



Competition and Change in the Discourse on Abortion in Taiwan

Chia-Ling Yang

INTRODUCTION

Women in Taiwan first gained the right to abortion in 1986 under the Eugenic Health Law, by which women can access abortion under certain circumstances.¹ Under this law, a woman not wishing to have a child will

¹On the government website, the English translation of the law is the ‘Genetic Health Act’, but translated directly from Chinese to English it is the Eugenic Health Law. Circumstances listed in the law include: (1) She or her spouse acquires genetic, infectious or psychiatric disease detrimental to reproductive health. (2) Anyone within the fourth degree of kin relation to herself or her spouse acquires a genetic disease detrimental to reproductive health. (3) By medical consideration, pregnancy or delivery may cause life-threatening risk or be detrimental to her physical and mental health. (4) By medical consideration, risk of teratogenesis may present for the foetus. (5) Pregnancy as a result of being raped, lured into sexual intercourse or through sexual intercourse with a man prohibited from lawfully marrying her. (6) Pregnancy or childbirth is likely to affect her mental health or family life.

C.-L. Yang (✉)

Graduate Institute of Gender Education, National Kaohsiung Normal University,
Kaohsiung, Taiwan

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usually use ‘Pregnancy or childbirth is likely to affect her mental health or family life’ as the circumstance for the abortion, since this circumstance, as quoted in the law, is the easiest way to access legal abortion.

There has been feminist criticism of the current law: Firstly, the Eugenic Health Law gives women the right to abortion mainly for reasons of the ‘eugenic’ health of or medical consideration for the foetus and the woman, not based on reproductive rights being about women’s choices or control over their own bodies. Additionally, some feminists worry about the racism and classism inherent in eugenic ideology since the word ‘eugenic’ is used in the Chinese title of the law. In Taiwan, where people do not necessarily link the word ‘eugenics’ with the Holocaust in European history, that aspect of racism and classism is unexamined. Secondly, the law requires the consent of a teenager’s parents or a woman’s husband in order for a woman to have an abortion. Thirdly, there is still a penalty for abortion under Taiwan’s Penal Code. In other words, women gained the right to abortion without abortion being decriminalised. Accordingly, some women’s groups suggest a revision of the Eugenic Health Law—to change its name to the ‘Reproduction Health Law’ and to allow women to access abortion without the consent of husband or parents. Some feminists further seek the decriminalisation of abortion in Taiwan.

There has also been a call for revision of the Eugenic Health Law from conservative religious groups in order to restrict women’s right to abortion. For example, in recent decades conservative religious groups have tried to lobby parliament members to add a compulsory consultation period, the ‘compulsory six-day consideration’, before women can have an abortion under the Eugenic Health Law. Additionally, some conservative religious groups seek abstinence-only sex education in schools.

In 2019, just after legalisation of same-sex marriage in Taiwan, conservative religious groups raised a referendum proposal to prohibit abortion at the eighth week of pregnancy, which brought back heated debates on abortion in Taiwan. In 2020, conservative religious groups raised another referendum proposal for the compulsory six-day consideration period before an abortion.

When the Eugenic Health Law was passed, Taiwan was still under martial law; later, when debates about abortion arose again in 2019 and 2020, there was progressive law reform for LGBTQ marriage rights. In a society experiencing such substantial social and political change, this chapter aims to probe what discourses have been employed in support of and against women’s rights to abortion within the last four decades.

RESEARCH MATERIALS AND THEORETICAL PERSPECTIVE

The data in this chapter includes material gathered from official documents (such as the national Laws and Regulations Database and notes from public hearings), research on abortion in Taiwan and worldwide, and news and articles about abortion in Taiwan. The documents and research are used to identify the discourses employed within the last four decades in Taiwan.

Inspired by Myra Marx Ferree et al.'s research on abortion discourses in the USA and Germany (2002), I use the concept of 'framing' in social movements to identify what discourses and needs have been prioritised within pro- and anti-abortion rights movements. Regarding competitive discourse between women's groups and conservative religious groups, I employ Nancy Fraser's (1990) concept of 'competing counterpublics'. Fraser complicates Jürgen Habermas's understanding of the public sphere, recasting it from 'a site for production and circulation of discourses that can in principle be critical of the state' (p. 57) to 'a plurality of competing publics' (p. 61). Fraser exemplifies counterpublics as 'subaltern counterpublics' (p. 67)—alternative publics that include groups such as women and LGBTQ individuals, who develop and circulate counter-discourses, formulating their own interpretations of their identities, interests and needs. However, Fraser also suggests that not all subaltern counterpublics are virtuous, as some counterpublics pursue anti-democratic and anti-egalitarian agendas.

Applying the concepts of 'framing' and 'competing counterpublics' to analyse the changing discourse on Taiwan's Eugenic Health Law, women's groups constitute alternative publics who are reframing pro-abortion discourse from being about 'population control' to being about 'women's choices' and 'women's control over their own bodies'. However, conservative religious groups also constitute alternative publics and work actively to reframe their anti-abortion discourse from being about 'the murder of babies' to 'solving the problem of low birth rates' and being 'for the sake of women'. I argue first that, although there have been differences in the framing of discourses on abortion throughout the past four decades, historically the framing particulars are not 'linearly progressive', since women's rights discourse appeared in the late 1970s and 'baby-killers' discourse can still be found in the debates of 2019 and 2020. Secondly, I demonstrate how population policies and feminist terms can be employed by contradictory sides on abortion and that, accordingly, the public needs to

be more careful in reading these discourses. Thirdly, I argue that Taiwan's specific historical and political contexts play an essential role in how both sides frame their discourse on abortion. Compared to the 1980s, when the Eugenic Health Law was passed, the present day finds both sides using the anxiety of Taiwan's fragile position in international politics and actively employing international statistics and experiences to cast their own stance as more 'democratic', 'progressive' and, therefore, more reasonable and acceptable.

In the following, based on existing studies of the Eugenic Health Law, I describe the discourses on abortion before and after the law was passed, from the late 1970s to the 2000s.

Then I will analyse the 2019 and 2020 debates about abortion in the media and identify which discourses have changed or remain unchanged through the four decades and situate the framing of discourses between competing counterpublics within the specific historical, political and social contexts in Taiwan.

DISCOURSE-FRAMING ON ABORTION FROM THE 1970s TO 2000s

1970s–1980s: Highlighting Population Control and Downplaying Women's Rights

According to a study of women's right to abortion in Taiwan (Chen, 2014), the so-called new feminism of the 1970s in Taiwan began to frame abortion as integral to women's rights: some feminists wrote newspaper articles using the terms 'women's autonomous decisions about reproduction' and 'women's control over their own sexuality'. In the year before the passing of the Eugenic Health Law, a national survey also showed that most women were in sympathy with the idea of women having autonomy in their decisions about reproduction. In the same year Awakening Magazine,² the only women's organisation at that time, successfully mobilised women to follow the parliamentary debates about the Eugenic Health Law in order to pressurise Parliament members to pass the law.

²Awakening Magazine Publishing, est. 1982. Organisations such as this were allowed under martial law only by setting up as a publishing company that produced magazines, held study groups and so on. When martial law ended in 1987, the same group of women established the Awakening Foundation.

Nevertheless, other studies (Ku, 1990; Kuan, 2009) also demonstrate that the pervasive conservative moral discourse and pressure from anti-abortion religious groups of the 1980s compelled the women's movement to reframe their call for women's access to abortion under the call for population control to decrease the birth rate at that time. In other words, the population policy provided political opportunity for the women's movement to get the Eugenic Health Law passed. According to Chao-Ju Chen's (2014) research, in 1985 the women's movement used a similar discourse-framing strategy to change the law in the Civil Code so that the child of a woman without brothers can use the mother's family name. In Taiwan, many women are expected to bear a son in order to continue the husband's family name, so that there will be sons and grandsons to continue the patrilineal family; this also links to traditional religious thinking that one needs to have offspring with the same family name to worship one after death. Therefore, there were families producing more children because they wanted to have a son. However, now, if a woman doesn't have any brothers, she can have a child who may bear her own family name (which is actually the women's father's family name) so that her father's family will have offspring with the same family name to worship them. Accordingly, women are released from the burden of being expected to have a son, and the birth rate can fall. In other words, the change in the Civil Code allowing a child to bear the mother's family name is not based on the idea of breaking the continuity of the patrilineal family in patriarchal society but rather on providing another measure of population control.

With the concept of 'legal mobilisation', Chen (2014) further argues that the women's lobbying of Parliament members had to downplay its disagreement with the husband's or the parents' right of consent for a woman's abortion, since Kuo-Ming Tang (abbrev. KMT), the conservative nationalist party, constituted the majority in the Parliament at that time and, accordingly, women's groups' discourse could not be 'too progressive'. As a result, Article 1 defines the aims of the Eugenic Health Law as the following: 'to enforce reproductive health, upgrade population quality, protect the health of the mother and child and bring added happiness to families'. The population of the nation-state, women's reproductive health and the happiness of families are emphasised, while any terms relating to women's rights, such as women's autonomy or control over their own reproduction and their own bodies, were left out of the law.

1990s–2000s: The Focus on Teenagers’ Sexuality

Although women’s rights to abortion are restricted under certain circumstances and the consent of the husband or the parents is required, the anti-abortion movement seeks further restrictions on abortion. Since the 1990s, reports that teenagers cause a ‘peak in abortion rates in September’ have appeared in the media, with the implicit presumption that young people are having sexual intercourse during the summer vacation and this leads to young women getting abortions in September. This equation linking abortion with the so-called overflowing sexuality (i.e. hypersexuality) among teenagers can also be found in articles by religious groups.³

The women’s movement responded to the linking of legal abortion to teenagers’ sexuality in two ways. On the one hand, some feminists who are for sexual liberation argued for teenagers’ right to both enjoy sexuality and have access to abortion without a moral burden.⁴ On the other hand, Taiwan Women’s Link, a woman’s organisation founded in 2000 with a focus on women’s health, specifically highlighted the reproductive rights of teenage girls and called for revision of the Eugenic Health Law, including changing the title to ‘Reproduction Health Law’ and improving teenage girls’ access to abortion.

With the focus on teenagers’ sexuality, sex education also became a battlefield: women’s groups criticised the widespread use of a film in high schools about how horrible abortion is, while religious groups asked for abstinence-only sex education.

In a study of debates about the revision of the Eugenic Health Law in the 2000s, Ling-Fang Cheng (2015) divides the competing discourses into ‘strictly control’ discourse from religious groups and ‘women-centred’ discourse from women’s movement groups. Religious groups asked for compulsory consideration days, compulsory consultation and consent from two doctors in order to restrict women’s access to abortion. On the other side, women’s groups responded to the proposal for law revision with women-centred discourse. For example, they criticised the

³Taking one of the articles as an example: ‘Consequences of legalisation of “abortion”.’ Retrieved April 5, 2021, from https://theology.catholic.org.tw/life_ethics/keep%20the%20life/theme/abortres.htm

⁴Interview with Chun-Rui He: ‘The abortion boom in September’ (September 1, 1998). Retrieved April 5, 2021, from http://sex.ncu.edu.tw/jo_article/1998/09/%E5%B0%88%E8%A8%AA%E4%BD%95%E6%98%A5%E8%95%A4%EF%BC%9A%E4%B9%9D%E6%9C%88%E5%A2%AE%E8%83%8E%E6%BD%AE/

compulsory consideration as presuming women to be incapable of independent thinking and self-decision. Women's groups demanded women's control over their own bodies.

It is worth noting that the population discourse appeared again in the 2000s with the emphasis shifted from the population-control discourse of the 1980s to discourse on solving the problem of low birth rates. Religious groups' strictly control discourse intends to decrease the rate of abortion so that the birth rate can increase. This allows the conservative religious groups to say that theirs not only is a pro-life discourse, but seeks to benefit the whole of society and the nation-state.

Progressive Framing in 2019 and 2020 After Same-Sex Marriage Was Legalised

In 2019, just four months after the passing of the same-sex marriage referendum and several months before the 2020 presidential election, the Alliance of All People's Movement to Respect Life proposed a referendum to prohibit abortion at the eighth week of pregnancy. In 2020, after this so-called heartbeat referendum was turned down by the Central Election Commission, they put forward another proposal, this one to require a six-day consideration period before abortion.

The use of referendums by the conservative side was nominally successful in November 2018 when about seven million Taiwanese voted for a national referendum to legalise same-sex unions without changing the Civil Code's definition of marriage as a union between a man and a woman, and to call for a ban on LGBTQI-inclusive education in elementary and junior high schools. Although conservative religious groups gained majority support for this national referendum, same-sex marriage was legalised under the title 'The Enforcement Act of the Judicial Yuan Interpretation No. 748',⁵ and LGBTQI-inclusive education continued under the Enforcement Rules for the Gender Equity Education Act. In other words, the conservative groups did not, in practice, get what they really wanted.

⁵ Same-sex marriage is legalised under such a title because, on the one hand, the constitutional interpretation was that Taiwan's government should legalise same-sex marriage so that basic human rights in the Constitution can be protected. On the other hand, the national referendum decided not to change the definition of marriage in the Civil Code and, therefore, same-sex marriage cannot be named as 'marriage' in the law. Accordingly, same-sex marriage is legalised only within one specific law in Taiwan.

Democratic Framing

When the referendum was put forward, a board member of Taiwan Women's Link, Lu-Hung Lin, said the following:

After the referendum on anti-same-sex marriage, many women's groups were worried that the next issue for referendum would be abortion. But we had thought that now abortion would not be an issue again. [...] We misapprehended the progressiveness of Taiwan's society.⁶

In the debates about abortion, I identify 'democracy' as the first discursive frame on both sides, used to demonstrate their 'progressiveness'. On the pro-abortion side, women's groups often connect progress in women's status with Taiwan's progressive laws. For example, in the above citation, Lin's and other women's groups thought that the abortion issue would not be raised again in a progressive society with legalised same-sex marriage. In a similar way, Hui-Jung Chi, ex-CEO of a woman's group, The Garden of Hope Foundation, and now one of the commissioners of the Control Yuan in Taiwan,⁷ said the following:

The passing of the same-sex marriage referendum in 2019 made Taiwan the first country in Asia with same-sex marriage, and this raised international attention and created related debates in other Asian countries. The Domestic Violence Prevention Act was drafted in 1995 and passed in 1998 [...] and this made Taiwan the first country in Asia with such an act.⁸

As Chi says, Taiwan is a country with many progressive laws and this sets Taiwan apart with several 'Asia firsts', including laws that protect women's rights and, after 2019, enhance gay and lesbian rights. Further, a woman's right to decide how many children she wants is protected under CEDAW

⁶The interview is quoted from the news article, 'Whose life do you respect? Debates about abortion' (December 18, 2019). Retrieved April 20, 2021, from <https://www.storm.mg/article/2064369>

⁷In Taiwan, besides the separation of powers in which the executive, legislature and judiciary systems are independent, the Control Yuan is one of the two extra systems in Taiwan's government and is responsible for receipt of people's complaints, investments, sunshine acts, human rights work and so on. Retrieved April 20, 2021, from <https://www.cy.gov.tw/EN>

⁸The interview is quoted from the news article, 'Are women's rights in Taiwan progressive? Interview of Hui-Jung Chi, "The equation between abortion and baby-killing is the greatest vilification of women"' (December 4, 2019). Retrieved April 20, 2021, from <https://udn.com/news/story/7272/4205004>

(Convention on the Elimination of All Forms of Discrimination against Women), which has been mentioned in both public hearings about the referendum proposal and in news articles.⁹ Lu-Hung Lin also stressed that ‘whether or not women can decide their own reproduction is an indicator for measuring the status of women in a country’.

On the other side, conservative religious groups also set forth their anti-abortion discourse as part of a democratic framework. For example, in the public hearings, Chia-Chih Peng said:

There are four states in the USA that passed ‘Heartbeat Acts’ in the last two years. The changes set forth by the Act follow democratic procedure and this signifies that a big democratic country has started to value the importance of the rights of the foetus to life. [...] Many people say that ‘Heartbeat Acts’ do not respect women’s autonomous rights over their own body. Which one is more important: women’s bodily autonomy or not killing babies? A country with a more developed democracy should value the importance of life.¹⁰

Peng is the Convener of the United Action Alliance,¹¹ a political party that identifies with the Republic of China and includes membership from both mainland China (i.e. the People’s Republic of China) and Taiwan. Peng further stated that ‘we should let God lead the Parliament’ in the Party Founding Manifesto.¹² His words equate democracy with respecting lives, especially babies’ lives.

It is worth noting that there is a term shift from ‘foetus’ to ‘baby’ in Peng’s words in the public hearings. In the beginning, when he employs the example of the Heartbeat Act in some states in the USA, he says

⁹For example, ‘Problems of referendum proposals to restrict abortion and their contradictions with CEDAW’ (October 7, 2019). <https://www.storm.mg/article/1776502>; ‘“Eight-week proposal” cannot be voted.’ https://www.goh.org.tw/mobile/news_detail.asp?PKey=aBRWaB31aBTVaB34aBRIaB39aBSPaB38&Class1=aBKVaB33; ‘Referendum proposal of “your womb is not yours” should not be voted’ (November 11, 2019). <https://taronews.tw/2019/11/16/529029/>. All articles retrieved April 20, 2021.

¹⁰Public hearing notes (October 28, 2019). Retrieved April 20, 2021, from <https://web.ccc.gov.tw/referendum/cms/HearingRecord/31400>

¹¹United Action Alliance website. Retrieved April 20, 2021, from <https://www.uaa153.com/contents/text?id=17>

¹²News article, ‘Let God lead the parliament! Anti-LGBTQ Christian group established a political party. Netizens: “More insane than the KMT [Kuo-Ming Tang, the nationalist conservative political party]”’ (November 26, 2018). Retrieved April 20, 2021, from <https://newtalk.tw/news/view/2018-11-26/172305>

‘foetuses’ lives’. Then he shifts from ‘foetuses’ to ‘babies’ and repeats ‘killing the babies’ many times, as pointed out later by a feminist juridical scholar, Chih-Chieh Lin, and Lin then illustrates the difference between a foetus and a baby by juridical definition.

In the 2020 public hearings, religious groups called women who have abortions ‘baby-killers’. For example, in the words of Ching-Lung Chen, Secretary General of the Alliance of All People’s Movement to Respect Life:

Abortion is violence since it kills a baby. It is just like the mafia, killing people to keep people silenced. It’s using violence to solve the problem. Basically it’s like this, and murder is the most serious crime.¹³

The ‘baby-killer’ discourse continued throughout the four decades of the abortion debates. However, there is a slight difference between Chen’s and Peng’s words. Chen’s words appeal more to people’s emotions, since he links abortion with the crime of murder. Instead of condemning women as baby-killers, Peng uses a positive expression to equate valuing babies’ lives with democratic values, which makes his stance more progressive.

I identify a ‘democratic frame’ employed by both sides on abortion, but ‘democracy’ is interpreted differently by the two sides: on the pro-abortion side, democracy is measured by women’s status in society and their autonomy in reproduction; on the anti-abortion side, democracy equates with respect for foetuses’ lives.

Moreover, to some extent, democracy is valued differently by different generations in Taiwan:

Young people nowadays live in a free and democratic society, and their thoughts are more open and, accordingly, these young people will have different viewpoints about people with various decisions about their reproduction. When these young people grow up, they are more willing to express their viewpoints and to discuss beyond religious perspectives. (Shu-Ying Huang)¹⁴

Huang was a Parliament member between 2005 and 2008 and has been the Chairperson or a board member of the Taiwan Women’s Link for decades. Huang presumes young people should be more democratic and

¹³Public hearing notes (March 27, 2020). Retrieved April 20, 2021, from <https://www.ccc.gov.tw/central/cms/latestNews/32951>

¹⁴The interview is quoted from the same article cited in footnote 5.

less religious. Her words can be situated in the historical and political context of Taiwan becoming a democratic country after the lifting of martial law in 1987. Therefore, Taiwan's young people live in a free and democratic society undergoing progressive law revision. Compared to these young people, the older generations who lived most of their lives under an authoritarian government are 'outdated' and are more conservative and less democratic. Moreover, for Huang, religion seems to be something in contradiction with democracy. This view of religion must be situated in the social context in which conservative religious groups have been working to mobilise people against women's rights and LGBTQ rights in Taiwan for decades. As a result, many people who support women's and LGBTQ rights equate religion with a conservative and undemocratic ideology.

Nevertheless, conservative religious groups frame themselves and their discourse as democratic and progressive. In a study of the conservative religious groups' anti-same-sex marriage movement, Ke-Hsien Huang (2017) demonstrates how right-wing religious groups use reports from academia and attestations from non-governmental organisations (NGOs) to argue that laws supporting LGBTQ rights might threaten the institution of the family, children's rights and the moral values of the nation-state. He also mentions that Taiwan's Alliance of the Guardians of the Family probably learned from Christian right-wing activists' rhetoric of 'reversed discrimination' in Hong Kong and so construct themselves as the 'moderate and silent majority' who are oppressed by the 'aggressive minority', portraying themselves as standing out bravely so that their voices can be heard.

In the debates about abortion, I find that Peng also used similar rhetoric, saying that the United Action Alliance was established by a small group of ordinary people who are new participants in politics and who lack any political background. In his words, 'We would like to express our ideals about how a nation-state and society should be and simply be the representatives of our political party so that we can express our opinions and demonstrate the power of citizens.'¹⁵

¹⁵News article, 'United Action Alliance Chia-Chih Peng: "We organisers [of the United Action Alliance] are a group of Christians with high moral standards"' (December 30, 2019). Retrieved April 20, 2021, from <https://www.thenewslens.com/feature/2020thirdforce/128675>

In the above quotations, Peng doesn't mention that his party insists on the union of China and Taiwan, which can be identified clearly from the party's webpage. In Taiwan, KMT, the conservative nationalist party, and DPP, the Democratic Progressive Party, are regarded as the two poles of the political spectrum. KMT, like the United Action Alliance, is pro-union with China, while DPP insists that China and Taiwan are two separate countries. However, many people in Taiwan, tired of the competitiveness between the two parties, think that politicians are corrupt and politics is 'dirty'.¹⁶ Accordingly, people in Taiwan tend to look for something or someone new in politics. It seems that, rather than position his party as part of the existing political spectrum, Peng is trying to construct the party and its candidates as something and someone 'new'. His emphasis on the expression of ordinary people's opinions and the power of citizens attempts to frame his party as democratic.

The Employment of Statistics

In addition to citing particular laws in Taiwan and other countries and stressing 'democracy', both sides also demonstrate their 'progressiveness' through the use of statistics. Take the following news article excerpt as an example:

Since 2003, revision of the Eugenic Health Law has been heatedly debated in the Parliament. Outside the Parliament, religious groups and some obstetricians and gynaecologists employed 'estimations from the medical profession' and 'statistics' and stated that there are 500,000 abortions every year and therefore we should regulate it with stricter laws. [...] The director of Taiwan Obstetrician and Gynaecologist Association, Min-Chao Huang pointed out directly that these estimates were not backed by proof and were exaggerated. Huang said that according to studies abroad, abortion numbers cannot be higher than half of the numbers of newborn babies per year in each country. In other words, since there are 180,000–200,000 newborn babies per year in Taiwan, abortion numbers cannot be higher than 100,000 per year.¹⁷

¹⁶In my article (Yang, 2017) about women as new activists in the occupation of the Parliament in 2014 (the so-called Sunflower Movement in Taiwan), I also illustrated people's conceptions of politics within Taiwan's historical and political contexts.

¹⁷News article, 'Can the prohibition of abortion raise the birth rate? Are the three claims from the anti-abortion groups wrong?' (December 18, 2019). Retrieved April 20, 2021, from <https://www.storm.gov/article/2064382>

Exaggerated statistics used by religious groups spread fear easily, which is shown in previous debates on various gender and sexuality issues in Taiwan, as with the ‘hypersexuality of teenagers’ mentioned above—this created fear of sex education that might wake up the ‘sleeping bear’ of young people’s sexuality and lead to teenagers’ exploration of sexual activities. In debates about the national referendums on sex education, LGBTQ-inclusive education and same-sex marriage, exaggerated statistics of hypersexuality among young people, reports claiming that LGBTQ-inclusive education can turn students LGBTQ, the link between AIDS and gay men, and warnings about the disappearance of the heterosexual family all spread fear in society.

In a similar vein, conservative religious groups used the increasing number of abortions as proof of the ‘worst results’ of the legalisation of abortion. For example, in the public hearings in 2019, Peng used a research report to demonstrate the negative impacts of abortion on women in Finland. In 2020, Peng referenced the consideration days in Belgium and the Netherlands, claiming that countries with consideration days have a lower abortion rate than those that don’t, such as Sweden, the USA, New Zealand and Canada.¹⁸

Similarly, the pro-abortion side also uses statistics and international reports to support its arguments. For example, Min-Chiao Huang uses the statistic that ‘at least 5–35% of women’s menstruation is irregular’ against the proposal to prohibit abortion after eight weeks, since many women don’t find out they’re pregnant until after eight weeks. He further employs the number of deaths of pregnant women and women in childbirth to highlight how important it is for a woman to consider the possible risks she faces during pregnancy and childbirth. Huang also cites the restriction of women’s reproduction rights in Romania in 1966 to illustrate the various strategies for abortion that were used by both rich and poor people, as well as the deaths caused by illegal abortions. He connects his position to that taken by the associations of obstetricians and gynaecologists in the USA and the UK, similar international associations and the World Health Organization (WHO) to prove it is an international trend to focus on women’s reproductive rights.¹⁹

Both sides use statistics from medical professionals, and the statistics and scientific studies become the ‘truth’ on which both sides rest their

¹⁸ Public hearing notes (March 27, 2020). Same source as footnote 12.

¹⁹ Public hearing notes (October 28, 2019). Same source as footnote 9.

arguments. Medical professionalism and scientific truth are employed to represent the ‘progressiveness’ and the rationalism of each side’s position on abortion.

Moreover, international studies are used not only to demonstrate that a given argument is scientific and professional but also to cast Taiwan as a member of the international community—that is, since Taiwan is not recognised as a country internationally, both sides try to use examples from Western countries to show that Taiwan is aligned with these democratic and progressive countries.

Although the anti-abortion side equates abortion with baby-killing, at the same time it also frames its argument as being about women’s rights, thereby attempting to present the anti-abortion position as progressive. In the following, I will describe this discourse-framing device used by both sides on abortion.

‘For Women’s Sake’ Framing

The third way that both sides on abortion demonstrate their progressiveness is through discourse that their position is ‘for women’s sake’, especially in the 2020 public hearings.²⁰ For example, Chia-Chih Peng said the following:

When women find themselves pregnant, they decide whether or not to have an abortion after six days of consideration and consultation; this is to actively protect women’s rights over their bodies so that there won’t be occasions of unwilling abortion. At the same time, they can also carefully consider the value of the foetus’s life.

In Peng’s words, adding required consideration days is ‘to protect women’s health and equality between men and women’.

In the previous section, I mentioned that statistics are employed as a way to demonstrate ‘progressiveness’ on both sides. Additionally, the anti-abortion side also uses statistics to support the claim that they care about women’s well-being. For example, Ching-Lung Chen said in the public hearing in 2020, ‘There are a lot of abortions in Taiwan, at least from 200,000 to 400,000 per year. [...] 50–60% of these pregnant women were

²⁰Quotes from Chia-Chih Peng, Ching-Lung Chen and Yu-Hua Chiang are from public hearing notes (March 27, 2020). Same source as footnote 12.

forced to have an abortion. [...] Some studies state that if these women get help, 80% of these women would like to keep the baby.’ Yu-Hua Chiang, a woman who assisted Peng on the anti-abortion side, used a nationwide study in the Netherlands and the UK to demonstrate the negative impact on women’s health of abortion using RU-486,²¹ as well as studies from the USA, Canada and Denmark to prove abortion can lead to women experiencing negative feelings, depression, psychological problems or even that it can lead to death.

Although Peng doesn’t back up this presumption with any statistics, he continues on with the following:

In Taiwan many women are forced to have abortions under the pressure of the husband’s family, the husband or the boyfriend. To talk about women’s rights over their bodies under such a social climate actually infringes on disadvantaged women’s rights. [...] The content of a consultation should include firstly, that a foetus’s life has the same worth as a woman’s based on laws and values. Secondly, according to many medical research reports, abortion can cause severe secondary results to women’s mental and emotional health. Lastly, the consultation should provide professional evaluation of the pregnant woman’s network, her family members and economic situation with suggestions regarding her social situation, such as postpartum assistance – for example, placement of the baby and re-establishment of the woman.

Peng even changed the discourse around from the ‘peak of teenage student abortion’ being in September to stress that ‘[i]n fact, most abortions are not accessed by teenagers, but by adult women who are under various pressures. And it’s a shame that it is often heard that women abort female foetuses in order to have sons.’

There are both persistent and changing frames employed in anti-abortion discourse. ‘Hypersexuality’, the high number of abortions, the negative impacts of abortion and the value of the ‘foetus’s life’ are continual.

One changing frame is a shift of focus from teenagers’ abortions to adult women’s abortions. This shift serves to stress that it’s the anti-abortion side that cares about disadvantaged women, implying that the pro-abortion side are ‘middle-class feminists’ who don’t know the reality of disadvantaged women’s lives and sufferings. Accordingly, the right to

²¹ A steroid drug that induces abortion during the early weeks of pregnancy.

autonomy over one's own body cited by pro-abortion discourse is reframed as something harmful to disadvantaged women.

Another changing aspect is the shift of focus to married women. Anti-abortion proponents also mention that one reason for abortion is sexism—that is, wanting sons—and the pressures women are under from their husbands or husbands' families. Therefore, it is the anti-abortion side who really cares about women's rights.

A third changing aspect is the employment of low birth rate statistics. The anti-abortion side now touts the restriction of abortion as a way to ensure higher birth rates. In public hearings, the anti-abortion side states that low birth rates have become a serious problem that threatens the safety of the country.²² Compare this to discourse-framing in the 1980s, when women's groups used 'birth control' as an argument for abortion in order to get support from the conservative party KMT. Four decades later, it is the anti-abortion side that uses population policy to frame its discourse to get support for its argument.

It is worth mentioning that feminists in Taiwan criticise the imbalanced gender ratio among newborn babies in the 1990s and have worked to address the unequal, gendered power relations between women and men by changing the laws and supporting gender equity in education. 'The low birth rates are a serious problem that threatens the country's safety' is one of the slogans of the Childcare Policy Alliance. This Alliance is constituted of many women's groups and labour organisations, and it seeks better childcare policy in order to raise the birth rate in Taiwan. However, these feminist issues seem to be appropriated by the anti-abortion side. As with the strategy employed by the anti-LGBTQ movement in Taiwan (Huang, 2017; see also Yang, 2020), conservative religious groups try to use these feminist issues or terms to make their argument sound more progressive and thereby compatible with a democratic society, as well as 'for women's sake'.

I would also point out that although conservative religious groups aim to employ feminist issues, their central values still prioritise fetuses' lives over women's choices and rights. This creates inconsistency within their

²² Public hearing notes (October 28, 2019). Same source as footnote 9. See also 'Who are these people from Shofar: Alliance of Community Transformation, who raised the Taiwan version of "heartbeat" proposal?' (September 28, 2019). Retrieved April 20, 2021, from <https://www.thenewslens.com/article/125356>; Shofar webpage: see <https://www.facebook.com/Shofarrevival/>

discourse. For example, in the public hearings in 2020, although the anti-abortion side tried to emphasise women's rights, Chen still equated abortion with baby-killing and murder. Moreover, he stated, 'Women's autonomous rights are not without limit. For example, why do we need to wear masks under the pandemic of Covid-19? [...] If I insist on my autonomous rights and am not willing to wear a mask or quarantine, will that be okay? My autonomous rights are constrained.' His prioritisation of a baby's life over a woman's rights is clear as he draws a parallel between 'babies' lives versus women's rights' and 'public health versus individuals' rights'.

In probing conservative religious groups' discourse, I would argue that the only 'women's rights' that are meaningful to them are 'women's right to be mothers'. Therefore, their discourse-framing actually remains unchanged, since its central value is a baby's life over a woman's choice.

On the pro-abortion side, women's groups use more clearly feminist terms in their discourse. For example, at press conferences, the slogan that the Awakening Foundation uses is 'Women's uteruses, women decide', further stating that:

The referendum proposal ignores women's situation and harms women's rights to health and reproductive autonomy in the name of protecting a foetus's life. This uses the law of the nation/state to extend paternalistic control and patriarchal power over women's uteruses.²³

The Awakening Foundation's statement employs a famous slogan of the women's movement and uses the terms 'paternalistic' and 'patriarchal', which aligns them with a feminist position. In public hearings and news columns, they mention 'sexual and reproductive health and rights' from WHO's definition of women's reproductive rights, as well as women's rights to bodily autonomy where their health and reproduction are concerned.

I would like to situate the discourse-framing of women's rights within its social and political context in Taiwan. As mentioned earlier in the chapter, after the lifting of martial law in Taiwan, the women's movement advanced their goals with law revisions and gender equity education. In a

²³ 'News article, "Women's uteruses, women decide!" Women's groups fight against the referendum of restriction on abortion and criticise this proposal as invading women's autonomous rights' (October 10, 2019). Retrieved April 20, 2021, from <https://www.storm.mg/article/1809404>

shift from the social milieu under martial law wherein Awakening Magazine was the only women's organisation, nowadays there are more women's organisations. Now, when abortion debates arise again in society, organisations such as the Taiwan Women's Link, Awakening Foundation, Taiwan Feminist Scholars Association, graduate institutes of gender studies and women's research centres at universities, the Women's Rights Association, Taiwan Gender Equity Education Association and the Birth Empowerment Alliance of Taiwan all hold press conferences. Together, they communicate their pro-abortion stance and proposals for revision of the Eugenic Health Law—such as to change the title to the Reproduction Health Law and to allow women's abortion without the parents' or husband's consent.²⁴

Additionally, some feminists introduced 'participatory democracy' from Nordic countries to Taiwan in the 1990s, and the first Enhancement of Women's Rights Committee (Gender Equality Committee) was established in Taipei Municipality in 1996. When Shui-Bian Chen, the mayor of Taipei in 1996, became Taiwan's president in 2000, a similar committee was established from the central government to local municipalities. The committee includes the head of the relevant authority, such as mayor or Minister, related directors and staff, scholars and representatives from NGOs. This gives women's groups opportunities to participate in policy-making and enforcement. In 2006, when the Executive Yuan sent the draft of the Reproduction Health Law to the Parliament, some members of the Gender Equality Committee resigned from their positions to protest against the inclusion of compulsory consideration days in the draft. In the 2019 and 2020 public hearings, representatives from the Ministry of Health and Welfare based their opinions on their consultations with professionals and NGOs, such as the Taiwan Obstetrician and Gynaecologist Association, Taiwan Women's Link, Awakening Foundation, Taiwan Feminist Scholars Association and the Birth Empowerment Alliance of Taiwan.²⁵

In such a social context, with more women's organisations providing better networks among women's groups, women's organisations can frame their discourse in more clearly feminist language. Moreover, the workings of participatory democracy allow women's organisations the

²⁴ Memorabilia of Reproduction Health Law from Taiwan Women's Link. Retrieved April 20, 2021, from <http://twl.ngo.org.tw/article/shengyubaojianfa-dashi>

²⁵ Public hearing notes (October 28, 2019). Same source as footnote 9.

chance to hold positions in related committees, giving them the opportunity to influence policy. Compared to the discourse-framing of the 1980s, women's organisations don't need to hide their feminist stance and can use the terms 'patriarchy', 'women's autonomous rights over their own bodies and reproduction' and 'stigmatisation of women who have abortions' loudly, since these terms have gained some 'common-sense' status in society.

It is also in such a social context that the anti-abortion side needed to modify its discourse from a condemnation of women who have abortions to a more benevolent 'for women's sake'. This was especially true in the 2020 public hearing, when they intended to raise another referendum on abortion.

CONCLUSION

In this chapter I have described the changes in discourse-framing on abortion from the 1970s to 2020. Firstly, in the 1980s, the revision of abortion law was framed under the need for population control, and it was the pro-abortion side that employed population control as an acceptable reason for abortion; since 2000, it has been the anti-abortion side framing the restriction of abortion as necessary to increase the birth rate. Secondly, both sides frame their discourse as progressive. The first method used to demonstrate progressiveness is to frame the discourse as participating in democracy—that is, the pro-abortion side equates democracy with women's status and the progressiveness of law revision to protect women's rights, while the anti-abortion side links democracy with the value of respecting foetuses'/babies' lives. The second method of demonstrating progressiveness is to base arguments on national/international statistics and scientific reports to show that they are rational and scientific. The third way to demonstrate progressiveness is to frame discourse as 'for women's sake'.

I also situate the discourse-framing within specific historical, political and social contexts in Taiwan. Firstly, when the Eugenics Health Law was passed in the 1980s, Taiwan was still under martial law and people's basic rights were restricted. As there was only one women's organisation (Awakening Magazine) at that time (although there was already pro-abortion discourse such as 'women's independent decisions about reproduction' and 'women's control over their sexuality'), the pro-abortion

side needed to highlight the importance of women's and children's health, the happiness of the family, and population control to get the support of the conservative party KMT and of society. After the 1990s, many women's groups were established and formed better networks to hold press conferences, protest or join related committees in the government.

The anti-abortion side has mobilised to lobby Parliament members since the 2000s and made efforts to engage in abstinence-only sex education using an offensive film on abortion. The anti-abortion side also uses referendum proposals as a way to raise debate in order to change the law. Additionally, conservative religious groups modify their discourse from accusing women of being 'baby-killers' to claiming that they are 'for women's rights and sake'. I further point out that the women's rights proclaimed by the anti-abortion side are actually only women's right to be a mother. In a choice between women's rights and foetuses'/babies' lives, the anti-abortion discourse will restrict women's rights in order to protect foetuses'/babies' lives.

Secondly, I situate the discourse-framing under progressiveness within an international political context in which Taiwan is not recognised as an independent country in the international community. On the pro-abortion side, women's groups highlight the law revisions in Taiwan as 'Asia firsts' and stress that it is the enhancement of women's rights and status that brings Taiwan recognition in the international community. Moreover, by signing CEDAW, Taiwan joined the international community, and what is protected under CEDAW became important for discourse-framing in recent debates, such as women's right to autonomy over their bodies, health and reproduction.

On the anti-abortion side, conservative religious groups also associate their proposals with laws in Western democratic countries, during the public hearings of 2019 by citing recent anti-abortion laws in some US states, and later, during the public hearings of 2020, adding examples from European countries.

Through this examination of discourse-framing on abortion within the last four decades in Taiwan, I argue that, historically, the framing devices are not linearly progressive. Population control and women's rights are essential discourse-framing for both sides. Certain discourse is downplayed or highlighted in specific social contexts and the same discourse can be employed by both sides for totally contradictory stances on abortion.

With the concept of competing counterpublics, I argue that both sides on abortion actively participate in discourse-framing and mobilise within political structures and political opportunities. Since there are competing counterpublics and competing discourses, I suggest a careful and critical reading of the discourses so that we can identify what has been changed, what is unchanged, what has been said on the surface and what purpose lies beneath the surface discourse so that we can have a better understanding of various positions on policies.

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