PRELIMINARY RESEARCH INTO THE SPIRITUAL BACKBONE OF VIETNAM FOR AN INVESTIGATION OF VIETNAMESE REPRODUCTIVE MEDICAL (SURROGACY) ETHICS

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ABSTRACT. Before making an ethical investigation based on a three-layer structural analysis into Vietnamese reproductive medicine, especially with regards to commercial surrogacy, this paper presents preparatory research into the spiritual backbone of the current state of illegal surrogacy in Vietnam. It can be inferred that the Vietnamese societal customs of ancestor celebration with its abundance of ancient ritual and its traditional patriarchal centralistic values have formed a rather tolerant breeding ground for surrogacy. Perspective of the Biocosmological study of the issue is considered.

KEYWORDS: Vietnam, commercial surrogacy, medical tourism, ART, ethics, Biocosmology

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Introduction

The Socialist Republic of Vietnam (established in 1976) has, since 1986, adopted the Doi Moi (reform) policy for the introduction of a market economy. Through the implementation of the Doi Moi policy², with company rights for self-

¹ National Institute of Fitness and Sports in Kanoya, Kagoshima, JAPAN
² In 1986, following the same line as the Doi Moi policy, the Law on Marriage and the Family, and the Happy Family Plan policy (formulated by the general office for Family Planning, Vietnam Ministry of Health) were enacted. This law and these policies, extolling the importance of the idea...
management being enhanced and the doors to foreign trade opened, Vietnam has shifted from a socialist regulated economic system to a market economic system that allows individuals and families to freely manage their social lives with their own resources and responsibilities. With the spread of a market economy by means of the Doi Moi policy, Vietnam has currently become a prominent state for tourism, even among surrounding Asia Pacific countries, with 4.25 million\(^1\) tourists visiting Vietnam in 2010. In recent years, following close on the heels of countries such as India, Thailand, Singapore and Malaysia that are actively working to secure foreign medical tourists by promoting their private sector, Vietnam has witnessed a sudden growth as a major medical tourism nation offering tourism and medical services as a package. At present, Vietnam is an important hub\(^2\) for medical tourism in South-East Asia. In 2007, for example, the renowned sea bathing resort of Vung Tau\(^3\), known for its beautiful white shoreline and everlasting summer, was the first location to be developed as a Vietnamese medical tourism resort. Foreign medical tourists who visit Vung Tau can enjoy shopping and engage in sightseeing to their heart’s content, while at the same time receiving treatment at the local hospital.

In consideration of marketing strategies such as this, the medical tourism of advanced Asian medical tourism countries like India, Thailand and Singapore, which promote medical tourism as a national policy, are truly ingenious, actively developing maintenance activities of their hospital infrastructure abroad while simultaneously working on the enhancement of medical treatment quality locally. Facilities of major Asian medical tourism powers are already on the advance inside Vietnam with its remarkable economic growth. An investigation for the period leading up to December 2011\(^4\) shows that the Fortis Healthcare Group (India’s second largest private hospital group) manages Hoan My General Hospitals at 5 Vietnamese locations. Integrated Healthcare Holdings (on April 7\(^{th}\), 2011, Mitsui Bussan signed a contract to take a 30% share-hold in IHH), the largest hospital holding company held in possession by

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\(^1\) Medical Tourism in Vietnam [2011 Healthino Medical Tourism Guide]

\(^2\) Ibid.

\(^3\) Vietnam enters medical tourism industry [Treatment abroad news;16/02/2007]

\(^4\) New Currents in the Healthcare Industry© The internationalization of progressing medical treatment, Japan Policy Investment Bank, Industry Research Department, Today’s Topic No. 177-1, March 22\(^{nd}\), 2012

An investigation of expansion opportunities in medical equipment systems and foreign expansion strategies of major foreign equipment manufacturers in developing countries (especially India), IBT Inc., February 2012
the Khazanah National Berhad sovereign wealth fund which is financed 100% by the Malaysian Finance ministry, was listed on the stock exchanges of Kuala Lumpur and Singapore in parallel in July of 2012. The Parkway Pantai Group (Singapore’s largest hospital group Parkway Holdings merged with Malaysia’s second largest hospital group Pantai in 2010, restarting as the Parkway Pantai Group in March of 2011) is in the process of constructing a local hospital within Ho Chi Minh’s international medical zone, and works to attract medical tourists from Vietnam to Singapore by establishing, together with Raffles Medical Group (Singapore’s second largest private hospital group, that offers a 24 hours/day medical service to airport staff and travelers at Changi International Airport), local contact offices (Ho Chi Minh, Hanoi) with a 24 hour hotline. The top 3 countries in 2010 from which foreign patients visited Raffles hospitals, were Indonesia, Russia and Vietnam.

Incidentally, through the enactment of the 2003 ‘clone/surrogacy prohibition order’ (womb centralism that sees the mother as birth-giver: womb identity, the deep bond between mother and child, tinh cam, is formed through the process of pregnancy and giving birth), surrogacy was prohibited in Vietnam. However, at some hospitals in Ho Chi Minh and Hanoi, surrogacy is being illegally performed in response to the requests of both surrogacy requesting couples from among the well-to-do and surrogate motherhood requesting women from among the poor. In the vicinity of Hanoi, Hanoi-born Mrs. Minh, who is widely known as a surrogate motherhood agent, has already delivered surrogacy-born children to 40 married couples, mainly from factory workers from the northern provinces of Vietnam (Thai Binh, Nam Dinh, Thanh Hoa, Nghe An and Hung Yen) as her reserve force of surrogate mothers.

In 2001, the first Vietnamese case of IVF surrogacy was performed at Tu Du Obstetrics Hospital, located inside the major hidden surrogacy base of Ho Chi Minh.

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4. According to the Vietnamese origins myth, Lac Long Quan and his wife Au Co’s 100 children are the founders of the 100 Vietnamese family names. Their 100 children were born out of Au Co’s womb that was thrown away in a field (the birth of IVF surrogate children). The myth relates that the mother’s womb is more venerable than the mother’s eggs.
5. Making a love child for others [Thanh Nien Daily: April 24 2012]
6. Assisted Reproductive Technology (ART) was introduced into Vietnam from abroad as a result of the Doi Moi policy enacted in 1986. When pregnancy was successfully achieved by in vitro fertilization (IVF), a technology that was introduced from France, at Tu Du Hospital in 1997 (the birthday of Vietnam’s first IVF baby is April 30th, 1998), the hospital became a refuge for Vietnam’s infertile women. First ICSI baby was born in 1999, successful in achieving pregnancy with a frozen embryo in 2003, and with frozen sperm and egg cell in 2004. At present, the
The person requesting this surrogacy was a 37 year old female with a tumor inside her womb. Since her ovary results were normal, with permission of the Welfare ministry, Dr. Vuong Thi Ngoc Lan in charge of the medical diagnosis and treatment in the aforementioned hospital at the time performed IVF surrogacy on the patient’s younger sister-in-law.

The purpose of this paper is to present preliminary research on the spiritual backbone of Vietnam, where illegal commercial surrogacy is performed at the request of both those requesting surrogacy and surrogate motherhood, preceding the performance of a three-layered structural analysis-based investigation of Vietnam’s advanced reproductive medical (surrogacy) ethics.

1. THE SPIRITUAL BACKBONE OF VIETNAM THAT ALLOWS FOR ILLEGAL COMMERCIAL SURROGACY
1.1. Why is it that surrogacy, although prohibited through the government decree of 2003, is being performed in Vietnam?

In 2003, a government ‘clone/surrogacy prohibition order’ was enacted in Vietnam that banned surrogacy. Thereafter, the Vietnamese Ministry of Health issued a ‘circular notice concerning the technical process of artificial insemination and in vitro fertilization’, dated July 15th, 2012 (No. 12/2012/TT-BYT), thoroughly informing the public of the detailed regulations regarding assisted reproductive technology. As a result of this circular, it might be expected that hospital physicians and private practitioners would not become openly involved with surrogacy. However, in Hanoi and Ho Chi Minh, underground surrogacy is evidently being carried out.

So, why is it that surrogacy, although prohibited through the government decree of 2003, is being performed in Vietnam? The following is a summary of the results from my preliminary investigation regarding the ‘traditional cultural manners and customs of the Vietnamese people’ that form the spiritual backbone of Vietnam, a country where commercial surrogacy is performed even though it means breaking the law.

Of the 14 infertility facilities in Vietnam, Tu Du Hospital is the one that has instructed the other 13 facilities on ART, and it also is the hospital where in 2004 the first Vietnamese sperm bank was established. Its address is 284 Cong Quynh Road, Pham Ngu Lao Ward, 1st. District, Ho Chi Minh, Vietnam.

According to the Tuoi Tre newspaper, there is a gamete market at Cong Quynh Road A1 on which 4 or 5 women conduct a lodging and gamete/surrogate mother intermediary business. HCM City: Market for infertile couples [VietNamNet Bridge, 23/12/2012]

1 Vietnam surrogate pregnancy brings legal questions [Bernama (Malaysia News Agency): January 6, 2001]

1.2. Traditional manners and customs of the Vietnamese people

Today, 80% of Vietnamese people follow Mahayana Buddhism. To Vietnamese Buddhists, Mahayana Buddhism teaches that human life revolves around the three realms of existence (the realm of desire, the realm of form, the realm free of greed or matter) and the six lower worlds (hell, hungry ghosts, beasts, Asura, human beings, heaven) by way of retribution based on cause and effect, i.e. karma. For Vietnamese Buddhists, who believe that a good cause in this world will bring forth a good effect in the next world, and that a bad cause in this life will bring forth the opposite, it is clear that they will likely pray for happiness in the next life and accumulate good karma in this world. Moreover, the Chinese Buddhism that was introduced from neighboring China in the period of Chinese rule (2nd century BC to 10th century AD) is inseparably linked with China’s indigenous religion of Taoism and the political ethics system of Confucianism, that was implemented by successive generations of Chinese court regimes. The religious beliefs of the Vietnamese people blend, on top of a Chinese Buddhist foundation, ancient Vietnamese folk beliefs such as animism, that sees spirits in the natural world, and shamanism, which believes in communication with those spirits. The pattern of beliefs for the remaining 20% of the Vietnamese consists not only of Christianity, Islam and Hinduism, but also Taoism and the animism (indigenous spirit belief)-based belief systems of Thien Hau (Ma To), Cao Dai and Hoa Hao. While Vietnam is a socialist republic, different religions are allowed to coexist, entangled with a characteristic Vietnamese popular belief at the base of each religion.

In the daily lives of many Vietnamese people, ancestor worship based on Confucianism and a belief in the spirits of the dead (a belief in departed spirits that was formed in the fertile ground of the indigenous spirit beliefs) has been alive for many generations. The system of ancestor worship in Vietnam is an indigenous practice that has been active since before the birth of Christ, and existed in Vietnam before the influence of Chinese civilization. Under the influence of Confucianism, which was introduced during the period in which Vietnam was ruled by the Han dynasty, and that came to be considered Vietnam’s state religion since the 15th century

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1 A new religion that is composed of the five religions of Confucianism, Taoism, Buddhism, Christianity (Catholicism), Islam on a foundation of indigenous spirit worship. At the time of its establishment in Tay Ninh province in 1926 by the government official Ngo Van Chieu it was obviously a political resistance group against France, and in 1941 the Japanese army occupying the southern part of French Indochina approached it as part of its policy in opposition to France. The Cao Dai army that was formed in 1945, was disbanded and disarmed by the South Vietnamese government after the end of the first Indochina war in 1955.

2 A Buddhist new religion blending Buddhism and Confucianism on an indigenous religious foundation. Its founder Huynh Phu So [1919–1947] deployed contra-French and contra-communist activities commanding a private army from their base in the Mekong Delta [1945–1955]. He organized in 1946 a national people’s front for Vietnam’s independence from France, and then set up the Vietnam Social-Democrat party and became its leader, but was assassinated by the Viet Minh [1947]. In 1955, the South Vietnamese government disbanded and disarmed the Hoa Hao army.
century, Vietnam’s traditional ancestor worship has been theoretically rebuilt, and has become stronger as an indigenous religion. In Vietnam, a country incorporated into the sphere of Chinese civilization for the 2000 year period from before the birth of Christ up to the year 1887 when France established its government-general for French Indochina (which included Tonkin, Annam, and the colony of Cochin-China), the Confucianism-infused people have, in general, valued their parents highly and regarded the tradition of performing ancestor worship with the utmost care. In Confucianism, the highest ethical value is that of filial piety. This means both bearing offspring and not letting the religious rites for the ancestors die out. However, since there has been a national one-or-two-child policy in place since 1960, the birth of a male successor has been preferred in Vietnam. The patriarchal ways of Vietnamese people, in which it is believed that the ancestral religious rites have to be performed by the eldest son of each generation continuing the bloodline, and that adopted sons without a blood relationship will bring misfortune to the family, are still firmly rooted even today. The traditional cultural ways of ancestral rites performed by the eldest son form the real metaphysics of the Vietnamese, the Vietnamese doctrine. Married couples who do not produce an heir are criticized as lacking in filial piety. Particularly in case of the eldest son and his wife, the wife is sometimes forced to even resign herself to a situation where her husband has a child with a mistress. Although bigamy was abolished in 1959, the existence of husbands with a second unregistered wife for the reason that their first wife is incapable of bearing a child is, even now, not uncommon in Vietnam. If the second wife bears a son, her status as one who has given birth within the family increases. Not to mention that when the

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1 Since 1954, abortion is legal (until the 22nd week of the pregnancy), but abortion for reasons of sex selection is illegal (The Population Ordinance [2003]) in Vietnam. Hereafter, Decree number 114 [2006] prohibiting prenatal sex selection, and Decision number 3698 (2006) prohibiting embryo sex determination by ultrasonic diagnosis and sex selective abortion, have been enacted. (Vietnam doctor ‘alarmed’ at number of abortions of baby girls in Year of the Dragon [Thanh Nien News December 12, 2012] / Sex-selective abortion in Vietnam: Practice and Policy, by Hang Tran, Department of Anthropology, College of Asia and the Pacific, ANU, August 2010). Vietnam has the highest abortion rate in the world. The factors that are pushing up this rate can be pointed out as, besides cases of Vietnamese women, especially women in rural areas where 75% of the people of Vietnam live (General Statistics Office of Vietnam, 2010), choosing to abort female fetuses because of the pressure of having to bear a son under the state’s one-or-two-child policy, also the increase of teenage pregnancies caused by unprotected sexual interaction. (Vietnamese Abortion Rates Skyrocket; Doctors Anguished by the Killing [LifeSiteNews.com, March 22, 2010] / Abortion causing huge gender imbalance in Vietnam, UN admits [LifeSiteNews.com, Dec 10, 2010] / M.J. Pashigian: The Growth of Biomedical Infertility Services in Vietnam: Access and Opportunities, FVV in ObGyn, 2012, Monograph: 59–63)
In the vicinity of Hanoi’s Dong Binh market there are many private clinics specialized in abortion, and it is perceived that there are close to 100 cases of abortion per day. ([VIET JO, 2011/07/10])
formal wife bears a son as her first child, it will give her the opportunity to, even if she is young, solidly grasp the family leadership. Since such societal norms are strong, the inclination of the wealthy with financial leeway to wish for legally prohibited sex selection is therefore stronger.

Based on the national resources survey for FY 2009, and reflecting this national Vietnamese characteristic, the ratio of sexes in Vietnam was an unbalanced 111.6 to 100. Since the first quarter of FY 2012, the Year of The Dragon, which is considered a good year to have a son in East Asia, showed a sex ratio of 112.3 to 100, authorities predicted that by the end of the year that ratio would be 113.5 to 100. As a result of the active administrative guidance of the Vietnamese government in the North Vietnamese province of Hung Yen where a 130.7 to 100 male-female ratio was the highest in the nation in 2009, information concerning the disadvantages of an increasing sex ratio and the punishment of medical facilities where pregnant women had been informed of the sex of their unborn child at pregnancy checkups had helped to decrease this ratio in 2012 to 120 to 100. Nevertheless, Hung Yen province’s sex ratio still remains much higher than the standard international value for male-female ratio of 104 to 100. In the background of Hanoi-born Mrs. Minh’s choice for Hung Yen province’s factory workers as her supply base of surrogate mothers lies the fact that traditional Vietnamese societal customs are still strongly alive in that province. The peculiar numerical value of the sex ratio in Hung Yen province symbolically tells the story of the traditional manners and customs of the Vietnamese people.

2. APPROACHING THE INTEGRALIST STANDPOINT BY VIRTUE OF CONTEMPORARY BIO COS MOLOGY (NEO-ARISTOTELISM)

As such, and it was expressed during the 6th International seminar on Biocosmology in Kumamoto (2013) – contemporary development of Biocosmology

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1 However, in the case of infertile couples, there is research evidence that they do not have a preference when it comes to the sex of the child that will be born. In a questionnaire, filled in by 118 infertile couples and 28 men and women who visited Binh Dan Hospital and Tu Du Hospital in Ho Chi Minh, 25% of the couples wished for the birth of a son, 2.5% of the couples wished for the birth of a daughter, and the remaining 77.5% had no sex preference for the child. (Consequences of infertility in developing countries: results of a questionnaire and interview survey in the South of Vietnam [J Transl Med. 2006; 4:54] This survey cannot be trusted completely. It is not clear whether the infertile couples are eldest son couples or not. In the patriarchal centralistic society of Vietnam, it is thought that infertile women married to an eldest son will strongly desire the birth of a son.

2 Sex-selective abortion in Vietnam: Practice and Policy, by Hang Tran, Department of Anthropology, College of Asia and the Pacific, ANU, August 2010

3 Vietnam doctor ‘alarmed’ at number of abortions of baby girls in Year of the Dragon [Thanh Nien News December 12, 2012]

4 Vietnam’s parents want a dragon son [Guardian Weekly, Tuesday 14 February 2012]

Biocosmology (neo-Aristotelism) has the twofold essence: A) this is a form of (neo)Aristotelism; B) this is an exploratory approach (disposition) that advances the Triadic approach and self-evaluates Biocosmology (neo-Aristotelism) as just one of the Three equal (super)systems or cosmologies. The former (Biocosmology as the contemporary form of neo-Aristotelism) is substantially reducible to the fundamental principles of Aristotle’s scientific Organicism: the Biocosm – Hylomorphist – world outlook; Organicist physics and metaphysics; Four-causal aetiology (with the leading role of teleodriven causes); Functionalist telic methodology; bio-socio-Kosmist\(^1\) anthropology and universalizing Bio-sciences (of all types: natural, social, formal and human); and Noospheric and co-evolutionary global sociocultural development.

The notions “cosmology” and “sociocultural supersystem” are synonyms in the given context. Each “cosmology” designates the autonomic and all-embracing (or referring to everything) sphere (realm) of knowledge. “Supersystem” is the notion taken from Pitirim Sorokin’s “cyclic dynamic socioculturology”, substantiated in his main work “Social and Cultural Dynamics” (1937–1941). Essentially, basing on an extensive array of supportive objective data – Sorokin concluded that the Euro-American culture (characterized by him as a Sensate supersystem which always exists synchronously with the two other types of supersystems – Ideational and Integral) had passed its peak and was beginning a state of decline. Instead, in strict accordance with Sorokin’s theoretically substantiated prognosis – the era of the dominance of Integral supersystems had begun (thus, embracing ethical research as well). From now on, as Sorokin wrote, “the stars of the next acts of the great historical drama are going to be: besides Europe, the Americas, Russia, and renascent great cultures of India, China, Japan, Indonesia, and the Islamic world.” (Sorokin 1957, p. ii-iii)\(^2\).

Therefore, nowadays it is natural to integrate the cognitive and practical means from both poles of sociocultural organization (of the Sensate and Ideational types). Inasmuch as Biocosmological approach relates precisely to the pole of Aristotle’s scientific and sociocultural Organicism (and has direct correlations with the type of Ideational supersystems), which are paternalistic in its essence and correspond with the Asian paternalism, including that of a conservative Vietnamese society, then, reasonably – Biocosmological (neo-Aristotelian) approach may be of certain interest to Vietnamese sociologists and bioethicists. Indeed, in this case – they get in their hands the means from both poles of rational scholarly knowledge: of modern human-centrism and the priority of highly technological sociocultural development, and, concurrently (for the Integralist synthesis) – the use of the opposite Organicist

\(^1\) The letter “K” in the “Kosmist” points out to the Ancient notion of Kosmos (which signifies cosmos-world as the all-embracing Organicist Kosmos), i.e. – to the ancient Greek rational cosmism.

approach and naturalistic scholarly endeavors to understand real forms of paternalist wholeness and well-being of the society.

In other words, Biocosmological (neo-Aristotelian) approach can serve as a good means for Vietnamese bioethicists and sociologists (and governmental structures) – to meet the challenge of establishing and developing a truly Integralist approach (and corresponding social laws) for the regulation of reproductive medical issues. In this perspective, the bioethical “Three levels structures analysis”-conception of Prof. Takao Takahashi\(^1\) (which was the main topic of the bioethical meeting in Kumamoto), including its interrelation with the Triadic (Biocosmological) approach – and aiming at the development of scholarly Integralist studies in bioethics – likewise can be of certain interest and use.

**Conclusion**

Childless married couples will likely feel inhibited in a conservative Vietnamese society that attaches extreme importance to ancestor worship and celebration, and infertility, accounting for 7 to 10% of the entire population, is causing great pressure and leading infertile Vietnamese women to divorce\(^2\). Although the Vietnamese government has by decree prohibited surrogacy with the goal of preventing confusion in the mother-child relationship, in order to meet cultural expectations of the family that demand they are to be blessed with a child, infertile Vietnamese women living in this traditional patriarchal centralistic society are craving for, together with public traditional infertility treatment methods that are nearby and easily accessible, assisted reproductive technology (ART) in cities such as Hanoi and Ho Chi Minh. It can be inferred that the Vietnamese societal customs of ancestor celebration with its abundance of ancient ritual and its traditional patriarchal centralistic values have formed a rather tolerant breeding ground for surrogacy. The challenge of scholarly Integralist approach and the use of contemporary Biocosmology (neo-Aristotelism) likewise has been introduced into the given research.

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\(^2\) Hospital brings hope to infertile couples [Thanh Nien Daily: May 06, 2011]


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