

Policy Warrants Utilized for Legalizing Abortion in Taiwan

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Abstract

Four problems are addressed in this paper. They are:

1. To analyze policy warrants used by Western countries during their legalization of abortion policy;
2. To base on the modes of warrant used by Western countries to examine their utilization in policymaking process in Taiwan;
3. To compare different warrants used by pro and con groups during law making process;
4. To search out the sources of knowledge on which each warrant is based.

The research method of this paper is content analysis. The material to be analyzed is Bulletins of the Legislative Yuan (Congress) during the law making period. Several important findings are:

1. The warrants used by pro abortion group are stronger and much more than those of con group;
2. Motivational mode of policy argument is the most popularly utilized by the law makers;
3. The congruence of warrant utilization between the phase of Committee Screening and Floor phase, is significant.
4. Ordinary knowledge and Eugenics are two kinds of sources used by law makers.

Evaluating the Research State of Knowledge Utilization

The research of knowledge utilization makes an effort to understand and enhance the utilization of scientific and professional knowledge

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in policymaking and program management. Because knowledge utilization is a significantly embryonic enterprise and distinctively not a full-blown field, past research of knowledge utilization have externalized imbalanced development. It has been focused mostly on studying assumptions about classes of phenomena which explain knowledge use or nonuse. (Caplan, 1979; Dunn, 1980; Sabatier, 1978; Beyer & Trice, 1982; Weiss, 1979; Weiss, 1976) Although this research orientation has presented knowledge-driven model, problem-solving model, interactive model, two-communities theories, and policymaker constraint theories to partially explain knowledge utilization or non-utilization, it does not constantly suggest how to enhance the possibilities of knowledge utilization. The presentation of factors influencing knowledge use does not mean that it provides ways to enhance it. In fact, it only pinpoints the hurdles which stands in the way of knowledge utilization. As to the mitigating against them, the research either do not adequately mention or do not mention at all.

Inadvertently, some research of knowledge use have confused the following two questions: (a) how is knowledge use defined? (b) how is knowledge use explained? (Dunn, 1982) The former question refers to discussing knowledge use as a phenomenon-to-be-explained, while the latter focuses on factors which explain knowledge use. Although two questions may be relate to some extent, it is self-evident that the focus of each question is diametrically different. To confuse them may be misleading to approach the field of knowledge use and limit its development. Unfortunately, the phenomenon of confusion shown of the literature of knowledge use is quite popular. Take Weiss's article (1982) for example. When she discussed "The Many Meanings of Research Utilization," she had confused the two questions. According to her title, the focus of that article should discuss the meaning of research utilization from different perspectives. However, from the content of that article, we can easily recognize that one of the major themes in it is to explain factors which determine the degree of

knowledge use. The similar confusion can be found in many works of knowledge use. It is essential to know that the ways to answer and the designs to touch each question are not the same. In order to construct more comprehensive pattern and theory of knowledge use, this confusion should be avoided otherwise the research may put "square pegs in the round holes." Moreover, due to the complex nature of knowledge utilization and its dynamic processes, it has been hard to reach a definition which is both precise and comprehensive. (Larsen, 1981) The direction of defining knowledge use is biased to theoretically classify different types of use, such as conceptual use, indexical use, behavioral use, decisional use, enlightened use, theories-in- use, interactive use, and instrumental use. (Dunn, 1983) Although some scales and indices such as information utilization scale, stage of concern scale, levels of use scale, evaluation utilization scale, and research utilization index, are designed in the United States to measure knowledge use empirically, it seems that they are not so feasible as to be transferred to study knowledge use in developing countries. This is because to effectively differentiate ordinarily ranked utilization categories, stages of concern and levels of use seems very difficult. Indeed, policymakers will rarely be able to cite the findings of a specific study that influenced their decisions. They only have a sense that social science research has provided them with a background of ideas and orientation. In order to study knowledge utilization in developing countries, it is required to adapt the direction and procedures developed in the United States to special contextualities. In this paper, I shall attempt to explore another direction of knowledge utilization: warrant utilization. I shall try to identify policy warrants used in a special policymaking and then to deduce their sources of knowledge. By doing so, it may be a right way to start and hope it will help us understand what situation of knowledge utilization in developing countries is.

So far, we know warrants are the bases for all governmental actions. Advocates of new courses of action, of continuing an existing policy, or

of inaction must support their case with warrants. Regardless of what is being proposed or opposed, supporting warrants are required. Proposed courses of action or inaction which cannot be plausibly justified will be considered, *ceteris paribus*, unacceptable, or infeasible.

Logically, there are many modes of policy warrants. They are authoritative, intuitive, analytically, causal, pragmatic, and value-critical. (Dunn, 1981) The modes of policy warrants are not from a vacuum but derive from experiential knowledge or many fields of scientific knowledge. Under this situation, if we study and identify all modes of policy warrants utilized to support what is being proposed or opposed in a special policymaking, then we can make use of the findings to further deduce what knowledge are used. Maybe we can also differentiate the extent of experiential or scientific knowledge being used.

Research Design

Legal abortion policymaking in Taiwan is an important planned social change since all stakeholders consider that it will cause great impact on the society. It has long been held the limelight during its policymaking process. Policymakers, either for it or against it, provide many warrants to support their policy claims and attack each other with equal harshness. It is a typical case to be explored the nature of warrant utilization. I shall try to use this case to do pioneer study concerning with knowledge utilization in Taiwan.

The purposes of this study are to explore warrants utilized for making legal abortion policy in Taiwan and to further deduce their sources of knowledge.

The method to achieve these goals is to use content analysis. It involves systematically coding warrants used by legislators from Bulletins of the Legislative Yuan (Congress) into categories, thus allowing quantitative analysis.

The framework to classify categories of policy warrants used by

legislators is based on Dunn's classification. (1981) He has provided us with six main modes of policy warrants but including eight classifications. They are authoritative, intuitive, analycentric, causal, motivational, comparative, analogical, and value-critical. Because intuitive warrant has few possibilities to be used to support policy claim in modern society and it is not used for legal abortion policymaking either, I preclude it in the framework. Policy indicators related to general population have extensively been used to support legal abortion and the problem whether legal abortion do or do not violate existing laws such as civil law, criminal law, and constitution has also caused sharp dispute during the policymaking process, I add these two warrants: "warrant of policy indicators" and "warrant of legality or illegality." In addition, some legislators who are against legal abortion advocate that there are many other effective strategies to decrease population pressure and question why we have to adopt that policy instead. I especially isolate this warrant to be called "warrant of another alternatives to legal abortion."

In addition to defining the categories previously mentioned into which content data are to be classified, the unit of analysis should also accurately defined. (Holsti, 1969; Chadwick, et al. 1984) Since the focus of this paper is on warrant(s) provided by legislators to support their behavioral orientation at legal abortion, the unit of analysis is the number of warrants which were provided by each legislator at the phase of committee screening and debating on the floor. Each time each legislator may present one or more categories of warrants to support what he advocates. Under that situation, I can count the number of warrants according to his assertions on the subject of legal abortion. If many assertions surround on theme, then I can combine them into one category of warrant.

The source of communications locates on Bulletin of the Legislature Yuan compiled into "Compilation of Law-Making Process, V.17." (Secretary Office of the Legislative Yuan) The time span to be studied

is determined on three meetings at the phase of Committee Screening which were Oct.13, Oct.14, Nov.4, 1982 and on three meetings on the floor phase which were Apr.20, Apr.24, and May 15, 1984.

In order to enhance the reliability of coding the content of messages into the appropriate categories of warrants, I have coded it three times and each time the agreement among the results of coding is over 60 percent. It is reached a widely accepted threshold. (Chadwick, etal. 1984)

Warrant utilization

In general, the warrants used to legalize abortion in Western countries are:

1. To prevent the fetus who would very likely be born with a grave, permanent, and irremedial physical or mental defect;
2. To terminate the birth of a child that would endanger the life of the pregnant woman or her family;
3. To terminate the birth of a child that would endanger the life of the pregnant or would seriously and permanently injure her physical or mental health if pregnancy continues;
4. To prevent the birth of a child conceived in virtue of certain proscribed acts—seduction, rape, incest, or other felonious intercourses;
5. To consider that the fetus is not a person and that the pregnant woman has a morally unassailable right to control the use of her body. (Birkby, 1983; Thomson, 1971; Grisez, 1970)

Essentially these five main reasons belong to two categories of warrant. The former three items are motivational, while the latter two are ethical.

On the contrary, the reasons utilized to oppose legal abortion are that:

1. Life exists from the moment of conception and that abortion, thereby, is murder;
2. The fetus is a human being, thus, he or she has a right to life;
3. Abortion would cause unwelcoming changes in family and child-bearing patterns: increased promiscuity, population decline, a loss of respect for human life, and the use of abortion as a means of birth control. (Thomson, 1971; Hansen, 1980)

From this context, we know that basically the warrants to oppose legal abortion are also motivational and ethical.

Owing to the political, cultural, and economic differences existed in Western societies and Taiwan, the warrants resorted to support or oppose legal abortion policymaking in Taiwan may be different from those of Western societies. It is the theme I will discuss in this section.

Warrants Used at the Phase of Committee Screening

During the phase of Committee Screening, the warrants which are utilized by legislators to support or to oppose legal abortion policy are shown in Table 1. From Table 1. some points are valued to be furtherly discussed:

1. The warrants utilized to support legal abortion are more than the warrants utilized to oppose that policy. This is a critical determinant that finally legal abortion policy is adopted.
2. Among all of the warrants, motivational warrants are the most popular to be used to support or to oppose legal abortion. The sub-categories of motivational warrant to support the policy are

centered on superior life chances available to planned and wanted children, enhancing population quality, decreasing population pressure, responding human demand, maintaining the prestige of law, promoting human health and social harmony, preventing the births of deformed children, fewer unwedded mothers, illegitimate births and their attendant social and economic costs, lack of business for "back-alley butchers," and a resulting decline in deaths or injuries from illegal abortion. As the sub-categories of motivational warrant used to oppose the policy are concerned, they are: increase of crime rate, population declines, lack of possibilities to really solve population problem and a resulting decline in national manpower to realize a "political dream."

3. Population density (504 per sq. km.) rate of natural increase (18.14%), mean ideal number of children (3.3) are three policy indicators which are used to give visibility to population pressure problems and to show the gravity and extent of it. Number of illegitimate births (1.5%) and number of illegal abortion to married woman (19%) are also used to show the existence of abortion under the situation which abortion is still not legalized except the pregnancy would seriously impair the physical or mental health of the pregnant and to indicate the necessity to pay attention to the resultant problem from illegitimate births.
4. Legal abortion is not a necessary and sufficient means to decrease the problem of population pressure and to prevent the deformed children. There are many other alternatives to serve these two functions, such as pre-marital physical examination, population education, birth control, and immigration to other countries. They are mentioned by legislators to oppose the legalization of abortion.

5. Whether legal abortion would cause increased promiscuity is an acute dispute during the policymaking process. The pro-life group strongly advocates that there is a cause-effect relation between legal abortion and increased promiscuity, while the pro-choice group considers that there is no cause-effect relation between these two events and has mentioned many backings to support the policy claims.
6. Legal abortion policy has been adopted by many countries according to the eugenics indication, the humanitarian indication, and the social indication and in these countries the policy has not caused serious social and economic costs. This is the comparative warrant utilized by the pro-choice group to support the legalization of abortion. On the contrary, it lacks insight to blindly follow other countries' policy. Women in Western societies tend to be unwilling to bear children. Taiwan also has this tendency. Future population pressure problem will not be serious. To legalize abortion is redundant. They are comparative warrants used to oppose legal abortion.
7. The reason to ethically object against legal abortion rests on the contention that human fetuses and infants have a right to life from the moment of conception. (Tooley, 1972) Abortion, therefore, is murder and inhumane. It also violates traditional Chinese culture. In other words, ethical warrants are always used to refute the advocacy of legal abortion. On the contrary, the pro-choice group stresses that it is more unethical not to provide adequate chances in life to unplanned and unwanted children, and lead them to be juvenile delinquent than to abort the fetuses. It is an invulnerable right for the woman to choose the most suitable time to deliver a child. Moreover, whether the life begins from the moment is disputable. According to the experience of Western countries, to perform abortion during the first three

months of pregnancy is not unethical since life is not formed at that period of time.

8. Existing laws, rules, and regulations may affect the design of policy alternatives. If desirable policies are not supported by current laws, they may not be adopted unless justification are achieved. (Patton & Sawicki, 1986) The pro-life group considers that legal abortion policy has violated relevant provisions of constitution, civil laws, and criminal laws. Originally, criminal law punishes the woman and the physician, but this is ineffective and it drives abortion into the basement and puts women at the mercy of greedy and unskilled abortionists. Hence, the pro-choice group advocates that if policy has no implementability and responsiveness, it has better be eliminated to maintain the prestige of law. Moreover, one legislator points out that the content of the policy only more clearly clarifies the conditions of abortion to be permitted. If the abortion is performed under the stipulated conditions, then it does not conflict with relevant laws.
9. Before family planning program was formally adopted in Taiwan in 1968, it was also opposed by some legislators. One of the reasons was based on the teaching of Dr. Sun Yat-Sen. In 1907, he pointed out that for the past two centuries China's population had remained static and even shown evidence of decreasing, "Should this situation continues, he said, the other great nations would swallow China. Then not only would China lose her sovereignty but also the Chinese people would be assimilated, and the race would disappear." (Sun, 1907) At the phase of legal abortion policymaking, this authoritative warrant is used to oppose and resist it too. In addition, the late president Chiang's teaching to enhance and glorify Chinese culture is also used since the pro-life group considers that legal abortion is conflicted with

this authoritative teaching.

10. Policy claims are also based on assumptions that relationships among two or more policies are essentially alike. (Dunn, 1981) One analogical warrant, that is, in order to have sufficient burial grounds for future dead people, the legislators have made a law to manage the establishment of grave; whereas to have superior life chances available to planned and wanted children, the legislators should also adopt legal abortion policy to prevent the birth of a child that is not planned and wanted during the first three months of pregnancy, is used to support the policy claim.
11. T. R. Malthus argued that population increases by geometric progression, while the means of subsistence increases by arithmetical progression. If population increase should not be checked, means of subsistence would not keep up with it. At that time, population would cause serious economic and social problems in a society. This warrant is also used to support legal abortion policymaking.

Warrant used on the Floor Phase

The distribution of warrants used on the floor phase is shown on the Table 2. From the Table 2., we have some points worthwhile to mention:

1. The warrants used to support legal abortion have significantly increased (from 61.6% to 72.6%). On the contrary, the warrants used to oppose the policy have distinctively decreased (from 38.3% to 27.4%). The root cause of this change lies in the majority building to be against the policy adoption does not achieve great progress, while the pro-choice group has saliently built strong coalition.

2. Motivational warrant is still the most popular one used to support legal abortion. The themes of this warrant, however, surround the same topics as those of the phase of committee screening.
3. Policy indicators have been greatly used to show the gravity of the population pressure problem. In addition to the prior-mentioned objective indicators which are used to support the necessity of adopting legal abortion, many subjective indicators (different results of attitude survey) which support legal abortion are presented. (Secretary Office of the Legislative Yuan, 1984)
4. The legality of abortion is disputed sharply on the floor phase. The warrants utilized to claim the illegality of legal abortion keep the same as those of prior stage, while the pro-choice group presents two principles of jurisprudence—special law versus general law and the order of law passed—to support the legality of legal abortion. Due to the status of special laws is higher than those of general laws, the latest law passed should be priorly applied, and the Law of Eugenics and Health is a special and the latest law passed, thereby, it does not violate any provisions of criminal law passed in 1935. Furthermore, the pro-choice group also considers that legal abortion does not violate relevant provisions of constitution and civil law. According to Chinese civil law, the ability to claim one's legal rights begins at the period of birth. It is self-evident that the fetuses still stay in the mother's body, thereby, they do not have the ability to claim their legal rights, their rights stipulated on the constitution are not protected. The claim that legal abortion has conflicted with provisions of constitution and civil law is rebutted.
5. The pro-choice advocates that yearly there are many cases of abortion performed in the basement and it is this situation that

has caused women at the mercy of greedy and unskilled physicians. It is better to legalize abortion to prevent health harm to the pregnant women and to maintain the prestige of law rather than to keep the status quo. However, this warrant is challenged. The pro-life group contends that there are many illegal and undesirable facts existed in a society; under that situation, do we have to give them the (jure) recognition just because of their existence? Do we really mean to say that robbery is legal just because of its existence? Obviously, this analogical warrant is quite strong to refute the warrant of maintaining the prestige of law which is used of support legal abortion.

6. Time order, covariation, nonspuriousness, and theoretical justification are four formal criteria identified by most social scientists as necessary to build a relationship as causal. (Meier & Brudney, 1981) The pro-choice group continues to present these criteria to rebut the causal relationship existed between legal abortion and increased promiscuity. The Members of that group agree like this way. "The Glory that was Greece and the Grandeur that was Rome" admitted voluntary abortions as means of curbing unwanted population growth. At that time, the phenomenon of increased promiscuity was not very serious. The causal relationship between legal abortion and increased promiscuity is spurious if we take a look at the existing state of promiscuity in other countries which have legalized abortion. How could legal abortion have turned out to be increased promiscuity if there had not had theoretical justification to support their relationship? As the root causes of promiscuity are concerned, legal abortion is not a chief one but others like pornography, prostitution, moral decay, etc... Judging from prior discussion, it is hard to say that there exists causal relationship between legal abortion and increased promiscuity.

7. The argumentations on authoritative, comparative, analycentric, and ethical perspective and warrant of another alternatives to legal abortion are similar to those of discussed at the phase of committee screening.

The Whole Picture of Warrant Utilization

If we combine Table 1. and Table 2. into Table 3., we can see the whole picture of warrant utilization on legal abortion policymaking in Taiwan. From Table 3., there are some points worthwhile to be mentioned:

1. Owing to difference policies and different policy warrants having different features, some warrants cannot be used to support what is being proposed or opposed in policymaking process. In this case, authoritative warrant and warrant of another alternatives to legal abortion cannot be used by the pro-choice group to back what is being proposed, whereas analycentric warrant and warrant of policy indicators have no possibilities to be utilized by the pro-life group to support what is being opposed.
2. Generally the number of warrants (except authoritative warrant, warrant of legality, and warrant of another of alternatives to legal abortion) used by the pro-choice group to support legal abortion is more than those of its corresponding party. This is the key point which determines to adopt legal abortion.
3. Policy claim may be made on the basis of one, several, or all modes of policy warrants. (Dunn, 1981) This proposition is proved by the case of legal abortion policymaking in Taiwan. Almost all kinds of warrants are used to back what is being proposed or opposed.

4. Policy indicators can be used to:

- (A) Predict or anticipate future trend of a special problem area,
 - (B) Give visibility to what policy problem has been existed in a political jurisdiction,
 - (C) Facilitate long range planning and more ability to control the aggravation of problem area,
 - (D) Stimulate new policy alternatives,
 - (E) Help determine alternatives and priorities for public policies.
- (Michalos, 1978)

It is this reason why warrant of policy indicators is used to visibility to the seriousness of population problem and its attendant social and economic costs in Taiwan and then to support the legalization of abortion.

Knowledge Utilization in Legalizing Abortion

During policymaking process, the pro and con group attempting to win support and build majority coalition, have presented 317 warrants. Based on these warrants, I tried to trace the sources of knowledge used to support each group's argumentation. Although tracing knowledge utilization through this way may personal biases, the warrants utilization provides the context of tracing and by doing so it can limit the biases within a tolerable extent.

In general, knowledge are classified into two categories: ordinary knowledge and policy science knowledge. Ordinary knowledge, to M. A. Emmert (1985), is

Knowledge that has been gained through every day experience and causal empiricism, crudely verified through practi-

cal experience or accepted as such, and transmitted through social interaction.

As policy science knowledge is concerned, it has been developed by "a systematic, theory-guided search for data, rigorous analysis and exposure to falsification, and transmission through a formal process of peer review and examination. " (Ibid.) I used this classification to analyze the nature of knowledge utilization and attempt to identify each classification's subclassifications.

Ordinary knowledge is heavily used by people to solve social problems. (Lindblom & Cohen, 1979) Judging from warrants utilized to support or to oppose legal abortion policymaking, we find that ordinary knowledge has extensively been used. The reasons lie in this fact that main categories of warrant are motivational and ethical, whereas analycentric and causal warrants are used less. For the motivational warrant, the argumentation included in it is to show that the goals or values underlying a recommended policy instrument are to certify its adoption. (Dunn, 1981) It attempts to utilize language which is part of the policy setting and the everyday lives of policy stakeholders. As the ethical warrant is concerned, its argumentation focuses of the righteousness or the illness, goodness or badness of policy alternatives and their impacts. Essentially it is normative, subjective, and having no empirical relevance. The sources of this warrant are also from ordinary knowledge.

The sub-classifications of ordinary knowledge utilized in this case are analyzed in the following:

1. Although human birth seems like natural phenomenon, there are many cultural causes of fertility and population growth. (Bourne & Levin, 1983) The ideal that everyone should produce as many children as possible is embedded in traditional Chinese culture. This cultural factor forms an important barrier to population

policymaking in Taiwan. It is also used by the pro-life group to oppose legal abortion.

2. There is another ideal embedded in Chinese culture that is to govern humanitarily. It means not to kill a person whenever the mood pleases you. This is the reason why the pro-life group strongly stresses that from the moment of conception the fetus is a person and that abortion is murder.
3. Practical reasoning is also used to derive motivational warrants to support or to oppose legal abortion. It explains actions to be taken or not to be adopted in terms of goals, values, and intentions. There is no limitation in practical reasoning and everyone can present goals or values to be achieved by an action as many as possible if they are made sound plausible.
4. Dr. Sun Yat-Sen's and late president Chiang's political thoughts are quoted to be barriers to legalize abortion. Although some of their thoughts may not fully match the present and changed circumstances, they still may have influential persuasive power. During the legal abortion policymaking process, it seems that Dr. Sun Yat-Sen's population policy claim does not produce a marked effect. This is because his population policy claim was appropriately reinterpreted during family planning program making in 1968.
5. Knowledge pertaining to health has also played an important role to show harms or abortion-related maternal deaths causing from illegal abortions. To maintain the pregnant women's health by shifting pregnancy termination procedures to presumably safer legal facilities is a strong warrant used to support legal abortion and it derives from knowledge about general health.
6. The negative position held by different religious groups to legal abortion is also used by the pro-life group to oppose legalization

of abortion. During the policymaking process, different religious groups have presented many reasons to oppose legal abortion. They are the ammunitions of the pro-life group to refute the pro-choice group's claim.

7. Knowledge about legal abortion policymaking in other countries and its consequences is naturally used to support positive claim. "Legal abortion can exist in Japan and other countries. Why cannot it in Taiwan?" This style of arguing is in vogue and a natural and free association by people.

Owing to specific nature of knowledge itself, policymakers constraints, and lacking effective mechanisms to link knowledge producer and user, policy science knowledge is not sufficiently used. This proposition is also proved by this study since the warrant utilized to support or to oppose legal abortion are centralized to motivational. Although this is understandable and predictable, we can also find that some clues are shown the utilization of policy science knowledge.

Abortion keeps going on one of the main topics discussed by the journal—Philosophy & Public Affairs. The pro-life argument and the pro-choice one always debate each other. (Thomson, 1971; Wertheimer, 1971; Tooley, 1972; Finnis, 1973; Thomson, 1973; Hare, 1975; Ross, 1982) Their points of discussion are used to support or oppose legal abortion policymaking in Taiwan.

Quantitative measures have increasingly played critical roles in policy formulation and implementation. They are the indicators showing the existence of public problems, shaping the understanding of their nature and solutions. They become the basis of goal-setting and the language of policy discussion and finally evolve into standards for policy design (De Neufville, 1978) In other words, policy indicators have not only shown the consequences of policies, but also have been used as bases of problem identification, policy design, and implementation. During the process of legal abortion policymaking, policy indica-

tors are constantly used as warrant to support the policy claim of the pro-choice group.

Every decision problem is considered against a background of laws, policies, rules, and precedents that act to some extent as limitations in the selection of courses of action. Many policies and laws are based on past experience. Possible policy alternatives are unavoidably evaluated with the precedents and the existing laws. Those that show a distinctive leap with the past are often subjected to greater degree of examination than actions that are fundamentally a continuity of previous policies. Legal abortion policymaking represents a significant break from precedents and existing laws. It is subjected to more careful scrutiny. Under this contextuality, the pro-life group considers it as an act violating existing laws and policies. In order to rebut it, the pro-choice uses theory of law and jurisprudence to prove the legality of legal abortion. Knowledge about principle of situational change, special law superior to general law, and the latter law superior to the former law are used.

Eugenics is backed by arguments based on common sense and medical knowledge of heredity, Darwinian biology as well as increasingly specialized scientific research. One of the bases of legal abortion is to enhance population quality. It is natural that Eugenics is used to support positive policy claim.

Malthus' theory on population growth and the means of subsistence is constantly used to show the gravity of overpopulation and its attendant social problems. This theory is also utilized to demonstrate population crisis in Taiwan and furtherly to be used to support legal abortion.

It has mentioned that whether legal abortion should cause increased promiscuity constitutes a big dispute during the policymaking process. The pro-life group strongly support this statement; legal abortion causes increased promiscuity. Before we can begin to believe such a statement, the pro-choice group insist that we should consider

(a) whether any nations have had a legalized abortion policy with a high rate of promiscuity and (b) whether any nations do not have legalized abortion policy with a low promiscuity rate. The less nations we find in group (a) and (b), the more we cannot believe the alleged association between legal abortion and increased promiscuity. Based on this argumentation, I consider that theory about causal and effect relationship is used to refute the statement that legal abortion should cause increased promiscuity.

Discussion and Summary

This is a pioneer study related to knowledge utilization in Taiwan. It is hoped "to throw this brick and get a gem in return" Indeed, knowledge utilization is a field worthwhile for us to furtherly expand and elaborate. According to prior-mentioned deductions, some points are summarized and discussed:

1. Although Planck's Principle—"a new scientific truth does not triumph by convincing its opponents and making them see the light, but rather because its opponents eventually die, and new generation grows up that is familiar with it"—is not proved by Hull, Tessner, and Diamond's study (1978), it seems that age has played pivotal role in the legal abortion policymaking. This is because the average age of the pro-life group is 77, while the pro-choice group is 45 (Secretary Office of the Legislative Yuan, 1984). The higher the legislator's age becomes, the stronger he or she opposes the legalization of abortion and provides supporting warrants to it.
2. It is rarely that policymakers who will be able to cite the findings of a specific study that influenced their decision. To trace the knowledge sources of warrants is hard. This is especially true when we attempt to trace the knowledge sources from mo-

tivational, analogical, and ethical warrants since they can derive from any perspective and they come out very naturally and even intuitively.

3. Ordinary or so-called experiential knowledge always plays pivotal role in policymaking. This proposition is also proved by this study. Since it is highly fallible and may misguide policymaking, how to enhance the utilization of policy science knowledge to make effective decisions under the period of adversity is an important future task confronting to us.
4. A difficulty in using the theme as the unit of analysis is that its boundaries are not easily identified. Due to the legislators sometimes combinedly use their warrants to support their policy claim, to accurately differentiate which warrants are motivational, or ethical seem difficult. The continuing revision and elaboration should overcome this drawback.
5. To study warrant utilization for policymaking is a feasible approach to expand the field of knowledge utilization. It can provide us with a clear understanding and the whole picture of knowledge utilization during the policymaking process.
6. The legislators of pro-life group were elected in 1948 when Nationalist Government did not withdraw from Mainland China to Taiwan. After the Government has withdrawn to Taiwan, they have continued to be legislators for 36 years owing to political reasons. However time and tide does not wait for man. They are getting older and older and their attitudes are becoming too conservative. This is maybe the reason they use warrants to oppose legal abortion. On the contrary, new members of the Legislative Yuan elected from Taiwan area need to confront reelection pressure every three years. In order to be reelected, they should express the preferences of their constituencies. The social cli-

mate positively supports the legalization of abortion, hence they do their best to provide persuasive warrants to support it.

Table 1 Warrants Used for Legal Abortion Policy Making at the Phase of Committee Screening

Warrant	Orientation		For		Against	
Authoritative Warrant	0	0 %	2	2.2%		
Comparative Warrant	6	6.4%	2	2.2%		
Motivational Warrant	28	29.8%	7	7.4%		
Analogical Warrant	1	1.1%	0	0 %		
Analycentric Warrant	1	1.1%	0	0 %		
Causal Warrant	5	5.3%	8	8.5%		
Ethical Warrant	6	6.4%	7	7.4%		
Warrant of Policy Indicators	10	10.6%	0	0 %		
Warrant of Legality	1	1.1%	3	3.2%		
Warrant of Another Alternatives to Legal Abortion	0	0 %	7	7.4%		
N	58	61.7%	36	38.3%		

**Table 2 Warrants Used for Legal Abortion Policy Making
on the Floor Phase**

Warrant	Orientation		For		Against	
Authoritative Warrant	0	0 %	1	0.4%		
Comparative Warrant	11	4.9%	7	3.1%		
Motivational Warrant	70	31.4%	20	9.0%		
Analogical Warrant	0	0 %	1	0.4%		
Analycentric Warrant	1	0.4%	0	0 %		
Causal Warrant	15	6.7%	5	2.2%		
Ethical Warrant	26	11.7%	12	5.4%		
Warrant of Policy Indicators	33	14.8%	0	0 %		
Warrant of Legality	6	2.7%	10	4.4%		
Warrant of Another Alternatives to Legal Abortion	0	0 %	5	2.2%		
N	162	72.6%	61	27.4%		

**Table 3 Warrants Used for Legal Abortion Policy Making
Process**

Warrant	Orientation		For		Against	
Authoritative Warrant	0	0 %	3	0.9%		
Comparative Warrant	17	5.4%	9	2.8%		
Motivational Warrant	98	30.9%	27	8.5%		
Analogical Warrant	1	0.3%	1	0.3%		
Analycentric Warrant	2	0.6%	0	0 %		
Causal Warrant	20	6.3%	13	4.1%		
Ethical Warrant	32	10.1%	19	6.0%		
Warrant of Policy Indicators	43	13.6%	0	0 %		
Warrant of Legality	7	2.2%	13	4.1%		
Warrant of Another Alternatives to Legal Abortion	0	0 %	12	3.8%		
N	220	69.4%	97	31.6%		

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墮胎政策合法化過程 所應用的政策論據

林水波

摘 要

本文的主要重點在於：一、分析西方國家用來合法化墮胎政策的論據類型；二、根據這些類型檢定我國在墮胎合法化過程中，在委員會及院會審議時，其被應用的情形；三、比較支持及反對陣營所使用的論據，究竟有那些差異；四、根據論據被應用的情形，探索各類型的知識來源。

本文是根據立法院秘書處編印，「優生保健法案」專輯，進行內容分析，以得出五個重要的發現：一、被用以支持立法的論據始終多於反對者所能提出的論據，以致墮胎合法化被順利通過；二、動機論證模式乃最被常用的類型，不分支持或反對陣營而有別；三、院會的政策論辯是委員會的翻版，足見委員會的專家立法制度未能建立；四、由於參與院會的人數較委員會為多，所以被應用的論據增加幅度滿大；五、指出論據的各種知識來源，主要有兩種：普通常識及優生學。

