

The Problem of Coerced Abortion in China and Related Ethical Issues

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Since the early 1970s, despite popular opposition, to control the rapid growth of population the Chinese government has been carrying out the strictest and most comprehensive family planning policy in the world. In addition to contraceptive methods and sterilization, artificial abortion—both surgical and nonsurgical—has been used as an important measure of birth control under the policy. Many women have been required, persuaded, and even forced by the authorities to abort fetuses no matter how much they want to give birth.

For centuries artificial abortion has been practiced in China by and large as a private issue. Direct and indirect sources indicate that abortion has been no less frequently induced in traditional China than in other places of the world. Whether or not abortion was regarded as morally acceptable by ancient Chinese medical doctors, philosophers, and common people, the state did not directly interfere and take any official position in prohibiting, permitting, or encouraging the practice until the middle of this century. The founding of the People's Republic of China changed this situation thoroughly and profoundly.

In her social history of birth control in the United States, Linda Gordon points out that "birth control has always been primarily an issue of politics, not of technology."¹ Such is especially the case with respect to fertility control and abortion in China since 1949, as every aspect of the life of the Chinese people has had strong political and ideological coloring. In the years 1949–1976 Mao Zedong dominated, controlled, and directed Chinese society, from the political operation of the nation to the lifestyle of the common people. In attempting to understand the abortion issue in China one cannot ignore Mao's ideas on population and fertility control.

Until the late 1950s and early 1960s, Mao, born in a rural village in southern China, completely denied that a huge population is a social catastrophe. Rather, he stressed that the more people, the greater the energy for socialist revolution and construction. As a result, importation of contraceptives was banned and abortion was basically prohibited. But after some hesitations and reversals Mao changed his attitude toward birth control. In the 1970s the party and government started to work out policies to reduce the rate of increase of the population. Mao's successor not only continued the birth control policy but enforced it. In 1980 the Central Committee of the Chinese Communist Party and the government announced officially the famous (infamous) "one child per couple" policy with very few exceptions. The ambitious program that would maintain the population at no higher than 1.2 billion by the year 2000 had been formulated and promoted. Thus persuaded or coerced abortion has become an often-used fertility control method.

It seems that most couples in contemporary China, like many couples elsewhere, wish to have two or more children (ideally, one boy and one girl). Therefore, since the beginning, the family planning program, especially the one-child-per-couple policy, has met with strong popular opposition. Women who definitely want more than one child often intentionally try to violate the one-child policy, making every effort to hide their pregnancies in the hope of finally giving birth. When they eventually give up under various kinds of social and political pressure, their pregnancies have often progressed into the second or third trimester. As a result, most persuaded or coerced abortions are also late abortions. So, among others, two closely related moral questions are involved in the thorny issue of coerced abortion: (1) Can late abortion be justified ethically? and (2) Why and how is forced abortion morally acceptable or unacceptable? Some Chinese scholars have attempted to address the first question.² In this paper I will focus on the second—the problem of coerced abortion and related ethical issues.

The political, economic, cultural, historical, and moral factors related to the practice of coerced abortion in China are so complex that even the problem of coercion cannot be properly and fully discussed in a short paper. In the following discussion, I will begin by confirming the existence of forced abortion in China. Then, through the analysis of the concept of coercion, I will point out that coercion itself is not always morally wrong. To demonstrate why coerced abortion is morally objectionable, I will use not only the concepts of individual rights—the right to reproduce and privacy—but also the traditional Confucianist and Taoist moral ideals, i.e., governing by education rather than by extensive employment of compulsion and by letting people govern themselves. Finally, turning to the conflict between the serious problem of overpopulation and the popular will of people to have two or more children, I will try to show that coerced abortion may be a moral tragedy or a genuine ethical dilemma rather than a thorough moral evil as it first appears.

The Practice of Coerced Abortion in China

The Chinese government never explicitly legitimated coerced abortion. Induced abortion is called a “remedial measure.” This term is not only the standard Chinese euphemism for abortion, especially for late-term abortions, but also partly true because, rather than abortion, the preferred means of birth control and family planning are postponing marriage and childbearing until a mature age, use of intrauterine devices (IUD) and other contraceptive methods, and surgical sterilization. Official and semi-official documents always proclaim that the family planning program is carried out “under the principle of voluntaries on the part of the masses with state guidance” and that couples of childbearing age adopt fertility control methods, including abortion, entirely voluntarily or through persuasion but not through coercion. The government insists that the basic means of promoting the family planning program are information, education, and motivation, not “coercion and commandism,” which refer to forceful orders and physical force.

However, to many people the statement that the birth control campaign is based on voluntary choice or persuasion is either another lie put out by the communist government, or at least should be assessed with great caution. In his comprehensive study on Chinese family planning policy, *Slaughter of the Inno-*

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cents, John Aird has reviewed the historical development of fertility control in the People's Republic of China, especially in the 1980s. He concludes his monograph:

The Chinese family planning program is being carried out against the popular will by means of a variety of coercive measures. Despite official denials and intermittent efforts to discourage some of the more extreme manifestations, since the early 1970's if not before, coercion has been an integral part of the program.³

In *China's Changing Population*, Judith Banister summarizes that the Chinese policy "makes extensive use of compulsory family planning, compulsory limitation of the total number of children to one child, required signing of double contracts and pledges to stop at one child, forced sterilization, compulsory IUD acceptance, forced IUD retention, and forced abortion."⁴

It has been estimated that from 1971 to 1983 the total number of artificial abortions in China was 92 million.⁵ According to a 1982 report by Guangdong family planning authorities, 80 percent of the 624,000 abortions in the province were performed "by order," and one-third were in the sixth month of pregnancy or later.⁶ These data cannot be taken to be representative before more supportive statistical documents come out. A more recent number is not available, but more recent figures must be no lower because the national population control policy has grown stricter and sexuality freer in the past decade. To know how many abortions are voluntary and how many are compulsory is difficult, if not completely impossible, since the authorities concerned always deny the use of coercion.

Many cases of forced abortion do not necessarily indicate a coercive abortion policy, just as the many cases of "people's policemen" beating people in China do not necessarily mean that the government has a policy legitimating physical abuse by police. Does a central and provincial policy exist that explicitly legitimates coerced abortion in China? The Chinese government and some supporters of the birth control policy contend that mandatory IUD insertions, compulsory sterilizations, and coerced abortion originate not in central policy but in local deviations from central policies. Unfortunately, this argument can hardly hold water.

When "real action," "effective measures," and "practical results" are emphasized by the central policymakers in order to carry out the family planning program "strictly," "firmly," "resolutely," and "effectively" local cadres, in direct confrontation with the strong will of many people to have more than one child, must choose between using coercion and losing their positions. Some articles in the Chinese media have even openly advocated coercion. In 1979 Guangdong province ordered local officials:

At present, we must shift our work emphasis to women who are pregnant, particularly to women who have more than one child. . . . We must mobilize those who have unplanned pregnancies [i.e., without permission from the authorities concerned] to adopt effective remedial measures to solve the problem. All units and departments must go into immediate action and do well in mobilization, persuasion, and education work.⁷

A municipality in Liaoning was praised as a model for its 1982 performance because "women with unplanned pregnancies were subjected to remedial oper-

ation . . . and no time limit was set on the pregnancies." In 1983 the national leadership ordered that "women with unplanned pregnancies must adopt remedial measures as soon as possible."⁸ A 1991 official regulation in Shannxi concerning family planning includes the stipulations that "pregnancy must be terminated if it has not been planned" (i.e., permission has not been obtained from the authorities) and "must also be terminated if the woman has not reached the legal age to marry or is pregnant outside marriage."⁹

In sum, as Aird has said, coercion is a "direct, inevitable, and intentional consequence" of policies formulated by the central government.¹⁰ The central and provincial policies have permitted and assured, at least indirectly, that local cadres can and sometimes must use coercion in their work. In Banister's words, "although the problem is seen at the grassroots level, its roots lie with the upper level."¹¹ The Chinese family planning program remains highly coercive through the whole process; central policies have brought out many forced abortions and other coercive activities in the birth control campaign.

As Aird has documented, many tactics and concrete methods are employed to persuade or compel people to submit to family planning demands against their will, including the following:

- officials go repeatedly to the houses of women with unplanned pregnancies to have "heart-to-heart talks" with the family;
- women pregnant without permission are required to attend "study classes;"
- the government initiates the mass "movement" or "mobilizations" for contraception, sterilization, and abortion;
- penalties for resisting policies include measures that threaten family subsistence such as loss of employment for urban residents or removing the houses of rural people;
- collective punishments and rewards are designed to involve the entire membership of a factory, or an institution, or a rural political unit so that peers will participate in persuading and compelling the women with unauthorized pregnancies to follow the central government policies.

Persuasion is involved in some of the above measures (for instance, "heart-to-heart talks" and "study classes"), but local cadres often cross the line between persuasion and coercion.¹² It must be remembered here that the Chinese government exercises almost unlimited power in the lives of citizens.

Coercion Itself Is Not Necessarily a Moral Evil

A great difficulty in discussing the ethical issues of coerced abortion lies in the definitions of the terms "coercion" or "compulsion" and the related concept "persuasion." To draw a clear line between persuasion and coercion is even more difficult in practice than in theory. The Chinese government and some family planning advocates limit the term "coercion" to the use of physical force. Although physical force is sometimes used by local officials, the Chinese government never openly approves and formally legitimizes such action in any official published directive. Understanding coercion in this narrow sense, Chinese policymakers are able to openly deny the existence of coercion in the family planning program.

For many people, this definition is obviously too narrow. For Aird, a method powerful enough to compel many people to act contrary to their wishes constitutes force or coercion. He states, "Any action in the fertility control to employ force, the threat of force, or extreme penalties and pressure that leave people no choice but to comply should be defined as coercion."¹³ Although this definition does grasp the core meaning of the term *coercion* as ordinarily used, it has not distinguished the strategies of persuasion and strong persuasion from the category of coercion or compulsion.

Merriam-Webster's Collegiate Dictionary (10th ed.) defines the word *coerce* as "to restrain or dominate by force," "to compel to an act or choice," "to bring about by force or threat." The word *persuade* is defined as "to move by argument, entreaty, or expostulation to a belief, position, or course of action." Although these dictionary definitions are of little help for moral exploration of coercive activities in Chinese birth control and abortion policies, they are a good starting point.

Following the essay "Coercion" by Robert Nozick and the article "Coercion and Freedom" by Bernard Gert, bioethicists Tom Beauchamp and James Childress claim that coercion "occurs if, and only if, one person intentionally uses a credible and severe threat of harm or force to control another."¹⁴ They point out further, "For a threat to be credible, both parties must believe that the person making the threat can effect it, or the one making the threat must successfully deceive the person threatened into so believing."¹⁵ For them, there is a distinctive line between coercion and persuasion since, as they define persuasion "a person must be convinced to believe in something through the merit of reasons advanced by another person." Thus they do not agree that such measures as "forceful persuasion" exist.¹⁶

Two points here require attention. First, coercion or compulsion is never absolute, nor essentially value free. Some may think that a decision concerning whether a person is coerced is a fact claim, just an empirical question. But to others, as Alan Wertheimer has argued, "coercion claims are moralized" and "they involve moral judgments at their core."¹⁷ As a matter of fact, different people may respond very differently to the same pressure, threat, or force, not to mention that different cultures have different understandings of and attitudes about coercion.

Second, and more important, coercion in itself is not necessarily morally unacceptable. For Aird, as the title of his book has clearly shown, coercive birth control in China is "slaughter of the innocents." China's use of coercion in family planning violates human rights. He suggests that the Chinese family planning program is morally evil because it is highly coercive. This interpretation seems to be the first response of many Westerners to the practice of coerced abortion in China. Yet coercion itself is not always morally wrong at all. Beauchamp and Childress give two typical examples of coercion: the threat of force or punishment used by police, courts, and hospitals in acts of involuntary commitment for psychiatric treatment, and society's use of compulsory vaccination laws.¹⁸ However, they do not thereby mean to claim that involuntary civil commitment and compulsory vaccination are morally unacceptable just because coercion is adopted.

Not only is coercion not always morally wrong, it may even be morally required under some circumstances that certain people or institutions control others by coercive or other manipulative means. Red B. Edwards and Edmund

L. Erde point out that valid moral justifications exist for using coercion, such as parental coercion of children at times; good laws and penalties for noncompliance; and proper enforcement mechanisms like the police, the courts, and the prisons to coerce lawless persons into behaving themselves. Edwards and Erde conclude, "Using coercion is often, but not always, the morally right thing to do. Other human values besides freedom must be protected coercively."¹⁹ This fact may be rather sad and unfortunate to acknowledge since modern Western moral and legal traditions are typically based on personal autonomy (self-determination) or, in Wertheimer's term, the voluntariness principle.²⁰ The crucial question is not whether coercion can be morally justified, but, as Wertheimer poses, "What constitutes the coercion or duress that violates the voluntariness principle?"²¹ and, as Edwards and Erde ask, "When is coercion morally unacceptable? And how can we tell when it places morally unjustifiable limits on freedom?"²²

Thus more and deeper moral exploration is needed to answer the question whether and how coercive birth control programs in general and forced abortion in particular are morally wrong or acceptable. What more fundamental moral principles does the practice of coerced abortion violate? Can compulsory abortion be morally defended for protecting other human values, for instance, the social good? Is compulsory abortion necessarily a moral evil?

Coerced Abortion as a Moral Evil

For many Westerners, as Geoffrey McNicoll has said, "Browbeating a woman to have an abortion, a practice reported in some studies of China's antinatalist program, would, of course, be found highly objectionable."²³ The conception of individual rights or freedom constitutes one cornerstone of the Western political, legal, and moral system. Promoting the family planning program by coercion then conflicts with and challenges fundamental values and moral principles, such as reproductive rights and women's right to personal privacy. So it is not surprising that the Chinese fertility control programs have raised serious criticisms and strong objections as long as the existence of coercion has been known here in the West.

Coerced abortion undoubtedly violates at least the right of women to personal privacy. The idea of individual rights or the natural rights of human beings plays a dominant role in Western ethical and political life. As a result, the issue of moral and legal rights, the rights of the pregnant woman, is one of the key problems in the contemporary abortion debate. The labels "pro-life" ("right to life") and "pro-choice" ("right to choose") used by opponents in the U.S. abortion debate reveal the fact that the two sides are employing the same language—the language of rights.

The distinction between public and private, which has origins in Greco-Roman political and ethical theory and practice, is crucial to prevent unlimited intervention of the state or community into the life of the individual. The English political philosopher James F. Stephen wrote in 1873 that "Conduct which can be described as indecent is always in one way or another a violation of privacy."²⁴ The right of personal privacy has been used by the U.S. Supreme Court to favor a woman's decision whether to terminate her pregnancy. Feminists developed this rationale into the popular phrase "a woman's right to control her own body."

Is the right to reproduce a fundamental human right? The Universal Declaration of Human Rights classifies the following rights as the first group: life, liberty, and the security of person; freedom from arbitrary arrest, detention, or exile; right to impartial tribunal; freedom of thought and religion; freedom of opinion and expression; freedom of peaceful assembly and association. The right to decide one's own fertility and reproduction issues is not, at least not explicitly, included as a fundamental right. The U.S. Constitution does not claim the right to reproduce as a constitutional right either. However, the practice of coerced abortion undoubtedly violates at least the personal privacy of a woman, grounds for a claim of fundamental rights in the West.

Nevertheless, to question whether or not the right to reproduce is fundamental might result in many further questions:

- If the right to reproduce should be seen as a fundamental human right, then why and how?
- If the right to reproduce is fundamental, may individuals have as many children as they wish?
- Like sexual behavior, must reproductive behavior be completely free from state intervention?
- When reproductive rights conflict with some kinds of common good, such as controlling the rapid growth of population, to which should priority be given?

In the moral discussion about abortion and many other medical ethics issues in China, the cultural characteristics of the country and the people must be taken into account, for China has a very different cultural tradition from the West. Among ancient Chinese philosophers, doctors, and lay people, the practice of abortion evoked little explicit discussion (if any concern), not to mention public debate, as is still the case in contemporary China. Even though no ancient Chinese thinker explicitly advocated that both abortion and infanticide are justifiable on utilitarian grounds as did Plato and Aristotle, neither was there a Chinese "Pythagoras" to hold that abortion is killing because of the belief that human life begins at conception. The Chinese did not consider abortion morally objectionable mainly because they, like Jewish law and Platonists in ancient Greece, maintain that human life does not begin until birth. Confucianists and Taoists rarely treated the fetus as a human being. So neither the "Absolute Sincerity of Great Doctor" (the Chinese "Hippocratic Oath") by the "King of Medicine," Sun Simiao, nor any other premodern professional maxims written by medical doctors clearly claimed that the physician should "not give to a woman abortion remedy" as does the well-known Hippocratic Oath.²⁵ Nevertheless, to conclude that abortion has never evoked moral concern among the people of traditional Chinese society is incorrect. As a matter of fact, the question whether abortion is morally right puzzled Chinese people even in ancient times.²⁶ Imported Buddhism, the third major philosophical-social-religious doctrine in traditional China, taught that the fetus is a form of life and therefore put limits on artificial abortion.

Paying attention to the importance of cultural difference never means justifying everything in the culture or society. Studies of cultural factors often can provide information on how today's reality came about, but does not always ethically justify the practice itself. That something is so does not mean that it

ought to be so. In fact, while traditional Chinese moral thoughts and culture give priority to the common good of society over individual rights, in Chinese ethical and political philosophy are rich resources to criticize today's various policies that adopt compulsion. For example, Taoist philosophy emphasizes the idea of individual freedom and being free from external coercion. For Lao Zi and Zhuang Zi, no governing is better than letting people govern themselves or letting people alone. Taoism has a strong individualist trend. Although Confucianism gives great importance to the community, the power of the ruler, and the merit of obeying the authorities in human life, it never approves governing by coercion rather than by persuasion. Confucius and his followers defined a good government as one that loves the people and makes them happy and held that the highest technique of governing is teaching or education. Mencius, the Confucian master second only to Confucius, once distinguished two kinds of government: *wang* ("kingly") and *ba* ("forceful"). He exalted the former and rebuked the latter. In contrast to *ba* who govern by means of coercion, *wang*, the leader of kingly government, is a sage. On behalf of people, the sage-king administers through moral construction and virtues and practices *ren* ("humanity, humaneness"). In fact, the concept of "*ren*," translated as "benevolence, human-heartedness, goodness," is the heart of Confucianism. In the long history of traditional Chinese thought only the totalitarian thinkers of Legalism advocate the absolute power of strong centralized government, draconian law, and harsh punishment.²⁷

Coerced Abortion as a Necessity for the Social Good

Abortion is practiced in the People's Republic of China mainly as an ultimate mechanism of the family planning program. In the face of the social problem of overpopulation, the one-child family campaign has been proposed and pursued as a significant common good for the whole society. This family planning program is widely regarded as necessary to control and reduce the geometrical rate of increase in population in order to raise common living standards, given China's very limited natural resources.

It is well known that one striking characteristic of Chinese cultural and political life is emphasis on the common good, the state authority, the priority of community. Ren-Zong Qiu, one of the leading Chinese bioethicists and philosophers of science, has well summarized and expressed the common understanding of Chinese culture:

A quasi-holistic social-political philosophy has been developed from Chinese cultural tradition. It is based on two thousand years of power—centralized, autocratic monarchy—one that has lacked any rights-oriented, individualist, liberal democratic tradition. In recent decades, Marxism—rather, a mixture of Russian and Chinese versions of Marxism—has become the dominant ideology. The historicism and social holism of this system, interwoven with traditional ideas, puts the greatest emphasis on nation, society, and country rather than on individuals.²⁸

Even though this summary may be too general because in this widely accepted view the diversity and plurality of Chinese medical morality and cultural traditions have been either totally ignored or minimized,²⁹ the generalization

does suggest a significant reason why coercive abortion can go on in practice and be justified in theory in the name of the common good in China.

Many Chinese medical ethicists agree with the priority of the common good and use the concept to justify the family planning program. On the issue of reproduction, the author of *Essentials of Medical Ethics* proclaims the priority, actually the tyranny, of the society in a very typical way: “when the prenatal care comes into conflict with birth control and eugenics, it must be subordinated to the needs of the latter, because these are in the interest of the whole nation and the whole [of] mankind, as well as in accord with the greatest morality.”³⁰ To morally justify the measure of coerced abortion for the good of society is not difficult starting from this sort of logic and theoretical perspective.

As a matter of fact, the concept of the social good has been used by Chinese officials and scholars as the most powerful approach to justify fertility control in general and “persuaded” abortion in particular. Few deny that overpopulation is one of the most serious social problems in today’s China. To achieve the goal of controlling population growth, government emphasizes that citizens have an obligation to follow family planning policy, i.e., use efficient birth control methods and, if unplanned pregnancy occurs, abort. Actually, the constitution of the People’s Republic of China that came into force upon promulgation by the announcement of the 5th National People’s Congress, 1982, requires that “Both husband and wife have the duty to put into practice family planning.”

To appreciate fully the seriousness of overpopulation in China is not always easy for Westerners, especially people in North America. The concrete numbers—now more than 1.1 billion, more than one-fifth of the world’s population, living in the mainland of China—may not make real sense to many people. To put these numbers in North American terms, please imagine that all Canadians live in two cities, Toronto and Quebec. The population of Beijing and Shanghai, the two biggest cities in China, is close to the total population in Canada. Wherever you are in the United States, multiply the number of people you meet five or six times. While the total land areas of the United States and China are almost the same, the population of China is five times that of the United States. Furthermore, China has far fewer natural resources and less habitable area than the United States.

Therefore many Chinese scholars and some Western population experts believe and argue that China must persist in controlling population growth, adjusting population structure, and raising the quality of human resources. The rationale here is very simple: the extant overpopulation and its continuing growth threaten the whole society; thus individuals must make sacrifices for the eventual common good. The argument for the social good is sometimes extended to an obligation to future generations and the world. People living now have a duty to preserve the world so that future societies and individuals will have the resources and health conditions currently available. Fertility control is considered a social good not only for China, but also for the world because overpopulation is a global problem rather than only a local one.

If the present overpopulation is not serious enough, the popular wish of contemporary Chinese people to have two or more children makes the problem of population a real social crisis. Even though the reproductive behavior of individuals in China, as in other places, was never totally free from economic limits and cultural influence, for ages the Chinese were free to have as many

children as they wished without the direct intervention of the state. As a matter of fact, under Confucianism, to be without offspring was considered the greatest violation of the principle of filial piety, a fundamental duty and merit of the individual. Chinese people developed this idea into a positive maxim, "More children, more happiness." Some contemporary Chinese, especially some people in rural areas, still hold this belief.

In 1985 a survey of one-child households in the rural suburbs of Tianjing Municipality found that about 80 percent hoped to have two children and that some of them had accepted one-child certificates only because they felt they "have no choice." In 1988 a State Family Planning Commission found that 72 percent of all couples and 90 percent of rural couples wanted more than one child and a demographic journal reported other survey results showing that 88 percent of Chinese couples wanted both a boy and a girl. Even in Beijing a survey found that fewer than 20 percent of a sample of 7,622 married women want only one child; 79.7 percent wanted two or more.³¹

Although being required to pay income tax in the United States and to limit childbearing in China are vastly different, there is an important similarity between them insofar as the conflict between the genuine self-interest of the individual and the general good of society is concerned. In one case, the individual wishes to have as many children as desired while "others" limit fertility. In the other case, the individual wishes to avoid paying taxes while "others" pay theirs. That is to say, both paying tax and limiting reproduction are regarded as necessary for the sake of social good.

Confronted with overpopulation on the one hand and the strong will of people to have many children on the other, the government seems to have no choice but to adopt both persuasion and compulsion to achieve a decrease in the rate of population growth and thereby raise people's living standard. Coercion is thus considered a necessary evil for the good of society and eventually for the long-term interests of every member.

In the well-known essay "On Liberty," John Stuart Mill argued that civil or social liberty is mainly concerned with "the nature and limits of the power which can be legitimately exercised by society over the individuals."³² For him, liberty meant protection not only "against the tyranny of the political rulers" but also "against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them,"³³ etc. He pointed out that "[t]he only purpose for which power can rightfully be exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical and moral, is not a sufficient warrant."³⁴ Adopting coerced abortion to promote the one-child family planning program must first of all answer the question whether having many children really constitutes a harm to others so that state intervention is needed to enforce a number—one child per couple.

Using the social good as a theoretical justification for the one-child policy and coerced abortion must also resolve the following questions:

- Is there really a serious population problem? Or is controlling the population growth rigorously really a social good? In fact, this issue is controversial and some scholars totally deny population size as a real social problem.

- If controlling population increase is a social good, considering the reality of today's China, is the good an equal advantage to every member in the society? If not, who benefits most? Who least? Might some even be harmed?
- Has overpopulation been used by the government as an excuse for other social problems that have resulted from misgoverning? Is promoting family planning policy just an integral part of keeping and enforcing the extant power structure?
- If fertility control is a universal social good, why should and must the interest or right or freedom of individuals be subordinated to the social good of the whole nation and even all humankind? One may argue and the individual may believe that having more children contributes more to society than having just one.
- Even if the one-child policy is a social good to which everyone should be committed, is coerced abortion justified as a measure of birth control? Is there not a better way? In other words, cannot the fertility control program really be built on voluntariness, as the government has openly claimed, rather than on coercion or force?

Conclusion

In spite of official denial, coerced abortion has been enforced in China in the name of social good. For Chinese policymakers, officials, and many scholars, the dilemma is seen in terms of either adopting coercive measures or losing the birth control program entirely. Confronted with the reality of overpopulation and the pressure of most people's strong will to have two or more children, coercion is employed as an important measure to limit the rapid growth of population. Even though coercion itself is not necessarily a moral evil, forced abortion and other compulsory fertility control mechanisms do violate the individual right to reproduce, the Chinese women's right to personal privacy. Although traditional Chinese ethical thought gives priority to the common good of society, it cannot be employed to justify the extensive use of coercion.

My conclusion is that coerced abortion is highly morally unacceptable because the practice violates individual rights to reproduction and personal privacy as well as the traditional Chinese—both Confucianist and Taoist—moral and political idea of not governing by coercion. But enforced abortion can be defended for the common good of society. In other words, taking the conflict between the serious problem of overpopulation and the popular will of people to have two or more children into account, forced abortion may be a moral tragedy or a genuine ethical dilemma rather than a thorough moral evil as it first appears.

In my paper I have raised many questions, more than I can resolve. More moral and cultural exploration of the practice is greatly needed, and more important and definitely necessary is an open public discussion or debate among Chinese people on abortion in particular and family planning policy in general. Unfortunately and sadly, this latter necessity seems to be especially difficult to realize. Moreover, if the moral exploration is not so much theoretical meditation in the ivory tower as a social practice of people, then the biggest challenge we now face is how Western ethical theories and traditional Chinese moral wisdom can be applied and transformed to change the present reality in China, if the reality is morally wrong.

Notes

1. Gordon L. *Woman's Body, Woman's Right: A Society History of Birth Control in America*. Harmondsworth: Penguin Books, 1977:xii.
2. Qiu RZ, Wang CZ, Gu Y. Can late abortion be ethically justified? *Journal of Medicine and Philosophy* 1989;14:343-50. Their conclusion is that "the late abortion can be justified ethically in China: 1) if the 'one couple, one child' policy is justifiable; 2) if the couple and the physician take the social good into account; 3) if the mother express[es] her voluntary consent, no matter whether the decision is made on the basis of her own original desire or after persuasion by others that is not coercive; and 4) if the late abortion will entail only a low risk to the mother's health or life" (p. 349). Obviously, more ethical explorations are definitely needed regarding the late abortion problem.
3. Aird JS. *Slaughter of the Innocents: Coercive Birth Control in China*. Washington, D.C.: The American Enterprise Institute, 1990:88.
4. Banister J. *China's Changing Population*. Stanford: Stanford University Press, 1987:216.
5. Qiu RZ. Medical ethics and Chinese culture. In: Pellegrino ED, Mazzabella P, Corsi P, eds. *Trans-cultural Dimensions in Medical Ethics*. Frederick, Maryland: University Publishing Group, 1992:155-74.
6. See note 4, Banister 1987:208.
7. See note 4, Banister 1987:209-10.
8. See note 4, Banister 1987:209-10.
9. The 20th Meeting of the Standing Committee of the Seventh Provincial People's Congress (3 March 1991), *International Digest of Health Legislation* 1994;45(3).
10. See note 3, Aird 1990:89.
11. See note 4, Banister 1987:209.
12. See note 3, Aird 1990:16-7.
13. Aird JS. Population policies: strategies of fertility control: compulsion. In: Reich WT, ed. *Encyclopedia of Bioethics*, rev. ed., vol. 4. New York: Simon & Schuster Macmillan, 1995:2023.
14. Beauchamp TL, Childress JF. *Principles of Biomedical Ethics*, 4th ed. New York: Oxford University Press, 1994:164.
15. See note 14, Beauchamp, Childress 1994.
16. See note 14, Beauchamp, Childress 1994.
17. Wertheimer A. *Coercion*. Princeton: Princeton University Press, 1990:xi.
18. See note 14, Beauchamp, Childress 1994.
19. Edwards RB, Erde EL. Freedom and coercion. In: Reich WT, ed. *Encyclopedia of Bioethics*, rev. ed., vol. 1. New York: Simon & Schuster Macmillan, 1995:886.
20. See note 17, Wertheimer 1990:4.
21. See note 17, Wertheimer 1990.
22. See note 19, Edwards, Erde 1995:886.
23. McNicoll G. Strong persuasion. In: Reich WT, ed. *Encyclopedia of Bioethics*, rev. ed., vol. 1. New York: Simon & Schuster Macmillan, 1995.
24. Stephen JF. *Liberty, Equality and Fraternity*. Cambridge: Cambridge University Press, 1967 [1893]:160.
25. For ancient Chinese medical ethics, see Unschuld PU. *Medical Ethics in Imperial China: A Study in Historical Anthropology*. Berkeley: University of California Press, 1979. On the theories and practice of medical ethics in ancient Greece and Rome, see Carrick P. *Medical Ethics in Antiquity: Philosophical Perspectives on Abortion and Euthanasia*. Dordrecht: D. Reidel Publishing Company, 1985.
26. There does not exist much primary or secondary literature on abortion in premodern China. About ancient Chinese law on abortion, see Luk BH. Abortion in Chinese law. *American Journal of Comparative Law* 25(1):372-90. On the traditional Chinese understandings (especially medical professionals' understandings) of abortion and the fetus, see Nie JB. Coerced abortion in China: an ethical problem in its historical and cultural context. Paper presented at the 38th National [Medical] Student Research Forum, Galveston, Texas, April 1997.
27. On traditional Chinese moral and political thought in the English language see, for example, Fung YL, ed. Bodde D. *A Short History of Chinese Philosophy*. New York: Macmillan, 1948; Fung YL, trans. Bodde D. *A History of Chinese Philosophy*, vols. 1,2. Princeton: Princeton University Press, 1952, 1953; Grell HG. *Chinese Thought from Confucius to Mao Tse-tung*. Chicago: University of Chicago Press, 1954; and Hsiao KC. Trans. Mote FW. *A History of Chinese Political Thought*. Princeton: Princeton University Press, 1979.
28. See note 5, Qiu 1992:170-1.
29. Nie JB. Reexamining the characteristics of American and Chinese medical moralities: toward an interpretive cross-cultural bioethics. Paper presented at the 1996 Joint Meeting of the Society for

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- Health and Human Values and the Society for Bioethics Consultation, Cleveland, Ohio, October 1996. See also Nie JB. Inquiring for the foundations of medical morality as the soul of medical ethics. *Zhongguo Yixue Lunlixue [Chinese Medical Ethics]* 1996;5.
30. Quoted in Qiu et al.. See note 2, Qiu, Wang, Gu 1989.
 31. See note 3, Aird 1990:84. The result of an unpublished survey made by the Chinese Society for Sociology in 1979 showed that a considerable percentage of city inhabitants (19.44–30.95%) and the majority of peasants (51.34–79.53%) wanted to have two or more children. The lower percentage of opposition in 1979 hardly means that there were more people then who approved the family planning program of the state. One important factor is that people were more afraid to express what they thought even in the sociological survey, given newly initiated economic and political policies and the fact that the country remained under the shadow of Mao's dictatorship.
 32. Mill JS. *On Liberty*, ch. 1. In: Burt EA, ed. *The English Philosophers from Bacon to Mill*. New York: Modern Library, 1939:949.
 33. See note 32, Mill 1939:952.
 34. See note 32, Mill 1939:956.

This article is a part of the research project on contemporary mainland Chinese people's moral views and experiences of abortion. It was written in 1996 at the Institute for the Medical Humanities of the University of Texas Medical Branch at Galveston. I thank Ms. Faith Legay, Prof. Harold Vanderpool, Dr. Kirk Smith, Prof. Mary Winkler, and Dr. John Douard for their valuable suggestions and generous help. I am also grateful to Arthur Kleinman for his valuable comments on the early version of this paper which was presented at the poster section of the National Meeting of MD/PhD Education and Research in the Humanities and Social Sciences at the University of Chicago in 1996.

Commentary

William H. Jennings

In the fall of 1996 I taught a course at Fudan University in Shanghai dealing with medical ethics in America. As part of the course we spent some time on the heated American debate about abortion. The reaction of Chinese students was revealing.

Many of the fifty-some students said they had never heard abortion discussed in a class and never thought of it as controversial. When asked if the American debate related to the Chinese situation, they said "no" because America has a smaller population and can afford the luxury of the debate. They felt China has too many people and must have abortions to control the population. As Jing-Bao Nie notes, there seems little possibility of a free public discussion of abortion.

Is this because of student fears about discussions of controversial topics? There is more openness in China than is often reported and students would find ways to express concerns about abortion if they wished. They openly discuss topics as varied as euthanasia and official corruption. On abortion they acquiesce, it seems, because they strongly support China's current economic policies and see enforced abortion as essential to those policies. In simple end-justifies-the-means reasoning, enforced abortions are necessary if China is to prosper.

This kind of reasoning seemed to be reinforced by a lack of interest in what in America is sometimes called "the moral status of the fetus." As I outlined the stages of fetal development in class, showing how a view on abortion might relate to the development taking place in the womb, students listened with respect. But then any relevance of the discussion for China was

easily dismissed with “but of course in China we have always thought life begins at birth.” Abortion does not raise moral concerns about the fetus, they were saying, because China has decided that life in the womb is not yet human.

There are interesting similarities between the views of these Chinese students and the argument of Jing-Bao Nie’s paper.

It seems to me that like my students he chooses to avoid a direct discussion of the abortion issue. *His paper is not about abortion, it is about coercion and birth control.* He says most couples in China wish to have two or more children and asks whether, in the face of this desire, coercion to limit population is justified.¹ Abortion, sterilization, and the use of IUDs are common Chinese methods of birth control; Nie’s argument could, without significant changes, focus on sterilization or the IUD as coercive methods. He does not address the special moral issues that set abortion apart from other means of birth control.

This leads to a second observation. Early in the paper Nie distinguishes between late abortions and coerced abortion, and he chooses to leave the first issue to others. But by this plan he sidesteps an issue that must be tied to the question of coercion: the issue of *when* in the nine months of development an abortion is done. To a sensitive observer, a first trimester abortion is different from one in the second trimester, which is *very* different from a third trimester abortion. The law allows for abortions up to 28 weeks, but many abortions in China are later still because of the great pressure to limit births.² These millions of very late abortions are a major reason China receives so much criticism from abroad.

On the issue of late abortions Nie recommends an article whose chief author is the Beijing medical ethicist Ren-Zong Qiu. In the article the focus is

on social good and the health of the mother, with no attention given to the moral status of the fetus. We may surmise that, like my students, Qiu thinks no special moral concern is due the fetus since it is not yet human. As Qui says elsewhere, “Traditionally, abortion has not been seen as a serious issue in China. Most Chinese would agree with the ancient sage Xun Kuang, who argued that human life begins at birth.”³ Nie also cites this view as rooted in traditional Confucian thinking.

If an outsider can bring anything to the Chinese discussion, it seems to me, it should be to encourage close attention to what is taking place in the womb. In a land where Marxism has insisted that values be rooted in scientific evidence, the growing scientific research dealing with fetal life should shed light on life before birth. This does not mean rejecting all abortions or abandoning the “life begins at birth” tradition, but it does encourage respect for the evolving fetal life. We can learn well from the Jewish tradition, which, like the Chinese, usually says life begins at birth but also recognizes a range of complicated issues related to the developing fetus.

If the issue is to be opened in China, a discussion broader than that suggested by Nie is needed. The minority views of Chinese history, reflected in a footnote, must resurface. Nie cites one early work “greatly influenced by imported Buddhism,” and surely today’s Buddhist views could enrich the discussion. Unfortunately, China’s religious voices are effectively stifled because of government demand that the five recognized religions give uncritical patriotic support to official policies. The millions of Chinese who follow the Buddhist path—along with smaller but significant numbers who are Muslim, Catholic, or Protestant Christian—cannot be true to their reli-

gious convictions and also follow official policy. To force upon them coerced abortions is a form of religious persecution. They must be respected and their voices should be heard.

In expressing such concerns, I write as an outsider. And in the background I can hear the plaint of my students, "Why are Americans so critical of China?" Certainly, much of the "China-bashing" coming from the American political right is misplaced and unfortunately colors any discussion of abortion. The harsh language in much of the media, in hearings in Congress, and in the writings of such authors as John Aird⁴ undermine the possibilities of serious dialogue with China on the issue of abortion.

Two areas of concern should be separated. Too often the heavy-handed authoritarian government of China imposes policies unacceptable to Chinese people and to friends of China beyond her borders. Nie rightly criticizes "government by coercion, not persuasion" as being out of harmony with the best of Chinese history. We must applaud his tempered but brave criticism of his own government.

But there is more. There is a Chinese tradition on abortion that differs significantly from much Western thinking, a tradition supported by Nie. This is not the product of an authoritarian government but grows out of a distinct way of understanding humans and human society. I have argued that it is appropriate, even necessary, for outsiders to raise objections to the implications of this Chinese tradition for the abortion issue. But this must be done in a spirit of dialogue and mutual respect.

Notes

1. It is clear Nie has considerable dislike for the coercion that is common in the Chinese abor-

tion picture. But he seems to hedge somewhat. His meaning is not clear when he says (twice) that "coerced abortion may be a moral tragedy or a genuine ethical dilemma rather than a thorough moral evil as it first appears." This is confusing. He seems to say that it is bad but not super bad (i.e., a thorough moral evil).

2. Rigdon SM. Abortion law and practice in China: an overview with comparisons to the United States. *Social Science and Medicine* 1996;42:543-60. Two points are especially noteworthy: (1) China is the only country with no penalty for abortions at any stage of pregnancy. And (2) Rigdon notes "substantial documentation on late-term abortions," in some cases one-third or more of all abortions.
3. Qui RZ and Jonsen AR. Medical ethics: contemporary China. In: Reich WT, ed. *Encyclopedia of Bioethics*. New York: Simon & Schuster Macmillan, 1995:
4. U.S. House of Representatives, Subcommittee on International Operations and Human Rights. *Hearings: Coercive Population Control in China (June 1995)*. Washington, D.C.: U.S. Government Printing Office, 1990. John S. Aird, author of *Slaughter of The Innocents* cited by Nie, was the chief witness at these hearings. Aird testified a skepticism about the "population crisis" thesis, saying China does not have too many people and therefore does not need enforced population control. Such a claim is incredible to anyone who has lived in China for a time!

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Commentary

Mary G. Winkler

On the first page of this very timely paper the author quotes Linda Gordon: "Birth control has always been primarily an issue of politics, not of technology." This statement provides a theme for response to Jing-Bao Nie's arguments. In reading this paper, I found myself reminded of two of George Orwell's insights: (1) When governments use euphemisms they are usually up to no good: "Such phraseology is needed if one wants to name things without calling up mental pic-

tures of them" [e.g., the use of "remedial measure" for abortion]. "A mass of Latin words falls upon the facts like soft snow, blurring the outlines and covering up the details."¹ (2) Sexuality and the sexual act (I would add here reproduction—having children) can be a powerful tool of subversion and rebellion. One's sexuality (and reproductive ability) can be the last line of defense against repression or authority.

Before discussing two specific points in this paper, I want to suggest some ways in which Orwell's insights might illuminate a discussion of the morality of coerced abortion in late 20th century China. First, they remind us that the desire for children and the whole process of creating and bringing children into the world often operates outside the realm of reason. Hence the need to find language to express these extra-rational desires that clarify rather than obscure them. Where the Chinese government lets fall the snow of euphemism, many conservative American critics—such as John Aird—use such heated language that the outlines are hidden in the flame and smoke of their rhetoric. It is important, I believe, to include in a discussion of reproductive issues the powerful, unruly nature of the desires involved.

Moreover, it is good to begin deliberations with some basic questions: What is the source of the desire for children? What do they represent at specific times or places, in specific cultural contexts? In the context of coerced abortion in China I would ask: What is the source of the desire for more than one child? Who holds the desire most firmly? What is the source of the determination that allows a woman or a couple to withstand the fear of punishment to acquire an "extra" child? To what extent is the decision a necessity—the need to provide for one's old age? To what extent is it the result

of ancient ideas about gender roles? Are second pregnancies often an attempt to produce a male child?² Can the decision to have a second child be considered a wholesome act of rebellion against a repressive system, or must it be seen as defiance against the social good?

After posing these broad and vexing questions, I will address two sections of the paper: the section on rights and justice and the section on the social good. Dr. Nie asks whether the right to reproduce is a fundamental human right. He acknowledges that many U.N. documents claim the existence of an individual right to reproduce—e.g., the 1981 U.N. Symposium on Population and Human Rights, which considers both compulsory abortion and unqualified prohibition of abortion to be serious violations of human rights. The delegates to the 1995 women's conference in Beijing passed a resolution declaring that reproductive rights are human rights (although they softened the absolute with the modifying statement that specific implementation of this right should reflect individual cultures). Neither the Universal Declaration of Human Rights nor the U.S. Constitution claim reproductive freedoms as a right.

This observation leads the author to ask a series of important questions beginning with, "If the right to reproduce is a fundamental right, then why and how?" To begin to answer this question almost immediately moves us (or me at any rate) out of the discussion of rights and into the realm of cultural and historical context. It is the Declaration of Independence, not the Constitution, that proclaims the right to "life, liberty and the pursuit of happiness." (It also reminds the King, the British Parliament, and the American colonists that governments "derive their just power from the consent of the governed"—something to consider

when discussing the social good.) There is no mention of reproductive rights because the question as we in the late 20th century understand it would have been largely inconceivable. Why? As in any preindustrial society I know of, having children was not only a natural outcome of the sexual act, it was also considered (in general) a social good. Infant mortality was high in the 18th century and agricultural societies are labor intensive, “be fruitful and multiply” was a practical as well as a religious dictum.

Moreover, Western culture—insofar as it was Christian culture—was imbued with the Church doctrines on sexuality and reproduction. Both Roman Catholic and Protestant marriage ceremonies reminded the couple and the witnesses that the first reason for marrying was the procreation of children, in conformance with divine commandment. For example, the *Book of Common Prayer* (the copy I quote from was published in 1814) says explicitly:

First, marriage was ordained for the procreation of children, to be brought up in the fear and nurture of the Lord, and to praise of his holy Name.

I offer this example to illustrate how fruitful it is to see rights in the light of the cultures or societies that espouse them.

Next, is the issue of coerced abortion and social good. What is especially well done in this paper is the evocation for westerners of the feel of overpopulation—this is crucial for setting the limits of the discussion and for creating understanding. *But* a discussion of the social good should be

as inclusive of all elements and factors. The author argues that with the reality of overpopulation on the one hand and “the strong will of the people” to have many children on the other, the government “seems to have no choice” but to adopt both persuasion and compulsion. The author then cites J.S. Mill: “Governments may exercise control over a citizen against his will to prevent harm to others.” In the light of Mill’s statement, I would ask if the women involved are not doubly coerced—coerced by cultural and social pressures that lead them to produce more children, and coerced by their government to forgo having more than one child?

In conclusion, I suggest that full discussion of the social good include the role of gender and economic need. In other words, I would suggest an inclusive approach to the discussion of what constitutes social good. That is one reason I find that the author’s conclusion points in fruitful directions. By broadening the question of social good and by drawing in the Confucian concept of *ren* (“benevolence, humanity”), he makes a significant contribution to the debate about enforced abortion in China.

Notes

1. Orwell G. Politics and the English language. In: *The Orwell Reader: Fiction, Essays, and Reportage*. San Diego, New York: Harcourt Brace & Co., 1984:363.
2. For a fuller discussion of these issues, see Rigdon SM. Abortion Law and practice in China: an overview with comparisons to the United States. *Social Science and Medicine* 1996;42(4):543–60.