

Ternopil Academy of National Economy

**Issues in Women's International Human Rights
and International Violence Against Women**

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Appendix C

Selected Readings

**I. RAPE CAMPS AS A MEANS OF ETHNIC CLEANSING: RELIGIOUS,
CULTURAL, AND ETHICAL RESPONSES TO RAPE VICTIMS IN THE
FORMER YUGOSLAVIA, Todd A Salzman**

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Currently, the International War Crimes Tribunal in The Hague, Netherlands, is trying indicted war criminals in the Bosnia-Herzegovina war. During this conflict an estimated 20,000 women endured sexual assaults in the form of torture and rape. Although these atrocities were committed on all sides of the warring factions, by far the greatest number of assaults were committed by the Serbs against Muslim women, though Catholic Croats were targeted as well. While in past conflicts rape was sometimes considered an inevitable byproduct of war, and thus largely ignored when it came to punishing the perpetrators, the Bosnian conflict brought the practice of rape with genocidal intent to a new level, causing an outcry among the international community. Evidence suggests that these violations were not random acts carried out by a few dissident soldiers. Rather, this was an assault against the female gender, violating her body and its reproductive capabilities as a "weapon of war." Serbian political and military leaders systematically planned and strategically executed this policy of ethnic cleansing or genocide with the support of the Serbian and Bosnian Serb armies and paramilitary groups to create a "Greater Serbia": a religiously, culturally, and linguistically homogenous Serbian nation.

Serbian governmental and military powers appear to have utilized systematic rape as a weapon of war to serve their overall objective of "ethnic cleansing," a euphemism for genocide. According to a Commission of Experts appointed by former UN Secretary General Boutros Boutros-Ghali, the expression "ethnic cleansing" is relatively new.

"Considered in the context of the conflicts in the former Yugoslavia, 'ethnic cleansing' means rendering an area ethnically homogenous by using force or intimidation to remove persons of given groups from the area." Ethnic cleansing is accomplished through the use of "concentration camps, torture, sexual violence, mass killings, forced deportations, destruction of private and cultural property, pillage and theft, and the blocking of humanitarian aid."

According to Ruth Seifert, "[a] violent invasion into the interior of one's body represents the most severe attack imaginable upon the intimate self and the dignity of a human being: by any measure it is a mark of severe torture." This violent invasion has occurred against the women on all sides of the conflict in Bosnia: Serbs, Croats, and Muslims. What differentiates the Serbian practice of rape and sexual assault from other assaults is that it is a systematic military policy conceived and planned before the outbreak of the war to effect the ethnic cleansing of Muslims from Serbian territory. On the subject of rape and sexual assault, the United Nations Commission of Experts concluded that "the practices of 'ethnic cleansing,' sexual assault and rape have been carried out by some of the parties so systematically that they strongly appear to be the product of a policy." In a follow-up report, the United Nations General Assembly asserted that it was "[c]onvinced that this heinous practice [rape and abuse of women] constitutes a deliberate weapon of war in fulfilling the policy of ethnic cleansing carried out by Serbian forces in Bosnia and Herzegovina, and . . . that the abhorrent policy of ethnic cleansing was a form of genocide."

Perhaps the strongest indication of a Serbian systematic policy is reflected in the five patterns of rape documented by the United Nations Commission of Experts. These patterns required logistical coordination, especially within rape camps where rape was used to impregnate Muslim and Catholic Croat women.

In the first pattern, sexual violence occurred with looting and intimidation before widespread fighting broke out in a particular region. As ethnic tensions grew, those in control of the local government would encourage paramilitaries, individuals, or gangs of men to initiate a policy of terrorizing local residents. These people would break into homes, steal property, and torture and sexually assault the inhabitants, oftentimes in front of other family members or in public.

The second pattern of sexual violence occurred during fighting. In the process of attacking a town or village, the forces would rape or sexually assault some women in their homes. Once the town was secured, the forces would gather the surviving population and divide them according to sex and age, selecting some women for rape or sexual assaults. The forces then transported the remaining population to detention

facilities. The psychological impact of these atrocities is evident. Through fear and intimidation, victims and witnesses would be hesitant to return to the scene of such events.

The third pattern of sexual violence occurred in detention facilities or other sites referred to as refugee "collection centers." After the population had been divided, men of fighting age were either tortured and executed or sent off to work camps while women were generally sent to separate camps. There, soldiers, camp guards, paramilitaries, and civilians raped or sexually assaulted many of the women. Generally, these sexual assaults occurred in one of two ways. The most common practice involved selecting women from crowded rooms, taking them to another location, raping them, and either murdering them or returning them to the collection center. Another, though less frequent practice, entailed raping and sexually assaulting women in front of other detainees, or forcing detainees to rape and assault one another, thus humiliating the victims and instilling terror in the witnesses. In this setting, gang rapes were frequently reported as being accompanied by beatings, torture, and other forms of humiliation.

A fourth pattern of sexual violence occurred in rape camps established in buildings such as hotels, schools, restaurants, hospitals, factories, peacetime brothels, or even animal stalls in barns, fenced pens, and auditoriums. No one was exempt from the punishment in these camps. Frequently, the Serbian captors told women that they were trying to impregnate them. In so doing, they would create "Chetnik babies" who would kill Muslims when they grew up. Furthermore, "they repeatedly said their President had ordered them to do this." One woman, detained at a rape camp in the northern Bosnian town of Doboje, reported that women who became pregnant had to remain in the camp for seven or eight months. Gynecologists examined the women and those women found pregnant were segregated from the rest and received meals and other "special privileges." Only after it was too late for these women to get an abortion were they released and usually taken to Serbia. The frequently reported intent of Serbian soldiers to impregnate Muslim and Catholic Croats, the presence of gynecologists to examine the women, and the intentional holding of pregnant women until it was too late to legally or safely procure an abortion all point to a systematic, planned policy to utilize rape and forced impregnation as a form of ethnic cleansing.

A fifth pattern of sexual violence occurred in "bordello" camps. Rather than a form of punishment, women were held in these camps to provide sex for men returning from the front lines. While many of the women in the other camps were eventually exchanged for other civilian prisoners, these women were generally killed.

[I]t [is] impossible to arrive at any accurate statistics on the number of rapes, the number of rape survivors, and the number of pregnancies that resulted from those rapes. Estimates vary anywhere from 20,000 rape survivors reported by the United Nations Special Rapporteur to as many as 50,000-70,000 reported by the Bosnian government. The Bosnian government estimated that some 35,000 women, primarily Muslim but also Croat, became pregnant from rape. Given medical estimates of the percentage of pregnancies from rape, this would indicate some 3,500,000 incidents! This shocking statistic reveals another shortcoming to obtaining accurate information on the number of rapes and pregnancies resulting from rape; namely, the use of statistics for propaganda to incite the masses. Though the statistics vary, sometimes radically depending on the source, what is undeniable is that the practice of rape, [End Page 363] and in particular rape with the intent to impregnate the victim, was both widespread and systematic among the Serbian forces, paramilitary groups, and civilians.

II. FEMALE INFANTICIDE IN CHINA: THE HUMAN RIGHTS SPECTER AND THOUGHTS TOWARDS (AN) OTHER VISION Sharon K. Hom, Columbia Human Rights Law Review; Sharon K. Hom

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Female infanticide: spheres of violence and ghosts at the well.

"You must not tell anyone," my mother said, "what I am about to tell you. In China your father had a sister who killed herself. She jumped into the family well. We say that your father has all brothers because it is as she had never been born." [FN15] A. Overview: Female Infanticide in China Defined narrowly, infanticide is the deliberate killing of a child in its infancy, and includes death through neglect. [FN16] It "has been practiced on every continent and by people on every level of cultural complexity Rather than being the exception, it has been the rule." [FN17] Although not viewed as cruel or violent by the societies that practiced it in the past, infanticide is now considered a crime by national governments all over the world. [FN18] Because there are very few cases of preferential male infanticide, as a universal social practice, female infanticide is a reflection of the deadly consequences of the cross-cultural domination of patriarchal [FN19] values and culture.

Female infanticide [FN20] in China existed as early as 2,000 B.C. "Girls were the main, if not exclusive victims of infanticide and tended to have a higher infant mortality rate in times of poverty and famine." [FN21] Yet despite the view of infanticide as homicide throughout the different Chinese dynasties, there appears to be little evidence in the recorded texts of actual liability imposed upon parents who killed their infant children. [FN22] Since the public re-emergence of female infanticide in the post-Mao era, there have been prosecutions in the early 1980's of only a few well publicized cases. [FN23]

Despite Chinese official condemnation and outrage [FN24] at the crime of female infanticide, and despite legislative pronouncements prohibiting the practice, [FN25] the reality remains that female infanticide continues. [FN26] Although the extent of the practice is difficult to document [FN27] and quantify, and many reports, both foreign and official Chinese, differ in their analysis of the extent of and responses to the problem, [FN28] Chinese government officials do not deny the reemergence of what they regard as a shameful legacy of feudal China. [FN29] In addition to outright infanticide, there are other indicators of abuse: deliberate neglect, malnutrition, higher mortality rates for female infants, and abandonment. In 1988 and 1989, there were reports of infants, usually handicapped [FN30] or female, being abandoned in railway stations or other public places in major cities, including Beijing, Tianjin, and Guangzhou. [FN31]

Although female infanticide in China is arguably a crime within the existing legal framework of domestic civil and criminal law, and is clearly officially condemned by Chinese leaders, the tendency to narrowly define female infanticide in isolation from the broader question of gender inequality and violence against women limits the analysis of the problem and the possible responses. Both Chinese literature and official rhetoric and the Western analysis of the problem focus on the persistence of feudal thought and practices and reflects a tendency to characterize female infanticide as the "unfortunate consequence" of Chinese population control and modernization policies. This narrow definition and its resulting explanations, however, need to be re-examined. How the problem is conceptualized filters our capacity to imagine solutions and alternative visions which might inform these approaches. [FN32] Expanding and contextualizing female infanticide more broadly, therefore, may help break the hold of the coercive hegemonic narrative about Chinese women's lives dictated by the authoritarian power holders and promote a questioning of the assumptions of legitimacy held by the existing social institutions and practices.

Reconceptualizing female infanticide as social femicide

Maxine Hong Kingston has written powerfully and eloquently to break the silence in her family about the past, about the past in which women who broke the social rules paid for their "transgressions" with their lives. In the story of No Name Woman, Ms. Hong's aunt, impregnated by a man whose identity she protects with her life, is violently attacked and terrorized by the villagers. Finally, overwhelmed by desperation and the exhaustion of giving birth in a pigsty, she throws herself and her new born female infant into the family well. In the suicide and the "infanticide", there is not only a killing of (an)other, but a killing of the self, an acceptance of the diminished value of female life, her daughter's and her own. And tragically, these two deaths are limited not only to Ms. Hong Kingston's semi-autobiographical memories of a family past, but are reminders of the difficulty of eradicating this violence on a domestic, national and global sphere.

Because the impact of particular incidents of violence have ramifications beyond the individual victim, [FN33] female infanticide must be reconceptualized as more than a privatized prohibited social practice whose causes stem from the remnants of feudalism. The killing of girl-infants is a form of violence against the infant herself, the mother, and all women in the society in which the practice occurs. Female infanticide is no less than a gender based discriminatory judgment about who will survive.

At the familial and societal level at which the mother is subjected to enormous pressure to bear a son or face the consequences of abuse and humiliation, [FN34] female

infanticide is a form of policing and terrorist practice of control over women to keep them in their prescribed reproductive role as the bearers of sons. Reminders of the reality of the persistence of female infanticide are present in media stories, in official pronouncements, and in the content of the numerous education campaigns to eradicate these abuses. In the insidious and implicit ideological message conveyed under the explicit condemnation of these abuses, female children, women, and men may be conditioned to accept the legitimacy or perhaps worse, the inevitability of the devaluation of female life. [FN35]

At the same time, it is important to clarify the actors involved and not leave my proposed re?conceptualization adrift in a sea of unmediated social forces or faceless individuals, institutions, or ideologies. If viewed narrowly as the killing of female infants, the guilty responsible parties appear to be the mother herself, or the father, relatives, midwives or medical workers [FN36] who might get involved. An appropriate "solution" to this privatized conception of the problem would be to criminalize this behavior and to focus on education, deterrence, and punishment of individuals. This "solution" in fact describes the Chinese government's approach. In addition to general criminal and civil prohibitions against female infanticide and the maltreatment of children, education and propaganda campaigns are the Chinese government's primary strategies in responding to the persistence of the female infanticide problem which continues to haunt the implementation of China's population control policies. [FN37]

Although legal prohibitions and protections are clearly significant in terms of norm building and contributing to a climate of equality for girls and women, the isolated privatized criminalization of the problem is not enough to eradicate the practice or the underlying ideological and structural causes of the problem. If viewed as a form of social femicide [FN38] which occurs as a result of the existence of spheres of violence against women, female infanticide would be viewed as more than a crime committed by individuals. Within a "spheres of violence conceptualization," female infanticide, the forced abortion of fetuses against the consent of the pregnant woman, [FN39] the abortion of supernumerary children, the abuse of wives who "fail" to bear sons, suicides by despondent women, and malnutrition of female versus male children are all forms of the devaluation of female life.

All of these forms of abuses against females are in fact inevitable and foreseeable gender?based consequences of official Chinese policies adopted in the context of the existing structural, ideological, and cultural realities. Nor is this the first time Chinese policies have had foreseeable and disastrous consequences for women. After the introduction of marriage and divorce reforms in 1949 and 1950, there followed an alarming rise in the number of deaths and acts of violence against women who had

attempted to use their newly guaranteed "rights" to file for a divorce. [FN40] Although the authorities were supportive of women's rights and social reforms in the family sphere, their failure to prepare or educate the masses to accept such legislative changes and policies resulted in women bearing the costs of the resistance to these changes. Government leaders cannot simply point to a formal system of law and policy to avoid responsibility for promulgating policies which have deadly gender based consequences and for failing to adequately plan for the inevitable resistance and reaction of the Chinese people.

As social femicide, these cultural practices and abuses implicate government policy makers and leaders at the institutional and ideological level, and raise questions about the locus of responsibility for the impact of these policy decisions. Reconceptualization of the problems as social femicide urges the reframing of a more appropriate social response.

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[FN15]. Maxine Hong Kingston, *The Woman Warrior: Memoirs of a Girlhood Among Ghosts* 3 (1975).

[FN16]. Williamson, *supra* note 3, at 62-63.

[FN17]. *Id.* at 61. Williamson points out that infanticide has satisfied important familial, economic, and societal needs. In Imperial China, Japan, and Europe, it has been practiced as a method of controlling population growth, and avoiding starvation and social disruption.

[FN18]. *Id.* at 72.

[FN19]. I use the term patriarchy, deriving from the Greek, "the rule of the father," in this discussion to refer to the fundamental and universal status of male dominance, authority and control exercised by men over women, embodied in social institutions of power (such as the family, law, and government) and their legitimating ideologies. See, e.g., Lerner, *supra* note 10, at 239. Mary Daly has more critically defined patriarchy as the "society manufactured and controlled by males; FATHERLAND; society in which every legitimated institution is in the hands of males and a few selected henchwomen; society characterized by oppression, repression, depression, narcissism, cruelty, racism, classism, ageism, objectification, sadomasochism, necrophilia; joyless society, ruled by Godfather, Son, and Company; society fixated on proliferation, propagation, procreation, and bent on the destruction of all Life." Mary Daly in cahoots with Jane Caputi, *Websters' First New Intergalactic Wickedary of the English Language* 87-88 (1987).

[FN20]. I use the term to mean the induced death (euthanasia) of infants by suffocation, drowning, abandonment, exposure, or other methods. In China, reported methods also include crushing the infants skull with forceps as it emerges during birth or injecting formaldehyde into the soft spot of the head. Maria Hsia Chang, *Women, in Human Rights in the People's Republic of China* 260 (Yuan-li Wu et al. eds., 1988).

[FN21]. Elisabeth Croll, *Feminism and Socialism in China* 24 (1980).

[FN22]. Historically, infanticide was viewed as a crime although there appears to be very little evidence of actual criminal punishments imposed. However, feticide was not regarded as a crime and abortions appear to have been common. During the Qin dynasty (221-207 B.C.), infanticide was viewed as homicide. During the Han dynasty (202 B.C.-220 A.D.), infanticide was viewed as ordinary homicide with the death penalty given in some cases. By the Southern Sung (1133 A.D.), there was a provision which provided for a three year imprisonment for infanticide. In the Yuan dynasty (1279-1368 A.D.), the penalty was only the confiscation of one-half the guilty parents property. By the Qing (1644-1911), there did not appear to be a specific punishment in the Criminal Code for infanticide. Julie Jimmerson, *Female Infanticide in China: An Examination of Cultural and Legal Norms*, 8 *UCLA Pac. Basin L. J.* 57-62 (1990).

[FN23]. See Dep't of State, *Country Reports on Human Rights Practices for 1983*, at 754 (1984) (reporting that perpetrators of female infanticide are punished with prison sentences ranging from 3 to 13 years). This Report is submitted annually to the Committee on Foreign Affairs, U.S. House of Representatives and the Committee on

Foreign Relations, U.S. Senate, in accordance with Sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as Amended.

[FN24]. See Dep't of State, State Department Country Reports for 1990, at 851, 853 (1991) (reporting that despite strong government opposition to infanticide and the prosecution of offenders, the government has not been able to eradicate the practice, and the practice "persists in some impoverished rural areas").

[FN25]. "Infanticide by drowning and other acts causing serious harm to infants are prohibited," Marriage Law of the People's Republic of China (1980) ch. III (Family Relations), art. 15; "Maltreatment of old people, women and children is prohibited," Chin. Const. (1982) ch. II (Fundamental Rights and Duties of Citizens), art. 49. Although the Criminal Law (1979) does not explicitly forbid infanticide, Chapter VII (Crimes of Disrupting Marriage and Family), art. 182 prohibits abuse of a family member and Chapter IV (Crimes of Infringing Upon the Rights of the Person and the Democratic Rights of Citizens), art. 132 proscribes the death penalty, life imprisonment or not less than ten years of fixed term imprisonment for the intentional killing of another. For the text and English translation of the Marriage Law, the Constitution and other Chinese Laws, see Law in the People's Republic of China (Ralph H. Folsom & John H. Minan eds., 1989) (providing only a descriptive and superficial commentary on Chinese law in general, but useful as a one volume reference for translations and texts of Chinese laws) [hereinafter PRC Laws].

[FN26]. In early 1990, Reuters reported that the practice of drowning girl babies had revived again in China's Guangxi province resulting in a ratio of newborn girls to boys of 100 to 121. Surge in Girl Baby Killing, Chi. Trib., Feb. 22, 1990, at 19. In June 1991, an American journalist reported once again that female infanticide may be a cause of the apparent disparity of girls to boys. See Nicholas D. Kristof, A Mystery from China's Census: Where Have Young Girls Gone?, N.Y. Times, June 17, 1991, at 1, which suggests that newly released 1990 official Chinese census data "support previous suspicions that 5 percent of all infant girls born in China are unaccounted for."

[FN27]. The difficulty of accurate reporting of the number of female infanticides is in part attributable to the fact that about 80 percent of the Chinese people live in poor, rural areas where the only effective deterrent to infanticide may be the willingness of neighbors to report suspicious circumstances.

[FN28]. In 1985, Michael Weisskopf, an American reporter, extrapolated from demographic information compiled by a 1982 Chinese national census, and suggested that there were almost 300,000 cases of female infanticide during 1982 and 345,000 in

1983. Michael Weisskopf, *China's Birth Control Policy Drives Some to Kill Baby Girls*, Wash. Post, Jan. 8, 1985, at A1. Although the Renmin ribao (People's Daily), Apr. 7, 1983, at 4, had already reported in 1983 ". . . the phenomenon of butchering, drowning, and leaving female infants to die is very serious," and numerous official references to the problem can be found in the Chinese media, the Chinese government nevertheless demanded a retraction from Weisskopf. The Chinese government claimed that the reports were exaggerated and that there were only rare cases which were checked and corrected immediately. Shi Chengxun, *Family Planning: The Chinese Embassy Replies*, Wash. Post, Jan. 15, 1985, cited in Dae Chang, *supra* note 2, at 257.

[FN29]. The city of Chongqing reported 2,800 cases of female infanticide in 1984. Fang Fu Ruan, *The Nation*, June 18, 1988, at 848-49. See also Jonathan Mirsky, *One Child Per Family (No Girls): The Infanticide Tragedy in China*, *The Nation*, July 2, 1983, at 12-13 (referring to the Anhui Women's Federation analysis of infant mortality rates in its own and a neighboring province and concluded that the likely number of girls killed at birth was 709).

[FN30]. A Chinese Eugenics Society (Zhonghuo Yousheng Xiehui) was established in 1988. *Fazhi ribao* (Legal System Daily), May 26, 1988, at 1. Perhaps reflecting an inevitable consequence of the focus on a eugenics approach to "improving the quality of the population," 22.6 percent of the abandoned children were deformed or handicapped. Jimmerson, *supra* note 22, at 73.

[FN31]. See Alison E.W. Conner, *Child Protection Legislation in China*, *Law Inst. J.* 519 (1990) (citing the Guangdong Province Nanfang ribao (Southern Daily), Jan. 1981, as reporting that the abandonment of female infants was a common occurrence and that midwives were used to drown or suffocate female newborns). In 1989, reports from Guangdong indicated that of the 10,000 infants abandoned, 90 percent were female. Jimmerson, *supra* note 22, at 73. See also Maria Chang, *supra* note 20.

[FN32]. See, e.g., Joyce McConnell, *Beyond Metaphor: Battered Women, Involuntary Servitude and the Thirteenth Amendment*, 4 *Yale J. L. & Feminism* 201 (1992) for a radical and creative framework for analyzing the theoretical, doctrinal, and factual connections between involuntary servitude and intimate violence. By focusing on the 13th Amendment prohibition against slavery, the institution of slavery, contemporaneous Congressional debate, and judicial interpretation of the Amendment and criminal statutes, and challenging the public/private dichotomy which places slavery in prohibited "public" marketplace sphere and battering in a protected "private" sphere, Joyce McConnell lays the foundation for a new discourse on domestic violence.

[FN33]. At a meeting called by the Secretary General of the United Nations, attended by 29 experts from 24 countries, including China, the problem of family violence was discussed. Violence against women in the family was identified (once again) as "a serious issue, both in magnitude and effect" including traumatic effect on the women victimized, the long term development of women and children, and the achievement of peace. See Dae Chang, *supra* note 2, at 153-54.

[FN34]. Maria Chang reports that women in China are systematically abused and discriminated against for giving birth to girls. Maria Chang, *supra* note 20, at 264 (citing Renmin ribao (People's Daily), Jan. 31, 1983, at 3). Two examples she cites include a Tianjin woman who suffocates her female infant and then commits suicide after repeated physical abuse by her husband and mother-in-law for giving birth to a girl (citing Guangming ribao (Guangming Daily), Mar. 3, 1984); and the murder of two daughters and his wife by a Chinese man who declared that he was too young to be condemned to a life without sons. He was a brigade leader and delegate to the People's Congress (citing Jiankang ribao (The Health daily)) *Id.* Chang points out that these Chinese accounts of abuse are also corroborated by Western journalists, such as Weisskopf. Women are blamed for the female sex of the child, and "unsuccessful wives have been poisoned, strangled, bludgeoned and socially ostracized [Some have been driven] to suicide, others into mental institutions The pressure on women is so great that many openly weep on learning they have given birth to a girl." *Id.* (citing Weisskopf, *supra* note 28).

[FN35]. I have suggested elsewhere that both Chinese socialist ideology and the two key social institutions of power, the Chinese Communist Party (CCP) and the Chinese family, reflect authoritarian and hierarchical assumptions which legitimate the supremacy of a male engendered vision of the "natural" order of society. *Hom*, *supra* note 9.

[FN36]. See Maria Chang, *supra* note 20, at 260 (discussing "state sanctioned" infanticide performed by hospital doctors and medical personnel).

[FN37]. The educational approaches of family planning are reflected in the ongoing forums, conferences, and meetings to "discuss" the need to raise consciousness regarding the responsibility of Chinese citizens to practice family planning and to root out feudal ideas about the preference for sons over daughters. See, e.g., National Forum on Family Planning Held, Lanzhou Provincial Service, Aug. 17, 1990, reported in FBIS/CHI/90/162, Aug. 21, 1990, at 20; Jiangxi Couples Learn to Limit Family Growth, XINHUA, Aug. 19, 1990, reported in FBIS/CHI/90/162, at 32; Song Ping Stresses Family Planning Work, Beijing Renmin ribao, Mar. 3, 1991, reported in FBIS/CHI/91/045, Mar. 7, 1991, at 10.

[FN38]. I use the term social femicide to suggest the implication of the role of an existing social order in practices which result in death and devaluation of female lives. For an international example of attention to the problem of the impact of social practices on women, see U.N. Report on Traditional Practices, *supra* note 5. The Working Group on Slavery of the Sub? Commission on Prevention of Discrimination and Protection of Minorities of the U.N. Commission on Human Rights (Working Group) identified various traditional practices which have an adverse impact on the health of women. These practices include female circumcision, traditional birth practices, and preferential treatment for male children. In selecting these practices as priority problems, the Working Group considered the extent of the phenomenon, the mortality and morbidity rate and other factors. The Working Group's report suggest a clear link between preferential treatment of boys and the excess morbidity and mortality among girls. It estimated that about one million female children per year die as the result of neglect. As one of the consequences of son preference, female infanticide reflects the deadly impact for female children of the value systems and "preferences" of patriarchal societies, and thus is a form of social femicide.

[FN39]. Induced abortions are viewed by the government as an important component of the national effort to reduce the rate of population growth. Abortion, together with vasectomy, tubal sterilization and insertion of an intrauterine device, is one of the four planned birth operations. For women between the ages of 15?44, the abortion rate jumped from 23.1 per hundred in 1971 to 61.5 in 1983. See Christopher Tietze & Stanley K. Henshaw, *Induced Abortion: A World Review* 1986, at 31 tbl.2 (6th ed. 1986). For a demographic survey, see Virginia C. Li et al., *Characteristics of Women Having Abortion in China*, 31 *Soc. Sci. Med.* 445 (1990). Many western observers correctly point out that female infanticide is not a coercive measure condoned by the authorities to limit population growth, but instead is a reflection of resistance to the policy on the part of rural population. See, e.g., Jeffrey Wasserstrom, *Resistance to the One?Child Family*, 10 *Modern China* 345?74 (1984). However, this analysis is problematic because it accepts an implicit public/private distinction in terms of spheres of responsibility. See *infra* notes 196?99 and accompanying text.

[FN40]. In a survey by the Women's Association, of 59 counties in Shanxi province in 1949, out of 464 female fatalities, 97 percent were related to the women's efforts to get a divorce. These fatalities included suicides by women denied divorces (40 percent), suicide because of abuse inflicted upon women by their families for initiating divorce proceedings (20 percent), death as a result of their family's torture and abuse (25 percent); and suicide in relation to family disputes about divorce (12 percent). This pattern was repeated in other parts of China, resulting in more than 10 thousand female fatalities in central and southern China alone. Maria Chang, *supra* note 20, at 252 (citing Beijing

Renmin ribao (Beijing Daily), Mar. 8, 1950, at 2; Ma Tieding, Changjiang ribao (Changjiang Daily), June 10, 1951, at 3).

[FN41]. Boys were clearly more valued than girls in traditional China. Resources were viewed as wasted on girls who marry and become part of their husbands' family. Girls were often described as goods you lost money on. In a society which traditionally and even today lacks a pension security system for more than 80 percent of the population, it is not surprising that boys are referred to as "like heavy cotton quilts in the winter; if you don't have one, you will freeze to death." Steven Mosher, *The Broken Earth: the Rural Chinese* 260 (1983). Rural families want male children so badly, that an education propaganda play depicts one mother of daughter after daughter naming her daughters Yin'erh ("Bring forth a son"), Chao'nan ("Call forth a boy"), and Lai' ti ("Come little brother"). This son preference is also present in other parts of Asia and in North Africa, resulting in high female mortality, delay in care, higher female malnutrition, and lower female literacy. U.N. Report on Traditional Practices, *supra* note 5, at 24-34.