pyritään oikeuttamaan käytäntö, toiminta, asema tai muu seikka diskurssissa. Yleisesti legitimaation voi ymmärtää vastauksena kysymykseen ’miksi?’ (van Leeuwen 2007, 94). Van Leeuwen jakaa legitimaatiostrategiat neljään kategoriaan diskurssissa. Ensimmäinen, *auktoriteetilegitimaatio*, viittaa henkilöön, instituutioon tai käytäntöön, jonka auktoriteetti rakentuu aseman, asiantuntemuksen, lakiasetuksen, sosiaalisten tapojen tai yleisti hyväksytyjen käytäntöjen kautta (van Leeuwen 2007, 97). Toinen strategia, *moraalilegitimaatio*, viittaa epäsuoriin, arvolatautuneisiin diskursseihin, jotka sisältävät moraalielementtejä abstraktien käsitteiden, kielikuvien sekä positiivisten ja negatiivisten arviointien muodoissa (*ibid*). Kolmas legitimoitist strategia, *rationalisaatio*, kattaa tavoitteet, toiminnan muodot ja tarkoituksen ja sen funktiona on selittää, miksi tietty toiminta, käytäntö tai asema on olemassa tietyssä muodossa. Toisin sanoen, rationalisaatio pyrkii oikeuttamaan tietyn toimintamuodon, halutun tavoitteen ja päämäärän vetoamalla sosiaalisesti hyväksytyihin päämääriin, yleistietoon ja ”totuuksiin” (van Leeuwen 2007, 103). Viimeinen

legitimaatiostrategia viittaa *mytopoeesiin*, tarinankerrontaan ja moraaliopetuksiin, joissa päähenkilö saavuttaa tavoitteen tai saa palkinnon toimiessaan legitimoidulla tavalla (van Leeuwen 2007, 105). Varoittavien tarinoiden tarkoituksena on osoittaa, että normien ja legitimoitujen käytäntöjen vastainen toiminta johtaa vaikeuksiin.

## **Tutkimuskysymykset, aineisto ja metodit**

Tässä tutkielmassa tarkastellaan ihmisoikeusideologian kielellisiä ilmentymiä seksuaali- ja lisääntymisterveyttä ja -oikeuksia koskevassa raportissa kolmen tutkimuskysymyksen avulla: 1) Mikä on ihmisoikeuksiin vetoamisen tehtävä legitimaation rakentamisessa raportissa? 2) Miten universaalit arvo-oletukset näkyvät legitimaatiossa? 3) Mikä on arvojen ja ideologian merkitys seksuaali- ja lisääntymisterveyden ja -oikeuksien diskurssissa ja edistävätkö ne raportin keskeistä viestiä (integroitu seksuaali- ja lisääntymisoikeuksien määritelmä)? Tutkimuskysymysten tarkoituksena on ohjata analyysiä selvittämään, miten ihmisoikeusideologia heijastuu diskurssissa ja mitä se kertoo sosiaalisesta todellisuudesta. Tutkielman hypoteesi on, että ihmisoikeuksiin viitataan raportissa abstraktina kokonaisuutena ensisijaisesti konteksteissa, joissa oikeuttaminen ja auktoriteetti rakennetaan moraalilegitimaation avulla. Hypoteesi perustuu aikaisempiin tutkimuksiin, joissa on tarkasteltu ihmisoikeuksien abstraktia luonnetta diskurssissa. Tutkimuksissa on havaittu, että kansainväliset ihmisoikeus- ja seksuaalioikeusdiskurssit nojaavat usein normatiivisuuteen ja liikkuvat teoreettisella tasolla, eivätkä nouse yksilöiden eletyn elämän konkreettisista lähtökohdista (Standing et al. 2011).

Tutkittava aineisto koostuu ihmisoikeuksien avainsanaesiintymistä Guttmacher-Lancet komission raportissa *Accelerate Progress – Sexual and Reproductive Health and Rights for All*. Raportti on julkaistu vuonna 2018 ja se on yhdysvaltalaisen seksuaali- ja lisääntymisterveyteen ja -oikeuksiin keskittyvän Guttmacher Instituutin sekä brittiläisen lääketieteellisen lehden the Lancetin yhteistyön tulos. Raportti koostuu seitsemästä osaluueesta, jotka käsittelevät seksuaali- ja lisääntymisterveyttä ja -oikeuksia laillisista, lääketieteellisistä, koulutuksellisista sekä ihmisoikeusnäkökulmista huomioiden aikaisemmin laiminlyödyt kohderyhmät, kuten seksuaalivähemmistöt, nuoret sekä haavoittuvassa asemassa olevat henkilöt. Raportti esittää näyttöön perustuvia politiikka-, investointi- ja toimenpidesuosituksia edistääkseen yksilöiden seksuaali- ja lisääntymisterveyden ja -oikeuksien täyttymistä ja toimeenpanoa. Raportti pohjaa suosituksensa lääketieteelliseen

näyttöön, tilastoihin, kyselytutkimuksiin sekä kansainvälisiin poliittisiin linjauksiin, kuten ihmisoikeuksien yleismaailmalliseen julistukseen.

Tutkittava aineisto koostuu 27 tekstinäytteestä, jotka on valittu ihmisoikeudet-avainsanahaun (human rights) tulosten perusteella. Tarkasteltavat näytteet sisältävät avainsanan lisäksi otteita tekstiympäristöstä kontekstuaalisen taustatiedon havainnollistamiseksi ja näytteiden sitomiseksi ympäröivään diskurssiin. Avainsananäytteet ja niiden tekstiympäristö kategorisoidaan ja analysoidaan käyttäen van Leeuwenin neljää legitimaatiostrategiaa. Lisäksi kriittistä tarkastelua, ideologiaheijastumia sekä auktoriteettivaltaa tarkastellaan kriittisen lukemisen kautta vastustajan roolista.

## **Keskeiset tulokset ja päätelmät**

Analyysi osoittaa, että ihmisoikeuksiin viitataan monipuolisesti käyttäen jokaista van Leeuwenin neljästä legitimaatiostrategiasta. Auktoriteettilegitimaatiossa ihmisoikeuksiin vedotaan usein sitovana institutionaalisenä valtana viitaten mm. kansainväliseen oikeuteen ja käytäntöihin. Auktoriteetin rakentamisessa merkityksellistä on valtasuhde legitimaation tuottajan (Gutmacher–Lancet -komissio) ja lukijan välillä diskurssissa; legitimaatiot nojaavat vahvaan oletukseen ihmisoikeusperiaatteiden ja kansainvälisten sopimusten tuntemisesta, yhteisestä moraalipohjasta sekä komission institutionaalisen ja asiantuntija-auktoiteetin hyväksymisestä.

Ihmisoikeuksiin viitataan myös tavoitteina, toimintatapoina sekä toiminnan vaikutuksina. Raportti vetoaa valtioita sitovaan moraaliseen vastuuseen edistää ihmisoikeuksia sekä omaksua ihmisoikeusperustainen toimintatapa politiikkaohjelmiin edistääkseen seksuaali- ja lisääntymisterveyttä ja -oikeuksia. Universaalit ihmisoikeusperiaatteet tulevat esiin vaatimuksissa edistää ja suojella ihmisoikeuksia valtioiden ja ihmisoikeustoimijoiden perimmäisenä päämääränä. Tämän päämäärän oikeutus pohjautuu oletukseen jaetuista arvoista ja ihmisoikeusideologian moraalisesta valta-asemasta.

Ihmisoikeuksien normatiivinen valta tulee esille useassa rationaalisessa legitimaatiostrategiassa, joissa seksuaalioikeudet määritellään ihmisoikeuksien kautta. Kuten mainittu, kansainvälinen laki ei määritelmällisesti tunnista seksuaalioikeuksia osana ihmisoikeuksia, joten raportissa käytettävä legitimaatio pohjautuu normatiivisuuteen ja ihanteisiin todellisuudesta, jossa seksuaalioikeudet tunnustetaan universaaleiksi. Raportti vaatii sosiaalista muutosta, joka on ainoastaan mahdollista ihmisoikeuksien kehikossa. Se jättää huomiotta jo olemassa olevien sosiaalisten normistojen, tapojen ja perinteiden roolin yksilön



hyvinvoinnin ja terveyden edistämisessä. Täten ihmisoikeudet nostetaan eettisenä kehikkona muiden kulttuuristen, uskonnollisten ja sosiaalisten normistojen yläpuolelle luokittelemalla nykyiset sosiaaliset käytännöt ihmisoikeusrikkomuksiksi.

Moraalilegitimaatiossa lakien ja politiikkaohjelmien ihmisoikeusmyönteisyyttä arvioidaan kehityksen ja edistyksen kautta. Aihetta käsitellään muutoksen abstraktiossa, jossa ajan myötä lait ja poliittiset toimet kehittyvät tukemaan tai vastustamaan ihmisoikeuksia. Tämä polarisoiva arviointi vahvistaa käsitystä ihmisoikeuksista universaalina normatiivisena mittarina, jolla valtioiden kehitystä, menestystä ja suosiota mitataan. Tällä arvoasteikolla menestyvät vain ne, jotka ovat ihmisoikeusmyönteisiä. Käytännössä tämä tarkoittaa valtioita ja tahoja, jotka toimivat länsimaalaisesta ideologiapohjasta nousevan käytösnormiston puitteissa.

Tarinankerronnassa ihmisoikeudet ovat merkittävässä roolissa tarinan huippukohdassa, jossa nuorten seksuaalioikeudet toteutuvat lakimuutoksen ja kansainvälisen ihmisoikeusperiaatteiden johdosta. Tarina osoittaa, että käytännön muutos on mahdollista, kun ihmisoikeudet otetaan kiintopisteeksi kansallisen tason politiikassa. Mytopoeesi on legitimaatiostrategioista ainoa, jossa ihmisoikeudet ankkuroidaan sosiaaliseen todellisuuteen ja toimenpiteistä annetaan käytännön esimerkki.

Tulosten valossa todetaan, että ihmisoikeusregiimin laillinen, dogmaattinen ja normatiivinen valta-asema on vahva ja sitä ylläpidetään raportissa monimotoisten legitimaatioiden keinoin. Ihmisoikeusideologia nostetaan arvokehikkona yliveritaiseen asemaan, jossa periaatteiden toteutuminen on tavoite, keino sekä itseisarvo. Tulokset osoittavat, että ihmisoikeusdiskurssi sekä sen sisällä olevat seksuaali- ja lisääntymisterveys ja -oikeusdiskurssit eivät ole ankkuroitu paikallis- ja yksilötasojen sosiaalisiin todellisuuksiin. Tutkielmassa ehdotetaan laajempaa korpustutkimusta, jotta ihmis- ja seksuaalioikeuksien diskurssien vaikutuksia sosiaaliseen todellisuuteen voidaan paremmin ymmärtää ja antaa tulosten pohjalta toimenpidesuosituksia.

Yleismaailmalliset, universaaliuden periaatteen alla luodut oikeudet ja suositukset eivät kosketa todellisen elämän monimutkaista arkea, jossa kulttuuriset tavat ja perinteet, uskonnot ja muut sosiaaliset rakenteet vaikuttavat yksilöiden ja yhteisöjen elämään. Tämä kuilu todellisuuden ja normatiivisen diskurssin välillä vaikeuttaa ja hidastaa yksilöiden suojelua ja ihmisoikeuksien toimeenpanoa kansainvälisessä ja kansallisessa politiikassa sekä käytännön ruohonjuuritasolla. Sillan rakentaminen kuilun yli vaatisi universaalien näkökulman muuttamista kohti kulttuuri relativismia, jotta ihmisoikeuksien merkityksellisyyttä todellisessa elämässä voidaan ymmärtää ja inhimillisen hyvinvoinnin määritelmää laajentaa monikulttuurisessa dialogissa.