

Ethical Perspectives on China's One-Child Policy

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In 1979, The People's Republic of China (PRC) introduced its controversial one-child-per-family policy in an attempt to control its rapid population growth. The policy remains an extraordinary national effort to control and engineer societal development and human reproductive behavior. Subsequently, this archetypal nonviolent policy has attracted worldwide attention and is often criticized for unethically abridging human rights. For example, it has been called everything from "eugenics," "systems engineering," "inhumane," to "illegal."¹ However, analysis of the policy from a variety of competing ethical perspectives demonstrates that the policy and its implementation cannot be said to be unethical. Specifically, this article considers the policy and its implementation from the ethical perspectives of Lockean contractarianism, communitarianism, utilitarianism, international law, and international realism. The analysis demonstrates the utility of considering public policies from a variety of ethical considerations.

Public social policies are generally assessed and evaluated in terms of economic cost-effectiveness; however, efficiency and economy are neither indisputable nor sole criteria for the formulation of public policies. Emphasizing financial, opportunity and other economic costs is only one dimension of policy analysis; ethical implications, social and human costs must also be considered. Public policies in practice inevitably incorporate alternative choices for distributing and allocating social resources. Policy formulation and implementation necessarily involve politics and normative values. They also pose expansive questions regarding rights, duties, and ethics. In the words of Deborah Stone, a Dartmouth Professor of Government, "reasoned analysis is necessarily political. It always involves choices to include some things and exclude others and to view the world in a particular way when other visions are possible."² This article employs different ethical perspectives to evaluate China's one-child policy and its implementation.

China's One Child Per Couple Policy

The inception of the one-child policy occurred as China regained social and political stability in the late 1970s after the chaotic decade of the Cultural Revolution. After the death of Mao Zedong, Deng Xiaoping rose to power and began his four-fronted modernization project in industry, agriculture, national defense, and science/technology.³ Population control, as a central part of the development project, was assigned to scholars for "scientific analysis." The scientists

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¹ Sui-lun Wong, "Consequences of China's New Population Policy," *The China Quarterly* 98, 220-240, 1984; Susan Greenhalgh, "Science, Modernity, and the Making of China's One-Child Policy," *Population and Development Review* 29 (2), 163-196, 2003; Radio Free Asia, "China's One-Child Policy Contributes to Trafficking Problem," http://www.rfa.org/english/news/social/2004/10/14/china_one_child_policy/ (accessed November 1, 2006).

² Deborah Stone, *The Policy Paradox*. New York: W. W. Norton, 2002, p. 235.

³ Greenhalgh, "Science, Modernity, and the Making of China's One-Child Policy."

were instructed to deliver a solution that would facilitate the goals and strategies of the modernization reforms. The urgent economic goal at the time was to establish policies limiting the population to 1.2 billion by the year 2000, so that the national per capita annual income would be between \$800 to \$1000 US dollars.⁴

Based on interviews, researcher Susan Greenhalgh reports that a group of prominent social scientists from the People's University of China, led by Liu Zheng, Wu Canping, Lin Fude and Zha Ruichuan, came up with an "optimal solution" regarding China's population "explosion". These men, very concerned with the Marxian theories of the "twofold character of production [of material goods and human beings]," calculated "a Marxian formulation of China's population problem as an imbalance between economic and demographic growth . . . fashioning a reasonable policy that took account of its social costs and consequences."⁵ The policy was heavily promoted through publicizing educational propaganda, offering incentives and disincentives and applying strong social pressure. By September, 1980, the one-child policy had been formally approved by the People's National Congress for full implementation as the primary tool to curb China's rapid population growth.⁶

The ideas behind the one-child policy developed from studies of population growth and ecological habitat as propounded by Thomas Malthus, the classical economist. Although Malthus grossly underestimated advances in agricultural technology, he "attempted to use mathematics to illustrate the theory of population and food production."⁷ Malthus posited the theory that food production increases in an arithmetic progression whereas human population increases geometrically. Therefore, there is an inherent imbalance. Food production will inevitably limit the extent of population growth. Ecologist Garrett Hardin emphasizes the "carrying capacity" of the earth and Paul Ehrlich warned that the "population bomb" will leave "hundreds and millions of people [to]...starve to death in spite of any crash programs embarked on now."⁸ The publication of University of New Hampshire and Dartmouth University Professors Donella and Dennis Meadows' *The Limits to Growth* also propounded these views: "If the present growth trends in the world population...continue unchanged, the limits to growth on this planet will be reached sometime within the next one hundred years."⁹

According to the World Population Facts in the 1980s, it was estimated that one half billion people were starving or malnourished; an additional one billion lacked access to basic conditions for human subsistence such as clean water and medical care. Moreover, one-third of the world's labor force was unemployed. From 1950 to 1975, population in Third World

⁴ *Ibid.*

⁵ *Ibid.*, 168.

⁶ *Ibid.*, 184.

⁷ Victoria Johnson and Robert Nurick, "Behind the Headlines: The Ethics of the Population and Environmental Debate," *International Affairs (Royal Institute of International Affairs 1944-), Ethics, the Environment and the Changing International Order* 71(3), 549, 1995. Original source is Thomas Malthus, *An Essay on the Principle of Population*. London, 1807.

⁸ *Ibid.* Original sources are Garrett Hardin, "The Tragedy of the Commons," *Science* 162, 1243-1248, 1968; Paul R. Ehrlich, *The Population Bomb*. New York: A Sierra Club-Ballantine Book, 1968.

⁹ *Ibid.* Original source is Donella H. Meadows; Dennis L. Meadows; Jorgen Randers; William W. Behrens, *The Limits to Growth: A Report for the Club of Rome's Project on the Predicament of Mankind*. New York: Universe Books, 1972.

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countries increased from 1.7 billion to 3.0 billion. This rapid growth in population is widely understood as the chief factor contributing to poverty and backward economic conditions.¹⁰ Accordingly, Chinese leaders had a strong case for wanting to implement fertility policies to limit China's population growth. China held roughly 20 percent of the world's population (963 million) but only 8 percent of earth's arable land, which constituted one-tenth of the nation's total land mass. Only 47 percent of China's territory is actually suitable for human habitation. Most lands in China are arid or semi-arid. In 1980, 70 million people in China lived in abject poverty. Although ranked first in world grain production, China could not keep pace with increasing public demand for food, fueled by rapid booms in its population growth. Historically, human population has been naturally controlled by famine, pestilence, disease, and war.¹¹ The only possible choices for social policies were to increase mortality or decrease the birthrate. Increasing mortality is not an ethically viable option; accordingly it did not take long for China to opt for decreasing its birthrate.

Ethical Perspectives: Lockean Contractarianism and Communitarian Approaches

Lockean Contractarianism

The one-child policy raises many ethical concerns regarding individual liberty, collective rights, and state sovereignty. When the state weighs in on individual reproductive rights for family planning and the welfare of the society, such as taking preventive measures to avoid possible famine, environmental degradation and pollution, it must first decide whose welfare is more important—that of the individual or the collective? The one-child policy poses questions regarding individual rights versus the collective rights of the community. Lockean liberals argue that even the general good of a community cannot trump individual rights. According to Locke's view, in any society, an individual retains basic human rights, and more importantly, negative liberty or the freedom to pursue individual choices for self-development without governmental interference, as long as she adheres to the social contract.

The one-child policy seeks to curtail population growth so that the community may enjoy a higher quality of life—one in which starvation and severe malnutrition, with attendant medical ills and economic and social problems are uncommon. Assuming that the collective's survival and the general good life are indeed dependant on individual reproductive choices, individuals still retain certain natural rights such as the right to life, liberty, bodily integrity and property, which should be independent of any government policies or official regulations.¹² Taking this perspective, the foundation of justice and law starts with personal sovereignty because humans are born with rationality and the capacity to reason, thereby bestowing everyone with the right to pursue available choices to reach her full potential. A society is thus contractarian in the sense that people agree to form society based on rational-choice guided by self-interest as a more

¹⁰ Donald J. Hernandez, "Fertility Reduction Policies and Poverty in Third World Countries: Ethical Issues," *Studies in Family Planning* 16(2), 76, 1985.

¹¹ Victor E. Archer, "Population Control in Man," *Science, New Series* 149 (3686), 184, 1965.

¹² William Uzgalis, "John Locke," *Stanford Encyclopedia of Philosophy* <http://plato.stanford.edu/entries/locke/> (accessed December 11, 2006).

rationally collective arrangement will be beneficial for everyone's long term survival. However, this contract is only legitimate if the state fulfills its own end of the bargain which guarantees basic individual rights and negative freedom. The Lockean liberal perspective emphasizes the rights of individuals to seek their fulfillment and true potential as they understand it, completely unhindered and unrestrained in any fashion except by means prescribed in the social contract. Consequently, Lockean liberals object to state intrusion on individual autonomy and reproductive rights regarding family planning and child-bearing.

Communitarianism

Others disagree. In fact, many supporters believe that the state can legitimately abridge some individual rights if it leads to the long-term welfare of the community. The communitarian argument is derived from Jean-Jacques Rousseau.¹³ Communitarians argue that the survival of the community must be protected because individual members depend on it for their self-identity, the organization of collective action, and the production of public goods. This perspective reflects Rousseau's view that humans are amoral in the state of nature because they have not yet developed the capacity to reason. Rational capacity only comes from identities established in communal arrangements. Only through a community, can we develop a common language, and it is through language that we define concepts, their interrelations and sequent personal, social, political and economic obligations. Therefore, we must first have a common language to establish some shared definitions before we can develop a sense of identity and rationality. The shared constitutive meanings are important because they are essential to the construction of individual self-identity. Moreover, one's understanding of social concepts about "how things are and how they ought to be" or any meaningful alternatives is also defined by the constitutive meanings within a community. A communitarian would therefore insist that individuals forgo some of their egotistical preferences or individual rights and autonomy for the good of the general community. Those holding these views would argue that, for the survival of the Chinese polity, individuals must sacrifice some freedom including unfettered reproductive choices.

While the policy mandated one child per couple, it also established a nearly perfect procedural justice as each family is entitled to one child regardless of its social, political and economic background. The Chinese claim that "[n]o social discrimination is involved; both social justice and societal welfare are taken into consideration."¹⁴ Therefore, such a social policy is within the acceptable bounds of the communal practice which establishes the means for developing consensus to advance the collective well-being.

Communitarians would be intolerant of those claiming individual reproductive rights against the state-mandated policy and its officially sanctioned social practice because such dissenting claims can be viewed as dangerous to the community as well as to its individual members, who derive their identity through it. The community's social practice, values, customs and its general constitutive meanings must be protected against egoistical preferences because dissenting individuals have a right to the community's teachings and its correct way of life. After all, individuals must carry on the practices of a community so that it will continue to survive. If

¹³ *A Discourse on the Origin of Inequality*, 1755.

¹⁴ Yuan H. Tien, "Abortion in China: Incidents and Implications," *Modern China* 13(4), 465, 1987.

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the community perishes, everyone will suffer as the source of their identities will be forever lost.

Western and Asian Preferences for Individual Rights and Social Order

Both the liberal and communitarian perspectives present convincing arguments. While many in the West are disconcerted by China's one-child policy, being offended by its alleged violation of human rights, their Asian counterparts disagree and defend social policies that limit individual rights in their native countries. For example, Singapore's Prime Minister, Lee Kwan Yew, and Malaysia's Mahathir Mohamad argue that traditional Asian values and social practice prefer collective rights and balanced social order to individual liberty. They imply that in Asian cultures when the collective well-being is at stake, individuals are inclined give up some personal liberty for the welfare of the community. Consequently, these Asian leaders argue that the concepts of human rights as posited by Western values are inherently inappropriate for Asian societies.¹⁵

They also argue that a society has a communal right to implement social policies that emphasize the values important to its culture. Indeed, this perspective is shared by Western nations that establish official languages as a means of protecting and fostering communal harmony and identity. Similarly, the Chinese government insists that a state has a right to exercise national sovereignty to implement policies regulating "internal problems."

China also asserts that the one-child policy follows the guidelines of the International Conference on Population and Development set in Cairo in 1994, which maintain that:

The formulation and implementation of population-related policies is the responsibility of each country and should take into account the economic, social and environmental diversity of conditions in each country, with full respect for the various religious and ethical values, cultural backgrounds and philosophical convictions of its people, as well as the shared but differentiated responsibilities of all the world's people for a common future.¹⁶

China defends its implementation of the one-child policy simply as "proceeding from the reality of the country," while "adopting the attitudes of mutual understanding and the seeking of common ground while preserving differences."¹⁷ But does the state have a right to regulate family size, and if so, under what circumstances is it justified?

Utilitarian Approaches

A state purporting to act ethically must assess the issues of rights, duties and ethics when designing public policies affecting the distribution of benefits and burdens in the allocation of social, economic and other resources. The state also has to decide what theoretical approaches can be used legitimately or imposed by force. In most cases, a utilitarian approach is adopted to assess the total average good generated by the new policy. Even though China is not a democratic state, it sometimes relies on utilitarianism for public policy. The concept of

¹⁵ Charles Beitz, "Human Rights as Common Concern," *American Political Science Review* 95(2), 269-282, 2001.

¹⁶ China Government White Paper on Family Planning, *Population and Development Review* 22(2), 388, 1996

¹⁷ *Ibid.*

utilitarianism was developed extensively by Jeremy Bentham,¹⁸ who believed that humans are fundamentally rational maximizers seeking to further self-interest at all times by increasing pleasure and minimizing pain. Under the utilitarian approach, only people's behavioral choices are counted because such choices are assumed to reflect their actual intentions. In the utility principle, everyone is equal and counts as one as we all share the ability to suffer. Therefore, no special rights are assigned to anyone as everyone counts for, but no more than, one. What is moral is determined by the majority preferences as measured by empirical observations of their behavioral preference and the increase of the total average utility. Consequently, those holding the Benthamite view argue that natural rights do not exist. Human rights only emanate from the act of counting everyone equally, based on her self-interest.

In another variant of utilitarianism, John Stuart Mill's rule utilitarianism asserts that it is possible to develop a set of rules that will maximize the best consequences for *everyone* in society, including those whose preferences are in the minority. Mill's approach rests on the belief that everyone has an incentive to create more freedom in the community. Consequently, in contrast to Bentham's assumptions, Mill posits that when following rule utilitarianism people no longer do things out of their immediate self-interest; they are more inclined to produce a set of rules to maximize the best consequences for everyone as guided by individuals' self-interest to pursue their own goals most effectively. Counting preferences in this way, the result is no longer an aggregation of hedonistic preferences because individuals—still motivated by self-interest—pursue the greatest interest of society as a whole. Although the individual's hedonistic or egotistical preference is retained, people nevertheless end up pursuing the rules that maximize the consequences for everyone in society because doing so is to their long-term benefit. Following Mill's view, human rights emanate from counting all equally based on their self-interest because their pursuit of self-interest will include certain rules that establish such rights for everyone in society.

International Human Rights Perspectives

China's one-child policy seems to be implicitly based on a utilitarian approach following the assumptions that it is within everyone's interest to adopt a rule maximizing the total average utility of the Chinese state for long-term survival and accordingly the one-child policy is justified when limitations counter individual egotistical reproductive preferences. Another view is that the one-child policy is essentially a policy against famine and that, in any case, when general policies emphasize individuals' right to survive, "such policies might be justified...if securing the [individual] right is exceptionally burdensome [for the state in certain circumstances]."¹⁹ The right to food may be considered the most basic human right.

Still others see justification in the uniformity of the one-child policy's distributive procedures. They argue that the policy is implemented "according to collective fairness standards" because every family is entitled to have one child as sanctioned by international provisions on human rights.²⁰ In addition, financial incentives that include financial bonuses, better housing options, and longer maternity leave serve to increase the general quality of life

¹⁸ *An Introduction to the Principles of Morals and Legislation*, 1789.

¹⁹ Onora Nell, "Lifeboat Earth," *Philosophy and Public Affairs* 4(3):289, 1975.

²⁰ L. Gregory, "Note: Examining the Economic Component of China's One-Child Policy under International Law: Your Money or Your Life," *The Journal of Asian Law* 6(1), 79, 1992.

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which is part of the state's obligation to promote economic development for its citizens. China points out that the International Declaration of Human Rights assigns responsibility to states to promote "social and economic advancement of their peoples."²¹ Yet the same convention also asserts "the fundamental human rights of every couple to decide freely the number and spacing of their children."²² Due to these manifest inconsistencies in the Chinese context, China's one-child policy is at the intersection of the conflicting goals of promoting economic development for all and simultaneously maintaining individual (reproductive) rights. Under these circumstances, China contends that human rights are not absolutes. Instead, these rights are relative and may be constrained by individuals' "duty to act responsibly and in a manner which will benefit their family and the community as a whole."²³

The issues of individual human rights versus competing state interests were explored under the Universal Declaration of Human Rights as established by the United Nations in 1948. Article 29 underscored the individual duties to the community, including that "they must abide by the rule of law, respect the right of others and comply with the 'just requirements' which promoted the 'general welfare.'"²⁴ Proponents of the one-child policy argue that in China's predicament, one may reasonably interpret the Declaration of Human Rights as to mean that "parents have the rights to some children under Article 16, but according to Article 29, the number may be subject to legal limitations necessary to ensure the general welfare of the community."²⁵

Moreover, the International Covenant on Economic, Social and Cultural Rights asserts that a state may decide the appropriate means to "recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."²⁶ At the same time, the International Conference on Human Rights 1968 Proclamation of Tehran also points out "the widening gap between the economically developed and developing countries impedes the realization of human rights."²⁷ In the end, however, the state was given the "ultimate responsibility of ensuring the social progress and well-being of its people and of developing programs which bring these goals closer to realization."²⁸

China, carrying the world's largest population is under tremendous social and economic pressure to provide "an adequate standard of living" for its citizens as mandated by the Universal Declaration of Human rights. It must provide 1.3 billion people access to food, house, education, employment and medical services. Under the previous human rights guidelines, a state had a duty and responsibility to provide basic standards of living for its citizens to enjoy a minimally good life. Therefore, if unlimited individual procreation degrades basic living standards and endangers social security for everyone in the long run, then the state has a duty to adopt and implement policies to promote essential conditions of a public good life.

²¹ *Ibid.*, 46.

²² *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*, 66.

²⁵ *Ibid.*

²⁶ *Ibid.*, 74.

²⁷ International Conference on Human Rights at Teheran Proclamation of Teheran. http://www.unhchr.ch/html/menu3/b/b_tehern.htm (accessed December 11, 2006).

²⁸ *Ibid.*, 75.

Critics who emphasize Lockean contractarian ethical duties disagree with this view. They claim that even in a dire situation, individual human rights always trump the collective welfare because “rights are best understood as trumps over some background justification for political decisions that states a goal for the community as a whole.”²⁹ Moreover, moral critics such as Ronald Dworkin believe that “when formulating public policies, it is especially important to keep in mind that individual’s rights always trump any consideration of the collective claim.”³⁰ In practice, contractarian claims are particularly strong when potential harms to the community are speculative. Leaving aside the theoretical dispute, it is helpful to examine the operational aspects of the one-child policy to determine the stronger claim in the Chinese moral dilemma. The next section evaluates the specific procedures of implementation of the one-child policy, its operations and relevant international human rights conventions.

Implementation

Implementation of the one-child policy entails heavy promotion by official propaganda, the use of incentives and disincentives, and reliance on social pressures and other sanctions.³¹ Under the Confucian tradition, Chinese parents generally prefer a son to a daughter as only a son may pass on the family lineage. In addition, only males can perform some rituals for deceased family members. In the past, whenever families had to budget the number of children due to economic or social costs, infanticide of female children occurred “as precaution against poverty.”³² In other words, gender preference is an important facet of what the one-child policy must discourage in practice. In the modern Chinese society, the key incentive for a couple to have multiple children is driven by the quest for a son, a male heir to carry on the family name. Because these beliefs and social practices are culturally bound, the Chinese government organized mass propaganda, officially promoting the status of women and their role as daughters and also presented the urgency for family planning. Essentially, the Chinese government is trying to change widely shared cultural views within its society as culture inevitably influences people’s behavior.

These traditional views and social conventions generate resistance to the implementation of the one-child policy and they are also responsible for cultural behavior such as committing infanticide and aborting female fetuses. As one aspect of the policy, the use of official propaganda promoting girls and women also facilitates changes in social views and practices that devalue females. This can only be viewed as a positive effort to increase individual human rights and women’s rights in Chinese society.

However, some question whether it is ethical for China to manipulate individual fertility with financial incentives/disincentives and social sanctions. Supporters dismiss these contentions. How is the one-child policy so different or more coercive than laws in the West that “prescribe monogamous marriage, compulsory education, or compulsory immunization against

²⁹ Andrew Fagan, "Human Rights," *Internet Encyclopedia of Philosophy*, <http://www.iep.utm.edu/h/hum-rts.htm> (accessed December 12, 2006).

³⁰ *Ibid.*

³¹ Bernard Berelson and Jonathan Lieberman, "Government Efforts to Influence Fertility: The Ethical Issues," *Population and Development Review* 5(4), 581-613, 1979

³² Tien, "Abortion in China," 460.

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infectious diseases?" they ask.³³ (Crane and Finkle 1989, 35). Moreover, they argue that in the one-child policy, "penalties are not excessive and are often laxly enforced...[because] the policy could not succeed on such a large scale if people did not comply voluntarily."³⁴ For example, they point out that the real targeted goal of the one-child policy is actually a total fertility of 1.7 births per woman. While all families are encouraged to have one child under the policy, ethnic minorities and rural occupants are often permitted to have more than one especially if their firstborn is a female.³⁵

The incentives for family planning are generally financial rewards including family assistance and subsidies, allowances or bonuses, qualification for improved housing, priority for health care and other state largess. The disincentives may involve peer pressure for conformity, social sanctions, docked wages, termination from state employment, hefty fines for violations, denial of birth registration for the unplanned child, and possibly forced sterilization and abortion. However, reflecting communitarian and utilitarian ethical perspectives, supporters believe that these disincentives are justified when "positive incentives [alone] have not succeeded and when a societal consensus exists on such means of reducing population growth."³⁶ Although incidents of "too-heavy-handed enforcement" have been reported, the Chinese government has established rules intended to ensure that the policy is lawfully implemented to curtail malfeasance in its application.³⁷ Today the implementation of the one-child policy mostly relies on educational propaganda, administrative enforcement and social improvement projects such as programs seeking to reduce poverty and raising the status of women in society. These strategies receive a boost from China's rapid industrial and technological advances, which increase the potential of women to contribute to the economic well-being of their families.

The use of financial incentives and disincentives brings another aspect into the discourse regarding rights and ethics—the law of economics. The law of economics has a libertarian origin derived from Locke's liberalism which emphasizes the government's duty is to guarantee property rights and contractual claims. However, in this perspective, efficiency is defined as a matter of maximizing the individual's autonomy. Accordingly the free agent's full autonomy will maximize her happiness in pursuing the realization of a good life. The law of economics thus offers a simple solution whenever there is a conflict between competing interests and multiple claims of rights. Under this approach, no right is distributed before knowing which right people value the most. In addition, libertarians believe that protection of private property by the state is the only human right. In other words, an individual can only claim a right to something which she owns. Consequently, if people want a right, they have to pay for it because honoring a claim is actually an act of allocating resources as one's right is another's obligation.

The economic approach of human rights reduces the role of normative values and the

³³ Barbara Crane and Jason Finkle, "The United States, China, and the United Nations Population Fund: Dynamics of US Policymaking," *Population and Development Review* 15(1), 35, 1989.

³⁴ *Ibid.*

³⁵ Therese Hesketh, Li Lu, and Zhu Wei Xing, "The Effect of China's One-Child Family Policy after 25 Years," *The New England Journal of Medicine* 353(11), 1171-1176. <http://content.nemj.org/cgi/reprint/353/11/1171.pdf> (accessed December 9, 2006).

³⁶ John Ross and Stephen Isaacs, "Costs, Payments, and Incentives in Family Planning Programs: A Review for Developing Countries," *Studies in Family Planning* 19(5), 281, 1988.

³⁷ Edwin Winckler, "Chinese Reproductive Policy at the Turn of the Millennium: Dynamic Stability," *Population and Development Review* 28(3), 382, 2002.

difficulty of deciding whose claim has more validity. Instead, it relies on market forces to resolve the issue of rights and claims. This model of human rights has not been explored to its full potential because the concept of market value and the logic of economics have not permeated the collective conscious as a possible alternative to the utilitarian approach to human rights and resource allocation. Those who criticize the economic approach contend that this method of distributing rights cannot produce the appropriate mix of value and rights; it does not account for the initial distribution of rights which may lead to inequality, and lastly, it does not protect basic rights that are widely considered to be important:

Sexual and reproductive (or any other) rights, understood as private “liberties” or “choices” are meaningless, especially for the poorest and the most disenfranchised... In the classical liberal model of supposed equal individuals choosing and bargaining to get satisfaction of their rights, differences of economic conditions [income], race, gender, or other social circumstances that structure real people's lack of choice are rendered invisible.³⁸

Although there are limitations to this approach, it is worth noting that the role of economics inevitably factors into public policies whether or not this is widely acknowledged. In designing a social policy, decisions must be made to distribute benefits and burdens and allocate social resources, usually assessed through monetary cost and benefits. In addition to benefit-cost analysis (return on investment), the formulation and design of public policies are usually subject to cost-effectiveness (output per input) criteria. Therefore, the libertarian economic approach potentially offers an alternative model for the realization of human rights in the international realm based on voluntary agreements.

International Realism

Premised on the sovereignty of the Westphalian state, today the prevailing view in global politics regarding human rights and international relations is known as international realism. Nation states do not have moral obligations to each other, rather they have interests and each state has the right to pursue its own interests for self-development. In this perspective, state sovereignty is assumed to be legitimate as established by the principles of the Westphalian treaty; states have a right to pursue their internal development without outside interference and no moral obligations are required between nation-states or to the citizens of other countries. In particular, there are two approaches regarding population, state sovereignty and human rights—the “lifeboat” ethics school and the “spaceship earth” school.³⁹

Garrett Hardin who coined “the tragedy of commons” developed the approach of the lifeboat ethics.⁴⁰ He proposed a metaphor for his views on food assistance and immigration policies. He compared rich countries to lifeboats where there is economic well-being for everyone but which are nearly filled to capacity, whereas poor nations are lifeboats that are too crowded and inadequately supplied. Hardin argues that there is no moral obligation for the rich

³⁸ Johnson and Nurick, Behind the Headlines," 559. Parentheses and brackets appear in the original text.

³⁹ Donald Hernandez, "Fertility Reduction Policies and Poverty in Third World Countries: Ethical Issues," *Studies in Family Planning* 16(2), 76-87, 1985.

⁴⁰ Garrett Hardin, "The Tragedy of the Commons," *Science* 162, 1243-1248, 1968.

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countries to give aid to poor nations because their "lifeboats" are already out of socioecological equilibrium. Helping them with assistance would be equivalent to letting them board well-supplied lifeboats, leading to a degradation of the living environment of those already aboard. Moreover, awarding aid to poor nations would only encourage their populations to increase further, perpetuating the vicious cycle because "every life saved this year in a poor country diminishes the quality of life for subsequent generations."⁴¹

The critics disagree and advocate the spaceship earth ethics as an alternative in which the world is perceived as a shared spaceship instead of individual lifeboats. The spaceship earth perspective argues that rich nations often contributed, if not caused, sociopolitical and environmental degradations in the Third World. Therefore "[i]f we are to preserve the ecostability, and to face realistically the issues of population pressure, all nations must work in concert with one another... ."⁴²

In reality, following international realism, nation states often adopt lifeboat ethics in regard to issues of human rights and national interests. This is partly a collective action problem. Few, if any, states have an individual self-interest in abjuring lifeboat ethics because they will incur costs that will disadvantage them relative to other nations. Moreover, if a major, wealthy nation followed spaceship ethics, others might "ride free" on its efforts, thereby making them even more expensive. Under the current approach, the individual sovereign state assumes the responsibility providing for its own citizens; however, a nation owes neither moral obligation nor assistance to the citizens of another state. Accordingly, China's policies can hardly be considered morally deficient for attempting to control its population to avoid possible social upheavals such as famine, pestilence and severe environmental degradation.

The international message seems quite clear—if China does not help itself, nobody else will. In the best scenario, there may be some help but only if an agreement can be made between the different ethical approaches—an agreement that does not leave China at the mercy of food donor countries. China consistently maintains that it is simply exercising its national sovereignty to implement the one-child policy in "[t]he interest of the majority of the people...working for the common interest of the all of humanity, at the same time working for individual interest of each nation...."⁴³ In this response to critics of the one-child policy, the official rhetoric reflects the recognition of international realism and assumes the duty to provide for China's own citizens. When examined under these circumstances, the one-child policy seems legitimate if not necessary from China's perspective. If population growth does lead to drastic decreased quality of life in which "welfare, security, survival, and freedom" are undermined, then the one-child policy seems justified if implemented in acceptable and lawful manner.⁴⁴

Neighboring nations should also be cognizant of the potential for refugee crises on their borders, should China's—or any large country's—population growth drastically outstrip its capacity to provide for life's basic necessities. Furthermore, if China's one-child policy is based on mistaken premises and, somehow, the nation were economically able to support unbridled population growth, spaceship earth's limited resources would face significant depletion, with

⁴¹ *Ibid.*, 79.

⁴² *Ibid.*

⁴³ China Government White Paper, 390.

⁴⁴ Hernandez, "Fertility Reduction Policies and Poverty in Third World Countries," 85.

attendant global economic disruption, at least in the short run. Viewed in this light, China's use of positive and negative incentives along with the limitation of individual rights may be justified, given the multitude of known and unknown difficulties that a developing country must face in attempting to provide minimum standards of living for all its citizens. Accordingly, China consistently defends the one-child policy on this basis, because, after all, what purpose would a "right" serve in the face of all-consuming struggles for immediate existence? If we have "little or no time for reflection and hardly any use for free speech [because] [t]here is no freedom for hungry people, or those eternally oppressed by disease."⁴⁵

Conclusion

The PRC's one-child policy remains an international prototype as a means of regulating human fertility which seeks to balance human rights, national sovereignty, duties and ethics. Twenty-seven years after its inception, China has achieved dramatic results, successfully limiting its total fertility rate at 1.7 births per woman similar to the birthrate of developed nations.⁴⁶ There are some unintended side effects such as a highly unbalanced sex-ratio between males and females, increased social and economic demands on small families with respect to aging or ailing parents and other relatives, and a seemingly insuperable barrier to developing a viable social security program as the workforce ages. Nevertheless, the one-child policy remains an extraordinary case illustrating a nation's desire to change its fate while fulfilling competing duties and ethical obligations so that its citizens' collective lifeboat may stay afloat for the foreseeable future. This interesting case demonstrates the fundamental difficulties of creating, implementing and assessing public policies. Today, social policies are often evaluated by numbers and statistics solely based on economics and cost-effectiveness without any consideration in philosophical terms. However, China's story reminds us that public policies must ultimately serve human interest while balancing obligation, rights, and ethics with economic feasibility.

⁴⁵Claude Ake, "The African Context of Human Rights," in Larry May, Shari Collins-Chobanian, and Kai Wong, eds. *Applied Ethics: A Multicultural Approach*. Upper Saddle River, NJ: Prentice Hall, 1998. Originally published in *Africa Today* 32(142), 5-13, 1987.

⁴⁶ United Nations Development Programme, *Human Development Report 2006: Beyond Scarcity: Power, Poverty and the Global Water Crisis* <http://hdr.undp.org/hdr2006/statistics/indicators/48.html> (accessed December 10, 2006).