The One-Child Policy and Reproductive Justice: Son Preference, Sex Selection, Violence and Demography

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Introduction

The year 1980 began with an open letter from the Communist Party of China announcing a new planned fertility policy, commonly known as the One-Child Policy (hereafter the OCP). An extreme culmination of coercive family planning policies of the 1970s, the Party, led by Deng Xiaoping, wrote that the OCP would address "problems in such areas as feeding the entire people, clothing them, housing them, providing adequate transportation, education, public health care, and employment." (Nie, 2014) From 1980 to 2016, China embarked on a family planning campaign unprecedented in scale, brutality of enforcement, and demographic consequences. Government imposed restrictions on fertility inherently violate reproductive rights. In this paper, I examine the effects of the One-Child Policy on reproductive justice1, including how it exacerbated existing issues of son preference, sex selection, and violence against women and girls, and stripped women of their reproductive rights through forced abortion. I provide policy recommendations to address the demographic and economic consequences of the OCP, and to eliminate son preference, sex selection, and government control of women's reproduction.

Background

The OCP was not China's first attempt to reign in an overblown population. Mao Zedong's overzealous pro-natality during the Great Leap Forward was dampened slightly in 1962, when the Chinese government announced its new position in favor of "birth planning" (Zhang, 2017). However, a few years later, family planning was labelled "rightist" under the Cultural Revolution (Zhang, 2017). The Chinese population soared from 450 million in 1949 (Park, 2012) to over 800 million two decades later (Zhang, 2017). It was not until 1971 that Mao again called for population control. For the next decade, an intensive family planning campaign was carried out under the slogan "later, longer, fewer" (Zhang, 2017). While not as coercive as the following OCP, this voluntary campaign entailed detailed monitoring of women's reproductive activity, as well as a significant increase in IUDs, sterilization, and abortion (Zhang, 2017). The campaign encouraged women and men to marry no earlier than ages 23 and 25, respectively, and to have no more than two children, spaced at least three years apart.

Deng Xiaoping, a strong proponent of population control, replaced Mao after his death in 1976 (Zhang, 2017). Long concerned about a Malthusian-style population crisis, Deng crafted the OCP in 1979 and officially announced it in 1980, promising a transformation of the nation from "its state of poverty and backwardness." (Nie, 2014) Population was viewed as a key component of China's poverty, inequality, and slow economic growth. Hong Kong economist Junsen Zhang hypothesized that "Deng may have viewed population control as a method of raising the GDP per capita of China." (Zhang, 2017) The Communist Party of China viewed the OCP as a long-term solution to overpopulation that favored quality over quantity; the goal was "fewer but healthier births" (Nie, 2014) for the common good of all people. China had seesawed back and forth between

¹ Reproductive justice differs from reproductive rights. The term reproductive rights often refers to the legal right to contraception and abortion, while reproductive justice is more holistic, and refers to the right to have children, to not have children, and to parent children in a safe and healthy environment (Our Justice).

nationalist pro-natalism and nationalist anti-natalism; the government switched rapidly from encouraging high fertility rates, to encouraging birth planning, to condemning birth control, to finally implementing strict fertility policies. The official position on family planning varied according to the political climate of the time. The OCP was the only fertility policy that stuck.

China was not the only state taking drastic measures to address Malthusian fears of resource shortage caused by overpopulation. Bangladesh, Indonesia, and notably, India, participated in extreme family planning campaigns, which often involved force and coercion. In the 1970s, the World Bank, the United Nations Population Fund, and the Swedish International Development Authority loaned India large sums of money to use towards population control. In 1975, a state of emergency was declared, Indians' civil liberties were suspended, and millions of men and women underwent forced or coerced sterilization. An estimated 2,000 men died from botched vasectomies in 1975 alone. State-mandated sterilization quotas mean women are still being forcibly sterilized in modern day, and an unknown number die as a result (Doshi, 2016; Iyengar, 2014). Family planning in India and elsewhere has often been attached to provision of necessities and even cash (Biswas, 2014). Bangladesh currently offers stipends to women who choose tubal litigation, IUDs, and hormonal birth control implants, and to men who have vasectomies ("Family Planning", 2018). The attachment of long-term birth control and permanent sterilization to money and other goods means that poor people, particularly women, are most vulnerable to state sterilization campaigns, resulting in a sort of class-based eugenics practice.

Policy Implementation

Initially, the OCP targeted everyone, but particularly those living in highly populated urban areas. There were four variations of the OCP, which granted the right of more than one child to select groups (Ebenstein, 2010). Thus, the name One-Child Policy is misleading; it also differs significantly from the literal translation of the policy, which is "planned fertility" (计划生育) (Nie, 2014). Generally, those in urban work zones were allowed one child; those in rural areas were allowed 1.5 children, meaning they were permitted a second child if the first was a girl, resulting in an average of 1.5 children per woman; those in autonomous regions were allowed two children; ethnic minorities, such as Tibetans, who were completely exempt, were allowed many exceptions (Ebenstein, 2010). Later on, the nature of enforcement and punishment for violating the OCP favored the wealthy, resulting again in a sort of class-based eugenics.

Scale, extremity, and violence characterize the OCP and distinguish it from other family planning campaigns in human history. The Chinese government estimates that over 300 million births were prevented as a result of the policy (Nie, 2014), nearly equal to the population of the United States. The OCP was enforced ruthlessly. Fines and fees were the first measures used by family planning officials, government workers who, at every level, were responsible for implementing the OCP and inflicting punishment on violators. Women who exceeded their allowed pregnancies were given the option to pay a birth fee or fine to be allowed the excess pregnancy. Fines could be low, less than 1,000 USD (Kan), or as high as over 54,000 USD in an extreme 2013 case involving a woman who attempted to sell a kidney to pay her birth permit fine (Wee, 2013). Even when fines were in the hundreds of USD, they were often the equivalent of years, or even decades, of families' incomes (Kan; Wee, 2013). These fines served multiple purposes—to ensure adherence to the OCP, instill fear in those who wanted excess children, and provide revenue for family planning officials.

"The less developed the area, the more dependent the government is on birth-control fines, because they have very little tax revenue," said Wu Youshui, a Chinese lawyer. "Some village and township officials have told me explicitly: 'This is how we make money.'" (Wee, 2013) In this way, fines for violating the OCP served as bribes to family planning workers. The consequences of not paying a birth fine were in some ways worse than a jail sentence. Children born to parents who had failed to pay their fines were not granted *hukou* (戶口), an identification document that allows Chinese citizens access to education, healthcare, transportation, employment, financial services, and even marriage. Former Beijing law professor Yang Zhizhu stated, "China is a country in which one is unable to move without documentation" (Wee, 2013). Living in China without a hukou is like being an undocumented immigrant in one's own country. There are an estimated 13 million undocumented children living in China (Wee) as a result of the OCP. Using fines as an enforcer for the OCP ensured that wealthy families were able to get around the law and have more children, while the penalties disproportionately affected the lower and middle classes, preventing them from over-reproducing.

In addition to cash fines, punishments for violating the OCP included destruction and theft of property, threats, violence, and dismissal from government positions, many of which were formalized (Ebenstein, 2010). The most extreme enforcement of the OCP was forced abortion. In addition to dismissal from employment, destruction of homes, hefty fines, and intimidation, some family planning officials took things several steps further, and kidnapped women and used coercion or physical force to terminate their pregnancies, sometimes past the legal gestational limit, even into the third trimester of pregnancy. Mei Fong, Chinese journalist and author of "One Child," recalled, "between your conception and your delivery date, all bets are off—they can make you" (Gross & Fong, 2016). The most well-known case of forced abortion in China is the infamous case of Feng Jianmei, who at age 22, was forcibly aborted at 28 weeks' gestation in Ankang, Shaanxi province (Jiang, 2012). Feng's account includes allegations of stalking, kidnapping, intimidation of her family, and coercion, culminating in a forcible lethal injection of her fetus and subsequent induced delivery of the stillborn baby. Images of Feng in a hospital bed next to the deceased baby circulated wildly across Chinese social media, prompting what is believed to be the only official apology on the part of the Chinse government for the atrocities committed in the name of the OCP (Jiang, 2012). Lack of recognition by the Chinese government has not entirely stopped the international community from discovering this violent truth. At the 2009 United States Congressional Tom Lantos Human Rights Commission Hearing, an anonymous woman under the alias Wujian testified that she had been forcibly aborted in China in 2005. Echoing Feng's accusations of organized kidnapping and intimidation, Wujian testified that she was tracked down by family planning officials and was threatened with violence against her family if she did not agree to an abortion:

"Eventually, the Family Planning government officials found out about my pregnancy. So they searched all over trying to arrest me, and while they could not find me, then they caught my father instead. They put my father into the detention center and beat him every day. On the fourth day after they caught my father, one neighbor came and told me that my father was dying: they would continue beating my father — even to death — until I went to the local hospital to get abortion. My heart was broken into pieces as I faced this terrifying dilemma: either my father or my baby, one of them had to die, and I had to make the decision." (Testimony)

Though there are not reliable estimates of how many forced abortions were performed under the OCP, Wujian stated in her testimony that when she arrived at the hospital, there were hundreds of other women assembled there for forced abortions. Her nurse allegedly told her that ten thousand forced abortions had already been completed in China in that year alone (Testimony, 2009). Also commonplace during the OCP era were forced sterilization and long-term birth control methods, such as IUDs (Kan, 2016). In these ways, women's reproductive rights were thoroughly stripped, often violently.

Son Preference in China

Violence against women and girls was committed both by the state and by individual actors in the name of the OCP over the 35 years it was in place. When committed by the state, the violence included forced abortion and assault, as described above. Parents, however, are thought to have been responsible for violence on a much larger scale. Sex-selective abortion, femicide, and abandonment of female children are associated with the OCP, but son preference has existed in China for much longer. Son preference exists for a combination of economic and cultural reasons, which vary between and within countries and time periods. Chinese son preference is largely based on patrilineal cultural practices, including ancestral worship and the Confucian emphasis on continuing family lines (Jiang, Li, & Feldman, 2011; Gross & Fong, 2016). It is also practical. China's patriarchal economy promises greater financial returns for men than women, making sons literally more valuable than daughters. The lack of a social security system for the elderly also makes sons the only source of financial support for their parents in old age (Gross & Fong, 2016; Lu & Tao, 2015). A Chinese saying goes, "investing in in a daughter is like pouring water onto another's field" (Murphy, Tao, & Lu, 2011). This refers to "the patrilocal custom under which daughters join the husband's family upon marriage, essentially making daughters an economic liability to their natal homes." (Lu & Tao, 2015) Further, son preference is rooted in ancient, pandemic woman hating that survives even favorable economic circumstances and cultural practices.

Sex Selection

Before the OCP was implemented in China, parental stopping often occurred after the birth of a son. With fertility rates sometimes exceeding six children per woman (Park), several successive daughters simply prompted more births. The OCP made this impossible; women had one, sometimes two chances to produce a son, or both parents would lose their old-age financial security and social status, and the father his familial lines. The pressure created by this policy, its strict enforcement, and ruthless punishment combined with the spread of ultrasound technology in the 1980s prompted a surge of sex-selective abortion. Government family planning officials went so far as to distribute portable ultrasound machines in rural areas, strongly enabling the practice. Most often, women practiced sex selection after their first birth; this is demonstrated by extremely skewed sex ratios at second birth compared to relatively normal sex ratios at first birth. Sex ratios of each pregnancy are independent of past and future pregnancies, meaning there should be an about equal proportion of female and male babies at each birth parity. However, during the period of the OCP, a female first birth greatly increased the chance of birthing a son at second birth, which proves sex selection in the form of abortion, femicide, abandonment, adoption, or in some cases, "hiding" daughters. Additionally, in 2000 Chinese census data, there is a statistically significant

increase in the amount of time elapsed between birthing a daughter and then birthing a son, as compared to the time between birthing two daughters or two sons. This implies that something happened between the first and second births when a son follows a daughter that did not occur with other gender combinations and is not explained by biology (Ebenstein, 2010).

Sex selective abortion was but one method of ensuring the birth of a son. Thought to be less common, but still a viable solution, infanticide was committed by some parents who were not able to abort a female fetus but wanted to try for a son again. There are no official figures on the prevalence of femicide, so researchers can only estimate what proportion of China's "missing women" are missing due to sex-selective abortion versus infanticide. The term "missing women" was coined by economist Amartya Sen to describe the skewed sex ratio at birth (SRB) produced by wide-spread sex selection under the OCP. Decades of sex selection have created an estimated shortage of 30 million females in the Chinese population, though some estimates place the numbers even higher.

In addition to sex selective abortion and femicide, one theory behind the missing women phenomenon in China is that couples simply put daughters up for adoption domestically and abroad. The adoption theory has been disproven in the domestic and international contexts. Firstly, if daughters were adopted within China, they would still be part of the Chinese census, and we would not see the shortage of 30 million females, since they would have simply been moved around. Second, the rate of international adoption of Chinese children accounts for only a "negligible share" of the missing women (Ebenstein, 2010). There is, however, a slightly less sinister explanation for at least some of China's missing women than sex-selective abortion and femicide, though it is indisputable that these practices did occur as a direct result of the OCP. At least a small proportion of missing women were simply not registered at birth. These "hidden" daughters were not given hukou, the identification document described earlier, and in many cases could therefore not access education or healthcare (Kan, 2016). Such children had to be hidden from family planning authorities to avoid fines or other punishments. Hiding daughters allowed couples to try again to conceive a son.

Intentional sex selection is combined with other manifestations of son preference to cause a shortage of females in the Chinese population. In poverty, son preference results in "fewer investments in girls' health and nutrition." (Murphy, Tao, & Lu, 2011) This can be deadly; even though corruption and the OCP have together encouraged the Chinese government to underreport child mortality rates (defined as deaths between ages 0-4) (Jiang, Li, & Feldman, 2011), they are much higher for females than males in China (Murphy, Tao, & Lu, 2011; Ebenstein, 2010; Jiang, Li, & Feldman, 2011). Differential child mortality rates are a component of the skewed sex ratio. Arguably, child death as a result of inadequate healthcare or nutrition is a route of more suffering than that of elective sex-selective abortion. Though it is unlikely that this manifestation of son preference was caused by the OCP, the policy reinforced, validated, and economically incentivized the sexist ideologies behind unequal distribution of resources based on sex.

Present Consequences

While the goal of the OCP was to decrease fertility to manage overpopulation, the policy was too effective in discouraging reproduction. The fertility rate in China has dropped below replacement

level, to 1.6 children per woman (CIA, 2017). This has resulted in a high dependency burden; there are no longer enough young people to support the elderly, many of whom were born during the population boom of the Great Leap Forward. Perhaps upon realizing the consequences of such a low fertility rate, in 2013, at the Third Plenary Session of the Eighteenth Communist Party of China Central Committee, the OCP was modified to allow a second child to couples if at least one parent was a single child themselves (Jiang, 2018). This liberalization was intended to increase fertility rates, and ideally slow the aging of China's population. Unbeknownst to the Communist Party, natality is not as flexible as public policy, and fertility rates did not accelerate quickly enough to shift China's unbalanced age distribution (Jiang, 2018). It is not certain why liberalizing the OCP did not immediately cause a surge in births as predicted. Possible reasons include the rising cost of living—particularly in urban areas, where an increasing proportion of the population lives—which de-incentivizes childbearing.

Under international pressures to increase fertility rates and save the Chinese population from total collapse, in 2016, the OCP was officially dissolved and replaced with a universal two-child policy (Jiang, 2018). Just as in 2013, this policy change did not bring about the desired results, nor did it come in time to correct the demographic issues China faces. The Chinese population is now oversaturated with elderly people, many of whom do not have enough children to provide them with economic security in their old age. Additionally, low fertility rates have caused a gradual decline in the working-age population. In a country as populous as China, a labor shortage sounds absurd, but indeed, there has been a recent increase in rural-to-urban migration to fill gaps in the labor market (Isler, 2009). The combination of a shrinking labor force and rising dependency burden could be disastrous.

Another present consequence of the OCP is the 30 million missing women's corresponding 30 million excess men, many of whom are terminal bachelors. Concerns are rising about the effects of such a large number of men being unable to find girlfriends, wives, and ultimately, reproductive partners. Economically speaking, this poses a problem for the men who do not secure financial support for their retirement in the form of a wife or child. The "bride shortage" is driving up the bride price, which disproportionately affects the marriageability of poor, rural men (Erickson, 2018). Some fear that the 30 million bachelors of China may start to breed social unrest, increase rates of prostitution, sex trafficking, and "imports" of brides from abroad (Erickson, 2018; Isler, 2009; Jiang, Li, & Feldman, 2011).

Beyond tangible economic and demographic problems caused by the OCP, the policy has inflicted much physical and emotional trauma, especially upon women. The impact of the state forcing thousands of women to have abortions against their will cannot be quantified, nor can the pain of parents who lost their only child too late in life to have another (Graham-Harrison & Phillips, 2015).

Policy Recommendations

The OCP worsened the skewed SRB and lowered the fertility rate too much. These two problems are reinforcing in nature. The skewed SRB worsens the problem of low fertility. A shortage of women translates to a shortage of potential mothers. The 30 million missing women of China can

easily lead to even more missing women, when the corresponding 30 million excess males cannot reproduce.

In addressing the multi-faceted economic and social issues created by the OCP, it is not enough to simply repeal the policy and carry on as usual. Now that the OCP is no longer in effect, it is essential that the Chinese government takes steps to eliminate deeply ingrained son preference, from both an economic and ideological standpoint. Following in the footsteps of South Korea, Taiwan, and India, in 2003 China banned fetal sex determination to eliminate sex selective abortion. Though morally questionable, this policy has been effective in evening out the skewed SRBs of other countries, especially in South Korea (Jiang, Li, & Feldman, 2011). The policy has not yet reduced the SRB in China, evidence that "laws alone cannot alter the deep-rooted ideology of gender discrimination." (Jiang, Li, & Feldman, 2011)

Several policies would increase women's economic value, which should discourage sex selection. Changing inheritance laws to allow unmarried women to inherit property would chip away at some of the underlying reasons for son preference. Further, if China increases the penalty for gender discrimination in employment, which is currently set at a mere 1,000 China Renminbi (~150 USD) (Workplace Discrimination, 2018), women's labor market opportunities will improve. To level the playing field pre-labor market, China should subsidize education for girls and women up to the post-secondary level. While the Chinese government should not adopt explicitly pro-natalist policies, as they do not have a good track record in ethically dictating fertility, they should incentivize fertility by subsidizing primary and secondary education, childcare, and healthcare, which are expenses that are prohibitive to having children in China (Jiang Q). Perhaps most importantly, China must de-incentivize son preference by creating a social security system and centralized healthcare system. This last policy change would be the most complex and expensive of the state's many options, but could be the most effective if the government truly wants to make steps towards eliminating son preference; it must be logistically practical for families to value daughters, after all.

To address the current labor shortage, the Chinese government should liberalize immigration policies to support an influx of new workers, as well as ease the process of receiving a work visa. Investing more in foreign students could also bring potential laborers into China after completing their education there. To slow excessive rural-to-urban migration that has become an issue as a result of the urban labor shortage, the government's development initiatives must prioritize rural areas by focusing on providing healthcare, education, and other social services in underserved, remote provinces. This would make it more attractive to remain in rural areas and increase the opportunity cost of rural-to-urban migration.

Conclusion

The One Child spanned thirty-five years and prevented an estimated 300 million births. This unprecedented and inimitable policy was enforced using brutality, violence, and corruption as tools of control. China's motivations to curb excessive population growth were largely fueled by Malthusian politics popular at the time of the OCP's implementation in 1980. The government hoped that the OCP would bring about a reduction in fertility rates that would improve living standards and economic development for all. Unfortunately, contrary to its goal, the OCP was

harmful in a number of economic and social ways. Firstly, the OCP exacerbated the issue of son preference, and led to violent sex selection, which has caused a shortage of 30 million women from the Chinese population. Secondly, an unknown number of Chinese were victims of violence and coercion at the hands of the state, creating trauma and mistrust of the government. Thirdly, the OCP so severely lowered fertility rates that China now faces a demographic crisis consisting of a depleted workforce and an aging population that lacks financial security. Finally, there are great negative social consequences of devaluing women, economically and ideologically, for decades: many men are left without potential partners, the devaluation of women and girls has been sanctioned by the government, and violence against women, including prostitution and human trafficking, is expected to increase as a result of a male-skewed population. To attempt to correct the errors of the past, the Chinese government should take measures to increase the economic and social value of daughters by updating inheritance laws, cracking down on gender discrimination in education and employment, create a social security system for the elderly, enforce its fetal sex determination ban with more fidelity, subsidize goods and services associated with childbearing, and encourage migration while developing rural areas. Ultimately, the government must also attempt to make amends for the violence, corruption, and trauma that were inseparable from the OCP itself.

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