Chinese Region Uses New Law to Sterilize Mentally Retarded

By NICHOLAS D. KRISTOF
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LANZHOU, China - The provincial government in this poverty-stricken region of northwestern China is aggressively enforcing a new law requiring the sterilization of mentally retarded people.

So far this year, officials here say, more than 1,000 people have been sterilized under the law, which requires people with significant mental retardation to be sterilized if they are married or intend to be married. If the couple evade the law and the woman becomes pregnant, she must have an abortion.

The law was approved by the provincial Parliament a year ago and took effect at the beginning of the year here in Gansu province, where it directly affects about 30,000 retarded people out of a population of 21 million.

The law has been hailed nationwide, and officials say that the national Legislature and half a dozen provincial governments are thinking of adopting similar legislation. Several provinces have sent delegations here to study the measure as they consider drafting their own laws.

"The purpose of the law is to raise the quality of our population and of our nation," Miao Xia, the deputy head of the Gansu Population Studies Association and half a dozen provincial officials were thinking of adopting similar legislation. Several provinces have sent delegations here to study the measure as they consider drafting their own laws.

"The purpose of the law is to raise the quality of our population and of our nation," Miao Xia, the deputy head of the Gansu Population Studies Association, said.

In addition, he said, the handwriting and terminology used in the letter did not match that of the ostensible author, Irving Kristol, the conservative commentator, whom Mr. Moynihan described as a close friend.

Association, said in an interview. "We want to solve the poverty problem in part by raising the quality of the population."

As Miss Miao acknowledged, however, the new law raises questions of morality and the role of legislation: Does society have a right to force people to be sterilized? If a citizen has committed a crime, but happens to be retarded, can the state intervene to the point of forcing sterilization or an abortion? the mentally retarded themselves, for they are deemed insufficiently aware to react much way one or another, but at their families.

Many of the mentally retarded are married to people of average mental ability, and their spouses have not been enthusiastic about the law, some officials acknowledged. While their partners would not have to be sterilized themselves, they would be prevented from conceiving children within the marriage.

Policy Is Criticized

Two leading American geneticists say that the number of mentally retarded people has been significantly reduced by sterilization of mentally retarded people.

"There are many causes of mental disease and deficiency - some genetic, some environmental, so that simple and some complex," said Dr. James F. Crow, emeritus professor of genetics at the University of Wisconsin. "The Chinese program as described seems exceedingly crude."

Scientists said it was likely that less than half of the mentally retarded acquired their disability genetically.

"For a good many of these sterilizations, there would be no genetic basis," said Dr. James V. Neel, professor of human genetics at the University of Michigan.

About 1 percent of the world's population suffers from mental retardation. Dr. Neel estimated that it would take approximately 20 generations to reduce the frequency of a gene from 1 percent of the population to one-tenth of 1 percent.

Although scientists said the Chinese plan had little scientific merit, they suggested that sociological arguments could be made for such a plan. For example, "one can argue that affected persons do not provide a good environment for their children and should not have them for that reason," Dr. Crow said.

Different Views in the West

The law is an echo of the eugenics movement in the West earlier in this century. Tens of thousands of "mental defective" were sterilized across the United States, mostly between the 1920's and 1950's.

In Virginia, which kept records, about 3,300 were sterilized between 1930 and 1964 under a state law providing for compulsory sterilization of the mentally disabled. The law was upheld in a landmark Supreme Court ruling of 1927 in which Justice Oliver Wendell Holmes made a now notorious comment: "Three generations of imbeciles are enough."

In Nazi Germany, a system of eugenic health courts ordered the sterilizations of more than half a million people from 1933 to 1940. They were judged by the courts to be suffering from mental retardation, physical deformities, schizophrenia and other illnesses.

In most Western countries, such sterilization programs have been sharply curtailed in response to public furor. The German sterilization law could escalate longstanding complaints by the United States Government over China's population control policies, which limit the number of children born and impose penalties on couples who violate the rules.

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