

**The London School of Economics and Political Science**

**Law, State and Society in the PRC:  
A Case Study of Family Planning Regulations  
Implementation at Grassroots Level in Rural China**

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Doctor of Philosophy

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## **Declaration**

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## **Abstract**

This thesis investigates in depth the implementation of family planning regulations in China at the grassroots level with a focus on the period from the 1990s to the end of the 2000s, and the social environment in which such implementation takes place. The main evidence sources were collected during 5 months of fieldwork, and include close observation, in-depth interviews, questionnaires, archival records (secondary and official data), statistical data, and internal reports. Since the 1990s, China has experienced rapid economic development and has also introduced a new democratic system into the village: the village committee election. Thus in addition to the resistance caused by the traditional reproductive culture, these new factors also present themselves as obstacles to the smooth implementation of the family planning regulations. By adopting political science institutionalism theory and a socio-legal research method, this research aims to analyse the factors influencing the grassroots level officials' implementation in a broad social environment. Following an explanation of the formal and informal organizational settings of the town family planning agency, this thesis also explores the town family planning officials' degree of autonomy in implementation and the criteria they apply to their own decision-making. This thesis argues that family planning implementation in the grassroots rural China has been influenced by the following factors: the formal and informal organizational structures, new democratic system influences, the economic development level, employment conditions, culture and convention, the relationships among various interest groups, and family planning officials' understandings of their work, as well as the imperfect legal environment. All these factors interact with each other to bring about the complexities and discrepancies in implementation.

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## **Abbreviations**

CPC	Communist Party of China
CPPCC	Chinese People Political Consultative Committee
FP	Family Planning
FPC	Family Planning Commssion
MCCB	Maternity &Children Care Bureau
NHFPC	National Health and Family Planning Commission
NFPC(SFPC)	National Family Planning Commission
NPC	National People's Congress
NPFPC(SPFPC)	National Population and Family Planning Commission
PRC	People's Republic of China

# Chapter 1 Introduction

## 1.1 Introduction

In the last few centuries, there has been a growing preoccupation with human life. More and more aspects of human life became objectives of the modern state, such as health, welfare, environment and reproduction. In Western countries, with their developmental concerns shifting from family control to reproductive health, reproductive rights have been widely defined as an autonomous right.<sup>1</sup> However, contrary opinions emerged from developing and undeveloped countries. In these countries, how to improve living conditions for their large sized populations was the first task of their states. Autonomous reproductive rights were thought to make no sense for those people who do not have enough food to feed themselves, nor appropriate living space, or any chance of education.

In China, although famine had been largely averted since the liberalisation of the PRC in 1949 (despite notable exceptions<sup>2</sup>), the provision of textile and other light industries, and the nutritional needs of the populace were still barely met until the 1980s. The phenomenon of three generations comprising 6-7 people (two grandparents, 1 or 2 young couples and their children) living in a 2-3 room flat was very common until the end of the 1990s. There were severe traffic problems also experienced throughout China, especially during public holidays.

Thus, there has been a diverse range of attitudes to population policy in developed and undeveloped countries since the Second World War. The European countries worried about how replacement rates could be guaranteed; while the problem in Asia

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<sup>1</sup> See Emily Jackson, *Regulating Reproduction: Law, Technology and Autonomy* (Oxford: Hart, 2001).

<sup>2</sup> Except those catastrophic years of 1959, 1960, and 1961.

- China and India especially - was how geometrical growth could be reined back. Examples of these contrary stances are the promotion of reproduction in France and the limiting policy in China.

In China, after the first census in 1953, the government realized that the rapid increase in population would cause a supply shortage in the long term, which would be a heavy burden to China.<sup>3</sup> However, with the interruption of the Cultural Revolution, it wasn't until the end of the 1970s that overpopulation was considered the biggest obstacle to economic development. It was believed that a lower population would bring in speedier economic development.<sup>4</sup> As a result, a 'one-child' population policy was launched in 1979. This policy was aimed as being part of an integrated policy for modernization.<sup>5</sup>

In order to influence Chinese people's reproductive behaviour in practice, three steps have been taken by the Chinese government. They are: the making and evolving of the PRC's population regulations; the creation of a family planning administration system with its own rules; and enforcement of those rules on the persons or institutions they seek to influence or control.<sup>6</sup> The last two stages are as vital as the

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<sup>3</sup> Zhou Enlai, "The Principal Task of the First Five Years Constructive Plan (*Diyige Wunian Jianshe Jihua De Jiben Renwu* 第一个五年建设的基本任务)," in *A Whole Series of China's Family Planning (Zhongguo Jihua Shengyu Quanshu 中国计划生育全书)*, ed. Peiyun Peng (Beijing: China Population Press (*zhongguo renkou chubanshe* 中国人口出版社), 1977).

<sup>4</sup> See, Thomas Robert. Malthus, *An Essay on Population (1798 Version and 1803 Edited Version)* (London: Routledge, 1996); Jian Song and Jing-Yuan Yu, *Population System Control* (New York: Springer-Verlag, 1988).

<sup>5</sup> China's one-child policy has been criticized by many western scholars as violating human rights. However the morality or quality of China's population policies is not the topic of this thesis. This thesis investigates only but how China's population policies have been implemented, and how the real implementation compares with the aims set out by the policies, irrespective of whether those aims are good or bad.

<sup>6</sup> Robert Baldwin and Martin Cave, *Understanding Regulation: Theory, Strategy and Practice* (Oxford, New York: Oxford University Press, 1999). p.96.



first one, and are the practical stages that exert their influence on reality. This thesis concerns primarily these two practical stages.

Because of China's traditional culture of pronatalism and son-preference, the implementation of this rule in practice highlights some of the fundamental and crucial issues in law implementation in general more than any other legislative initiative in China. This research is an attempt to provide an in-depth understanding of how and to what extent the population rules<sup>7</sup> have been disseminated to society by these local agencies, with a particular focus on the 1990s and 2000s.

In 2013, China's one-child policy was relaxed: now all couples are allowed to have a second child if one parent is an only child. Following this central government guideline, most provinces revised their provincial regulations concerning the childbearing numbers in 2014. Meanwhile, following the reorganization of the family planning institutions at the state level in 2013, the provincial family planning organizations have merged with the health department in most provinces, while sublevel reorganizations have not yet started in many regions at the time of writing, the end of 2014. As this change occurred during the later stage of this research, the contents of this thesis focus mainly on the pre-2013 regulations. Although some of this research will soon cease to be up-to-date, particularly parts of chapter 3, which discusses the contents of the family planning regulations, and chapter 4, which examines the administrative structure of the family planning agencies, the other parts' analysis could still reflect the current situation, because the practical work done by the grassroots level family planning officials still remains the same.

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<sup>7</sup> In this thesis, the family planning regulations refer to all the family planning rules and legislation.

## 1.2 Research Method

China's population regulations are decentralized rules that differ from province to province, and also vary between urban and rural areas. It is impossible for any single project to provide a whole picture to cover all areas of China. Therefore, this study will only focus on the practical implementation of the PRC's population rules and law in a selected rural area of China.

In China, the population rules are decentralised. Because of China's vast geographical space, unprecedented social change, uneven economic development, diverse cultural milieu, and unique ideological evolution, it is hard for the central government to formulate a concrete and centralised population regime, which is applicable to all local circumstances. Therefore, in order to increase flexibility but keep within the framework of central government's general direction, the province/municipality level is authorised to make its own local population rules to match the local conditions. The rules are then delivered down to the prefectural level, then the county level, and then finally the town/township/district level.<sup>8</sup>

In addition to the complexity of the decentralised rules, the PRC's population regulations also vary between rural and urban areas. Generally speaking, there has been a one-child policy in urban areas and a one and a half-child policy in rural areas - rural families could have a second child if their first child was female.

In urban areas, the communities are mainly organised by the people's work unit system—*danwei*. During the 1980s and the 1990s---the formulation periods of the PRC's main population law and rules---these *danwei* provided not only a secure job

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<sup>8</sup> Village is not considered as a formal part of local government. There is more discussion on this in later parts.

and pension, but also children's education, housing benefit, etc. Therefore, implementation in the urban areas has been heavily reliant on the cooperation between the district and street level family planning officers and these *danwei*.<sup>9</sup> In rural areas, the communities are organised into villages. The family planning regulations are mainly implemented by the town level family planning officers with the assistance of village cadres.

However, since the 1990s, the decline of the *danwei* system has created new challenges for urban family planning regulations. Thus, in addition to the resistance caused by the traditional Chinese reproductive culture: 'The growth of the private sector, the slow revival of a labour market, increasing social mobility and new personal freedom,'<sup>10</sup> which all caused further resistance to the implementation.

### 1.3 Literature Review

Although much attention has been focused on the PRC's population regulations, most studies were carried out during the 1980s and the 1990s, and mainly focused on the first stage of law making and its initial evolution. Little is known about the current practical situation concerning the enforcement of the PRC's population regulations at the grassroots level. This research is an effort to fill that void.

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<sup>9</sup> Research on policy and implementation in China's rural areas. See Ashwani Saith, "Economic Incentives for the One-Child Family in Rural China," *The China Quarterly* 87 (September) (1981); Mei Ling Hsu, "Growth and Control of Population in China: The Urban-Rural Contrast," *Annals of the Association of American Geographers* 75, no. 2 (1985); Elisabeth J. Croll, Delia Davin, and Penny Kane, *China's One-Child Family Policy* (London: Macmillan, 1985); Tyrene White, "Implementing the 'One-Child-Per-Couple' Population Program in Rural China: National Goals and Local Politics," in *Policy Implementation in Post-Mao China*, ed. David M Lampton (Berkeley: University of California Press, 1987); Susan Greenhalgh, "Controlling Births and Bodies in Village China," *American Ethnologist* 21, no. 1 (1994).

Urban areas, See Hsu, "Growth and Control of Population in China: The Urban-Rural Contrast."; Cecilia Nathansen Milwertz, *Accepting Population Control: Urban Chinese Women and the One-Child Family Policy*, vol. 74, Nordic Institute of Asian Studies Monograph (Richmond: Curzon, 1997).

<sup>10</sup> Thomas Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development* (New York: Routledge Curzon, 2003). p.331.

Since the end of the 1970s, extensive research has been carried out into the PRC's Population and Family Planning Law and Policy. This research has provided valuable knowledge of the origins and development of the PRC's Population and Family Planning regulations. Demographers contributed to the formulation and evolution of the PRC's population rules.<sup>11</sup> In addition, the social consequences of these rules have also been examined by anthropologists and feminists,<sup>12</sup> such as the conflicts between the Production Responsibility System and the early stage birth

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<sup>11</sup> See, Lynn C. Landman, "China's One-Child Drive: Another Long March," *International Family Planning Perspectives* 7, no. 3 (Sep.) (1981); Saith, "Economic Incentives for the One-Child Family in Rural China."; Croll, Davin, and Kane, *China's One-Child Family Policy*; Judith Banister, *China's Changing Population* (Stanford: Stanford University, 1987); H. Yuan Tien, *China's Strategic Demographic Initiative* (New York: Praeger, 1991); Gabe T. Wang, *China's Population: Problems, Thoughts and Policies* (Aldershot: Ashgate, 1999); Susan Greenhalgh and John Bongaarts, *Fertility Policy in China: Future Options* (New York: Population Council, Center for Policy Studies, 1986); Susan Greenhalgh, *The Evolution of the One-Child Policy in Shaanxi Province, 1979-88* (New York: Population Council, 1989a); *Just One Child: Science and Policy in Deng's China* (Berkeley, Calif: University of California Press, 2008); Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*; Susan Greenhalgh and Edwin A Winckler, *Governing China's Population: From Leninist to Neoliberal Biopolitics* (Stanford; Calif: Stanford University Press, 2005); Tyrene White, *China's Longest Campaign: Birth Planning in the People's Republic, 1949-2005* (Ithaca, N.Y.: Cornell University Press, 2006).

<sup>12</sup> Some of the better research in this area includes. See Siu-Lun Wong, "Consequences of China's New Population Policy," *The China Quarterly* 98, no. June (1984); Erika Platte, "China's Fertility Transition: The One-Child Campaign," *Pacific Affairs* 57, no. 4 (Winter) (1984-1985); Croll, Davin, and Kane, *China's One-Child Family Policy*; Susan Greenhalgh and Jone Bongaarts, "An Alternative to the One-Child Policy in China," *Population and Development Review* 11, no. 4 (1985); Marlyn Dalsimer and Laurie Nisonoff, "The Implications of the New Agricultural and One-Child Family Policies for Rural Chinese Women," *Feminist Studies* 13, no. 3 (Fall) (1987); Penny Kane, *The Second Billion: Population and Family Planning in China* (Harmondsworth: Penguin, 1987); T Hull, "Recent Trends in Sex Ratios at Birth in China," *Population and Development Review* 16, no. 1 (1990); Dudley L. Poston and David Yaukey, *The Population of Modern China*, The Plenum Series on Demographic Methods and Population Analysis (New York: Plenum Press, 1992); Yi Zeng et al., "Causes and Implications of the Recent Increase in the Reported Sex Ratio at Birth in China," *Population and Development Review* 19, no. 2 (1993); Susan Greenhalgh, Chuzhu Zhu, and Nan Li, "Restraining Population Growth in Three Chinese Villages: 1988-93," *ibid.* 20 (1994); Susan Greenhalgh, "Fresh Winds in Beijing: Chinese Feminists Speak out on the One-Child Policy and Women's Lives," *Signs: Journal of Women in Culture and Society* 26, no. 3 (2001); "Planned Births, Unplanned Persons: 'Population' in the Making of Chinese Modernity," *American Ethnologist* 30, no. 2 (2003a); "Missile Science, Population Science: The Origins of China's One-Child Policy," *China Quarterly* 182 (June) (2005b); Zhu Zhao, "Population Policy Formation and the Impact of the Only-Child Population Policy on the Family in the People's Republic of China" (The American University, 1994); Susan Greenhalgh and Jiali Li, "Engendering Reproductive Practice in Peasant China : The Political Roots of the Rising Sex Ratios at Birth," *Signs: Journal of Women in Culture and Society* 20, no. 3 (Spring) (1995); Elisabeth J. Croll, *Endangered Daughters: Discrimination and Development in Asia* (London: Routledge, 2000); LiangYing Tan, "Changing Mindsets: How China's Abnormal Sex Ratio Is Turning Its Government into a Champion of Gender Equality," *Asian Journal of Comparative Law* 3, no. 1 (Article 2) (2008); Yong Chu, "Prenatal Sex Determination and Sex-Selective Abortion in Rural Central China," *Population and Development Review* 27, no. 3 (2002); Margery Wolf and Roxane Witke, *Women in Chinese Society* (Stanford: Stanford University Press, 1975).

control policy;<sup>13</sup> and the population policy's effects on Chinese women and girls because it embodies gender inequality and gender disparity, and puts women's bodies and psychological social well-being at risk due to the mandatory implementation method, as well as leading to an unbalanced sex ratio and female infanticide, abandonment and discrimination.<sup>14</sup> Other effects of the population policy have been labour shortages,<sup>15</sup> a change in age distribution,<sup>16</sup> a widening of the rural-urban divide,<sup>17</sup> unplanned birth,<sup>18</sup> and changes to the personality of the single-child, the family structure and traditional Chinese culture. Furthermore, social scientists and political scientists have also discussed the political dynamics of the PRC's population rules.<sup>19</sup>

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<sup>13</sup> See Lee-Jay Cho, "Population Dynamics and Policy in the Peoples's Republic of China," *Annals of the American Academy of Political and Social Science* 476, China in Transition (Nov.) (1984); Judith Banister, "Population Policy and Trends in China, 1978-83," *The China Quarterly*, no. 100 (Dec) (1984); *China's Changing Population*.

<sup>14</sup> See Dalsimer and Nisonoff, "The Implications of the New Agricultural and One-Child Family Policies for Rural Chinese Women."; Greenhalgh and Winckler, *Governing China's Population: From Leninist to Neoliberal Biopolitics*.

<sup>15</sup> See Leo F. Goodstadt, "China's One-Child Family: Policy and Public Response," *Population and Development Review* 8, no. 1 (Mar.) (1982).

<sup>16</sup> Ibid.

<sup>17</sup> See Greenhalgh and Winckler, *Governing China's Population: From Leninist to Neoliberal Biopolitics*.

<sup>18</sup> See Greenhalgh, "Planned Births, Unplanned Persons: "Population" in the Making of Chinese Modernity.

<sup>19</sup> See Tyrene White, "Post-Revolutionary Mobilization in China: The One-Child Policy Reconsidered," *World Politics* 43, no. 1 (1990); "Birth Planning between Plan and Market: The Impact of Reform on China's One-Child Policy," in *China's Economic Dilemmas in the 1990s: the Problems of Reforms, Modernization, and Independence [Study Papers Submitted to the Joint Economic Committee, Congress of the United States]* (Washington DC 1991); "Two Kinds of Production: The Evolution of China's Family Planning Policy in the 1980s," *Population and Development Review* 20, Supplement: The New Politics of Population: Conflict and Consensus in Family Planning (1994a); "The Origins of China's Birth Planning Policy," in *Engendering China: Woman, Culture, and the State*, ed. Christina K. Gilmartin, et al. (Cambridge, MA: Harvard University Press, 1994b); Edwin A. Winckler, "Chinese Reproductive Policy at the Turn of the Millennium: Dynamic Stability," *Population and Development Review* 28, no. 3 (Sep.) (2002); Greenhalgh and Winckler, *Governing China's Population: From Leninist to Neoliberal Biopolitics*; Susan Greenhalgh, *State-Society Links: Political Dimensions of Population Policies and Programs, with Special Reference to China* (New York: The Population Council, 1990a); "Science, Modernity, and the Making of China's One-Child Policy," *Population and Development Review* 29, no. 2 (June) (2003b); "Missile Science, Population Science: The Origins of China's One-Child Policy."; *Just One Child: Science and Policy in Deng's China*.

The vital part played by the *implementation* of the PRC's population rules has also been widely studied. Using translated Chinese press and radio reports, interviews with Chinese officials or analysis of official Chinese reports on fertility, most research findings concentrate on the implementation methods at the macro state or provincial level rather than describe the actual process.<sup>20</sup> These works have found that some factors are related to the implementation of China's population rules: the influence of the political system; the coercive method of birth planning and economic incentives; the Household Registration system as a unique system of government control; improved health care; education; a "dual contract" system linking family planning with agricultural production; mobilization campaigns; and/or the family planning administrative systems. However, without empirical data, most of this research can only provide general pictures rather than precise accounts.

A small amount of research carried out in-depth observation studies in isolated local areas at street level in urban areas and at village and county level in rural areas.

Regarding the urban areas, Milwertz published *Accepting Population Control* in

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<sup>20</sup> See Saith, "Economic Incentives for the One-Child Family in Rural China."; Lucy Jen Huang, "Planned Fertility of One-Child/One-Child Policy in the People's Republic of China," *Journal of Marriage and the Family* 44, no. 3 (Aug.) (1982); John S. Aird, "Population Studies and Population Policy in China," *Population and Development Review* 8, no. 2 (Jun.) (1982); Croll, Davin, and Kane, *China's One-Child Family Policy*; Banister, *China's Changing Population*; Karen Hardee-Cleaveland and Judith Banister, "Fertility Policy and Implementation in China, 1986-88," *Population and Development Review* 14, no. 2 (1988); Judith Banister and Christina Wu Harbaugh, *China's Family Planning Program: Inputs and Outcomes* (Washington DC: U.S. Bureau of Census, 1994); Jiali Li, "China's One-Child Policy: How and How Well Has It Worked? A Case Study of Hebei Province, 1979-88," *Population and Development Review* 21, no. 3 (1995); Herbert L. Smith et al., "Implementation of a Demographic and Contraceptive Surveillance System in Four Countries in North China," *Population Research and Policy Review* 16, no. 4 (August) (1997); Susan E Short and Fengying Zhai, "Looking Locally at China's One-Child Policy," *Studies in Family Planning* 29, no. 4 (1998); Edwin A Winckler, ed. *Re-Enforcing State Birth Planning*, Transition from Communism in China: Institutional and Comparative Analyses (Boulder: Lynne Rienner, 1999); Wang, *China's Population: Problems, Thoughts and Policies*; Laogai Research Foundation, *Better Ten Graves Than One Extra Birth: China's Systematic Use of Coercion to Meet Population Quotas* (Washington, D.C.: Laogai Research Foundation, 2004); Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*; M. Giovanna Merli, Zhenchao Qian, and Herber L. Smith, "Adaptation of a Political Bureaucracy to Economic and Institutional Change under Socialism: The Chinese State Family Planning System," *Politics & Society* 32, no. 2 (2004); White, *China's Longest Campaign: Birth Planning in the People's Republic, 1949-2005*; Greenhalgh and Winckler, *Governing China's Population: From Leninist to Neoliberal Biopolitics*.

1997<sup>21</sup> based on fieldwork undertaken during 1984-87 in Beijing and Shenyang. By using 'everyday life theories', Milwertz elaborated how urban city district one-child mothers experienced policy implementation, and how family planning workers interacted with these mothers, as well as the very meaning of 'acceptance'.

Regarding the rural areas, Kaufman *et al.* did their fieldwork in four rural counties of Fujian and Heilongjiang in 1987.<sup>22</sup> They found out that the local officials (county level family planning officials) exercised certain degrees of discretion on policy interpretation depending on the local economic situation. They concluded that economic and political changes did influence (weaken) the capacity and desire of local officials to enforce the population policy.

Susan Greenhalgh later published several papers based on her fieldwork in Shaanxi villages. In her 1993 work,<sup>23</sup> she noticed the discretion of the village cadres, when they were the enforcement agency, in the enforcement of population policy. She ascertained that economic reform has an influence on the village cadres' behaviour and influences the implementation outcome. Finally, she concluded that the village cadres not only implemented the policy in an informal way but also influenced formal law making by communicating to the upper levels. In her 1994 work,<sup>24</sup> co-authored with Zhu and Li, based on the same fieldwork location of Shaanxi, she confirmed the Kaufman *et al.* finding that political pressure is the most important factor in successful population policy implementation in rural China. Later on, she

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<sup>21</sup> Milwertz, *Accepting Population Control: Urban Chinese Women and the One-Child Family Policy*, 74.

<sup>22</sup> See Joan Kaufman et al., "Family Planning Policy and Practice in China: A Study of Four Rural Counties," *Population and Development Review* 15, no. 4 (1989).

<sup>23</sup> See Susan Greenhalgh, "The Peasantization of Population Policy in Shaanxi: Cadre Mediation of the State-Society Conflict," in *Chinese Families in the Post-Mao Era*, ed. Deborah Davis and Stevan Harrell (Berkeley: University of California Press, 1993).

<sup>24</sup> See Greenhalgh, Zhu, and Li, "Restraining Population Growth in Three Chinese Villages: 1988-93."

modified her opinion of who was the implementing agency. In her work "Controlling Births and Bodies in Village China",<sup>25</sup> she presented the rural village women not only as victims of the population policy but also as implementing agents in practice.

Based on their fieldwork in Shaanxi and Guangdong respectively, Susan Greenhalgh (1993)<sup>26</sup> and Tyrene White (1987, 2006)<sup>27</sup> both held the opinion that the village level officers were the grassroots level cadres who enforced the state policy among the rural populace.

‘The village cadres are firmly rooted in local society; they live in the village, they are linked to villagers by kin and friendship ties, and their livelihood is drawn from village resources.... [Therefore,] [During the period from 1950s to 1980s] when state rules have challenged profoundly held local values or threatened peasant economic security, village cadres have often tried and sometimes succeeded in bending those rules to the advantage of their relatives and neighbours.’<sup>28</sup>

Several conclusions can be drawn from the above review. First of all, this literature provided a detailed analysis of the implementation process at the local county and village levels, which is a valuable supplement to the general studies of population policy implementation. However, the literature also has some critical weaknesses. Principally, most of these works were carried out during the 1980s, more than 20 years ago. Since China's transformation from a Planned Economy to a Market Economy at the beginning of the 1990s and the introduction of more democracy in the political system, such as the village committee elections, the politics, culture and economics of China have changed greatly and widely compared to what Greenhalgh

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<sup>25</sup> See Greenhalgh, "Controlling Births and Bodies in Village China."

<sup>26</sup> "The Peasantization of Population Policy in Shaanxi: Cadre Mediation of the State-Society Conflict." p.220.

<sup>27</sup> White, *China's Longest Campaign: Birth Planning in the People's Republic, 1949-2005*. 85. It was argued that the village level cadres played a crucial role on the success of the birth planning campaign by providing penetration and surveillance, and monitoring all village childbearing-age women.

<sup>28</sup> Greenhalgh, "The Peasantization of Population Policy in Shaanxi: Cadre Mediation of the State-Society Conflict." p.220.



and Kaufman saw at that time. It is important to have an updated work to reflect the current situation.

Secondly, both Susan Greenhalgh and Tyrene White were of the opinion that the village level cadres, the village women leaders and the village committee members were the actual enforcement officers in rural China. However, my argument is that the grassroots level is really the township/town level rather than the village level. Neither of these two studies provided a systematic investigation of China's hierarchical government system and family planning administrative system. Therefore, it is difficult to understand why village level cadres might not be the grassroots level officials even though they were involved in most law and policy enforcement. At the village level, the family planning cadres (*cun ji jihuashengyu zhuanguanyuan*<sup>29</sup> 村级计划生育专管员) are directly administered by the Family Planning Office at the town level. Firstly, as Tyrene found, the main function of village cadres in terms of family planning enforcement is providing penetration and surveillance. These functions are vital to the successful enforcement of family planning but are only part of what caused compliance. The main work is carried by the township/town level family planning officers. Secondly, the village cadres do not have the authority to carry out enforcement without orders from the township/town level government or family planning office. Hence it is the township/town family planning office which is the agency authorized to ensure compliance with and enforcement of family planning. In conclusion, the village level family planning

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<sup>29</sup> In this thesis, the *Pinyin* (拼音) Romanization system has been used in addition to Simplified Chinese characters. The *Pinyin* system is different from the Wade-Giles system (used in Taiwanese). Chinese names are cited in *Pinyin* but retain their Chinese order: the family name comes first, followed by the given name.

cadres are not the grassroots level agencies but rather are better described as assistants of the township/town level agencies.

Thirdly, Kaufman's and especially Greenhalgh's work did point out that the local cadres' discretion regarding enforcement was influenced by economic and political factors. Milwertz established the interrelationships between the local family planning worker and the local women. However, in addition to the local women, local families, and local family planning officers, some other actors have also been involved in the implementation, such as police registration officials, hospital staff, other professionals and the media. In addition, economics, politics and culture are only part of the factors which have influenced the decision making of the local cadres. More broad factors, such as social norms, values, relationships, power structures, and standard operating systems have all influenced the decision making of the local cadres and thus in turn the enforcement outcomes. Therefore, a systematic study is needed to understand the institutional environment in which the practical policy enforcing takes place.

In conclusion, previous studies have mainly focused on policy implementation during the 1980s and the 1990s, and they have underestimated other institutional environments by overemphasizing the influence of economics and politics. Some important institutional factors were missing, namely the structure of the organisations and the other interest groups.<sup>30</sup> The structure of the organisations, including the intra-government and inter-government relationships of the family planning organisations, not only determines these enforcement agencies' officials interests and pushes them

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<sup>30</sup> Scharping provided a description of the organisations involved in the PRC's population enforcement network, such as: CPC, family planning commissions, other government organs, medical network, academic bodies and mass organizations. However, his work did not elaborate on how these organisations interact with each other during the implementation process. See Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*.

in a certain direction, but also determines the fundamental decisions of the power structure in the decision making process. Without this structural analysis, it is hard to understand the officials' behaviour during implementation and what influences their decision-making. It is also important to emphasise that the previous studies are over 20 years old. During these 20 years, many things have changed, for example, professional opinion on population control, reproductive culture, as well as a newly developed economic and democratic environment. Therefore, this study of the population policy implementation environment at the grassroots level and the discretion of local cadres will contribute to a more systematic and updated understanding of China's current state, society and family relationships.

#### **1.4 Research Objectives**

This study has a number of specific objectives. They are:

- (1) To identify and understand China's family planning organizational structure and the grassroots level family planning officials work environment.
- (2) To identify and understand what are the institutional environment factors that have influenced the family planning implementation and how these factors interact and interplay with each other.
- (3) To identify and understand the level and nature of the grassroots officials' discretion and autonomy over the family planning regulations implementation.

#### **1.5 Conceptual Framework**

This thesis will use institutional theory as the analytical framework to analyse the implementation environment of the PRC's family planning regulations. Institutional

theory explains the impact of institutions upon the policy process, with an emphasis that implementation processes need to be placed in their constitutional and institutional contexts. However, as some scholars pointed out, institutional theory is an empirically based approach involving systematic analysis of the decision-making environment rather than a theory as such.<sup>31</sup>

Various definitions of institutions have been given by sociological and organizational theorists. More recently, the 'new' institutionalism is in vogue in political science, sociology and economics. This study will mainly focus on the political science institutionalism approach. This method removes the focus from the formal institutions and puts it on to the individual actors within the political structure and their relationships with other interest groups.<sup>32</sup>

The 'old' institutionalism was mainly concerned with studies of administrative, legal and political structures.<sup>33</sup> In the 1950s and early 1960s, this approach was opposed by advocates of behaviouralism. They criticized the old institutionalism because by focusing just on the formal structures it did not explain what was really happening. They argued that informal distributions of power, attitudes and political behaviour had more influence and that they were more important for explaining and understanding the politics and the political outcomes. In conclusion, institutional theory can be defined as an examination of a policy process, which includes both the

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<sup>31</sup> G. John Ikenberry, ed. *Conclusion: An Institutional Approach to American Foreign Economic Policy*, The State and American Foreign Economic Policy (Ithaca, N.Y.: Cornell University Press, 1988). p.241.

<sup>32</sup> Julia Black, "New Institutionalism and Naturalism in Socio-Legal Analysis: Institutional Approaches to Regulatory Decision Making," *Law & Policy* 19, no. 1 (1997). p.58.

<sup>33</sup> Sven. Steinmo, Kathleen Ann. Thelen, and Frank Hoover Longstreth, *Structuring Politics: Historical Institutionalism in Comparative Analysis* (Cambridge: Cambridge University Press, 1992). p.3.

process of the decision making and decision behaviour.<sup>34</sup> These processes are influenced by an institutional environment where there are established formal organizations and sets of norms, values, relationships, power structures and 'standard operating procedures'.<sup>35</sup> In addition, the focus of this theory should not simply be upon the institutions of government, but also other interest groups.

With regards to this research, the approach of political science institutionalism helps to build up a complete picture of the family planning regulations implementation process in a broader socio-legal environment at the grassroots level in rural China. In the legal environment, even for those rules that seem to be precise, the officials are still responsible for handling complex individual cases and for deciding what the law requires and how to achieve it. During this process, the officials make use of discretion for the enforcement of the rules. However, this legal regime and this process of implementation happen in a social context too; therefore the fuller social environment should also be considered. Thus, by adopting this theory, the present research will analyse how the socio-legal environment has influenced the implementation of the family planning policies in practice. Such influences on the family planning office include the culture, the economic development level, the organisational structure (not only the family planning agency but also the inter-relationships and intra-relationships between the family planning agency and other

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<sup>34</sup> See Keith Hawkins, ed. *The Use of Legal Discretion: Perspectives from Law and Social Science*, The Uses of Discretion (Oxford: Clarendon Press, 1992); "On Legal Decision-Making," *Washington and Lee Law Review* 43, no. 1161-1242 (1986). D.J. Galligan, *Discretionary Powers: A Legal Study of Official Discretion* (Oxford: Clarendon Press, 1986).

<sup>35</sup> See Steinmo, Thelen, and Longstreth, *Structuring Politics: Historical Institutionalism in Comparative Analysis*. Walter W. Powell and Paul J. Dimaggio, eds., *The New Institutionalism in Organisational Analysis* (Chicago: University of Chicago Press, 1992); Paul J. Dimaggio and W.W. Powell, "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields," *American Sociological Review* 48, no. 1 (1983); John W. Meyer and Brian Rowan, "Institutionalized Organizations: Formal Structure as Myth and Ceremony," *American Journal of Sociology* 83 (1977). W.R. Scott, *Institutions and Organizations: Ideas and Interests*, 3rd ed. (London: Sage Publications, 2008).

government organisations), the organisational setting (for example, employment conditions), and politics (the ‘democratic’ election of village committees) and the relationships among the various interest groups (the policy makers of state and provincial/municipalities governments, the policy implementation agency of town level family planning offices and village cadres, and the policy objectives of families, local work units, hospital and police station). All these factors interact and interplay with each other and bring about the complexities and discrepancies in China’s regulations implementation. In addition, the author also attempts to argue that these institutions created by the PRC’s family planning policy during the past 30 years may serve as a barrier to further policy changes and the development of the official family planning organisations at a later point.<sup>36</sup>

## **1.6 Structure of the Thesis**

This thesis has 9 chapters in total, including the present one.

Chapter 2 sets out the methodology and methods used in this study. Using socio-legal research methods, an in-depth case study is carried out to unfold the process that shaped the grassroots level officials’ autonomy in family planning implementation.

Chapter 3 serves as a background for the whole thesis. It traces the evolution of China’s family planning campaign from the 1950s and the origin of the one-child policy. In addition, this chapter also details the family planning regulations’ allowed number of births for each province. This chapter gives an overall picture of China’s

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<sup>36</sup> See T. Skocpol, *Social Policy in the United States: Future Possibilities in Historical Perspective* (Princeton: Princeton University Press, 1995).

family planning regulations. The data in this chapter was updated in 2008, which is the last version for most provinces before 2013's new revision.

The main analysis develops through Chapters 4, 5, 6, and 7. These four chapters discuss the factors that have influenced the town family planning officials' decision-making, i.e. the organisational structure (not only the family planning agency but also the inter-relationships and intra-relationships between the family planning agency and other government organisations), the organisational setting (for example, employment conditions), the politics (the 'democratic' election of village committees), the economic development level, culture, and the relationships among the various interest groups (the policy makers of state and provincial/municipalities governments, the policy implementation agency comprising the town level family planning offices and village cadres, and the policy objectives of families).

Chapters 4 and 5 explain the organizational structure of the family planning institutions and how it influences the interests of the political actors and, in turn, the implementation outcomes. The family planning organisational structure constitutes a vertical relationship between the grassroots level family planning offices (chapter 4) and the upper level family planning agencies, and a lateral relationship between the grassroots level family planning offices and their same level governments (chapter 5).

Chapter 4 explains the setting and evolution of the family planning administrative system, with particular focus on the county and town levels. Unlike previous research, which explains the organization setting based only on official reports or documents, this chapter investigates the family planning organization's actual setting based on real-life observation. It argues that it is the formal and informal setting of

the family planning administrative system that influences the grassroots level agencies' employment and financial environment, and in turn this environment influences the officials' decision-making.

Chapter 5 discusses the relationship between the family planning organizations and the local government at the town level. By explaining the assessment system, it argues that the town government gives different weight to each task depending on its assessment method. The town government's own decisions on task priority well explained why family planning, an 'unpopular' policy, has been carried out well compared with many other 'popular' policies. Following on, this chapter also argues that the family planning tasks are also weighted by the family planning officials and local government based on the inspection system described in the Population and Family Planning Responsibility Commission (*renkou he jihuashengyu mubiao zeren shu* 人口和计划生育目标责任书) and Leadership Responsibility System (*yibashou fuze zhi* 一把手负责制) and Single Veto System (*yipiao foujue* 一票否决). Finally, this chapter discusses the inability of the current supervision system to constrain town officials' autonomy, and the resulting effects.

Chapter 6 investigates the political influence on enforcement by analysing the obstacles caused by the new democratic system of the village committee election since the end of the 1990s. At the village level, after the democratization of village official elections, the family planning implementation has become more isolated in town level family planning offices. With the intention of gaining more votes in elections, most candidates for village committee members are more willing to take steps towards promoting villagers' short-term economic interests than they are willing to take vigorous action on the family planning regulations implementation.



Village family planning cadres, traditionally the Women's Chairman in most villages, are included as village committee members. They are normally appointed by the village heads. In this sense, the principle of 'appointed by the town, used by the village, paid by the county'<sup>37</sup> has been lost. The town family planning offices have lost their power of inspection over these village family planning cadres, to a certain extent, due to the village committee elections. This not only causes further difficulties in implementing the birth control regulations but also places a heavier burden on town family planning officers regarding job training and information collecting.

Chapter 7 examines how the financial situation has influenced the grassroots officials' decision-making. By exploring the source of China's family planning funding, this chapter concludes that the grassroots level takes a heavier financial burden than its upper level agencies. At the town level, due to the massive load of family planning tasks, extra funding is required in practice to cover the officials' salaries and running costs. Social maintenance fees collected from violators became the main source of these extra funding at the town level. Therefore, the successful collection of fines not only means the completion of the family planning tasks, but also relates directly to how much of the officials' basic salary can be paid.

Based on the analyses of previous chapters, Chapter 8 concludes by looking at the town family planning officials' discretion in implementation. As a result of the family planning assessment system (chapter 5), the town family planning officials' work is mainly focused on the birth-control operations and fee-collections.

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<sup>37</sup> *Xian guan, xiang pai, cun yong* 县管, 乡派, 村用. This phrase means that these village family planning officials were appointed by the town, worked in the village and were paid by the county. However, the current practice is that these officials are paid by the county, and are appointed and work in the village. The town family planning office has lost control over these village level officers.

Influenced by the local economic conditions, government support, family planning funding, as well as the resistance from the local villagers, the town family planning officials often set up their own standards for the fines and birth-control operations.

Chapter 9 offers a conclusion based on all the above findings. In addition, this part also discusses the effects of this one-child policy and the prospective development of this policy in the future.

## Chapter 2 Research Methodologies

This thesis adopted the socio-legal approach. Different from the traditional doctrinal studies of law, socio-legal research is done from a social scientific standpoint to ‘understand the legal system in terms of the wider social structures’.<sup>1</sup> The early socio-legal studies in Britain, represented by Wiles and Campbell, made a distinction between socio-legal studies and sociology of law.<sup>2</sup> In their opinion, socio-legal studies were to be often employed not so much for substantive analysis, but as a tool for data collection.<sup>3</sup> However, there has been a recent trend to view the separation of the sociology of law and socio-legal studies of law as having obstructed the development of the social scientific study of law.<sup>4</sup> In order to better understand the content of law, contemporary socio-legal researchers have been aware of the necessity ‘to transcend beyond the boundaries of established disciplines such as law, sociology, political science or social anthropology’.<sup>5</sup> Using this socio-legal method, the legal system can be considered along with the wider political, economic and social background within which it forms and operates.

### 2.1 Introduction

By using the socio-legal approach, this thesis attempts to examine how the enforcement of the PRC’s Family Planning regulations interrelate and interplay with governance at all levels and with socio-economic conditions. From a macro

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<sup>1</sup> CM Campbell and P Wiles, "The Study of Law in Society in Britain," *Law and Society Review* 10 (1976). p.553.

<sup>2</sup> Ibid. p.553.

<sup>3</sup> Ibid. p.553.

<sup>4</sup> Reza Banakar and Max Travers, eds., *Theory and Method in Socio-Legal Research* (Oxford: Hart Publishing, 2005). p.vi. For a more detailed discussion, see R Banakar, *Merging Law and Sociology* (Berlin: Galda & Wilch, 2003).

<sup>5</sup> Banakar and Travers, *Theory and Method in Socio-Legal Research*. p.vii.

perspective, it is already clear that different cultures, economics and politics can produce different enforcement styles and outcomes,<sup>6</sup> for example, while China has generally been successful on population control, India has generally failed.<sup>78</sup>

In the examination of the governance in China, this study focuses on the official family planning institutions at the bottom level of the PRC's hierarchy system, called the township/town level family planning office. As defined by Jude Howell, governance refers to 'the totality of processes and arrangements, both formal and informal, by which power and public authority are distributed and regulated.'<sup>9</sup> This research analyses two types of bureaucratic system related to the town family planning office. One is the horizontal system between town level family planning office and the town government; the other is the vertical system between the town level family planning office and the upper level family planning institutions. Although villages are not a formal official level, the family planning cadres and village committees are considered to be vital assistants to the town level family planning office. This study illustrates how the family planning agencies' behaviours and attitudes to enforcement have been shaped by this vertical and horizontal governance.

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<sup>6</sup> From a micro perspective, differences can exist even in single agencies. See Robert Baldwin, *Rules and Government* (Oxford: Clarendon Press, 1995). P.143. Charles D. Drake and Frank B. Wright, *Law of Health and Safety at Work : The New Approach* (London: Sweet & Maxwell, 1983). P.24. These works discuss the variations within the Health and Safety Executive's Inspectorates.

<sup>7</sup> "During 1975-1977, India tried a compulsory sterilization program that provoked popular outrage, helped topple India's population growth. This traumatic experience prompted the generalization in the population field that compulsory family planning is more likely to bring down the government than the birth rate. But whereas India failed, China has succeeded so far in persuading some couples and forcing many others to use birth control techniques and drastically limit their fertility." See Banister, *China's Changing Population*. p.1.

<sup>8</sup> Modern China still kept many characters of traditional administrative laws, such as 'a clear principle that the function of the officials despatched from the center for the administration of provinces should be strictly limited', and 'a delegation and accountability system'. See, Geoffrey MacCormack, *The Spirit of Traditional Chinese Law* (Athens: The University of Georgia Press, 1996). pp20-21.

<sup>9</sup> Jude Howell, "Governance Matters: Key Challenges and Emerging Tendencies," in *Governance in China*, ed. Jude Howell (Lanham, MD: Rowman & Littlefield Publishers, 2003). P.2.

In addition, governance and socio-economic conditions are interrelated and interact; both affect the enforcement agencies' discretion on implementing the family planning laws. This study finds that the socio-economic conditions always generate a tension between the enforcement agencies and the local people. As a result, some informal institutions are generated due to this tension, and operate as an alternative resolution. For example, by using their personal networks, a family may obtain a quota from the local family planning office for a second child, which is not allowed under the formal procedure. Or a rich family might find a way to have their unpermitted child born in Hong Kong or overseas. These types of behaviour do not break the law, but break the spirit of the PRC's Population and Family Planning Law. Even if they know all this local information, the local enforcement agencies very often take an informal interpretation of the enforcement of the Family Planning Law. This is normally agreed to by the local government under the table in order to sustain economic development and keep society stable.

## **2.2 Empirical Data Collecting**

This research used mainly the Qualitative case study method. Documentation, archival records (secondary and official data), questionnaires, semi-structured interviews, and direct observations have been employed to collect empirical data for an in-depth analysis.<sup>10</sup> A “grounded theory” approach will direct the data analysis.<sup>11</sup> A tentative theoretical framework will be developed on the ground of empirical data and data analysis (“grounded theory”) for exploring and explaining the implementing process of China's Family Planning Law at the grassroots level.

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<sup>10</sup> For a sufficient discussion of qualitative data collection in case study, see Robert Yin, *Case Study Research: Design and Methods*, 3rd ed. (London: Sage Publications, 2003). pp. 83-108.

<sup>11</sup> For a brief discussion of “grounded theory” approach, see Lesley Noaks and Emma Wincup, *Criminological Research: Understanding Qualitative Methods* (CA: Sage Publications, 2004). pp. 122-127.

In studying China, one needs to be aware how large and complex China remains. Not only does the vast geographical space and widely settled multi-ethnic nationalities make it a country difficult to analyse, but also the unprecedented social changes, uneven economic developments, differing local politics, diverse cultures, and numerous regional dialects all give rise to complex variations at the local level. What is true in one (local) part of China may not be true in another. Therefore, the study of China is either a macro study of the system or the structure of the whole country, or a micro study of a locality, for example, a province, a city or a village, usually through a case study.

The aim of this study is to investigate the implementation of the PRC's family planning regulations, which does not happen at the state level, province or city level, but at the town level and the village level. Given the size and variety of China, such as its geography, dialects, ethnic differences, customs, cultures, and economy, it was decided that a micro study rather than a macro study would better realize this aim. Such an approach allows the investigator to examine how the policy would be perceived and carried out by local people and the first line of policy enforcement. The aim of a case study, focusing on a particular location, is 'to illustrate the general by looking at the particular'.<sup>12</sup> Therefore, though the case study approach is not intended to portray or represent Chinese society as whole, the insights from looking at individual cases can have wider implications.

From August 2009 to Jan 2010, the author successfully undertook five months of fieldwork in a town of S province in China. Data were collected both from primary and secondary sources, drawing on both English and Chinese language materials.

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<sup>12</sup> Martyn Denscombe, *The Good Research Guide: For Small-Scale Social Research Projects*, 2nd ed. (Buckingham [England]: Open University Press, 2003). P.30.

Documentation, archival records (secondary and official data), questionnaires, semi-structured interviews, in-depth interviews, and participant observations have been employed to collect empirical data for an in-depth analysis. 72 persons were interviewed either as individuals or in groups. The interviewees were Chinese government officials, Family Planning officers, Family Planning Association Members, Family Planning Service Station staff, village committee members, retired cadres, local residents, farmers, journalists and scholars. There was also a 700 hours observation of a local township/town's Family Planning Agencies' daily work (more details will be discussed in the Fieldwork section).<sup>13</sup> The primary information gathered was mainly concerned with particular day-to-day situations involving these agencies, whereas the secondary data was used to examine changes that have occurred over time, and help analyse the macro setting and its reflection at the micro level.

### **2.2.1 Site Selection**

In China, on account of geographical circumstances, ethnic composition, and socioeconomic conditions, the territorial units at the provincial level (provinces, provincial-level municipalities, and provincial-level ethnic autonomous regions, excluding the SARs of Hong Kong and Macau) can be classified into three groups:

(i) Developed coastal areas: Beijing, Tianjin, Shanghai, Chongqing, Liaoning, Hebei, Shandong, Jiangsu, Zhejiang, Fujian and Guangdong (the birth rate in these areas, compared with others areas in China, is relatively low but their high-level economic development and newly formed reproductive culture make these areas less representative of China as a whole).

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<sup>13</sup> For a sufficient discussion of qualitative data collection in case study, see Yin, *Case Study Research: Design and Methods*. pp83-108.

(ii) Undeveloped border areas: Inner Mongolia, Xinjiang, Qinghai, Tibet, Yunnan, Guizhou and Guangxi (most residents in these areas are ethnic minorities who enjoy relatively loose family planning control by the state).

(iii) Inland areas: Shanxi, Shaanxi, Gansu, Ningxia, Sichuan, Henan, Hubei, Hunan, Anhui, Jiangxi, HeiLongjiang and Jilin.

The inland area was chosen for the survey location not only because nearly 50% of the total Chinese population resides in this area and the ethnic majority – the Han nationality, who are the main target of the population policy – is primarily settled there;<sup>14</sup> but also because it is the most representative of the general circumstances of the Chinese countryside -- a less complex economy, no special standout cultural background (such as the strong son preference in the Chaoshan Area of Guangdong province, hence called *Chaoshan* culture (潮汕文化),) a less complicated ethnic cultural background, and fewer migration factors. In addition to the above factors, the accessibility and the degree of local co-operation anticipated, as well as the language barriers were also considered. Finally, EY town in QX County of S province was selected as the survey location.

In conclusion, given the general representativeness of this inner area, this research should provide a rich insight into the mechanisms that might likely function in China's other areas (including rural areas). However, given the size and variety of China, research findings from this specific location cannot reflect all problems in rural China as a whole, but will still give a general reflection of the wider situation.

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<sup>14</sup> Most ethnic minorities inhabit the underdeveloped border areas.



## **2.2.2 Fieldwork**

### **2.2.2.1 The First Phase of Fieldwork**

This fieldwork was divided into two phases. During the first phase, the primary methods of investigation were observation and discussion with officers. This was as much an exploratory stage in the research as a period of data collection. It gave me my first opportunity to find out exactly what Town level Family Planning Officers do and discover what issues could fruitfully be pursued in the later stages of my study. The traditional role of observer was adopted during the five-month stay with EY town (of QX county) Family Planning Officers.

During the five months, I joined the officers for the 8 a.m. to 5 p.m. working day and accompanied Family Planning officers during their daily office work and village visits. During weekdays, they spent most of the morning in the office and dealt with such things as administrative duties, planning, training, political studies, and being briefed by the town government or an upper level family planning committee; the afternoon time was mostly spent in the villages on investigating individual cases, general check-ups, collecting unlawful childbirth fees, and arranging work for the village women's chairmen. In addition to visiting the villages, on a fixed date all of the village women's chairmen went to the town family planning office for training and to submit a monthly report of new births, deaths, abortions etc.

As a method for direct data collection, observation differs from most other forms of data collection, which rely more on others' reports. In addition, I believe that my long-term observation method provided more reliable data than the surveys of opinions for two reasons. The first reason is that attitudes and opinions can be checked against their actual behaviour. The second reason is that, after the researcher

gets to know and understand what and why the officers are doing, it is more likely that the officers will give a straight and honest answer during interviews rather than a negligent answer.

#### **2.2.2.2 The Second Phase of Fieldwork**

The second phase of fieldwork comprised more formal methodological techniques than the first, namely in-depth interviews and semi-structured interviews with family planning officers, other government officers, local residents, village committee members (especially village family planning cadres), and villagers.

On the ground of the first phase fieldwork, in-depth interviews were arranged with every officer of EY town family planning office including the town deputy mayor responsible for family planning and the Chief Officer. Most of these interviews were open-ended. Depending on the circumstances at that time, the interviews were carried out either in small groups of 2-3 persons or individually. With our relationships having built up during the course of working with them, they did not simply treat me as a stranger who was interviewing them, but as a friend whom they could talk openly with. Officers generally seemed to enjoy the interviews and even often voluntarily came to me for some discussion and provide me with some more information which they thought might be useful to me or help me better to understand their work. The value of the first phase of fieldwork was perhaps indicated by the number of occasions when officers commented that ‘the researchers like you should really come down to the bottom to see [像你们这些学者，应该多下来基层看看]’, or ‘the grassroots, the grassroots, this is the grassroots, now do you understand? [基层，基层，这就是基层。现在你明白了吧？]’ These comments indicate that they thought observation would lead to a better understanding of their

work rather than quick questionnaires or surveys. These comments also indicate that data collected during interviews after observation might be more reliable than those without observation.

Besides these interviews, I conducted in-depth or semi-structured interviews with other town officials, village committee members, and village women's chairmen. Many ad hoc interviews were also undertaken with local residents, such as farmers, local shop owners, shop assistants, waiters, guests in restaurants, taxi drivers, vegetable vendors, cobblers, and housewives, etc.

In addition, the author also carried out many discussions with journalists of China's Population Newspaper and many scholars both in China and the US.

### **2.2.3 Main Interview Questions**

The interviews, which were partly open-ended and semi-structured, were designed to collect the following information:

1. Local conditions: population of local rural and urban resident, migration levels and their influence on the local economy and culture, local people's average incomes and their sources, the main enterprises in the local economy, accommodation environment (for example, the style, price and surroundings of their homes), average education level, customs and spending on marriage and funerals (the biggest expenses for Chinese in general), childbirth intentions in the local region, views on son-preference, etc.;

2. Personal and family information of the interviewees, such as education level, related experience in family planning work, family income, number of children, accommodation environment etc.;
3. Organisation of the local family planning institutions: procedures of the local family planning institutions, working conditions (office location, office supplements, officers' salary and pension, etc.) and their change over time, and the general financial circumstances over time;
4. Implementation Method: How the main work tasks have been carried out over time, for example: the enforcement methods for controlling the birth rate and migrant levels, the Social Compensation Fees collection methods, the methods for publicising the family planning law and policy;<sup>15</sup>
5. Town Family Planning Office's training system for professional family planning work training, family planning technical services, administrative work, IT, etc., to members of each level's family planning institutions, but especially the town level family planning officers;
6. Town Family Planning Office's fiscal circumstances: main financial resources for the county and town family planning institutions, distribution of funding; fiscal relationships with local government; usage of Social Maintenance fees;
7. Town Family Planning Office's supervision system both by same level government and higher-level family planning institutions;

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<sup>15</sup> Many enforcement and propaganda jobs were carried out during lunch time and the evening, when the villagers in their break, by town family planning officials in the 1980s and 1990s.

8. Family Planning Policy making targets and process, such as the annual birth rate, etc. (questions relating to the provincial level);
9. Family Planning Office's relationships (including fiscal relationships and assistant relationships, as well as informal relationships) with local government, village committees, and higher level family planning institutions, as well as the local residents and farmers;
10. Officers' opinions about the use of informal and formal methods of enforcement;
11. Officers' attitudes towards the PRC's Family Planning Law and policies;
12. Officers' attitudes towards the Family Planning Law offences;
13. Officers' opinions about the cooperation between the Family Planning Office and other departments on family planning control;
14. Officers' opinions about using the court as the resolution method for unenforceable offenders;
15. Officers' opinions about the penalties imposed upon family planning offenders;
16. Officers' opinions about their discretion and constraints on their discretion;
17. Officers' self evaluation of their work;

It should be noted that, due to the nature of this research, which is about the institutional environment and variations between different Family Planning Offices in different locations, the town Family Planning Officers in one office are generally referred to and regarded as a collective individual rather than separate independent individuals.

With this systematic and in depth investigation of the work done by the province, city, county, town and village level family planning administrative institutions, in particular the town level, this research provides a full and in-depth understanding of the implementation environment in which the family planning law and policy is implemented by the grassroots level family planning administrative agencies.

### **2.3 Difficulties**

It is important to emphasize that gaining access for this study posed a few difficulties. The first difficulty is caused by the nature of this research, as the PRC's family planning policy is still a sensitive issue in China. Therefore, in order to have a full understanding of the family planning implementation process at the grassroots level, all of my fieldwork access was gained via the personal relationships. After consideration of the wide variety of local dialects and limited funding, and my knowledge of the local culture and society, a rural area in S province was selected as my survey location. From August 2009 to the beginning of January 2010, my five-month long fieldwork was successfully carried out in this rural area in S province.

During the fieldwork, the grassroots level officials were very open and expressed great interest in my research once they knew that my report would not be used by the upper levels to assess their performance. They were eager to have attention paid to their work. However, in order to protect their confidentiality, assurance of anonymity is given to the location and participating persons in this research.

In addition to the difficulty of gaining access and restricted funding, other difficulties also emerged during the fieldwork. Given the political sensitivity of their work, some interviewees did not answer my questions directly, or else just provided an official response. However, knowledge of the local culture greatly benefited my analysis of

the validity of these answers, and more interviews were carried out in order to remedy this deficiency. In addition, discussions with scholars studying local areas also helped me to fully understand some of those tricky answers.

## **2.4 Ethics**

This research followed the ethics code of the LSE Research Ethics Policy issued in 2008. During the fieldwork, this study and my identity were explained to participants orally. The process and results of any publications of this study can be accessed via email by the participants. The participants were also informed that taking part in the study was voluntary. They were also informed that they could refuse to answer any question which made them feel uncomfortable and they were all offered sufficient time to consider whether they wanted to take part in the interview. Interviewees were also fully aware that the information generated by this study would be published, but their personal information would be treated as strictly confidential and no details would be released, thus preventing the participants from being identified.

During this survey, participants did not fill out consent forms in writing, because they were uncomfortable with signing the form with their name. However, they had given me oral consent and agreed that I could record in writing what they told me in front of them unless they stated that some points should not be made public.

Publicising the location of this research would likely affect the interviewees directly and would likely have influenced their answers, hence the location of the fieldwork, including both province and town, is not to be released, but replaced by codes to conceal their identity. In this research, all respondents are anonymous, except some academic scholars whose opinions have been published.

## **2.5 Conclusion**

This chapter seeks the research methodology applied to this research. By carrying out a case study in a town in rural China, this research investigates the factors that influence the grassroots level agencies' implementation of the family planning regulations from a wide social, economic and political perspective. Based on a wide range of sources of evidence, which comprises quantitative data, interviews and observations, documentations and archival records (secondary and official data), as well as other research results, this thesis provides an in-depth analysis of the implementation environment at EY town.



## **Chapter 3 Contents of China's Population Policy**

### **3.1 Introduction**

In order to better understand China's population policy, this chapter serves as the background and context introduction. As decentralised policies, China's family planning regulations have been mainly made by each individual provincial region according to the local cultural and economic conditions. Therefore, it is necessary to illustrate the evolution of the family planning campaign at the state level, as well as the circumstances at the provincial level. This chapter is divided into three sections: the first section is about the evolution of the state level family planning campaign from the 1950s to pre-2013, with particular focus on the origin of the 1979 one-child policy; the second section gives detailed comparison of the exemptions of China's one-child policy at both state and provincial levels; the third part shows the current changes of China's population policy as well as its prospective future development. These provincial variations also indicated the importance of a micro level study of China's family planning implementation.

### **3.2 The Evolution of China's Family Planning Campaign From the 1950s**

The different stages in the history of China's family planning campaign are a result of China's economic development, scholars' academic research and the central government's understanding of population issues. The motivation for China's family planning campaign changed from protecting and improving women's health, by voluntary family planning and restricting contraception and abortion in the early

1950s, to stimulating economic development,<sup>1</sup> by encouraging, or even enforcing, family planning, in the 1980s. Family planning methods shifted from voluntary family planning in the 1950s, to encouraging birth control from the 1950s to 1970s, then further to mandatory family planning from the 1980s. The family planning regulations extended from raising the legal marriage age, to promoting late marriage, then to focusing on the number of children born. The focus of locations also extended rapidly from urban areas to countrywide from the 1970s.

In 1978 family planning was for the first time included in the PRC's Constitution.<sup>2</sup> The new Marriage Law, which came into effect in January 1981, confirmed that family planning was a duty rather than a voluntary activity.<sup>3</sup> In December 1982, China adopted a new Constitution that reiterated the obligation of married couples to use birth control: 'Both husband and wife have a duty to practice family planning' (*fuqi shuangfang you shixing jihuashengyu de yiwu* 夫妻双方有实行计划生育的义务).<sup>4</sup> The compulsory family planning regulations included not only the legal marriage age and encouragement of late marriage, but also the permitted number of births and contraceptive methods, as well as the fines and punishment methods for those families who broke the rules.<sup>5</sup>

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<sup>1</sup> Family planning became one of the main objectives of economic development at the end of the 1970s. See, "The Constitution of the PRC," (1982). Article 25, "the state advocates family planning in order that population growth is integrated with the economic and social development plan (*guojia tuixing jihuashengyu, shi renkou de zengzhang tong jingji he shehui fazhan jihua xiang shiying* 国家推行计划生育，使人口的增长同经济和社会发展计划相适应)".

<sup>2</sup> See, 1978 Constitution Article 53, "the state advocates and promotes family planning (*guojia tichang he tuixing jihuashengyu* 国家提倡和推行计划生育)."

<sup>3</sup> See, "PRC Marriage Law," (1981). Article 2 and 12.

<sup>4</sup> See, 1982 Constitution Article 25 and 49.

<sup>5</sup> See, Chapter 3 for more details of these regulations.

### 3.2.1 From Protecting and Improving Women's Health to Stimulating Economic Development

From the beginning of the 1950s, young couples generally expected to receive support from the government on contraception and abortion, their incentives being that of more opportunities for work and education as well as an expectation of a better quality family life. However, abortion and contraception in China were still strictly controlled before 1953<sup>6</sup> because of the state's limited ability to produce contraceptive devices, and the lack of funds available to import them from abroad. The state was also concerned about protecting women from unsafe abortion and contraception.<sup>7</sup> After the PRC's first census in 1953, the government realised that a large population size<sup>8</sup> was a double-edged sword, and so a revision of the strict regulations on contraception and abortion was considered.<sup>9</sup> In 1954, the Health Ministry launched a revised regulation:<sup>10</sup> the Report on Improving Contraception and Abortion Issues (*guanyu gaijin biyun ji rengong liuchan wenti de tongbao* 关于改进避孕及人工流产问题的通报). The new regulations cancelled all restriction on

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<sup>6</sup> On April 20<sup>th</sup> 1950, the Health Ministry launched The Regulations for Limiting Abortion for Female Cadres in the Official Departments and Military (*jiguan budui funv ganbu datai xianzhi de banfa* 机关部队妇女干部打胎限制的办法). In 1952, the Ministry of Health introduced another regulation—The Temporary Regulation of Restricted Contraception and Abortion (*xianzhi jieyu ji rengong liuchan zanxing banfa* 限制节育及人工流产暂行办法)—which applied to all Chinese women.

<sup>7</sup> Historically, childbearing had caused a high death rate in China due to the non-professional 'midwife' (*zhuchanpo* 助产婆), as well as unsafe contraception and abortion.

<sup>8</sup> In 1953, Premier Zhou stated that China's population growth was at a rate of 10 million per year. The population would be raised by 100 million after 10 years. Although Chinese farmers prefer more sons and daughters, this rapid increase would cause a supply shortage in the long term. This would be a heavy burden to China. See, Zhou Enlai, "The Principal Task of the First Five Years Constructive Plan (*Diyige Wunian Jianshe Jihua De Jiben Renwu* 第一个五年建设的基本任务)." .

<sup>9</sup> Deng Xiaoping was the first leader in China to support birth planning. As the vice premier of the State Council, he had instructed the health department to amend the regulations of restricted contraception on 11<sup>th</sup> Aug 1953. See, State Population and Family Planning Commission, ed. *China's Population and Family Planning History (Zhongguo Renkou He Jihuashengyu Shi* 中国人口和计划生育史) (Beijing: China Population Press (*zhongguo renkou chubanshe* 中国人口出版社), 2007). p.19.

<sup>10</sup> The Revised Temporary Regulations on Contraception and Abortion (*guanyu xiugai biyun he rengong liuchan zanxing banfa* 关于修改避孕和人工流产暂行办法).

contraception use and production, and also started to provide support and advice on contraception by medical and health officials. This report was the start of China's family planning campaign.

Soon after that, the family planning campaign was clearly affirmed by the central government. In February 1955, the Birth Control Issues Report to the Central Committee of the CPC<sup>11</sup> confirmed that, "... [Chinese couples] should take appropriate birth planning. These voluntary family planning activities should not be restricted in the future. (... *Shi yingdang shidang de jiezhi shengyu; zai jianglai ye buying fandui renmin qunzhong ziyuan jieyu de xingwei*. ... 是应当适当地节制生育；在将来，也不应反对人民群众自愿节育的行为.)" This report acknowledged the earlier mistakes, the "misunderstanding of the family planning issue which had an improper restriction on abortion and contraception" (*dui jieyu wenti quefa zhengque de renshi, mangmu de bu zancheng jueyu* 对绝育问题缺乏正确的认识，盲目地不赞成绝育).

This report also suggested the following methods: widely providing contraception;<sup>12</sup> approving necessary support for voluntary abortion and sterilization; broadly encouraging birth planning and providing professional training on birth control methods to health department staff.<sup>13</sup> The central committee of the CPC approved and published this report on 1<sup>st</sup> March 1955. This was the CPC's first official

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<sup>11</sup> The Health Ministry Party Committee, "The Report to the CPC Central Committee About the Birth Control Issues (*Guanyu Jiezhi Shengyu Wenti Xiang Zhongyang De Baogao* 关于节制生育问题向中央的报告)," (February 1955).

<sup>12</sup> It was planned to provide contraception devices to 10,000,000 fertile women, which was nearly one-third of the population of fertile women in urban China.

<sup>13</sup> State Population and Family Planning Commission, *China's Population and Family Planning History (Zhongguo Renkou He Jihuashengyu Shi* 中国人口和计划生育史). p.27.

document which approved of family planning. For the first time, contraception and abortion were legal in China.

However, extensive fertility control was not considered until the end of the Cultural Revolution. Influenced by the Malthusian<sup>14</sup> and Ma Yinchu<sup>15</sup> theory and the priority need of improving China's economic development, birth control became a nationwide intensive campaign.<sup>16</sup> The signal event for this occurred in 1973 when family planning became one of the objectives of both The Five Year Plan of the State's Economic and Social Development and the Annual Plan (*GuoJia Guomin Jingji he Shehui Fazhan Wunian Jihua he Niandu Jihua* 国家国民经济和社会发展五年计划和年度计划) for the first time.<sup>17</sup> In addition, with the developments in productive technology, most contraceptive medicines and devices could be mass-produced in China. As a result, the contraceptive policy changed from reduced fee (or free) to free of charge to all.

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<sup>14</sup> Malthus theory suggested that without any limitation on marriage and reproduction, China would face a shortage of food and fewer resources and poorer living standards, until population growth was controlled by famine, disease or war. See Malthus, *An Essay on Population (1798 Version and 1803 Edited Version)*.

<sup>15</sup> Ma Yinchu, a China's most famous population studies expert and a prominent economist, had raised an alert that the rapidly growing population would cause economic problems for China (based on his field work in many villages in China) at the beginning of the 1950s. See Yinchu Ma, *New Population Theory (Xin Renkou Lun 新人口论)* (Jilin: Jilin People Press (*jilin renmin chubanshe* 吉林人民出版社), 1997).

However, his opinion was not accepted by the central government. He was wrongly repudiated and criticised for many years until around 1979, when the government leadership realised the close relationship between population size and economic development.

<sup>16</sup> In 1970, Premier Zhou Enlai, in a speech to all the Military Council officials of the Health Ministry (*Weishengbu Junguanhui* 卫生部军管会), stated that family planning was a planning rather than a health issue. See, Peng Peiyun, ed. *A Whole Series of China's Family Planning (Zhongguo Jihuashengyu Quanshu 中国计划生育全书)* (Beijing: China Population Press (*zhongguo renkou chubanshe* 中国人口出版社), 1997). p.136.

From 1968 to 1972, some important departments were controlled by the military in order to control the chaos. Military Councils (*junguanhui* 军管会) were set up in these departments to maintain order.

<sup>17</sup> Y. T. He, ed., *Population Theory in China* (London: Croom Helm, 1980). p.15.

### 3.2.2 From Urban to Nationwide

The family planning campaign focused on the urban areas in the 1960s. But from the beginning of the 1970s, some Chinese leaders had realized that the oversized population could have a negative effect on the economy. As a result, the focus of family planning work, which had concentrated on urban areas, extended rapidly to some rural areas with dense populations, and then countrywide. A nationwide family planning campaign was advocated.

On 6<sup>th</sup> October 1962, the central committee of the CPC and the State Council published the Instructions on the Current City [Development] Work Issues.<sup>18</sup> These instructions clearly stated that, “*Population growth in cities especially big cities should be strictly controlled for the long term (jinhou yige henchang shiqi nei, duiyu chengshi, tebie shi dachengshi renkou de zengzhang, yingdang yange jia yi kongzhi.* 今后一个很长时期内，对于城市，特别是大城市人口的增长，应当严格加以控制.)”. The Minute of the Second City [Development] Work Conference<sup>19</sup> explained briefly why urban areas were selected as the focus of population control. In part 6 of the minute, it stated that:

One of the main reasons for China’s rapid population growth in urban areas is the high birth rate. In urban China population growth rate was 36% in 1962 and estimated to increase to roughly 40% in 1963. The high birth rate in urban areas would neither benefit the state nor its people. Therefore, it is a very important task to promote birth planning and reduce the birth rate. (*Woguo chengshi renkou zengzhang henkuai, chushenglv guogao shi yige zhongyao de yuanyin. 1962 nian, chengshi renkou de chushenglv wei 36%... 1963 nian guji quannian keneng dadao*

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<sup>18</sup> "The Instructions About the Current City [Development] Work Issues (*Guanyu Dangqian Chengshi Gongzuo Ruogan Wenti De Zhishi* 关于当前城市工作若干问题的指示)," (The Central Committee and The State Council, 6th October 1962).

<sup>19</sup> "The Central Committee and the State Council's Instruction on the Approved Minute of the Second City [Development] Work Conference (*Zhonggong Zhongyang Guowuyuan Pizhun Dierci Chengshi Gongzuo Huiyi Jiyao De Zhishi* 中共中央国务院批准第二次城市工作会议纪要的指示)," (*ZhongFa* (No. 699), 22nd October 1963).

40% zuoyou. chengshi renkou chushenglv guogao, dui guojia he geren doushi buli de. Jiji kaizhan jihuashengyu, jiandi renkou de chushenglv, shi yixiang jiqi zhongyao de renwu. 我国城市人口增长很快，出生率过高是一个重要的原因。1962 年，城市人口的出生率为 36%...1963 年估计全年可能达到 40%左右。城市人口出生率过高，对国家和个人都是不利的。积极开展计划生育，减低人口的出生率，是一项极其重要的任务。)

This minute also explained that a lower population growth rate would: reduce the burden on agriculture; release the pressure on living resources and accommodation as well as other public services in urban areas; and improve the education quality of the next generation. It was believed that with a higher-level education and better medical support, population controls would bring better outcomes if applied in urban areas than in rural areas.

The focus was extended to the rural areas in 1962. On 18<sup>th</sup> December 1962 the document “the Instructions for Earnestly Advocating Family Planning (*guanyu renzhen tichang jihuashengyu de zhishi* 关于认真提倡计划生育的指示)”<sup>20</sup> directed that rural areas with a dense population should also start family planning. Some rural areas were selected for pilot schemes in 1964. However, only about 400 counties, which were just 5% of all counties in China, had advocated family planning in practice by 1965.<sup>21</sup> On the contrary, the birth rate in urban areas became lower than that in rural areas from 1964 as a result of the active family planning practice in urban areas. Nevertheless, the overall population in China still grew rapidly despite a reduced urban birth rate. In January 1966, the central committee of the CPC

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<sup>20</sup> "The Central Committee and State Council's Instruction on Earnestly Advocating Family Planning (*Zhonggong Zhongyang Guowuyuan Guanyu Renzhen Tichang Jihuashengyu De Zhishi* 中共中央国务院关于认真提倡计划生育的指示)", (*ZhongFa* (No. 698), 18th December 1962).

<sup>21</sup> State Population and Family Planning Commission, *China's Population and Family Planning History* (*Zhongguo Renkou He Jihuashengyu Shi* 中国人口和计划生育史). p.70.

emphasised that more attention should be paid to rural areas,<sup>22</sup> and family planning work was expanded to the whole country in the 1970s.

### 3.2.3 From Soft Family Planning to Hard Birth Control

During the 1950s and 1960s, the family planning campaign mainly encouraged couples to engage in voluntary family planning by advocating “late marriage” (*wanhun* 晚婚) and “late childbearing” (*wanyu* 晚育) as well as the use of contraception. A late marriage age was considered to be particularly important as frequent childbearing by young women was considered to have negative effects on the health of mothers and their babies. Therefore, during that period, the family planning campaign focused mainly on the regulating of the legal marriage age and late marriage age.

However, the population continued to grow rapidly despite all of the above methods taken. Meanwhile, despite the fact that famine had been successfully averted in China (excepting in the catastrophic years of 1959, 1960, and 1961) through a redistribution of supplies within the state and an improvement to the imports of grain from abroad since the creation of the PRC in 1949, the provision of textile and other light industries enough to meet people’s needs, and supply of the nutritional needs of the populace was still barely met.<sup>23</sup> Furthermore, economic development was further hindered by the initially depressed state of the economy, ill-judged economic strategies, and political disruptions, such as the Great Leap Forward and the Cultural Revolution. In encountering such an expansive increase in the population and

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<sup>22</sup> See, "The Central Committee's Official Comments on Family Planning (*Zhonggong Zhongyang Guanyu Jihuashengyu Wenti De Pishi* 中共中央关于计划生育问题的批示)," (*ZhongFa* (No. 70), 28th January 1966).

<sup>23</sup> This was resolved by the end of 1980s.



sluggish economy development level, China's communist party realized that the current imperative for China is no longer solving class struggle, but to focus on economic development and improvement in living standards.

After Deng Xiaoping assumed control of the party in December 1978, at the Third Plenum of the 11<sup>th</sup> Central Committee, Four Modernization programmes<sup>24</sup> were reaffirmed again, which were in the fields of agriculture, industry, science and technology and national defence. Unfortunately, productivity gains were largely matched by population growth, so that production capacity remained unable to significantly exceed essential consumption needs, particularly in agriculture. Grain output in 1979 was about twice that of 1952, but this was matched by the growth of the population.<sup>25</sup> As a result, little surplus was produced even during the good years. Furthermore, few resources could be spared for investment in capital goods such as machinery, factories, mines, railroads, and other fixed assets that could help increase productivity. The relatively small size of the capital stock caused productivity per worker to remain low, which in turn perpetuated the economy's inability to generate a substantial surplus. In conclusion, up until that time, the 'over-sized' population was deemed by the leadership to be the biggest obstacle to China's economic development.

The high rate of population growth not only hindered economic development and employment opportunities, but also arrested the development of the nation's scientific and cultural standing. With limited investments in education (particularly at the tertiary and technical levels) due to a weak economic base, a large percentage of

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<sup>24</sup> The Four Modernisations were introduced by Zhou Enlai in 1975 at the Fourth National People's Congress, as one of his last public acts.

<sup>25</sup> In fact, this is the reason for the Three Steps Strategy launched in 1987, which still set the first step towards supply of adequate clothing and food for all people.

people had insufficient access to appropriate education or training. In 1981, for example, about 6% of children reaching school age could not enter primary school and about 12% of primary school students could not continue to high school. Overall, only 5% of high school students could enter university.<sup>26</sup> Influenced further by the demographers, the population policy was approached as an integrated policy for modernization, combining wealth-creation, labour and education policy.

As a result, China began a more sustained birth limitation campaign: the focus of the family planning campaign expanded from the legal marriage age and late marriage age to the number of children in each family. In 1973, the first slogan about the desired number of births was coined: “one is not few, two is just right, three is too many (*yige bushao, liangge zhenghao, sange taiduole* 一个不少，两个正好，三个太多了)”.<sup>27</sup> But soon, “two births are ideal” was replaced by the slogan of “one child is the best, but no more than two children (*yige zhenghao, zuiduo liangge* 一个正好，最多两个)” on October 1978<sup>28</sup>. This report was subsequently approved by the Central Committee of the Communist Party of China in [1978] No. 69 document. Then, during January 4th to 17th 1979, State’s Family Planning Leaders Group organized the National Family Planning Office Leader’s Conference (*quanguo jihua*

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<sup>26</sup> Wenming Su, *Population and Other Problems*, vol. 1, China Today: Beijing Review Special Feature Series (Beijing: Beijing Review, 1981).

<sup>27</sup> This slogan came from the “later-longer-fewer (*wan xi shao* 晚稀少)” policy that was announced in the First China’s Family Planning Report of December 1973. “Later” meant marriage at age 23 and 25 for rural women and men respectively while 25 and 27 for urban women and men. “Later” also specifically referred to a late childbearing age of 24 or more in rural areas and a slightly higher age in the cities. “Longer” was defined as a longer interval between two children. It was generally 3 years in the countryside and 4 years in cities. “Fewer” signified that each couple should only have two children in urban areas and no more than three children in rural areas.

<sup>28</sup> It was published in the following report and approved by the CPC on October 1978. See, “The Notification of the Central Committee Approval of the State Council Leading Group for Family Planning’s First Conference Report (*Zhonggong Zhongyang Pizhuan Guanyu Guowuyuan Jihua Shengyu Lingdao Xiaozu Diyici Huiyi De Baogao De Tongzhi* 中央批转《关于国务院计划生育领导小组第一次会议的报告》的通知),” (*ZhongFa* (No. 69), October 26th 1978).

*shengyu bangongshi zhuren huiyi* 全国计划生育办公室主任会议) in Beijing. This conference endorsed the central government's approach, approved the One Child Policy as China's family planning policy. This conference was deemed to be the symbolic adoption of China's 'one-child policy' by politicians and academics.

An editorial of the *Renmin Ribao* (the People's Daily) issued ten days after the conference stated:

We strongly support the policy that each couple should have one child but no more than two. Individual provinces, cities and autonomous regions are allowed to draw up related policies and measures on family planning in accordance with their particular local circumstances. Couples who give birth to one child only will be praised publicly; whilst those couples who give birth to two or more children will suffer economic sanctions. (*Women tichang yidui fufu shengyu zinv zuihao yige, zuiduo liangge. Ge sheng, shi, zizhiqy, keyi genju dangdi shiji qingkuang zhiding youliyu jihuashengyu de zhengce, cuoshi. Duiyu sheng yitai, buzai sheng diertai de yuling fufu, yao geiyu biao yang; duiyu sheng disantai he santai yishangde, ying cong jingji shang jia yi biyao de xianzhi.* 我们提倡一对夫妇生育子女最好一个，最多两个。各省、市、自治区，可以根据当地实际情况制定有利于计划生育的政策、措施。对于只生一胎，不再生二胎的育龄夫妇，要给予表扬；对于生第三胎和二胎以上的，应从经济上加以必要的限制。)<sup>29</sup>

In 1979 this "one child is best, but no more than two children" policy was restricted further to the "one-child" policy. Chen Muhua first advocated the one-child policy in her speech at the Conference of All Provinces, Cities and Autonomous Regions' Family Planning Office Heads (*ge sheng shi zizhiqy jihuashengyu bangongshi zhuren huiyi* 各省市自治区计划生育办公室主任会议) in December 1979. She said that:

"The current strategic requirement for population development is [a one-child policy]: now we refer to 'one is best', the latter [phrase] 'no more

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<sup>29</sup> Editorial, "Maximum Attention Must Be Paid to Planning Parenthood Tasks (*Bixu Gaodu Zhongshi Jihua Shengyu Gongzuo* 必须高度重视计划生育工作)," in *People's Daily* (27th January 1979).

than two children' has been deleted" (*xianzai tichulai 'zuihao yige', hounian nage 'zuiduo liangge' meiyoule. zheshi woguo muqian renkou fazhan zhong de yige zhanluxing yaoqiu*. 现在提出来‘最好一个’,后面那个‘最多两个’没有了. 这是我国目前人口发展中的一个战略性要求.).

In September 7<sup>th</sup>, 1980, Chairman Hua Guofeng<sup>30</sup> further confirmed this one-child policy at the third conference of the Fifth National People's Congress. In 1980 this one-child policy was extended to the whole country, except those ethnic minorities whose population was deemed to be 'rare'.<sup>31</sup> On September 25<sup>th</sup> 1980, an open letter was issued to the whole country: the Central Committee of the CPC's Open Letter to all Members of the Party and the Youth League Concerning the Issues of Controlling Population Growth (*zhonggongzhongyang guanyu kongzhi woguo renkou zengzhang wenti zhi quanti gongchandangyuan gongqingtuanyuan de gongkaixin* 中共中央关于控制我国人口增长问题致全体共产党员共青团员的公开信).<sup>32</sup> This letter urged couples (especially the cadres) to take the lead by limiting themselves to one child per couple, while also promoting this policy to the public:

With the purpose of control the whole quantity of people in China under 1200million at the end of the 20<sup>th</sup> century, the State Council has issued a call to the people of the whole country, encouraging each couple to have only one child. This programme is an important measure which concerns the speed and future of the four modernisations and the health and happiness of the future generations. It is a measure that conforms to the

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<sup>30</sup> Hua Guofeng was the premier of the State Council during 1976 and 1980.

<sup>31</sup> Hua Guofeng, "The Speech of the Premier of the State Council on the 3rd Conference of the 5th National People's Congress (*Guowuyuan Zongli Zai Diwujie Quanguo Renmin Daibiao Dahui Disanci Huiyi Shang De Jianghua* 国务院总理在第五次全国人民代表大会第三次会议上的讲话)," in *A Whole Series of China's Family Planning (zhongguo jihua shengyu quanshu 中国计划生育全书)*, ed. Peiyun Peng (Beijing: China Population Press (*zhongguo renkou chubanshe* 中国人口出版社), 1997). P.40.

Among 55 minority nationalities in China, some nationalities have a large population, such as Hui Nationality. Some have very small populations, such as the Daganer Nationality, Ewenke Nationality and Elunchun Nationality in Inner Mongolia, the Dongxiang nationality, Yugu nationality, and Baoan nationality in Guangxi province, and Dulong nationality, Deang nationality, Jinuo nationality, Achang nationality, Nu nationality, Pumi nationality and Bulang nationality in Yunnan province.

<sup>32</sup> The Open Letter was published by the Central Committee on September 25<sup>th</sup> 1980.

immediate and longer-term interests of the whole people. (*Weile zhengqu zai ben shiji mo ba woguo renkou zongshu kong zhi zai shieryi zhinei, guowuyuan yijing xiang Quanguo renmin fachu haozhao, tichang yidui fufu zhi shengyu yige haizi. Zhe shi yixiang Guanxi dao sigexiandaihua jianshe de sudu he qiantu, Guanxi dao zisun houdai de jiankang he xingfu, fuhe quanguo renmin changyuan liyi he dangqian liyi de zhongda cuoshi.* 为了争取在本世纪末把我国人口总数控制在十二亿之内，国务院已经向全国人民发出号召，提倡一堆夫妇只生育一个孩子。这是一项关系到四个现代化建设的速度和前途，关系到子孙后代的健康和幸福，符合全国人民长远利益和当前利益的重大措施).<sup>33</sup>

Although technically only an approval letter to Communist Party members and Communist Youth Leagues of China, in practice this letter was treated as a formal order from the Central Committee of the Communist Party of China to all related family planning departments and all local level Communist Party officials.

However, the 1979 one-child policy was soon revised in 1982. Being a uniform policy, the 1979 one-child policy did not distinguish variation between different locations which varied by culture, economic development and the families' special requirements. It was also challenged by the new agricultural system present in rural areas from the beginning of the 1980s.<sup>34</sup> On September 1981, it was decided that the one child policy should continue in cities, but that a more flexible policy should apply to rural couples, taking into consideration their economic and cultural

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<sup>33</sup> Zheng Liu, "Targets and Policy of Population Control in China," in *International Union for the Scientific Study of Population* (Manila December, 1981).

<sup>34</sup> At the third plenary session of the 11<sup>th</sup> CPC Central Committee in 1978, the agricultural system changed from the Collective Ownership System to the Production Responsibility System. Unlike the Collective Ownership System which used work points, and where farmers got similar earnings regardless of whether they contributed more or less in a working day, farmers were allowed to produce anything under the new agricultural system. A big portion of the household's income came from sideline activities, such as raising pigs or chickens, growing fruit trees, oilseeds, vegetables and other agricultural products for sale, providing services, household handicrafts and small industrial productions. Accordingly, the grain rations to third or more children were less important to households who were able to get their own surplus grain and income. In addition, families with less available labour may have found that they did not have enough to do their fieldwork and earn extra profit. Furthermore, in some areas, families could have more land if they had more members. Meanwhile, the slow process of agricultural modernization also reinforced the culture of dependence on more children, especially on male ones. Overall, the incentives to have more children may have outweighed the penalties in China's rural areas.

Banister, *China's Changing Population*. p.190.

circumstances.<sup>35</sup> Finally, the 1979 one-child policy was revised on February 9<sup>th</sup> 1982 and has remained as the principal policy until 2013.<sup>36</sup> The revised policy confirmed that late marriage, late birth and fewer births, as well as healthier children would still be encouraged. Generally, the policy supported one child per couple for urban residents while a second child could be approved for rural families. This policy also allowed some other exceptions in some special circumstances, for example, exceptions for minority ethnic nationality families.<sup>37</sup> However “one-child per couple” was still the government’s main rule till 2013.

### **3.3 Context of the Population Regulations**

#### **3.3.1 1982 Population Policy at the State Level**

As a base of the provincial family planning regulations from the mid-1980s to 2013, the 1982 policy revised the 1979 uniformed one-child policy and declared that the one child policy should continue in cities, but that a more flexible policy should apply to rural couples and minority nationalities, taking into consideration their economic and cultural circumstances. This policy was later cited in Article 18 of *PRC Population and Family Planning Legislation* in 2002. The 1982 policy stated that:

In the future, late marriage, late childbirth, fewer childbirths and better quality of children would still be encouraged. The concrete requirements are: cadres and city residents would be allowed one child per couple unless there were some special circumstances. For rural couples, the

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<sup>35</sup> It was discussed and decided on a national conference organized by the *State’s Family Planning Committee* and attended with family planning department leaders from the provinces, cities, and autonomous regions in Beijing on September 1981.

<sup>36</sup> See "The Central Committee and the State Council's Instructions for Further Implementing Family Planning Work (*Zhonggong Zhongyang Guowuyuan Guanyu Jinyibu Zuohao Jihuashengyu Gongzuo De Zhishi* 中共中央国务院关于进一步做好计划生育工作的指示)," (*ZhongFa* (No. 11), 9th February 1982).

<sup>37</sup> See, *ibid.*

principle would be one child per couple in general. For families with special requirements for a second child, it could be allowed after approval. However, no third child would be allowed under any circumstances for urban and rural couples. Family planning would also be encouraged in minority ethnic nationality couples, but these couples would not have the same limitation as stated above.<sup>38</sup>

Before the 1982 policy, the regional regulations only gave permission for a second birth under three rather strict conditions:<sup>39</sup>

1. The first child is disabled and is not expected to be able to carry out normal labour;
2. Remarried couples where one partner has one child and the other partner has no children;
3. A couple who adopted one child because they could not conceive their own after many years of marriage. If the wife became pregnant after having adopted a child, they were allowed to keep both their conceived child and their adopted child.

After the launch of the 1982 national policy, the exemptions for second child permits were extended to seven further types, in the national family planning work meeting of summer 1982:<sup>40</sup>

1. One member of the couple is from a two or three generation single-child family;

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<sup>38</sup> Ibid.

<sup>39</sup> "Central Committee Office of CPC and State Council Office Launched the Memo of National Family Planning Work Meeting (*Zhonggong Zhongyang Bangongting Guowuyuan Bangongting Zhuanfa Quanguo Jihua Shengyu Gongzuo Huiyi Jiyao* 中共中央办公厅、国务院办公厅转发《全国计划生育工作会议纪要》)," (20th October 1982). Section 3.

<sup>40</sup> Ibid. Section 3.

2. Peasant families of two or more brothers where only one couple is fertile and with only one child, and where the other brothers have not adopted children;
3. A rural male marries to live with parents-in-law
4. Both members of the couple are only children
5. One member of the couple is a handicapped soldier
6. Both partners (or one party) are now local residents but formerly overseas Chinese, or formerly resident in Hong Kong, Macau, or Taiwan
7. Rural couples in special settlement areas (remote mountain areas, poor quality habitat areas, etc.)

In 1988, a further exemption of the second child for rural couples was discussed and approved.<sup>41</sup> Except for those exemptions provided for in the past, every rural couple could be approved for a second child, provided that the first child was a girl, and a certain number of years have passed after the first birth. Along with it, the central government again emphasised that a consistent and constant policy should be applied to rural couples.

After this conference, China's family planning policies became more consistent and uniform. According to the requirement set by the central government,<sup>42</sup> all local governments except Tibet passed their local legislation by October 1990. On December 29<sup>th</sup>, 2001, China launched PRC's Population and Family Planning Law, which has been in force since January 1<sup>st</sup>, 2002. This law essentially maintains the 1982 Family Planning Policy, stating that the concrete executive methods of this law

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<sup>41</sup> This exemption was discussed and approved in the 18<sup>th</sup> session of the Standing Committee of the Central Politburo of the Communist Party of China, chaired by Zhao Ziyang on March 31<sup>st</sup> 1988. See, Zhongtang Liang, "Hard Process: From the One-Child Policy to a Policy for Rural Families with Girls (Jiannan De Licheng Cong Yitai Hua Dao Nver Hu 艰难的历程：从‘一胎化’到‘女儿户’)," <http://www.opentimes.cn/bencandy.php?fid=375&aid=1806> (26th December 2014).

<sup>42</sup> In August 11<sup>th</sup>, 1990, the State Council held the 117<sup>th</sup> Office Conference, in which all local governments were required to have their local legislation in place before October 1990.



will be decided by provinces, autonomous regions and municipality<sup>43</sup> level People's Congresses and their standing committees.<sup>44</sup>

### **3.3.2 Conditions for Second and Third Child Permits in Provincial Family Planning Regulations<sup>45</sup>**

Based on the 1982 central government family planning policy, the provincial levels soon revised or published their regional legislation. These regional regulations were revised twice during the 1990s and 2000s following the central government general guidelines. The number of children a couple could have and the conditions under which exceptions could be made were revised. The localised aspects of China's population policy can be seen in the birth control regulations designed by each of the provinces.

Including the regulations up to 2013, altogether, these legislation contain approximately 50 articles concerning the allowable number of children and criteria for exemptions.<sup>46</sup> Table 2.2 presents a breakdown of provincial family planning legislation, including exemptions for second and third childbirths.

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<sup>43</sup> The region is a municipality directly under the jurisdiction of the Central Government

<sup>44</sup> "The Population and Family Planning Law of People's Republic of China ", (2002). Article 18.

<sup>45</sup> The data was updated in 2008.

<sup>46</sup> An analysis of nationwide legislation in 2000 can be found in Baochang Gu et al., "China's Local and National Fertility Policies at the End of the Twentieth Century," *Population and Development Review* 33, no. 10 (2007). Also, see, Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*. Pp98-101. But Scharping's analysis was updated 1999.

Table 3. 1 Provincial Population Policy (including Municipality and Autonomous Region (Prefecture))<sup>47</sup>

Province, Municipality,  Autonomous region  (Date policy formed/revised)	Second child policy	Third child policy	Gap (year) between two childbirth	Populati (million) /areas  (km2)  in 2008
Beijing    2003.9	1, 2, 3, 4.1;  11, 12, 14, 16;  G, E		4 years  or women over 28	15.38/  16,800
Tianjin   2003.9	1, 2, 3, 4.1, 6;  10,11, 12,14, 16;  G, E		4 years or women over 28, or women has first childbirth in remarriage, or in category 3	10.46/  11,000
Shanghai 2004.4	1, 2, 3, 4, 4.5, 4.7, 4.8, 5, 8;  12, 19,  G, E		No limitation	17.78/  5,800
Chongqing 1999.3/  2002.11	1, 2, 3, 4.1, 4.1;  12, 13, 14, 15, 16, 20;  a;		3 years or women over 28	27.74/  82,300

<sup>47</sup> All legislation was updated June, 2008. All local legislation was cited from PRC Population Information Website. [www.cpirc.org.cn](http://www.cpirc.org.cn)

	E			
Heilongjiang 2003.1	1, 2, 3, 4(with 4 years gap), 6;  9, 17,  E, F (2 years)	iv	4 years gap or no gap for category 1, or no gap if the couple's first childbirth is late birth	38.16/  460,000
Liaoning 2003.4	1, 2, 3, 4, 4.1, 4.2, 8;  9.1, 10, 16;  a (women is rural resident)  E		Women over 26, or no gap for category 4.1	42.28/  150,000
Jilin 2002.11	1, 2, 3, 4, 4.5, 4.6;  9, 10, 11, 12, 16;  c;  E, F (4 years)		No limitation	27.08/  180,000
Shandong 1988.7/ 1996.10	1, 2, 3, 4.1, 4.4, 5, 5.1, 8.1,  11, 12, 13,  a, E		Women over 25 for the first childbirth and over 30 for the second childbirth	92.84/  150,000
Shaanxi 2002.9	1, 2, 3, 4.1, 6;  9, 12, 13, 16;  c, E,		4 years gap or women over 28.	37.05/  190,000

Shanxi  1999.4/  2002.9	1, 2, 3, 4.1, 4.3, 4.4, 6;  9, 11, 12, 13;  E		Women over 28	33.35/  150,000
Hebei  2003.10	1, 2, 3, 4, 5, 6, 8,  12, 18;  c, D,		4 years gap if women over 26; or shorter gap if women over 28; or no gap in category 4	68.69/  190,000
Henan  2003.1	1, 3, 4.1, 5, 6, 8.1  12, 13, 14  a, E		4 years or women over 28	97.17/  160,000
Sichuan  2002.10	1, 2, 3, 4.1, 4.3;  11, 12, 13, 14, 15, 16;		4 years gap or women over 30.	87.50/  480,000
Jiangsu  2002.12	1, 2, 3, 4.1, 4.3, 5, 6, 7, 8.1;  10, 11, 12, 14, 16, 18  E, F (5 years)		Women over 24, or in category 4.1.	74.32/  100,000
Hubei  2003.1	1, 2, 3, 4.1, 4.3,  6;  9, 12, 15, 16;  a, E, D,  F (2 years)		4 years or women over 28	60.31/  180,000

Hunan  2003.1	1, 2, 3, 4.1, 4.5, 6;  9, 11, 12, 15, 16, 20;  D, E,  F (3 years)		4 years gap if women over 25; or 2 years gap if women's first childbirth is a late one; or no gap if women over 28	61.64/  210,000
Anhui  1990.6/  2002.7	1, 2, 3, 4.1, 4.3, 5, 6, 8.1,  9, 10, 12, 14,  a, E, F (3 years)		The first child over 3 or women over 26.	62.28/  130,000
Guizhou  1998.7/  2002.9	1, 2, 3, 4.1,  9, 12, 20, 21;  D,	ii	4 years or women over 30	39.04/  170,000
Jiangxi  2002.9	1, 2, 4.1, 5, 6, 8.1,  9, 11, 12, 15,  a, E		Women over 25 years and with 4 years gap; or women over 28 with 2 years gap; or no gap for the first child dead and children in overseas in category 6	42.17/  160,000
Zhejiang  2002.9	1, 2, 4.1, 4.3, 5, 8.1, 9,  12, 15, 20,  a, E, F (5 years)		4 years gap or women over 28; or no gap for category 1	47.20/  100,000
Guangdong	1, 2, 3, 4.1, 4.3, 8, 9, 21;  f,	ii	4 years gap; or no gap if women over 28 or in category or 3.	88.89/  180,000

2002.9				
Gansu  1989.11/  2006.1	1, 2, 3, 4, 5;  9, 12, 20;  b, c,	vi	No limitation	26.19/  390,000
Fujian  1988.4/  2002.9	1, 2, 3, 4.1, 4.2, 5, 6, 8.1;  9, 10, 11, 12, 13, 21;  A, E,	ii, iii	4 years gap if women over 25, or no gap if women over 30	35.11/  120,000
Hainan     2003.12	1, 2, 3, 4.1, 4.3, 4.4;  21;  b, D,  F (3 years)	v	No gap limitation	7.28/  160,000
Qinghai    2003.1	1, 2, 3, 4, 5, 6;  20, 22;  e, D.	i	4 years gap; or women over 26 in category 1 and 3; or no gap in category i.	5.91/  720,000
Yunnan    2002.9	1, 2, 3, 4.1, 6;  22;  D,	vii, viii	4 years gap	44.15/  380,000
Guangxi    2002.9	1, 2, 3, 4.1, 5;  9, 11, 12, 17;  E,		4 years gap or women over 28	48.50/  230,000

Ningxia  1990.12/  2003.1	1, 2, 3, 4.1, 4.3, 4.5, 6, 8;  a, e, D,	iii, iv	4 years gap or no gap in category e	6.02/  66,000
Xinjiang  2003.1/  2006.5	1, 2, 3, 4, 4.1, 4.9, 5, 8;  e, C, D,  Rural Han nationality couple.	Rural Minority nationality couples; rural Han nationality couple and urban minority nationality couples under 1, 2, 3, 4, 4.1, 4.9, 5, 8.	Encourage birth gap only	19.63/  1,600,000
Inner Mongolia  2002.12	1, 2, 3, 4.1, 4.3, 8;  9, 16;  c, B, F,  2 children policy for rural Mongolian;	Rural Mongolian couple;  iv,	4 years for Han nationality; 3 years gap for minority nationality; 2 years gap for late birth of first child	23.85/  1,100,000
Tibet  1992.5	Han nationality:  1, 2, 3, 4.1, 4.3, 5, e;  Rural Zang nationality	Rural Zang nationality in catalogue 1 and 5;  Encourage less than 3 children for Rural Zang nationality;  No limitation for Zang nationality in Border areas.	Han nationality:  3 years gap or women over 35;  3 years gap for Rural Zang nationality.	2.74/  1,200,000

### 3.3.2.1 Exceptions for the one-child legislation:

#### Applicable to all couples:

1. The first child is disabled and is not expected to be able to carry out normal labour (All local legislation have this exemption);

2. Both partners are only children (except Henan);
3. The couple adopted one child because they could not conceive their own after many years of marriage. If the wife becomes pregnant after they have adopted a child, they are allowed to keep both their conceived child and their adopted child;
4. Remarried couples:
  - 4.1 One partner has no child and the other partner has one child;
  - 4.2 One party's ex-partner died and the present couple has two children in total;
  - 4.3 One party's ex-partner died and has two children, the other partner has no children;
  - 4.4 Both partners have one child and the children are living with their ex-partners;
  - 4.5 Both partners have one child each and one of the children is disabled;
  - 4.6 Both partners are rural residents and one party has no child;
  - 4.7 Both partners are only children in their own family and have one child each with an ex-partner;
  - 4.8 One partner is a rural resident and one partner is an only child and neither has more than one child with an ex-partner;
5. One party is disabled or an invalid soldier, or one party is an only child of a revolutionary martyr's family:
  - 5.1 One party is disabled and has one daughter;
6. Both partners are now local residents but formerly overseas Chinese, or formerly resident in Hong Kong, Macau, or Taiwan. They have resided in China for less than 6 years;



7. One party is the only child in two generations;
8. Miners and fishermen, or border residents or island residents;
  - 8.1 Miners and fishermen, border residents or island residents with one daughter;

Applicable to rural couples:

9. Rural couple with one daughter:
  - 9.1 The female party is a rural resident and the only daughter is a rural resident as well;
10. One member of the rural couple is an only child;
11. The male partner is the only child who has reproductive ability among his brothers, and the other brothers have no child; (\* the condition in Jilin and Hunan is that one party is the only child with reproductive ability among his/her siblings.)
12. The male partner is married to a female only child and resides with her family (to support her family);
13. Rural couples in special settlement areas (remote mountain areas, poor quality habitat areas, etc.);
14. Rural couples in special settlement areas (remote mountain areas, poor quality habitat areas, etc.) or with special requirements (such as being in a poor economic condition) with one daughter;
15. One party in two generations has one child only;
16. One party is disabled or an invalid soldier, or one party is an only child of a revolutionary martyr's family;
17. Miners and fishermen, border residents or island residents;

18. Miners and fishermen, border residents or island residents with one daughter;
19. One party is a rural resident and one party is a single child;
20. One party belongs to a minority nationality;
21. Both parties belong to a minority nationality. (Hunan: one party is a rural resident; Hainan: both parties belong to small population minority nationalities);
22. The couple has a special requirement for a second child (Qinghai and Yunnan only)

Applicable to ethnic minority nationality couples:

- a. Both couples belong to minority nationalities;
- b. One party belongs to a small population minority nationality in one of the autonomous regions;
- c. Both parties belong to a small population minority nationality;
- d. Both parties have settled in or worked in the village area of a minority residence for more than 5 years;
- e. One party belongs to a minority nationality;
- f. Both parties belong to minority nationalities and one party is a rural resident with one daughter;

Three children policy:

- 1-8 (same as the second child condition for all couples category 1-8)
  - i. Minority nationality couples who work as herders or are settled in pastoral areas or forest areas or are from a small population nationality;

- ii. One of the two children is handicapped and is not expected to be able to carry out normal labour and both parties are from minority nationalities settled in rural areas;
- iii. Both parties belong to minority nationalities and are the only child in their own families;
- iv. Both parties belong to small population minority nationalities;
- v. Both parties belong to minority nationalities and are settled in rural areas with two daughters;
- vi. Both parties are rural residents and one party belongs to a small population minority nationality;
- vii. One party belongs to a small population minority nationality;
- viii. Both parties belong to minority nationalities and are settled in border areas;

Some definitions:

- A. If one party is of Han nationality, the other party is of minority nationality, and the Han party is settled in the minority nationality party's residence area, the minority nationality family planning policies may be applied;
- B. A couple could choose their preferred policy if they belong to two different minority nationalities;
- C. If one party is of Han nationality and the other party is of minority nationality, the couple can choose to apply the minority nationality policies;

- D. If one party is a city resident and the other party is a rural resident, they are subject to the city policy (in Hainan, this depends on the female party)
- E. If the female party is in rural residence, the couple would be subject to the rural policy;
- F. The couple's registration was changed from rural residence to urban residence because of city reconstruction. In this case the rural policies are still applicable for a certain period of years (ranging from 2 to 5 years);
- G. Job transfer residents of ethnic minority origin or from frontier regions who had previously received permission to have a second child.

### **3.3.3 Conclusion**

On the basis of the above comparison, these exemptions can be grouped into four broad categories: cultural, economic, political and entitlement. Each of these suggests the feasibility of implementation and rationales for particular localities.

#### **3.3.3.1 Cultural Exemptions**

Most of these cultural exemptions refer to people settled in rural areas where the sex preference is deeply rooted. They include rural couples with one daughter (category 9), or where the male partner is the only child who has reproductive ability among his male siblings (category 11), or the male partner is married to a female singleton and resides with her family (to support her family) (category 12), or one party whose two generations above them have only had one child (category 15). To take an

example, the Fujian<sup>48</sup> Population and Family Planning Legislation, 2002, Article 10 states: A rural couple can have a second child after it is proved that either 1) each member of the couple is an only child; 2) the male partner is the only child who has reproductive ability among his brothers, all of whom have no children; 3) the female partner has no brothers and has only one sister; 4) the male partner is married to a female singleton and resides with her family (to support her family); 5) the couple has only one daughter.

However, these cultural based exemptions are also a primary source of discrimination against girls and the main cause of China's imbalanced sex ratio.<sup>49</sup>

### **3.3.3.2 Economic Exemptions**

These economic policies exist in most provinces in remote mountainous areas or poor quality habitat areas (such as category 13 and 14), as well as areas where occupational specialisation involves a high risk of mortality, such as fishing or mining (for instance categories 8, 17 and 18). The government leaderships realised that more labour is necessary in areas with a special geographical character, such as Shaanxi.<sup>50</sup> Shaanxi Family Planning Legislation Article 22 (3) states that a rural couple can have a second child provided that they are living in remote and poor quality habitat mountain areas. Other examples are Fujian, which is a coastal area but also mountainous, and Shandong, which has some tough mountain areas, as well as Sichuan and Shanghai, where some people are occupied as fishermen.

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<sup>48</sup> Fujian is a coastal and mountainous region in Southeast China. It is a less developed region when compared to Shanghai or Beijing. Gender culture is deeply rooted in this region. Emigration is common. This not only includes migration from county to city, from Fujian to Beijing, Shanghai, or Shenzhen, but also includes migration to overseas. Sea and forest resources are rich in this area.

<sup>49</sup> Chu, "Prenatal Sex Determination and Sex-Selective Abortion in Rural Central China."

<sup>50</sup> Shaanxi is a developing region with many mountains and is less rich in resources. It is situated in Northwest China.

### 3.3.3.3 Ethnic/ Political Exemptions

The population policy also grants more generous treatment to those people who either belong to an ethnic minority nationality,<sup>51</sup> or are returning overseas Chinese (category 6), or where one partner is an invalided soldier or the only child of a revolutionary martyr's family (category 6).

According to China's Minority Nationality's Policy and its practice, family planning policies are less strict for minority nationalities than for the Han nationality: 'In general, minority nationalities can have two or three children; minority nationalities residing at borders or in areas with a poor quality environment or with a sparse population may have more than two children; there is no limitation for Zang nationality herdsmen.'<sup>52</sup> According to local provincial legislation, most minority couples can have two children if they reside in a rural area, and they can have three if they reside in an autonomous region and belong to certain minorities with small populations, or occupy the border areas or live as herders. For example, in Section 15 of Xinjiang *Weiwuer* Autonomous Region's Population and Family Planning Statute, it states that: 'Urban citizens of Han nationality may only have only one child, while urban citizens of minority nationalities can have two children; peasants and

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<sup>51</sup> According to China's Minority Nationalities Policy and its Practice, which was launched by the State Council's News Office, Beijing, 1999, minority nationalities have less strict family planning policies applied to them than the Han nationality: 'In general, minority nationalities can have two or three children; minority nationalities residing at borders or in areas with a poor natural environment or with a sparse population can have more than two children; there is no limitation for the Zang nationality herdsmen'.

For example, in Section 15 of Xinjiang *Weiwuer* Autonomous Region's Population and Family Planning Statute, it states: 'Urban citizens of Han nationality may only have one child, while urban citizens of minority nationalities can have two children; peasants and herdsmen of Han nationality can have two children, while those of minority nationalities can have three children.'

<sup>52</sup> State Council News Office, "China's Minority Nationality Policy and Its Practice (*Zhongguo Shaoshu Minzu Zhengce He Shijian* 中国少数民族政策和实践)," [www.china.com.cn/ch-book/shaoshu/ishaoshu.htm](http://www.china.com.cn/ch-book/shaoshu/ishaoshu.htm) (2nd June 2008).

herdsmen of Han nationality can have two children, while those of minority nationalities can have three children.’

Another group ‘the only-child of a revolutionary family’ (category 5) can be seen in most regions where the revolution was centred, such as Beijing and Chongqing.

#### **3.3.3.4 Entitlement/replacement Exemption**

These exemptions are general principles in most provinces. Among these exemptions, one is that couples are entitled to a second child if their first child is disabled and is therefore unable to carry out normal labour (category 1),<sup>53</sup> as are couples where both parties are only children themselves (category 2 and 10).<sup>54</sup> Another category included is the couples who had adopted one child after being unable to conceive their own after many years of marriage (category 3), but then the wife had become pregnant afterwards. In such as case the couples are allowed to keep both their conceived child and adopted child. Furthermore, there are several categories included where the child is born in remarried families (category 4, although the rules are slightly different according to province).

In addition to rules for the allowed number of children and the criteria of the exemptions for second and third childbirths, late marriage and late births are encouraged at all levels, from central to local government. According to the PRC *Marriage Law*, the legal marriage age is 22 years for men and 20 years for women. However, at a provincial level, it is a generally accepted view that an acceptably late

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<sup>53</sup> This is a general exception of population policy and can be found in all provincial Population and Family Planning Legislation. For example, Henan Province Population and Family Planning Legislation, 2002, Article 17 (1) states that the couple can be approved for a second child provided that the first child is not expected to be able to carry out normal labour and the disease was not inherited. This medical check must be identified by a county level authenticated organization and approved by the provincial level medical authenticating organization.

See, e.g., Article 15 (1) in Shanxi Province Population and Family Planning Legislation, 2002.

<sup>54</sup> This exemption can be found in most regions except Henan, which has a very large population.

marriage is 3 years over the legal marriage age. To ensure that birth occurs at a later stage in the marriage, most provinces encourage childbirth for women when they are over 24 years old<sup>55</sup> as a principle. Fujian and Shaanxi are exceptions to this: a late birth age for Fujian occurs after a male's 30th birthday or a female's 24th birthday; Shaanxi does not have a definition of a late birth. In addition, Ningxia Hui Nationality Autonomous Region and Xinjiang indicate that the late marriage age for minority nationalities is 23 years for men and 21 years for women. Tibet has no related legislation.

In addition, most local legislation also sets the criteria for the gap (in years) between two childbirths as a further step to maintaining a low population growth rate. The general guideline for the distance between the first and second childbirth is four years. Usually, the couple will not be limited by the 4 years gap under the following circumstances: (1) when a married woman is over 28 years; (2) if the first child is handicapped; (3) if the wife is pregnant after they have adopted one child because she was diagnosed as infertile or they were unable to conceive many years after getting married.

However, some provinces/municipalities have different rules about gaps: Chongqing sets the interim period at three years; Shanxi does not specify a period, but requires women to be over 28 years for their second childbirth; Jiangxi requires women to be over 25 years old prior to a second childbirth and requires a four years gap between two births (or a gap of 2 years for women over 28 years); Hainan sets no time limitation for approved second childbirths.

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<sup>55</sup> Some provinces, like Fujian, set the pregnancy and childbirth after their late marriage as their late birth principle. In fact, if a woman marries when she is 23 years old, the childbirth will be nearly on her 24 years birthday. In this way, all the provincial legislation about the late marriage are similar.



### 3.4 Conclusion

China's current population policy is not, contrary to some Western media portrayals, a uniform one-child policy. In some senses, 'China is special but not that special: ...it is a typical East Asian country with "family" at the centre of most people's universes.'<sup>56</sup> However, China is different because of the extent of its internal geographical, cultural and economic diversities. With a territorial space similar to Europe and the U.S.A., China has a population of over 1.3 billion (2008), which is 1.8 times that of Europe and 4.3 times that of U.S.A.<sup>57</sup> In addition, 56 nationalities<sup>58</sup>, with the Han being the largest<sup>59</sup>, reside in China. Some of these minority nationalities have a homogenous settlement area, such as the Zang nationality who live in Tibet, while others reside alongside other nationalities. Different nationalities have different cultures and religious principles. Furthermore, from an economic perspective, although China is still a developing country on the whole, the internal differences are distinctive. Some cities, like Shanghai, Beijing and Shenzhen, have reached the level of developed countries; while most areas are still at the level of developing countries. In addition, there are some very poor regions whose residents just reach a basic living standard. For example, in some mountainous areas in Shanxi, because of its special geographical characteristics, harvesting enough grain or other foods from the field is still a huge task for local farmers. In these areas, having extra children does

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<sup>56</sup> W. T. Murphy, "China's Laws and Flaws," *The Modern Law Review* 70, no. 6 (2007).

<sup>57</sup> In 2008, the population was 709,608,850 in Europe, and 304,025,505 in U.S.

<sup>58</sup> There are 55 ethnic minority nationalities in China. The majority of these people have their own areas of residence, which includes 5 autonomous regions, 30 autonomous prefectures, and 120 autonomous counties.

<sup>59</sup> Han Chinese constitutes about 91.9% of the total population. The remaining 8.1% are Zhuang (16 million), Manchu (10 million), Hui (9 million), Miao (8 million), Uygur (7 million), Yi (7 million), Mongolian (5 million), Tibetan (5 million), Buyi (3 million), Korean (2 million), and other ethnic minorities. See Population Reference Bureau, [http://www.prb.org/Datafinder/Geography/Summary.aspx?region=163&region\\_type=2](http://www.prb.org/Datafinder/Geography/Summary.aspx?region=163&region_type=2) (May 30th 2008).

not just mean having enough manpower for the fields but also means there's the possibility of extra economic income by sending those (grown up) children to the city to work. In contrast, these extra children may be considered a burden in cities because people expect a higher standard of living for their children.

Based on these variations, population policies vary from area to area depending on the nationalities present, the region's general economic level, the geographical nature of the local area, and the special needs of the families.<sup>60</sup> Therefore, under the central government's principle of "one child per couple, no more than two", the population rules vary from area to area.

China's current population policy with respect to families is dictated by the state's long-term modernization, wealth-creation, labour and educational objectives. In addition, according to Ma Yinchu's theory of 'less quantity means better quality', China has adopted a eugenics policy by emphasizing *Yousheng* (High Quality Reproduction) and *Youyu* (Better childrearing) and recently *Youjiao* (Superior education). Included in this is the encouragement of late marriage and late childbirth, and the prohibition of reproduction among those with DNA-related ailments for the purpose of maximizing resource allocation and distribution – including food, consumer goods and energy – and to improve healthcare and education. Through this eugenic policy, China is trying to shape its citizens by genetic, environmental and educational means to meet what the government sees as the nation's needs.<sup>61</sup>

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<sup>60</sup> See Isabelle Attane, "China's Family Planning Policy: An Overview of Its Past and Future," *Studies in Family Planning* 33, no. 1, Family Planning Programs in the Twenty-first Century, (Mar.) (2002). Susan E Short and Fengying Zhai, "Looking Locally at China's One-Child Policy," *ibid.* 29, no. 4 (1998). Winckler, "Chinese Reproductive Policy at the Turn of the Millennium: Dynamic Stability."

<sup>61</sup> Susan Champagne, "Producing the Intelligent Child: Intelligence and the Child Rearing Discourse in the People's Republic of China" (Stanford University, 1992). pp135-136.

In 2013, China started to relax its four decades old one-child policy. On 12<sup>th</sup> November 2013, the Third Plenary Session of the 18<sup>th</sup> Central Committee approved the Decision on Major Issues Concerning Comprehensively Deepening Reforms (*zhonggongzhongyang guanyu quanmian shenhua gaige ruogan zhongda wenti de jueding* 中共中央关于全面深化改革若干重大问题的决定). This decision allowed couples to have a second child if one parent was an only child. By the end of 2014, except Xinjiang, all other provincial regions had approved the second-child policy.<sup>62</sup>

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<sup>62</sup> See, Xinhua Net, "Two More Chinese Provinces Relax One-Child Policy," <http://www.globaltimes.cn/content/863191.shtml> (2nd June 2014).

## Chapter 4 The Vertical Relationships in the Family

### Planning Agencies Hierarchy

The purpose of this chapter is to study the organizational structures of China's family planning institutions. A systematic understanding of the role of these administrative organization settings provides a base for explaining the implementation process.<sup>1</sup>

This chapter traces the historical family planning organizational developments in the PRC from central government to grassroots level, as a means of giving a detailed picture of the functions and limitations of the family planning administrative organizations at the grassroots level and the village level. This chapter is also designed to set out the background for understanding the "grassroots level agencies' autonomy" (chapters 5 and 8).

The first part of this chapter reviews, in chronological order, the PRC's family planning organizational development from state to grassroots level. The grassroots level agencies' organizational structuring and their functions are explained in detail. In order to better illustrate the duties of the town level officials, EY town family planning assistant Gu was selected as a case study for this chapter. This chapter also explains the practical relationship between the family planning administrative organizations and other related public institutions and the affiliated organizations at the town level. Finally, the administrative relationships between the upper level and the grassroots level family planning organizations are analysed.

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<sup>1</sup> Some scholars have studied the PRC's family planning organization system from different perspectives. See Pi-Chao Chen, "Birth Control Methods and Organization in China," in *China's One-Child Family Policy*, ed. Elisabeth J. Croll, Delia Davin, and Penny Kane (London: Macmillan, 1985). Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*. Merli, Qian, and Smith, "Adaptation of a Political Bureaucracy to Economic and Institutional Change under Socialism: The Chinese State Family Planning System."

## 4.1 Introduction

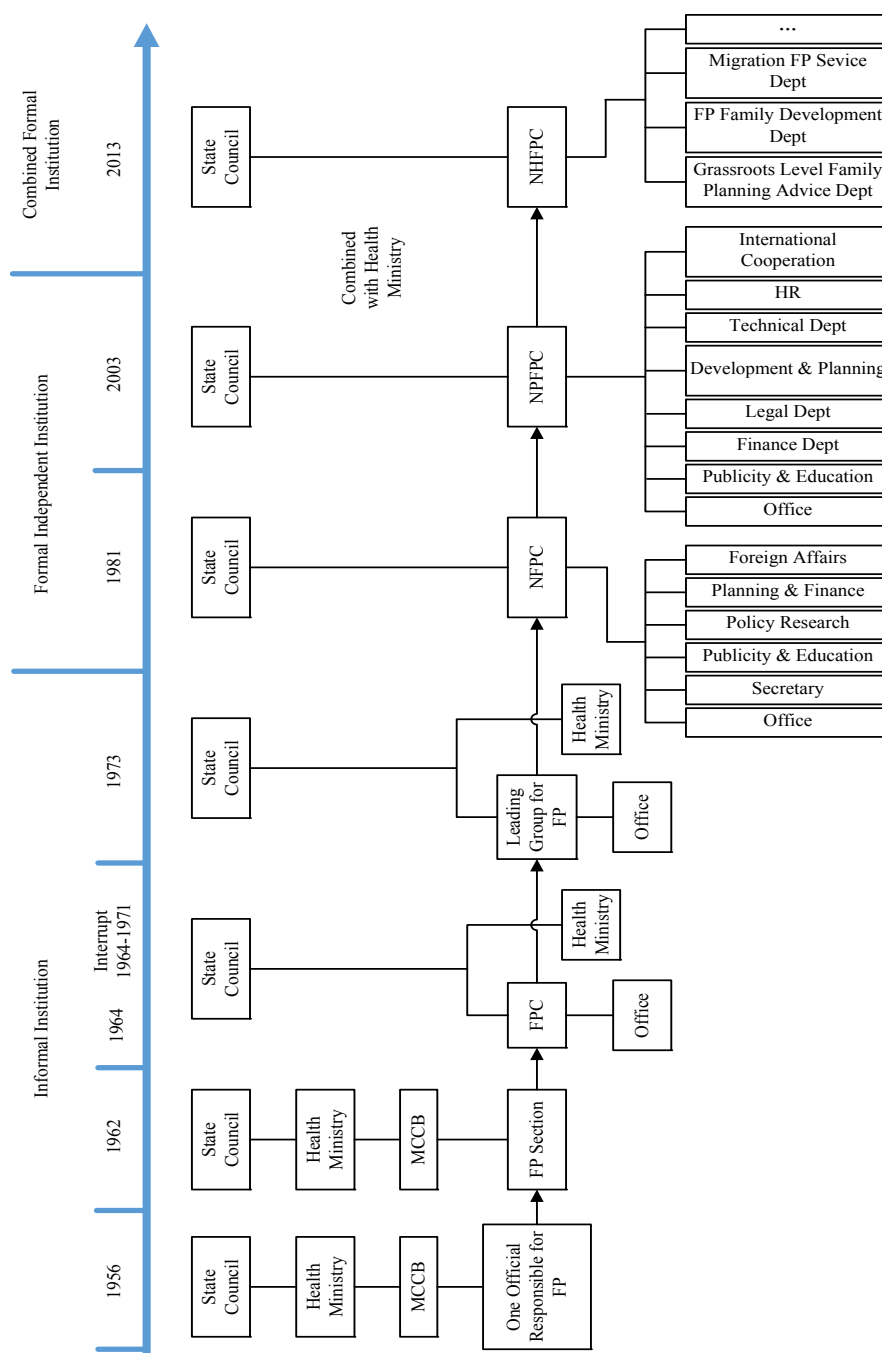
Between the 1950s and 2010, China's family planning campaign changed from restricting contraception in order to protect and improve women's health, to limiting the number of children in order to stimulate economic development. The family planning regulations extended from raising the legal marriage age to promoting late marriage. The focus of family planning locations extended rapidly from urban areas in the 1960s to countrywide from the 1970s. Birth control methods also shifted from encouraging voluntary family planning before the 1970s, to enforcing mandatory contraceptive methods from the 1980s.

Along with the family planning campaign development, China's family planning administrative system was also gradually being formulated. It has evolved from a minor agency to a major independent institution at the state level. In the 1950s, the state level family planning agency was under the charge of the health department and only had one officer, and it remained an informal organization until the beginning of the 1980s. In 1981, it developed into an independent major state institution with over 100 officials and developed further during the 1980s, 1990s and 2000s.<sup>2</sup> In 2013, the family planning agency was reorganized. Following the relaxation of population regulation, family planning once again became a normal health issue and the family planning agency was merged with the health department

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<sup>2</sup> The number of administrative establishments in the state family planning commission were 60 in 1981, 120 in 1982, and 140 in 1988. See State Population and Family Planning Commission, *China's Population and Family Planning History (Zhongguo Renkou He Jihuashengyu Shi 中国人口和计划生育史)*. pp690-691.

Table 4. 1 State Level Family Planning Organization Revolutions



## **4.2 Early Stage Family Planning Organizations: 1950s -70s:**

### **4.2.1 State and Provincial Level**

From the 1950s to the 1970s, Birth-control measures remained under the jurisdiction of the Maternity and Child Care Bureau (*fouyou weishengsi* 妇幼卫生司) of the Health Ministry.<sup>3</sup> Those ‘specialist’ birth control organizations set up during the 1960s and 1970s were neither a formal administrative institution nor a sufficient organ to implement family planning. Their main functions were advocating family planning campaigns and coordinating cooperation from all departments.

#### **4.2.1.1 One Staff Responsible for Family Planning and Family Planning Section**

During the 1950s and the beginning of the 1960s, no specialist family planning institution was set up in China. In 1956, one staff member from the Maternity and Children Care Bureau was appointed to be responsible for this job. At the end of 1962, after launching the Instruction of Earnest Advocating Family Planning (Document 698), a special Family Planning Section (*jihuashengyu chu* 计划生育处) was set up in the Maternity and Children Care Bureau. Its main function was to organize family planning technical service work.

#### **4.2.1.2 State Council’s Family Planning Commission**

On January 1964, the State Council’s Family Planning Commission (*guowuyuan jihuashengyu weiyuanhui* 国务院计划生育委员会) was set up following the central government’s 1963 directive that of “family planning commissions should be established at all levels from state to local... (*zhongyang he defang douyao chengli*

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<sup>3</sup> Peng Peiyun, *A Whole Series of China's Family Planning (Zhongguo Jihuashengyu Quanshu 中国计划生育全书)*. p.437.

*jihuashengyu weiyuanhui* 中央和地方都要成立计划生育委员会)”。<sup>4</sup> The head secretary of the state council was appointed as the Commission's Director (*zhuren* 主任). The members were drawn from related state departments (including the Health Ministry), academics, and representatives from mass organizations (Women's Federation, the Trade Union and the Communist Youth League), and the army.<sup>5</sup> Under this commission, a Family Planning Office of State Council (*guowuyuan jihuashengyu bangongshi* 国务院计划生育办公室)<sup>6</sup> was set up to be responsible for the daily work, but it was managed by the Maternity and Children Care Bureau. The Commission's duty was to popularize family planning policy, coordinate respective policies and regulations, inspect and encourage the lower level's family planning work, and serve as a model for the lower level family planning organization.<sup>7</sup> But the technical support work was still the responsibility of the Health of Women and Children Bureau.<sup>8</sup> This commission was not a formal executive administrative department but rather a coordinating organ.

At the local level, following the central government's 1962 Document of Earnestly Advocating Family Planning<sup>9</sup> and the 1963 directive from the Minutes of the Second

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<sup>4</sup> "The Central Committee and the State Council's Instruction on the Approved Minute of the Second City [Development] Work Conference (*Zhonggong Zhongyang Guowuyuan Pizhun Dierci Chengshi Gongzuo Huiyi Jiyao De Zhishi* 中共中央国务院批准第二次城市工作会议纪要的指示)."

<sup>5</sup> Honggui Li, "The Development of China's Family Planning Institutions at the State Level (*Zhongguo Jihuashengyu Lingdao Guanli Jigou De Lishi Bianhua* 中国计划生育领导管理机构的历史变化)," <http://www.shz100.com/article-4210-1.html> (3rd May 2014).

Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*. p.160.

<sup>6</sup> This office is not an administrative organization but an 'office' (*banshi jigou* 办事机构) to carry out the family planning issues.

<sup>7</sup> Peng Peiyun, *A Whole Series of China's Family Planning* (*Zhongguo Jihuashengyu Quanshu* 中国计划生育全书). p.437.

<sup>8</sup> See interview LiangE 270314.

<sup>9</sup> "The Central Committee and State Council's Instruction on Earnestly Advocating Family Planning (*Zhonggong Zhongyang Guowuyuan Guanyu Renzhen Tichang Jihuashengyu De Zhishi* 中共中央国务院关于认真提倡计划生育的指示)".



City [Development] Work Conference, family planning organizations were rapidly set up in most regions. At the provincial level, 25 out of 28 provinces<sup>10</sup> had established Family Planning Commissions (or Leading Group for Family Planning) by the end of 1964.<sup>11</sup> Similar to the state level, these commissions/leading groups were also the umbrella organizations bringing together representatives from the related departments and organizations.<sup>12</sup> As these commissions' 'administrative body',<sup>13</sup> a family planning office was usually set up to carry out the actual work. These offices were managed by provincial health departments.

However, all these family planning organizations from the state to local levels soon ceased their work in 1966 due to the Cultural Revolution. They didn't make much impression on family planning work.

#### 4.2.1.3 Leading Group for Family Planning

In 1971 the family planning work was restored. With help from Premier Zhou Enlai, the State Council approved the Report of Making a Good Job of Family Planning in

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<sup>10</sup> There are twenty-one provinces, five centrally administered Municipalities and 2 autonomous regions in 1964. Tianjin was allocated as a city level Municipality of Hebei Province between 1958 and 1967.

<sup>11</sup> Li, "The Development of China's Family Planning Institutions at the State Level (*Zhongguo Jihuashengyu Lingdao Guanli Jigou De Lishi Bianhua* 中国计划生育领导管理机构的历史变化)" (3rd May 2014).

Li Honggui, the former vice-deputy of National Family Planning Commission (1994-99). This article was originally available at National Population and Family Planning Commission website, <http://chinapop.gov.cn> (accessed on March 26, 2008), which had replaced by the National Health and Family Planning Commission website: <http://www.nhfpc.gov.cn>.

<sup>12</sup> Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*. p.160.

<sup>13</sup> The 'administrative body (*banshi jigou* 办事机构)' is differed from the 'administrative organization (*xingzheng jiguan* 行政机关)' in this thesis. The former refers to those offices that do not have direct administrative functions but assist other administrative organizations to carry out some particular tasks, such as the Overseas Chinese Affairs Office of the State Council (国务院侨务办公室) or Legislative Affairs Office of the State Council (*guowuyuan fazhi bangongshi* 国务院法制办公室).

1971.<sup>14</sup> This report requested that all the provinces, autonomous regions and centrally administered municipalities should be conscientious and make a good job of family planning, and an administrative office should be set up in the Health Department's establishment. On July 1973, a new organisation—the State Council's Leading Group for Family Planning (*guowuyuan jihuashengyu lingdao xiaozu* 国务院计划生育领导小组)—was set up. A general office was set up to carry out the daily work but no subordinate offices. As with the former office, this weak and understaffed general office remained under the charge of the Health Ministry until the 1980s. The Leading Group at its first session had 23 members including 1 head and 3 deputy heads. These members comprised leaders from the State Council and representatives from the state departments of civil administration, planning, public security, health, production and distribution of contraceptives, as well as cadres from the Party's Propaganda Department and Disciplinary Commission, the Youth League, the Women's Federation and the Trade Union, the Army and some representatives from provincial level agencies.<sup>15</sup> The groups were responsible for drawing up a population development plan, laying down a contraceptive devices' production plan and a family planning research program, carrying out birth control technical guidance, and popularizing birth control knowledge and population theory.<sup>16</sup> Nevertheless, this technical support work was still the responsibility of the Health of Women and Children Bureau.<sup>17</sup> However, as with the former State Council's Family Planning Commission, this State Council's Leading Group for

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<sup>14</sup> "The Report of Making a Good Job of Family Planning (Guanyu Zuohao Jihuashengyu Gongzuo De Baogao 关于做好计划生育工作的报告)," (*GuoFa* (No. 51) July 8th, 1971).

<sup>15</sup> State Population and Family Planning Commission, *China's Population and Family Planning History (Zhongguo Renkou He Jihuashengyu Shi 中国人口和计划生育史)*. p.689.

<sup>16</sup> *Ibid.* p.689.

<sup>17</sup> See interview LiangE270314.

Family Planning was also an informal administrative body. It did not have the implementation authority but was confined to discussion and coordination.<sup>18</sup>

#### **4.2.2 Embryonic Grassroots Level Organizations**

During the 1950s and 1960s, grassroots level family planning organizations had not been set up widely in China. There were no full time family planning personnel at grassroots level in S province. In the 1970s, local family planning organization rapidly developed. Family planning organizations were set up at all levels. But the full time family planning personnel were not put in place at the grassroots level until 1979. Before the beginning of the 1980s, the major responsibility for the implementation of the family planning lay with the health administration. The Ministry of Health, acting on policy instructions from the State Council, issued directives to the provincial health departments, which in turn gave instructions to the health bureaus of the cities and counties. At the bottom of the administration, the health units or equivalent agencies in the city neighbourhood and in people's communes<sup>19</sup> were responsible for publicity and providing the technical support.<sup>20</sup>

In S province, the family planning work started from the mid 1950s. Following the central government's instruction, the focus of the family planning work was to publicize the birth control campaign, advocate contraceptive methods and provide technical advice in the urban and dense population areas. In 1963, with the focus extended from the urban to rural areas,<sup>21</sup> the first family planning organization –

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<sup>18</sup> Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*. p.162.

<sup>19</sup> It is the town hospital at the commune level.

<sup>20</sup> Y. C. Yu, "The Population Policy of China," *Population Studies* 33, no. 1 (Mar.) (1979). p.134.

<sup>21</sup> "S Province Women and Children's Health Work Proposal in 1963 (*S Sheng 1963 Nian Fuyou Weisheng Gongzuo Fangan* S 省 1963 年妇幼卫生工作方案)," (S Province Health Department, 1963).

Family Planning Commission – was set up in S province.<sup>22</sup> This commission was led by the vice governor of the province. Family planning work was responsible by the health department at each level.

Following on, all the above county levels set up family planning commissions while only 40% of communes and 20% of production brigades (*shengchan dadui* 生产大队)/villages had leading groups for family planning.<sup>23</sup> At this embryonic stage, family planning work faced many difficulties: insufficient funding and contraceptive tools, lack of professional personnel and insufficient technical support. Without making very impressive progress, these family planning organizations were soon suspended by the Cultural Revolution in 1966.

In the 1970s, family planning work recovered and S provincial level leading group for family planning was set up in 1971.<sup>24</sup> After the first conference organized by the leading group for family planning on June 1971, the revolutionary council approved the conference memo's request.<sup>25</sup> It requested the wide advocating of family planning and training to grassroots level family planning officials, as well as extending the family planning work to the villages, factories and the street level. In responding to this 'memo', family planning organizations or special family planning officials were widely set up or appointed at prefecture/city, county and commune

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<sup>22</sup> SX History Records Research Institution (*Shizhi Yanjiuyuan* 史志研究院), ed. *Sx Local History Record (Sx Tongzhi Sx 通志)*, vol. 6th, Population History Record (*Renkou Zhi* 人口志) (China Book Bureau (*zhonghua shuju* 中华书局), 1999). p.360.

<sup>23</sup> Shilin Bi, ed. *S Province [Population] Section (S Fence S 分册)*, China's Population (*Zhongguo Renkou* 中国人口) (Beijing: China's Finance and Economy Press (*zhongguo caizheng jingji chubanshe* 中国财政经济出版社), 1989). p.347.

<sup>24</sup> Peng Peiyun, *A Whole Series of China's Family Planning (Zhongguo Jihuashengyu Quanshu* 中国计划生育全书). p.347.

<sup>25</sup> "S Province Revolutionary Council Approved the Memo of the First Conference Organized by S Province Family Planning Leading Group (*S Sheng Gemingweiyuanhui Pizhuan Sheng Jihuashengyu Lingdao zu Diyi ci Huiyi Jiyao* S 省革命委员会批转省计划生育领导组第一次会议纪要)," (June 25th, 1971).

level between 1971 and 1973;<sup>26</sup> and the advocating of the family planning policy and technical support for contraceptive methods were spread all over the province. These leading groups were led by the local CPC and the Revolutionary Council. Similarly, at the provincial level, a family planning office, known as the ‘administrative body’, was set up under the jurisdiction of the health bureau to carry out the daily work. However, these family planning offices were empty shell organizations. They were not independent offices and most of their personnel were concurrent officials of the health department.<sup>27</sup> This was described as “two organizations with one group of personnel (*liangge jigou yitao renma* 两个机构一套人马)”.

The QX County leading group for family planning was set up in 1972.<sup>28</sup> The deputy head of the health bureau was appointed as the concurrent family planning office head.

Below the county level, all the communes had appointed concurrent officials to be especially responsible for it.<sup>29</sup> It was normally the head of the town hospital,<sup>30</sup> supported by the female vice-leaders at each unit and women’s federation head at the commune level. At the production brigades and production teams (*shengchan dui* 生产队), only some big villages appointed specialist family planning officials. In most villages, it was the county level health department which led family planning work

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<sup>26</sup> *A Whole Series of China's Family Planning (Zhongguo Jihuashengyu Quanshu 中国计划生育全书)*. p.1276.

<sup>27</sup> Interview TanE190514.

<sup>28</sup> QX County *Difang Zhi Bianzhuan Weiyuanhui* [Local History Compile Committee], ed. *Qx County Records (Xianzhi 县志)* (SX: SX Guji Press, 1999). p.101.

<sup>29</sup> SX History Records Research Institution (*Shizhi Yanjiuyuan 史志研究院*), *Sx Local History Record (Sx Tongzhi 县志)*. p.361. *Qx County Records (Xianzhi 县志)*. p.102.

<sup>30</sup> The town hospital is the administrative institution at the town level.

and was supported by the barefoot doctors (*chijiao yisheng* 赤脚医生)<sup>31</sup> and the women's leader (*funv zhuren* 妇女主任).

However, with the increasing heavy duties entailed by the continuous tightening of the family planning policy, these part time personnel were found to be inadequate to carry out the work. At the production brigade and production team levels, they had to send (women) cadres or themselves to attend the birth-control meetings organised by the people's commune or county and carry out the family planning activities. These extra family planning tasks were unpaid jobs in addition to their many other assigned duties. For the People's Commune level, the commune hospital had to assist the county level's family planning work and provide the technical service, as well as collecting the data reported from the lower levels and set up the annual birth quotas for the town and individual villages.<sup>32</sup> In late 1978, regular tabulation of report figures were also required by the State Council leading group for family planning.<sup>33</sup> A specialist family planning organization or officials became necessary to take on these increased tasks.

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<sup>31</sup> The barefoot doctors are the health care assistants at the village level. They had received basic medical training and could provide some basic treatment to the villagers.

<sup>32</sup> In 1971, the central government set up a new population quota for the Fourth-Five-Years (1971-1975) Plan in The Report of Making a Good Job of Family Planning. It requires that the population growth rate should be controlled to below 15% in rural and below 10% in urban areas by 1975. See State Population and Family Planning Commission, *China's Population and Family Planning History* (*Zhongguo Renkou He Jihuashengyu Shi* 中国人口和计划生育史). p.332.

S province took these quotes as its *SiWu* [Fourth-Five-Years] population goals. Under this guidance, the population quota was distributed to all the individual regions level by level. See SX History Records Research Institution (*Shizhi Yanjiuyuan* 史志研究院), *Sx Local History Record* (*Sx Tongzhi* 通志). p.384.

<sup>33</sup> This tabulation is mainly about the original figures collected about the married/unmarried population, pregnant women and children number of fertility age women. In addition to the data collected by the family planning department, the data recourse also coming from the department of statistic, public security and health, as well as civil affair. However, at this time, the grassroots level family planning statistic database had not been set up in S province. See *Sx Local History Record* (*Sx Tongzhi* 通志). p.388.

### 4.3 Formal Organizational Stage: 1980s - 2013

During the 1950s to the 1970s, the mobilization campaign has been the main method of implementing family planning regulation in China. At the beginning of the 1980s, the decentralised provincial regulations were rapidly formulated in all regions, but the party-led mobilization campaign was still the only campaign to ensuring the implementation and maintain the coordinates among different departments.<sup>34</sup> The local government found it hard to execute the one child policy and firmly extended it to the rural areas without a proper administration organization. The former family planning organizations lacked the administrative capability to enforce the regulations and request the coordination. Therefore, formal family planning administrative organizations were soon set up from state to local levels.

#### 4.3.1 State and Provincial Level

It was only from the 1980s that the family planning organization became an independent and formal institution. With the dramatic development in family planning campaigns and related academic research in the 1970s, alongside the comprehensive policy introduced in 1979<sup>35</sup>, a more effective administrative organization was required to replace the insufficient State Council's Leading Group for Family Planning.

On March 1981, after discussion at the 17<sup>th</sup> conference of the Fifth Standing Committee of the National People's Congress, a new institution was established: the State Family Planning Commission (*Guojia Jihua Shengyu Weiyuanhui* 国家计划生育委员会). This commission had 26 ordinary members from the Standing

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<sup>34</sup> White, "Implementing the 'One-Child-Per-Couple' Population Program in Rural China: National Goals and Local Politics." p.315.

<sup>35</sup> It refers to the 1979 one-child policy.

Committee of the National People's Congress, the Chinese People's Political Consultative Conference, various ministries and commissions, the People's Liberation Army and a number of mass organizations.<sup>36</sup> This State Family Planning Commission was different from the former organizations. Firstly, unlike the former organizations confined to discussion and coordination, this commission was a formal administrative institution with executive authority and structures, as well as regular work to carry out. Secondly, this new organization was an independent institution that was independent of the Health Ministry and under the charge of the State Council. Thirdly, unlike the former organizations which had no subordinated institutions, this commission had its own functional departments.

Since the establishment of the State Family Planning Commission in 1981, 28 out of 31 provincial level regions had set up their own provincial level family planning commissions by 1984.<sup>37</sup> The family planning commission became the only family planning administrative institution in China from state to county level. The leading group for family planning was either kept or revived at later times at all levels as a coordinating organization only. Led by the head<sup>38</sup> of the People's Government, more members were involved in this group compared to the 1970's leading group. In 2009, 31 departments were involved in the leading group for family planning: the departments from the government and party committee, and the departments of legal, education, technology, public security, civil affairs, finance, human resources, construction, agriculture and forestry, health, taxation and Administration department

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<sup>36</sup> See Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*. p.161.

<sup>37</sup> State Population and Family Planning Commission, *China's Population and Family Planning History (Zhongguo Renkou He Jihuashengyu Shi 中国人口和计划生育史)*. p.177.

<sup>38</sup> It could be the (deputy) head or (deputy) party secretary.



for industry and commerce, publicity, statistics, commodity prices, religious affairs and the mass organizations.

A general office was set up under the state Family Planning Commission, and 5 subdivisions<sup>39</sup> of 60 officials were set up under the office in 1981.<sup>40</sup> During the 1980s, the Family Planning Commission was constantly enlarged and strengthened by setting up more competent divisions with large numbers of officials. By 1998, the organization had developed to 7 divisions<sup>41</sup> and 120 personnel.<sup>42</sup> Additionally, this commission established its vertical structure of family planning commissions at all levels in China (except Tibet<sup>43</sup>). Therefore, the State Family Planning Commission was the first formal and systematic family planning organization in China.

In 2003, this institution was renamed the State's Population and Family Planning Commission (*guojia renkou he jihua shengyu weiyuanhui* 国家人口和计划生育委员会) as a result of the institutional revolution at the 1<sup>st</sup> Conference of the 10<sup>th</sup> National People's Congress. Then, all the provinces followed the central government step and renamed their Family Planning Commissions, "Population and Family Planning Commission".

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<sup>39</sup> These five divisions were ranked as *Chu* (division). They are: Secretary division (*mishuchu* 秘书处), publicity and education division (*xuanchuan jiaoyu chu* 宣传教育处), policy research division, planning and finance division (*jihuacaiwu chu* 计划财务处), foreign affairs division (*waishi* 外事)

<sup>40</sup> See State Population and Family Planning Commission, *China's Population and Family Planning History (Zhongguo Renkou He Jihuashengyu Shi 中国人口和计划生育史)*. pp688-702.

<sup>41</sup> These divisions are ranked as *si* (department). They are: general office (*bangongting* 办公厅), policy and legislation department (*zhengcefagui si* 政策法规司), planning and finance department, propaganda and education department, science and technology department (*kexue jishu si* 科学技术司), personnel department (*renshi si* 人事司), international cooperation (*guoji hezuo si* 国际合作司).

<sup>42</sup> See State Population and Family Planning Commission, *China's Population and Family Planning History (Zhongguo Renkou He Jihuashengyu Shi 中国人口和计划生育史)*. p.695.

<sup>43</sup> Because of Tibet's weak governmental apparatus, its family planning work still mainly relied on the health department. See Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*. p.162.

### **4.3.2 Grassroots Level**

From 1979, the grassroots level family planning organizations were rapidly set up followed by the appointment of professional and full time family planning officials. At the town level, the family planning assistants, excess-birth fine administrator, and contraceptive tools administrator were gradually appointed and formed the necessary personnel to implement the population policy at the grassroots level. The setting up of the family planning technical service station at the county level and technical assistance at the town level further improved these grassroots level agencies' implementation ability. At the beginning of the 1980s, the village level also appointed professional family planning officials to assist the town level family planning office's work,<sup>44</sup> which further strengthened the family planning's 5-tier administrative system.

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<sup>44</sup> See chapter 5 for more details.

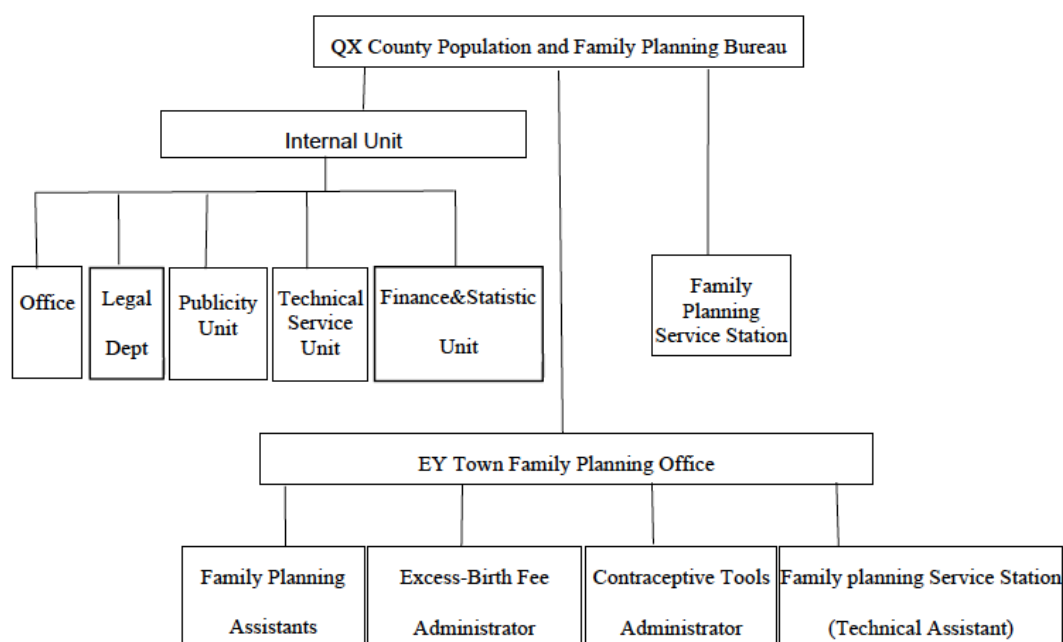


Figure 4. 1 Grassroots Level Family Planning Organization Structure

#### 4.3.2.1 1979-: Developed Grassroots Level Institution

The grassroots level family planning organization was widely developed from 1979. In 1978, with the launching of the new family planning policy of “one is the best and no more than two” in Document 69, a specialist family planning organization was required at each level by the central government. It also requested that the appropriate family planning offices should be set up with competent family planning officials above county level: a full time family planning official must be appointed to be responsible for the work below the county level, i.e. neighbourhoods, major factories and companies and publicly funded institutions, and People’s Communes

(*Renmin Gongshe* 人民公社).<sup>45</sup> According to this instruction, most neighbourhoods, factories, and communes set up their family planning organizations and appointed full time family planning officials. Generally, normal communes had 1 family planning staff members, while the big communes with more than 50,000 populations had 2 members of staff.<sup>46</sup> Consequently, by the end of the 1970s, China had formulated a five level family planning administrative system: state, province, city/prefecture, county (*Xian* 县), and town (*xiang* 乡) or commune (*gongshe* 公社).

Following the central government's 1978 Document 69 instruction, QX County family planning office was separated from the health bureau and named the Family Planning Leading Group Office (*jihua shengyu lingdao zu bangongshi* 计划生育领导小组办公室), even though the office head was the concurrent deputy head of the health bureau. These offices were independent units<sup>47</sup> and ranked as *keji* (section) units. But they did not become formal government departments until they were upgraded to 'commissions' in 1984.

### Town Level Family Planning Assistant

At the town level, a full time family planning assistant (*jihua shengyu zhuli* 计划生育助理) was appointed at the beginning of the 1980s following the provincial 1979

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<sup>45</sup> The lowest levels of government are neighbourhood communes in the urban and people's communes in the country.

See "Regulations of the Organization of the Urban Residence Committee (*Chengshi Cunmin Weiyuanhui Zuzhi Tiaoli* 城市村民委员会组织条例)," (1954). Article 3 Section 1: A neighbourhood committee consists of fifteen to forty households.

Each committee has several sub-committees responsible for such local tasks as civil affairs, security, social services, culture, health, and women's activities. In each people's commune, there are a number of production brigades in each of which there are a number of production teams. These lower socio-economic units of the commune carry out the commune's productive work and other activities, and are similar to those of the neighbourhood committees in the city.

<sup>46</sup> State Population and Family Planning Commission, *China's Population and Family Planning History* (*Zhongguo Renkou He Jihuashengyu Shi* 中国人口和计划生育史). p.709.

<sup>47</sup> It is same for the city, prefecture and provincial level.

Notice of Recruiting Full Time Family Planning Officials at the Communal Level. Some towns set up a family planning agency (*xiangzhen jisheng zhan* 乡镇计生站). However, with only one office equipped, family planning agencies had very limited functions. With help from the town hospital for publicity and technical support, the family planning agencies' mainly focused on data collection and statistical work during that time.

These assistants were appointed as cadres (*ganbu* 干部) with public institution establishment (*shiye bianzhi* 事业编制)<sup>48</sup>. The majority of them were transferred to the administrative establishment in 1982 and became formal cadres.<sup>49</sup> All recruited personnel would have an urban *hukou*. This particularly benefited those agricultural (rural) *hukou* holders, as they would be authorised to transfer to a non-agricultural

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<sup>48</sup> Generally, China has three types of establishment (payroll): the administrative establishment (*xingzheng bianzhi* 行政编制), the public institution establishment (*shiye bianzhi* 事业编制) and enterprise establishment (*qiye bianzhi* 企业编制). The state controls the apparatus by controlling these *bianzhi*. The administrative establishment refers to the authorized number of the personnel (the number of established posts) in a Party or government organ (*jiguan* 机关). The personnel with the administrative establishment means that they perform government service lawfully and are part of the national administrative system, and their wages and office expenses are met from national funds. These officials were called *Cadres* in the past and are known as civil servants (*gongwuyuan* 公务员) currently. They are also said to 'eat imperial grain (*chi huangliang* 吃皇粮)'. The public institution establishment refers to personnel in the public service organizations rather than making profit. They can be fully funded or partly funded by the state or even self-funded, such as schools, hospitals, research centres etc. An enterprise establishment has the purpose of making profit. The staff in state-owned enterprises have the enterprise establishment. People normally name the first group and state fully funded public institution establishment holders as having the Iron Rice Bowl (*tie fanwan* 铁饭碗).

See Kjeld Erik Brødsgaard, "Institutional Reform and the Bianzhi System in China," *The China Quarterly*, no. 170 (2002).

<sup>49</sup> SX History Records Research Institution (*Shizhi Yanjiuyuan* 史志研究院), *Sx Local History Record* (*Sx Tongzhi* 史通志). p.423.

(urban) *hukou*.<sup>50</sup> In the first couple of years, there was normally one assistant for each town. The candidates were from the health department and the urban youth<sup>51</sup> (*zhishi qingnian* 知识青年) with junior secondary school or above education level. They were recruited based on an overall evaluation after they passed the qualification exam. Before the town level family planning office was set up, these assistants were directly under the administrative control of the town government.<sup>52</sup>

In addition to publicizing family planning policy, their routine work also involved political study, regulation and technical training, regular inspection, house visiting, distribution of contraceptive tools, routine collection, updating and tabulation of data collected/reported from the lower levels, reporting to the upper level family planning institution, and fixing of annual birth quotas and their breakdown by villages. In order to ensure the veracity of the information reported from lower levels, these grassroots level officials usually had to visit every individual family personally,

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<sup>50</sup> The *Hukou* system is an important China organizational mechanism. One's *hukou* records include the categories of the *hukou* (agricultural or non-agricultural), legal address and location, unit affiliation (employment), and a host of personal and family information. The urban *hukou* holder had much better access to political, economic and social opportunities, activities, and benefits, such as job and education opportunities, urban benefits and subsidies in medical care, housing, job training and social welfare programs, public service of electricity, gas, water, phone, etc. See Fei-Ling Wang, *Organizing through Division and Exclusion -- China's Hukou System* (Stanford: Stanford University Press, 2005).

<sup>51</sup> It was limited to the urban youth "sent down" to the mountains and countryside (*shangshan xiaxiang* 上山下乡) before 1975. *Shangshan Xiaxiang* refers to the movement of send the urban youth (high school student mainly) up to the mountains and down to the countryside. It was happened during the Culture Revolution. The purpose of it is to learn from the workers and farmers, declared by Mao.

<sup>52</sup> During that time, Family Planning Assistant and some other assistants were called Ten Main Assistants (*shi da yuan* 十大员). They are: Cinema Projectionist (*fangying yuan* 放映员—he/she is responsible for broadcasting the film. During 1979 and the beginning of the 1980s, broadcasting the film publicly for free was very attractive for the villagers as one of the very limited forms of organized entertainment. It was also used as a valid method of popularizing the new policy and regulation.)、Newscaster (*guangbo yuan* 广播员)、Irrigational Assistant (*shuili yuan* 水利员)、Forester (*linye yuan* 林业员)、Civil Affairs Assistant (*minzheng yuan* 民政员)、Family Planning Assistant (*jisheng yuan* 计生员)、Statistical Assistant (*tongji yuan* 统计员)、Agriculture Machine Assistant (*nongji yuan* 农机员)、Organizational Assistant of the CPC (*zuzhi yuan* 组织员)、and Judicial Assistant (*sifa yuan* 司法员). They are under the direct leadership of the town level government. Some of these assistants were cancelled later on, such as the Cinema Projectionist. The others were developed into a professional institution, such as Family Planning Assistant, Civil Affairs Assistant. See interview FENGZY250214 and FENGZY130314.

particular those families with women of reproductive age. Even with the help of the village officials, due to very limited staff, these assistants worked very hard. During that time, most families in the countryside were still mainly reliant on agriculture. Therefore, these assistants had to work both early morning and late afternoon to meet the villagers to carry on their investigation and confirm the data reported by the village committee. These original data made a great contribution to the subsequent family planning work.

Table 4. 2 EY Town Family Planning Basic Information Statistical Form in 1979<sup>1</sup>

	Village name
	Total Population Number
	Birth Number
	Death Number
	Population Increase Compared with Last Year
	Reproductive Age Women Number
	Contraceptive Condition (Number)
	Men Ligation
	Women Ligation
	IUDs Insertion
	Taking Oral Conception
	Other devices
	Contraceptive Percentage ( <i>jieyu lv</i> 节育率)
	Percentage for Ligation for both Women and Men, and IUDs Insertion ( <i>san shu</i> )
	First Marriage Number
	Late Marriage
	Later Marriage Percentage

<sup>1</sup> See DSCN3595/12252009, Q County Fieldwork.



### A Case Study: Family Planning Assistant Gu's work at EY Town

At EY town, Gu was recruited as a family planning assistant in 1983<sup>1</sup> and ranked as an administrative cadre (*xingzheng guanli rennyuan* 行政管理人员). Before the setting up of the EY town family planning office in 1984, she did not have her own office but shared an office with the head of the Women's Federation (*funv zhuren* 妇女主任). Normally, she left home before sunrise (about 5am) and returned home around 10-11pm and worked 7 days a week. She visited all the households (about 20,000 people in 13 villages<sup>2</sup>) at EY town by cycling and walking. In one conversation, she said, "During that time, I worked twenty days a month in villages. Normally, I just bring some *Mantou* (馒头<sup>3</sup>) and some pickles (*Xiancai* 咸菜). In the middle of the day, some cold bread, pieces of pickles, and some hot water provided by the local villagers was my normal lunch. Summer was ok; winter was extremely tough with the temperature from 0°C to -20°C even without mentioning the extreme bad weather."

In the evening, she went back to the office to summarize and tabulate all figures. The information she was required to collect included: figures about population change (including the total population, births and deaths number, population increase and related quota), information about women of reproductive age (including the number of reproductive age women and their children's number, pregnant women's information, and total fertility rate), contraceptive data for women of reproductive age (see table above), the number of women in their first marriage (such as the

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<sup>1</sup> This position was open to the public with certain conditions and 5 people applied for this position. Gu finally got it after the overall evaluation, which included education level, previous work experience, political background etc.

<sup>2</sup> After some urban and rural planning between the 1950s and the beginning of the 1990s, EY town currently has 24 villages.

<sup>3</sup> *Mantou* is a kind of plain bread.

number of women within the first marriage, women with an early marriage age and late marriage age individually, as well as the related quota), and the only child family's (*dusheng zinv jiating* 独生子女家庭) information (including numbers of certificated one-child family and economic bonus information for the only child families), and the information about excess born families (particularly those CPC members). Below is a sample of the form about women of reproductive age.

Table 4. 3 Pregnancy Survey Form for Women of Reproductive Age<sup>4</sup>

Village	Wife Name	Husband Name	The current children			Notes
			Born	Pregnant	Month <sup>5</sup>	

A meeting was held on the 7<sup>th</sup> of every month at QX County family planning office. In addition to reporting all the above information to the county level family planning office, Gu also needed to report it to the family planning leadership at the town level. In addition to the monthly report, she was also requested to prepare a quarterly report, half yearly report and the annual report. Without any modern calculator, she had to calculate all the data with an abacus or on paper. For all of the above report, she normally prepared one copy for herself (town level family planning office) on an A5 size *Hongqi* (红旗) softcover notebook, and hand copied the other 2-3 copies for the upper levels. Without any photocopy machine or even premade forms, all of these copies were hand written.

<sup>4</sup> See interview GQX251209.

<sup>5</sup> The “month” refers to the age of the fetus: such as three months old, marked as 3+.

Moreover, as a grassroots level official, she also had to pass on all the information from the upper level institutions to the villages, and train village leaders about the relevant family planning regulations. At the beginning of every year, she had to fix the annual birth quotas and their breakdown by individual villages.

In addition, she also had to undertake some administrative work, such as issuing certificates for the only child families, and issuing the 2<sup>nd</sup> child permission for qualified families;<sup>6</sup> take the training course for new regulations; attend political study courses organised by the party committee; distribute contraceptive tools etc. The scale of these tasks made the town level family planning work very intensive for the very limited personnel.

#### **4.3.2.2 1980s: Strengthened Grassroots Level Institution**

At the beginning of the 1980s, most county and town levels established their independent family planning organizations in response to central government's 1982 Document 11 instruction.<sup>7</sup> At the county level, a formal section (*keji* 科级) unit of the family planning commissions was set up widely. Its head was appointed by the county level People's Congress. At the town level, most regions established an independent family planning agency with full time family planning officials — family planning assistants.

A formal family planning organization equipped with full time officials was also established at EY town during that period. QX County family planning commission and EY Town family planning agency were both set up in 1984. A deputy town head

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<sup>6</sup> The second-child 'permission' was normally called 'the second-child quota (*er hai zhibiao* 二孩指标) in China. As the state set up the population growth target every year, limited indexes were set up for the second child in each province, each town and each village every year.

<sup>7</sup> This document requires that family planning commissions or other similar organizations should be set up in provinces, cities and counties.

was appointed as the concurrent town family planning agency head to be responsible for the practical work.<sup>8</sup>

At this time, the family planning commission above county level or family planning agency at the town level became the only family planning administrative institution. In addition to providing the family planning service, they also had administrative authority to enforce the implementation of the family planning regulations. The former leading groups for birth planning were either kept or reinstated at a later time, led by the (deputy) head of the people's government or (deputy) party secretary of the party committee. They were still not a formal administrative organization, but an informal body which functioned as a coordinating body, such as organizing an annual conference of the related departments and issuing the documents for better cooperation. Among these bodies, the town level's leading group was more like an empty shell as the deputy town head or party secretary was directly responsible for family planning work.<sup>9</sup>

During this time, the town level family planning personnel was also enlarged across the province as a whole. The excess-birth fine officials were recruited and the family planning assistants were strengthened. A substitute family planning assistant was recruited when the original staff members were relocated to another department, and an extra assistant was also appointed for big towns with over 10,000 people.<sup>10</sup> Compared to those assistants recruited in 1979 who had permanent appointments, these casual administrative staff (*xingzheng linshi guding renyuan* 行政临时固定人员) were more like contract staff for a fixed term. Their salary was decided by the

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<sup>8</sup> See interview GQX251209.

<sup>9</sup> See interview FENGZY270214.

<sup>10</sup> L County Family Planning Commission, ed. *L County Population Annals (Lxian Renkou Zhi L 县人口志)* (1992). p.117.

town government and they were not entitled to change their agriculture *hukou* status, nor did they receive any medical benefits for cadres or pensions.

After 1984, all towns with a population of less than 10,000 had at least 1 family planning assistant, while those with a population of over 10,000 had at least 2 assistants.<sup>11</sup> Overall, the number of town level family planning officials expanded from 1897 assistants in the whole provincial area in 1979, to 3840 (including the excess-birth fine officials) in 1985. For all 2057 towns, this equates to 1.86 family planning officials on average in each town in 1985.<sup>12</sup>

Later, a specialist family planning deputy town head position was created and the post was filled among the family planning assistants at the end of the 1980s in order to strengthen the family planning team. In L County of S province, three out of twenty towns promoted family planning assistants to the full time family planning deputy town head position in the first batch. They were all ranked as deputy section chief (*fukezhang* 副科长). At EY town, G was appointed as full time family planning town deputy head in 1993. By that time, most towns in QX County had a full time family planning deputy head. However, in 2001, due to central government's instruction to simplify the organization (*jingjian jigou* 精简机构), some towns abolished this position. They reverted to the role of family planning officials but retained their rank of deputy section chief. Instead, a deputy town head was appointed to be responsible for the family planning work.

In 2002, QX County family planning commission was renamed "QX County Family Planning Bureau (*xian jisheng ju* 县计生局)" and the town family planning agency

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<sup>11</sup> Ibid. p.117.

<sup>12</sup> SX History Records Research Institution (*Shizhi Yanjiuyuan* 史志研究院), *Sx Local History Record* (*Sx Tongzhi* 史通志). p.382.

was renamed “the town family planning office (*jishengban* 计生办)”. In 2005, after the State Family Planning Commission was renamed “the State’s Population and Family Planning Commission”, the County Family Planning Bureau was further renamed “County Population and Family Planning Bureau”.

Excess-Birth Fines Official (*chaosheng fei guanli yuan* 超生费管理员)

In addition to the family planning assistants, another type of grassroots level family planning official was also widely appointed for the town family planning office in S province at the beginning of the 1980s. In 1982, the central government issued a further instruction (*zhishi* 指示) about competent family planning organization at the grassroots level and new regulations for fines to be imposed on families who broke the family planning regulations.<sup>13</sup> In response to this central government instruction, S province launched its provincial regulation regarding the fines.<sup>14</sup> The specialist excess-birth fine officials were requested at each town to “unify government control over fine-collecting and expenditure (*tongshou tongzhi* 统收统支)”.<sup>15 16</sup> In S

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<sup>13</sup> See "The Central Committee and the State Council's Instructions for Further Implementing Family Planning Work (*Zhonggong Zhongyang Guowuyuan Guanyu Jinyibu Zuohao Jihuashengyu Gongzuo De Zhishi* 中共中央国务院关于进一步做好计划生育工作的指示)." Part 3: Having Necessary Award and Restriction in order to Assure the Smooth Development of Family Planning Work (*shixing biyao de jiangli he xianzhi, baozheng jihuashengyu gongzuo de shunli kaizhan* 实行必要的奖励和限制, 保证计划生育工作的顺利开展): para 4, some appropriate economic restriction should be applied (for those families who) broke family planning (policy)... (*duiyu bu an jihuashengyu de, yao geiyu shidang de jingji xianzhi* 对于不按计划生育的, 要给予适当的经济限制).

Part 5, Each Level Party Committee and Local Government Must Strengthen the Lead to Family Planning Work (*geji dangwei he zhengfu yao jiaqiang dui jihuashengyu gongzuo de lingdao* 各级党委和人民政府要加强对计划生育工作的领导): para 2, ... the complete professional family planning cadres should also be appointed at the commune level ... (*gongshe yao peiqi zhuanzhi ganbu* 公社要配齐专职干部).

<sup>14</sup> See "S Province People's Government Family Planning Regulations (*S Sheng Renminzhengfu Guanyu Jihuashengyu De Ruogan Guiding* S 省人民政府关于计划生育的若干规定) (Invalid)," (*SZhengFa* (No. 142), 1982). Part 3—Restriction.

<sup>15</sup> See "The Proposed Regulation on Strengthening the Excess-Birth Fine Management in S Province (*S Sheng Guanyu Jiaqiang Chaoshengzinyfei Guanli Shixing Banfa* S 省关于加强超生子女费管理试行办法)," (S Province Finance Bureau and Family Planning Commission, 2nd June, 1984).

province, the fine-collecting started generally from 1983.<sup>17</sup> By 1984-85, most towns recruited one excess-birth fines officials. All had secondary school education level.<sup>18</sup> They were normally recommended by the town and appointed by the county level based on the assessment. In contrast to the family planning assistants, the status of these fine officials varied. Only some of them were entitled the administrative establishment. Their salary level was determined by the county level family planning commission and paid by the collected excess-birth fines. In addition to the salary of family planning officials, the fines were also used to cover the office expenditure of the town family planning office.<sup>19</sup> At EY town, an excess-birth fine official was appointed in 1993. Before that, the fine was administered by the — “league accountant” (*lianxiao kuaiji* 联校会计)<sup>20</sup> on behalf of the town government.<sup>21</sup>

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<sup>16</sup> There are two stages to the excess-birth fine. The first stage started from the end of 1979 following the S Province Temporary Regulations on Family Planning Work. The families who broke the regulation would have part of both partners' salary or work points deducted. These fines were used for their own *danwei*'s collective welfare. The second stage was from 1982, instructed by S Provincial People's Government Family Planning Regulation, that 'earmarked a fund for its specified purpose only (*zhuanquanzhuanyong* 专款专用)': the above fines could only be used for the family planning work.

<sup>17</sup> See interview DUCZ121109.

<sup>18</sup> Due to the impact of the Cultural Revolution, the university entrance exam was not reinstated until 1977 in China. As a result, secondary school education level was a higher education level in China at that time.

<sup>19</sup> See interview DUCZ121109.

The general policy regarding the excess birth fine is that it is collected by the family planning organization (*shou yu jisheng, yong yu jisheng* 收于计生, 用于计生).

During 1982-1992, the fine was unified controlled by the town government over fine collecting and using (*xiangshouxiangguan tongshoutongzhi* 乡收乡管 统收统支). It was requested by central government's 1982 Provisional Regulation on Strengthening the Excess-Birth Fine Management (*guanyu jiaqiang chaosheng zinyfei guanli de zanxing guding* 关于加强超生子女费管理的暂行规定).

After 1994, it was collected by the town and allocated by the county through the accountant (*xiangshou xianguan caizheng jiandu* 乡收县管 财政监督). It was laid down that the fine was 'managed by one level (the county level) but used by two levels (the county and town level) (*yiji guanli, liangji shiyong* 一级管理, 两级使用), in which the town level takes a higher percentage.

<sup>20</sup> During the 1970s and 1980s, an accountant from the other departments of the town was often in charge of the excess-birth fine on behalf of the town government before the appointment of the excess-birth fine official. The league account is one of them. The league was a management department on behalf of the town government for the schools in a town or several villages.

<sup>21</sup> See interview GQX251209.

The penalty collection of those excess-births started at the early 1980s brings China's birth-control regulations implementation into a further compulsory step. From 1981 to 1994, an extremely serious control on birth have been carried out in QX County and the whole nation.<sup>22</sup>

#### Contraceptive Tools Administrator

In 1985, a contraceptive tools administrator (*yaoju guanli yuan* 药具管理员) was also appointed in some towns. These roles were usually combined with the role of excess-birth fine official into one position.<sup>23</sup> Their appointed task was to strengthen the management of contraceptive device, and improve publicity about how to use these devices. In addition to these tasks, they also shared normal administrative tasks with the other family planning officials. These personnel were normally recruited as 'casual staff (*linshigong* 临时工)' without the guaranteed period of employment although most of them never had a real risk of losing the job. Their salaries were normally paid by the excess-birth fines but they were not entitled to any cadre medical benefits or pensions.

In 1994 and 1995, according to the provincial document, most of the casual staff who joined the family planning work before 1988 were promoted to cadres (*tigan* 提干).<sup>24</sup> They were entitled to public institution establishment<sup>25</sup> and agricultural hukou holders were entitled to transfer to non-agricultural status. This improved job security further strengthened the completeness of the grassroots level family

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<sup>22</sup> 22/12/2009 Interview with Dongnanfang village's family planning official.

<sup>23</sup> See interview LIUL280909.

<sup>24</sup> 1994, S Province Party Committee's Document of Fixing Post (S shengwei dingbiandinggang wenjian S 省委定编定岗文件). See SX History Records Research Institution (*Shizhi Yanjiuyuan* 史志研究院), *Sx Local History Record (Sx Tongzhi Sx 通志)*. p.424.

<sup>25</sup> See footnote 48.



planning organization. However, even after a couple of general promotions, the town level family planning officials with formal establishment are still very limited in numbers. Mostly, there are only 2-3 officials with administrative establishment. In EY town, there are 7 family planning officials in total but only three of them have administrative or public institution establishment. One is the family planning deputy town head who was promoted from the family planning assistants. The second is the office head, and the third is a senior official who joined the family planning office before 1990. All the other officials are contract employees and their salaries were paid by the town government from the collected excess-birth fines. They had neither job security nor many other benefits.

#### **4.3.3 Other Family Planning Organizations**

From the beginning of the 1980s to 2013, the (Population and) Family Planning Commission/Bureau/Office is the main and only family planning administrative organization at each level to implement these provincial regulations. In order to support the administrative organization's work, some public institutions were set up, such as the Population and Family Planning Study Organization, Population Medias, Population Education and Training Centre, and Technical Service Centre. In addition to these organizations directly led by the family planning administrative organization, some affiliated organizations, i.e. the Family Planning Association, Population Society, Population Cultural Society and Population Welfare Foundation, were also set up. Most of these organizations were only set up at the national and provincial level. At the grassroots level, there are only the technical service centre – Technical Service Station – and the Family Planning Association.

#### 4.3.3.1 Family Planning Technical Service Station

During the 1980s, the grassroots level family planning institutions were further strengthened after the establishment of the family planning technical service team. Many family planning service tasks, which were carried out by local hospitals, have gradually been transferred to the county and town family planning service stations.<sup>26</sup>

During the 1950s and 1960s, the family planning service work was mainly focused on technical advice. At the grassroots level, family planning was understood as a technical issue for women only. In QX County, the earliest family planning technical team was organized in 1962, when a family planning technical support team (*jishu zhidao xiaozu* 技术指导小组) was organized by QX County People's Hospital.<sup>27</sup> The team had 5 members who were either surgeons or specialists from the Department of Obstetrics and Gynaecology (*fuchanke* 妇产科). It mainly focused on family planning technical research rather than practice. The team's work was interrupted during the Cultural Revolution and recommenced in 1973.

In the 1970s, the family planning technical service was mainly provided by the local hospital. At the town level, it was the town hospital head and women's leader (*funvzhuren* 妇女主任) who was responsible for family planning. It was normally the nurse or assistant nurse (*weishengyuan* 卫生员) or health visitor from the town hospital and Women and Children Health Hospital (*fuyou baojian yuan* 妇幼保健院) who provided the general service before 1979. These services included insertion and

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<sup>26</sup> Joan Kaufman et al., "The Creation of Family Planning Service Stations in China," *International Family Planning Perspectives* 18, no. 1 (1992b).

<sup>27</sup> Generally, the People's Hospitals were set up in each level in China: from provincial level to town level. They are normally the main hospital in its level, particular at county and town level. See interview FENGZY050314.

removal of IUDs, distributing contraceptive tools and oral contraception and performing general IUDs and pregnancy checks.

In the village, regular visits were organized by the county hospital assisted by the barefoot doctors and women's leader.<sup>28</sup> They were responsible for publicizing the birth control regulations and providing the contraceptive service. Their services included a general IUD check and pregnancy check, providing contraceptive tools, such as distributing condoms and providing IUD services (insertion and removal of IUDs), while abortion and sterilization were mostly provided from the 1980s.<sup>29</sup> During the 1960s and early 1970s, the publicity and advice focused only on women as family planning was considered to be the women's responsibility.<sup>30</sup> Later on, when family planning had been more widely accepted, it was encouraged by way of an extensive mass campaign. The advertisements and promotional slogan were posted widely on walls and by main roads, and mobilizing meetings were also organized at the village (production team) meetings.<sup>31</sup>

At the beginning of the 1980s, central government requested that not only the grassroots level formal family planning organizations, but also the grassroots level family planning technical service team be set up.<sup>32</sup> Following this central government instruction, S province approved the establishment of the county level "family planning service station" (*jihua shengyu fuwu zhan* 计划生育服务站) in 1984 when the county and town level family planning organizations had been set up.

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<sup>28</sup> SX History Records Research Institution (*Shizhi Yanjiuyuan* 史志研究院), *Sx Local History Record* (*Sx Tongzhi* *Sx 通志*). p.382.

<sup>29</sup> See interview FENGZY250214 and FENGZY010414.

<sup>30</sup> At an early stage, publicising the family planning policy or contraceptive methods was not accepted by the villagers. They often laughed a lot during the meetings.

<sup>31</sup> See interview FENGZY250214 and FENGZY010414.

<sup>32</sup> See 1982's Document 11 requested to set up the county level family planning publicity and advice station (*jihuashengyu xuanchuan zhidao zhan* 计划生育宣传指导站).

In 1985, S province issued instructions on how to set up county and town level family planning service stations.<sup>33</sup> It included regulations on publicity, technical service, family planning devices management etc. By the end of 1985, the grassroots level family planning service station<sup>34</sup> had been set up in one third of the counties and towns in S province, and this expanded to 50% by the end of 1990. With more funding support from state, provincial, and local levels, the technical facilities at these stations were greatly improved between the 1990s and the 2010s.

After setting up the county level service station, the family planning technical work has been gradually separated from the family planning commission. The family planning service station — as a fully funded public service institution (*quan/e shiye danwei* 全额事业单位)<sup>35</sup> — was under the charge of the family planning commission.

At the town level, the family planning service station and the family planning office are usually one team. The family planning technical assistant is also a member of the family planning office and shares all the other work. The family planning service office (*fuwushi* 服务室) was also set up in most villages after the 1990s. But it is an empty shell and does not have any practical function beyond being a place for storing documents and forms, as well as a reception for the upper level inspection.

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<sup>33</sup> See "The Proposed Regulation of the Family Planning Publicity and Technical Service Work Net at Countyside in S Province (*S Sheng Nongcun Jihuashengyu Xuanchuan Jishu Gongzuo Wangluo Shixing Banfa* S 省农村计划生育宣传技术工作网络试行办法)," (S Province Family Planning Commission, 1985).

<sup>34</sup> The family planning service station was named as *fuwu zhan* [service station] at county level and *fuwu suo* [small service station] at township level.

<sup>35</sup> In China, the public service institute (*shiyedanwei* 事业单位) could be state fully funded (*quane yusuan* 全额预算), state partly funded (*chae yusuan* 差额预算) or self funded (*zishouzizhi* 自收自支).

Compared with the town level technical teams, the county level family planning service stations are equipped with better facilities and staff.<sup>36</sup> In addition to the general service, such as publicity and education in the family planning regulations and birth control advice, and training the lower level family planning technical officials, most county level service stations were qualified to provide the following services independently by the end of 2010: general prenatal check and *sishu* [four operations: IUDs insertion and removal, abortion, sterilization]. The town family planning service station could generally provide ultrasound and *sancha* [three types of check: it refers to IUDs check, pregnancy test, and urine test for married women of reproductive age here]. Some of them could provide IUDs services (insertion and removal of IUDs) and abortion. For those service stations, which could not provide an abortion service, such as EY town, villagers either went to the town hospital<sup>37</sup> or the county level family planning service station. Most town family planning service stations have not qualified to perform sterilizations, which can only be done in the county level hospital or some county level family planning service stations.

During the 1980s and 1990s, ‘the Concentrate Quality Service Period (*jizhong youzhi fuwu yue* 集中优质服务月)’ was often arranged by the county level family planning service station. The surgeons who are from the county level hospital and city or provincial level hospitals were invited to the town level hospitals for a particular period<sup>38</sup> every year. In addition to complex operations, such as sterilization, abortion, or induced labour, the service also provided IUDs and pregnancy tests and insertion

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<sup>36</sup> Most of the county level family planning service station personnel have health related backgrounds and all the medical personnel have obtained professional certificates.

<sup>37</sup> Since the 1980s, most town hospitals have the ability to perform the abortions.

<sup>38</sup> It was normally about one month.

of IUDs. This type of intensive contraceptive service was stopped in QX County after 2010 when the enforced contraceptive methods were relaxed.

### Technical Assistants

Since setting up family planning service stations (*jihuashengyu fuwu suo* 计划生育服务所) at the township level from the middle of the 1980s, most towns recruited technical assistants (*jishu yuan* 技术员). In practice, the town family planning office and family planning service station were normally one team with two names. These technical assistants were selected by the town level family planning office, but paid by the town government as occasional officials. Like the excess-birth fine officials, these technical assistants also carried out other office work. Most of them were not formal officials and their salaries were paid by the town government from the excess-birth fines. There were normally 1-2 technical assistants in small towns and 2-3 in big towns. Since the setting up of these technical assistant posts, family planning technical support work has gradually been transferred from the town hospital to the town family planning office. After professional training, most of these technical assistants obtained the Family Planning Technical Service Certificate (*jihuashengyu jishu fuwu ren yuan hegezhen g* 计划生育技术服务人员合格证) and the Medical Practitioner Certificate (*zhiye yishi zige zheng* 执业医师资格证).

At QX County, the family planning service station was set up in 1985. By the middle of the 1990s, most towns had set up a town level family planning service station. EY town family planning service station was set up in 1994 when a technical official was appointed. So far, a competent family planning organization was established at EY town. The family planning commission at the county level and the family planning office at the town level are the only family planning institutions with the

administrative authority to enforce the implementation of the family planning regulations. The family planning service station is a public institution under the charge of the same level family planning administrative organization.

#### **4.3.3.2 Family Planning Associations**

The Family Planning Associations were established as a mass organization comprised of members from all areas who are enthusiastic about family planning work. After the state level family planning association set up in 1980, local level associations were rapidly set up. The original purpose of these associations was to encourage the public to join the family planning campaign, be family planning pioneers and advocates of family planning, as well as support and supervise family planning organizations' work.

At QX County, the family planning association was set up at the beginning of the 1990s. The association was not a formal institution until the beginning of the 1990s when it became a state funded public institution and ranked as a 'deputy section' (*fuke* 副科) unit. The leader of the county government or party committee was normally concurrently appointed as the president and the deputy president of the association. The association also included one secretary and 1 to 2 deputy secretaries and some members. One deputy secretary was normally assigned to manage the association's work, such as 'reproductive care (shengyu guanhuai 生育关怀)'.<sup>39</sup> In addition to their internal work, the association largely joined the family planning administrative department's work. They shared the working space and carried out the same work as the family planning administrative officials. In practice, all these officials are directly led by the county family planning bureau but assigned to

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<sup>39</sup> It refers to some special care for those family-planning families, i.e. single child families or families with two girls.

different tasks. Who is in which team all depends on which team the officials could hold an establishment for the job security. In reality, this is how grassroots level organizations cope with central government's instruction to "streamline administration structure (*jigou jingjian* 机构精简)" while holding on to the essential personnel: the original administrative staff were moved to the public institution's establishment or to another department's establishment.<sup>40</sup> At the town level, the family planning association is normally "one team and two names" with the family planning office. Because no establishment was allocated to the town association, there are even often no 'named' association members in the town offices. Overall, the family planning association at the local level has lost its original purpose as an organization independent from the family planning organization but instead has become part of the organization. At the grassroots level, the family planning associations have become an empty shell. Their only practical purpose is to give better job security to more officials by taking advantage of the association's establishments.

#### **4.3.4 Summary**

In China, population control is decentralised. Because of China's vast geographical space, unprecedented social change, uneven economic development, diverse cultural milieu and unique ideological evolution, it is hard for central government to formulate a concrete and centralised population regime which is applicable to all

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<sup>40</sup> "Establishment occupying" is a common phenomenon at grassroots level in China. Because of the limited administrative establishments, the officials sometimes have to take the establishment from another administrative department or related public institutions to get job security or promotion, but without practical change to their job. For example, the family planning service station often took the establishments from the contraceptive tools management station.



local circumstances. Therefore, in order to increase flexibility, the province/municipality level has been authorised to make their local population regulations, depending on local conditions within the general framework of central planning.

According to central government's regulations,<sup>41</sup> the main responsibilities of the state family planning commission are: to draft the state's population development plan and strategy, as well as the relationship with the economy, society, resources, environment at the macro level, and give advice for its goal and task. It is responsible for the state's long term and medium term population policy design, and has to supervise and assess the implementation of the policy in order to maintain the low birth rate. It has to draft population and family planning legislation and regulations, and is in charge of co-operation with all other related departments and mass organizations, and makes suggestions on the sex ratio balance to other departments. It organizes the training program etc.

The sub-national family planning commissions above county level have similar obligations to those on the state level: to draft local level population development plans, sketch out local regulations and legislation, supervise lower level work, give suggestions to these lower levels and organize their training programs. In addition, upper level governments can abolish or amend the sub level's unsuitable regulations or legislation. However, the town level family planning office has no power over policy-making but is the most direct organization for policy implementation.

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<sup>41</sup> "The Regulation of State's Population and Family Planning Commission's Main Obligations and Initial Institution and Staff Organization (*Guojia Renkou He Jihuashengyuweiyuanhui Zhuyao Zhize Neishe Jigou He Renyuan Bianzhi Guiding* 国家人口和计划生育委员会主要职责内设机构和人员编制规定)", [\*http://www.chinapop.gov.cn/jgz/\*](http://www.chinapop.gov.cn/jgz/) (1st July 2010).

In brief, the state and provincial family planning administrative organization is responsible for the framework of the state/provincial population development strategy and family planning regulations. They are the main actors in the formulation of regulations. Then the rules are handed down to the city/prefecture level, then to the county level, and finally to the town/township/district level. The city or prefecture gives more detailed instructions for implementation. The county, and especially the town level, implement the regulations.

The chart below is a summarized family planning system structure map from the state to the town level. The leading groups for family planning from the provincial level down are either the remains of the former 1970s leading groups or were established later on. They are not formal institutions and their functions are the same as the previous leading groups: an umbrella organization for coordination. At the county level, in addition to the family planning bureau's administrative department, another important department is the family planning technical service station. The oral contraception and contraceptive tools management station has been merged into the family planning technical service station in many locations and become a sublevel department of the service station in practice. The family planning association is merged into the administrative department.

At the town level, the main membership of the family planning office is composed of the family planning assistants, the excess-birth fine administrator, and the contraceptive tools administrator as well as the technical assistant. It is normally 7-8 officials in a medium sized town in which only 2-3 members are formal cadres. The rest are either temporary staff or contract staff recruited by the town government and their salaries are paid by the excess-birth fines. At this level, the family planning

association also exists in name but it is normally included in the family planning office. It is even hard to say who is the particular family planning association member in the office. The leading group is also set up in name because the town level's family planning work is directly led by either the town head or the party secretary.

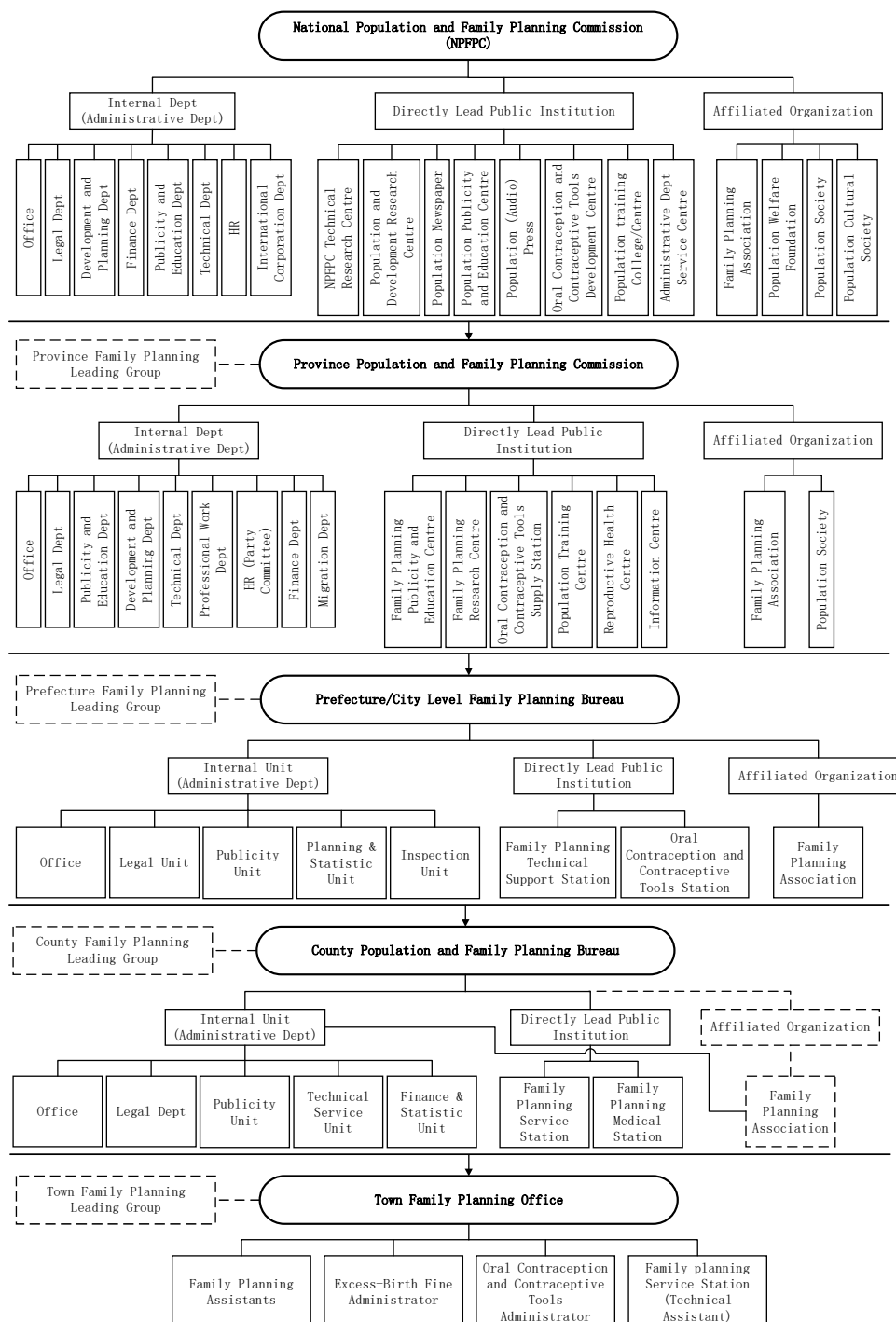


Figure 4. 2 PRC's Family Planning Organizational Structure from State to Town

## 4.4 The Administrative Relationship Among the Family Planning

### Organization System

During the development of family planning campaigns since the 1950s, the FP agencies have formed a complete system from the state to the town and even village level. From province to town, family planning agencies are not only under the control of the higher level family planning agencies but also the local government. In China, this management system — a vertical (*tiaotiao* 条条) and lateral (*kuaikuai* 块块) system — has been applied broadly at the town level to balance the central government's power concentration and local government's sectionalism. The departments, which are primarily under the administrative control of the higher level authorities, are named as the *tiaotiao* section; while those departments who are under the jurisdiction of the local government solely and directly take professional instructions from the upper level department are the *kuaikuai* section. The distinction between the *tiaotiao* and *kuaikuai* sections is decided by the central state.

The town level family planning is a *kuai* section. It is “led” (*lindao* 领导) by the town government and “guided” (*zhidao* 指导) by the upper level family planning organization. In other words, the higher level family planning organizations only control professional work, but the town government oversees its personnel arrangements and provides funding. The “guidance” from the family planning administrative system refers to professional training, guiding and inspection.

Professional training is normally organized level by level. Provincial level agencies normally organize training for the prefecture and city level officials monthly. Then the prefecture or city level delivers training to the county level. For the town family

planning officials, it is normally the county family planning bureau which provides training. The city and provincial level agencies only organize training for the town level officials twice a year, particularly for new tasks or new working systems such as computer use and the online database. Such professional training includes general education, the introduction and explanation of state and local population and family planning regulations, statistical work training, IT training and the family planning technical service training.

The family planning system's professional work is normally guided by the "family planning professional quotas" (*jihuashengyu gongzuo zhibiao* 计划生育工作指标). The quotas required by the family planning system are called "internal quotas" while the regular quotas required by the family planning responsibility commission<sup>42</sup> are called "open quotas" (*gongkai zhibiao* 公开指标). In addition to the regular quotas, such as population growth number/rate, contraceptive rate, excess-birth rate and fine collecting rate, the internal quotas are periodically required and cover all aspects of the family planning professional work, such as the fines collection amount for the year, IUDs insertion number or rate, sterilization number or rate. In contrast to those commissions, which are signed at the beginning of every year as a contract and delivered down from the provincial level, these professional quotas are normally delivered to the lower level by the "internal document" (*wenjian* 文件), and any

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<sup>42</sup> In order to implement the family planning regulations well, some hard inspection system were applied to the town level leaders, which directly related to their personal political life or economic award, such as the leadership responsibility (*lingdao fuze zhi* 领导负责制), comprehensive annual performance evaluation (*zonghe niandu mubiao zerenzhi kaohe* 综合年度目标责任制考核) and family planning responsibility commission (*renkou he jihuashengyu gongzuo mubiao guanli zeren shu* 人口和计划生育工作目标管理责任书), as well as the 'veto issue' (*yi piao fou jue* 一票否决). See Chapter 5 for more details.

upper level family planning administrative authorities could set up the quotas for the lower level.<sup>43</sup>

In addition to these irregular professional quotas, the grassroots level family planning agencies were also inspected by upper level family planning administrative agencies on a monthly, quarterly, half a year and annual basis. The county level agencies carried out most routine inspections of the town level. Restricted due to the limited personnel, most of these inspections are not competent checks and do not include individual house visits. Out of all the inspections, the most important one is the annual random inspection carried out by the provincial family planning commission in November each year.<sup>44</sup>

Led by the director of the provincial family planning commission, and assisted by the deputy directors and the members from the leading group for family planning, the annual inspection team was organized mainly by the provincial family planning commission officials, and other directly led institution as well as the family planning officials from the prefecture or city level.<sup>45</sup> It is a competent check which inspects not only the family planning administrative system's performance but also the local

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<sup>43</sup> Unlike the open quotas, which are decided by the population professionals at the provincial family planning commission, some sub-province quotas set up by the local officials were not scientific, which are mainly for the political performance marks rather than based on serious statistic calculation. Before the 2000s, it happened in some areas that the required ligation number in continued couple years has over the total population number. The town family planning officials said that, "Ok, that was (just) the 'quotas'. Even the men should all have done the ligation based on the 'quota', but the quotas still require more ligation on women. (nashi jieza zhibiao. Nande dou jieza le, nv de haimei jieza. 那是结扎指标, 男的都结扎完了, 女的还没结扎.)" Without a good system of supervision, and with town level family planning officials over-loaded with work, particularly those impractical tasks, the only way for the family planning office to cope is to "play the numbers game (*wan shuzi youxi* 玩数字游戏)". See, interview with Tan16122009.

<sup>44</sup> The statistical year of family planning is from 1<sup>st</sup> October to the next 30<sup>th</sup> September. So the annual check is carried on November each year.

<sup>45</sup> The whole S province was divided into two groups, in which both set up one prefecture level inspection team, two county level inspection teams and six village level inspection teams. Each team has on average six personnel. The random selecting standard is two counties selected for the prefecture level, three towns and three villages for county level.

government support on family planning. The inspection covers three areas: local government support (*dangzhengxian* 党政线), family planning agencies' performance (*jishengxian* 计生线), directed led public institutions and affiliated organizations performance (*shengzhixian* 省直线).<sup>46</sup> As explained above, because all the other family planning organizations at the county and town level have been integrated into the administrative agencies in practice, the grassroots level agencies are responsible for all the *jishengxian* and *shengzhixian* duties. This annual inspection uses multiple methods to check actual job performance and confirm the accuracy of the data. For example, for the village inspection, the village was randomly selected on the morning of the inspection by the inspection team members. Without any advance notice, the village committee and the town level government were only notified when the inspection team arrived at the selected place. By conversing with village committee members, visiting local schools, the village health station, the policy station, village health doctors and individual houses, the inspection team focused on checking births, contraceptive operations and excess-birth fine collection, as well as other family planning work performance. This information is further compared with the reported annual information to check on possible concealment of information. Those units or regions who failed to fulfill the family planning responsibility commission's quotas, particularly those *jishengxian* quotas, or are found to have concealed information, would receive criticism, an alert or even a "yellow alert". These units will be disqualified from an excellent evaluation (*pingyou* 评优) and the leaders responsible for the family planning work in the unit

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<sup>46</sup> *Dangzhengxian* refers to veto issue and comprehensive management, family planning funding investment and employment condition, as well as the accuracy of the statistics and official training; *jishengxian* refers to the rate of planned births, non-permitted third and beyond births, and long term contraception, as well as the social maintenance fees collecting; *shengzhixian* refers to quality of births, sex-ratio and migration. See chapter 5 for more details about the family planning responsibility commission.



will not be promoted. The town government or party committee leader will be dismissed from office if they get a “yellow alert”.

## **4.5 Conclusion**

During the 1980s, China formulated a competent formal and independent family planning administrative system from the state level down to the province, prefecture/city, county and town level. Among these 5 levels, it is the county and town level family planning agencies that are the grassroots levels. The county level makes the most detailed decisions for the local levels, and does so by following the central government’s direction and the provincial level regulations. The town level enforces provincial regulations in practice with assistance from the village level.

Located at the sharp end of resource allocations, the town level family planning offices always faces understaffing, tight budgets, and heavy workloads. With limited personnel at the town level, one official is normally responsible for several villages. The ratio of town level family planning officials to villagers is normally 1 official to (at least) 1000 villagers<sup>47</sup>. In order to carry out the work, they need to rely on assistance from the village level to provide updated information and assist in the publicity and education. But because the village family planning officials are not part of the formal family planning system, the town offices do not have the authority to request their assistance or cooperation in carrying out their work. As a result, the town government was assigned to take the lead on family planning work, and coordinate the work between the town family planning office and the village committee.

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<sup>47</sup> It was about one official to 3000 villagers in EY town in 2009. The total population at EY town was about 24,500 by the end of 2009.

The town government is responsible for the family planning office's personnel and funding, so it has direct leadership of the family planning office. In addition, because more than half the officials at the family planning office are informally employed, and their salaries are paid by the town government rather than the county or state, the town government has more control than the upper level family planning agencies.

In the family planning administrative system, the most important function provided by the upper level agencies is professional training and the laying down of the quotas. These quotas provide specific guidance for the work of the town level family planning agencies. But how these quotas are fulfilled is down the town officials' discretion. This will be discussed in the following chapter.

Because of the above factors, the upper level family planning organizations have very limited control over the lower level's performance. In order to supervise the lower level's work, the upper level family planning agencies still have to draw on the local government's authority. Therefore, the family planning responsibility commission was signed between each level of government rather than between the family planning agencies. Thus, in order to understand fully how the bureaucracy works to implement the family planning regulations at the town level, it is necessary to understand how local government leads the family planning work. This will be analyzed in the next chapter.

## Chapter 5 The Lateral Relationships between Town Family Planning Agency and Town Government

### 5.1 Introduction

In China, most government organizations at the local level, particular the town level, are under the dual management of both the higher department levels and the local government. These vertical and horizontal organizational structures have shaped the interests of the grassroots actors and their actions in pursuing those interests.

Regarding the town level family planning agency, the upper level (vertical [*tiao* 条条]) family planning departments provide “guidance” (*zhidao* 指导) by professional training, guiding and inspection and the local governments (lateral [*kuai* 块]) “lead” (*lingdao* 领导) the work through personnel arrangement and funding allocations. This indicates that the town government has more influence on the execution of the family planning regulations than the higher level family planning agencies.

However, China’s administrative structure at the town level is different from Western countries. As O’Brien and Li have pointed out, “unlike street-level bureaucrats in many other countries, Chinese rural (grassroots) cadres are not employees of a single agency assigned a limited number of tasks, but rather bureaucrats-cum-politicians answerable to a region’s all-around governance and development. They provide technical assistance to farmers and enforce the birth control policies. They work to develop the economy and collect tax.”<sup>1</sup> In other words, in addition to family planning, the town officials also face many other tasks,

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<sup>1</sup> Kevin J. O’Brien and Lianjiang Li, "Selective Policy Implementation in Rural China," *Comparative Politics* 31, no. 2 (1999). p.168.

which all directly relate to and cover almost every aspect of local people's lives. Therefore, in facing these multiple tasks, the town level officials have to distinguish which tasks take priority and which tasks are less important.

Nevertheless, it does not mean that the popular policies would necessarily be better executed, nor unpopular policies be more poorly executed. The family planning programme was deemed to be the hardest and most unpopular programme by most officials because, in its nature, it conflicts with China's traditional reproductive culture of pronatalism and son-preference. However, compared with other regulations, family planning has been one of the most successfully implemented policies in general, although its level of success varies from place to place.

Therefore, the purpose of this chapter is to explain the discretion autonomy of the town government on the family planning execution. The chapter begins with an explanation of China's government system, and the "vertical and lateral" systems at the grassroots level, and then explores how the responsibility system, particularly the Comprehensive Annual Performance Evaluation (*zonghe niandu mubiao zerenzhi kaohe* 综合年度目标责任制考核) system, influenced the grassroots level governments' decision over implementation priorities. After this follows an analysis of how the town government's discretion to carry out the family planning work has been influenced by the Population and Family Planning Responsibility Commission (*renkou he jihuashengyu mubiao guanli zerenzhi* 人口和计划生育工作目标管理责任书), the Leadership Responsibility leadership (*yi ba shou zerenzhi* 一把手责任制), and constraints used to limit their discretion.

## 5.2 Bureaucratic Structure at PRC's Grassroots Level

### 5.2.1 The Grass-roots Level in Rural China

The current PRC has a five-tier administrative system from central government to province/municipality, prefecture-level city (*dijishi* 地级市), county, and the township/town/district in most provinces, and a two-tier system in Centrally Administered Municipalities (*zhixiashi* 直辖市).<sup>2</sup> The prefecture-level city, which does not appear in the PRC's Constitution,<sup>3</sup> was formerly named as the 'field agent' (*paichu jigou* 派出机构) of the provincial administration. It is an additional formal layer which appeared in rural prefectures from the mid-1980s as a result of gradual urbanization.<sup>4</sup> In the PRC's hierarchy of government administrative structures, the prefecture level (*diji* 地级) is the second level of sub-national authority, below the provincial level (*shengji* 省级) and above the county level (*xianji* 县级).<sup>5</sup> It is normally called 'cities leading counties' (*shi guan xian* 市管县) by the Chinese. Among all these bureaucratic levels, the county and town are the basic levels of Chinese governmental organs. In these two levels, the town level government is the foot soldier level which directly governs vast rural areas on behalf of the Chinese central government.

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<sup>2</sup> The urban districts (*shiqu* 市区) are the top level of local administration, whereas the street administrative offices (*jiedao banshichu* 街道办事处) are their sub level administration.

<sup>3</sup> See the Constitution of the People's Republic of China, Article 30.

<sup>4</sup> The prefecture level consists of four types of administrative units: (1) prefecture (*diqu* 地区), (2) autonomous prefecture (*zizhizhou* 自治州), (3) league (*meng* 盟), (4) prefecture-level city (*diji shi* 地级市).

See Jae Ho Chung, "The Evolving Hierarchy of China's Local Administration: Tradition and Change," in *China's Local Administration: Traditions and Changes in the Sub-National Hierarchy*, ed. Jae Ho Chung and Tao-Chiu Lam (Oxon: Routledge, 2010).

<sup>5</sup> Ibid. p.4.

Historically in China, county and town have continued unchanged to a remarkable extent in terms of their administrative structure and functions. The county system was set up in the Chu state of the Spring and Autumn Period (*chunqiu* 春秋) (770-476 B.C.) around 690 B.C.;<sup>6</sup> and was widely adopted during the Warring States period of 403-221 B.C.; it became the standard system of local governmental units nationwide in the Qin Dynasty (221-206 B.C.).<sup>7</sup> Overall, it has been continued without interruption for over 2,000 years. The central government has relied heavily on the county government for the implementation of its policies and for maintaining local stability. To summarise, the main functions of the county government in its history are: administering local affairs concerning justice, public order, tax collection, economic development, agriculture, education, military defence, religious rituals, and the promotion of culture and traditions.<sup>8</sup>

The township as an administrative level of government dates back to the Western Zhou period (1122-771 B.C.).<sup>9</sup> It was formally called the *xiang-ting* (乡廷) or *xiang-li* (乡里) system and it ruled about 10,000 households: five households constituted a *wu* (伍); two *wu* were a *shi* (什); ten *shi* constituted a *li* (里); ten *li* constituted a *ting* (廷); and ten *ting* constituted a *xiang* or a township.<sup>10</sup> This system was institutionalised at a basic government administrative level during the Qin and

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<sup>6</sup> Qingkui Xie, Yang Xiao, and Jirong Yan, *Contemporary Chinese Government (Dangdai Zhongguo Zhengfu 当代中国政府)* (Shenyang: Liaoning People's Press (*liaoning renmin chubanshe* 辽宁人民出版社), 1991). p.302.

<sup>7</sup> Yang. Zhong, *Local Government and Politics in China: Challenges from Below* (New York: M.E. Sharps, 2003). p.18.

<sup>8</sup> Ibid. p.45.

<sup>9</sup> Jin Tang and Chuan Shui Zheng, *A History of Chinese State Organs (Zhongguo Guojia Jigou Shi 中国国家机构史)* (Shenyang: Liaoning People's Press (*liaoning renmin chubanshe* 辽宁人民出版社), 1993). p.30.

<sup>10</sup> Tianding Diao, Jialing Chen, and Houan Zhang, *An Overview of Chinese Local Government Organs (Zhongguo Difang Guojia Jigou Gaiyao 中国地方国家机构概要)* (Beijing: Legal Press (*falv chubanshe* 法律出版社), 1989). p.308.

Han dynasties.<sup>11</sup> However, unlike the county system, the town system was weakened at the end of the Eastern Han Dynasty due to a series of civil wars and it was abolished during the Sui Dynasty (586-618) until late in the Qing Dynasty in 1840.<sup>12</sup> During this period, various forms of self-government were set up to run local affairs. Among them, the most practical system was the *bao-jia* system<sup>13</sup>, which is similar to the villagers' committees and villagers' small groups in contemporary rural China.<sup>14</sup> During the Qin and Sui Dynasty, the township government lasted for about 800 years (221 B.C.—595 A.D.). Its main functions were collecting taxes, ensuring local security, administrative justice and conscription.

After the establishment of the PRC, the township/town government, as the most basic level government, was re-established. During the period between 1949 and 1979, the township government has been named as Township People's Government Committee in 1950, and Township People's Committee in 1958, then People's Commune between 1958 and 1979. Its function developed from a mechanism with limited authority on carrying out land reform, fulfilling the state crop procurement quota and eradicating local anti-government elements, to a political entity, and then

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<sup>11</sup> Zhong, *Local Government and Politics in China: Challenges from Below*. p.20.

<sup>12</sup> Ibid. p.20

<sup>13</sup> *Bao-jia* system was started from the Song dynasty. It was ten households as a *bao* (保), five *bao* as a big *bao* and ten big *bao* as *dubao* (都保). In Yuan Dynasty, twenty households are one *jia* (甲); and in Qing dynasty, ten households are one *pai* (牌), ten *pai* are one *jia* and ten *jia* are one *bao*. It was also a basic level government system during the Republic of China, when it was regulated as ten households as a *jia* and ten *jia* as a *bao*. This *bao-jia* system controls the household as its basic unit rather than the individual. By grouping the households into different levels and taking the "*lianzuo [related responsibility]*" system to supervise each other, this unofficial or semi official network well organized the local areas. See, Haikun Yang and Xunzhen Cao, "The History Roots, Current Problems and Prospect About Self Governance in Chinese Villages (*Zhongguo Xiangcun Zizhi De Lishi Genyuan Xianshi Wenti Yu Qianjing Zhanwang* 中国乡村自治的历史根源、现实问题与前景展望)," <http://study.ccln.gov.cn/fenke/zhengzhixue/zzjpwz/zzzgzz/72371-3.shtml> (July 5th 2014).

<sup>14</sup> See, *ibid*.

the largest collective political-economic units.<sup>15</sup> The cadres in the township government also developed from being fairly small in number, with non-full-time paid government officials<sup>16</sup> during the period 1949-1958, to a large number of state cadres on the government payroll (*quan tuo chan guojia ganbu* 全脱产国家干部) since 1958. The current town government structure was formulated in 1979 after the collapse of the commune system. The town government replaced the commune and took over its political and governmental functions. Its legal status was confirmed by the 1982 PRC's Constitution.

### **5.2.2 Grassroots Level Government's Organizational Structure —— *Tiao* and *Kuai* Relationship**

China's organizational structure and the functions of the government are quite complicated. Most government organizations at the local level, particular the town level, are under the dual control of both the higher (or 'vertical') level department and the local government (or 'lateral' level).<sup>17</sup> This vertical (*tiaotiao* 条条) and lateral (*kuaikuai* 块块) system efficiently maintains the central state's main interests and avoids power concentration and sectionalism at the local government level. The central state keeps the authority to decide whether it is a *tiaotiao* or *kuaikuai* section. Among China's five-tier bureaucratic system, the town government – the bottom

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<sup>15</sup> The idea of the People's Commune is to combine "governmental functions of town government and economic functions of Agricultural Production Cooperatives into a big collective unit" (*zhengsheheyi* 政社合一). The People's Commune divided into production brigades and production teams in turn. The commune was responsible for the agricultural production and the industry, business and education and public security.

<sup>16</sup> During the period of People's Committee, there are no full-time paid township government officials. Only township mayors and deputy mayors were part-time (*ban tuo chan* 半脱产) officials. All the other members, such as committee and subcommittee members, were activist volunteers.

<sup>17</sup> "PRC Local People's Congress and Local People's Government Organization Law," (1979 (revised in 2004)). Article 66.



level – was influenced more by this *tiao* and *kuai* relationship than other higher levels.<sup>18</sup>

The *tiaotiao* section means that the departments are primarily under the administrative control of the higher department authorities while the *kuaikuai* section means they are directly under the jurisdiction of the local government and only take professional instructions from the upper department levels.

In the past, these government organizations or public institutions at the town level were generally called *qisuobazhan* [seven organizations and eight stations 七所八站],<sup>19</sup> and most of which were *tiaotiao* sections. The *kuaikuai* organizations were quite limited. However, in order to strengthen the town government's authority on local affairs, some *tiaotiao* organizations were restructured to *kuaikuai* sections in 2002's government organizational restructuring and some organizations were deleted.<sup>20</sup> At EY town, after this restructuring, six centres were established. All the *kuaikuai* sections were catalogued into these six centres: Finance and Economy Centre<sup>21</sup>

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<sup>18</sup> Zhenchao Zhou, ed. *Research of the Relationship between the Government Functional Departments and Local Government in Contemporary China (Dangdai Zhongguo Zhengfu De Tiaokuai Guanxi Yanjiu 当代中国政府的条块关系研究)* (Tianjin: Tianjin People's Press (*tianjin renmin chubanshe* 天津人民出版社), 2008). p.33

<sup>19</sup> The 'seven' and 'eight' does not refer to the accurate number here. Actually, there are in total around 30 *suo* and *zhan* at town level, although it slightly varied from town to town because of its size and local circumstance. *Suo* refers to the government organizations, such as the tax office, post office, etc; while *zhan* refers to public institutions, such as the cultural station, agricultural technic station, etc. Guanglei Zhu, *The Government Processes of Contemporary China (Dangdai Zhongguo Zhengfu Guocheng 当代中国政府过程)* (Tianjin: Tianjin People's Press (*tianjin renmin chubanshe* 天津人民出版社), 2002). p.406. Zhong, *Local Government and Politics in China: Challenges from Below*. p.72.

<sup>20</sup> For example, the deleted organizations included the housing control office (*fangguan suo* 房管所), the stable food control office (*liangguan suo* 粮管所), the public transport station (*keyun zhan* 客运), and the urban construction office (*chengjian zhan* 城建站). The restructured *kuaikuai* organizations were the finance station (*caizheng suo* 财政所), the culture station, the irrigation station, the agriculture technical station, the agriculture equipment station, and the coal management station.

<sup>21</sup> It includes a finance station (*caizheng zhan* 财政站), an agricultural economic station<sup>21</sup> (*nongjing zhan* 农经站), a statistics station, an enterprise office (*qiye ban* 企业办). Agriculture economic station is responsible for the village's finance.

(*caijing zhongxin* 财经中心), Culture Centre,<sup>22</sup> Public Security Comprehensive Management Centre (*shehui zhian zonghe zhili zhongxin* 社会治安综合治理中心),<sup>23</sup> Agriculture Centre,<sup>24</sup> Family Planning Centre, Safe Production and Inspection Centre<sup>25</sup> (*anquan shengchan jiandu zhongxin* 安全生产监督中心). Except for *kuaikuai* sections in these six centres, the rest are all *tiaotiao* organizations.<sup>26</sup>

The *kuaikuai* departments only take work guidance from the upper level department: their personnel arrangements and finances are under the administrative control of the local government. They are headed by the mayor and deputy mayors and managed by the town government directly.<sup>27</sup>

In EY town, like most areas in China, the town family planning office is located in the ‘government yard’ (*zhengfu dayuan* 政府大院). This yard has one main four level block building and several bungalows around it and is located in the most populated and industrialized village, DY village. This is also the town Party and government location, as well as other important leading departments, such as Town People’s Congress, Town Disciplinary Inspection Committee (*jijianwei* 纪检委), Town People’s Armed Department ( *renmin wuzhuang bu* 人民武装部)<sup>28</sup>, and ‘the

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<sup>22</sup> It includes a culture station, a Broadcasting and a TV station.

<sup>23</sup> It includes a justice office (*sifa suo* 司法所), a comprehensive management office, an appeal office (*xinfang ban* 信访办).

<sup>24</sup> It includes an agriculture equipment station, an agriculture technical station, an irrigation station, a forestry station, and an animal husbandry station.

<sup>25</sup> It includes a coal management station.

<sup>26</sup> The main *tiaotiao* offices usually include Industrial and Commercial Office (*gongshang suo* 工商所), State Tax, Local Tax, bank branches, Credit Union, Post Office branch, Supplies and Sales Cooperative, Electric Management Office (*dianguan suo* 电管所), Land Management Office (*tuguan suo* 土管所), Public Health Station and Clinics, Public Security, Justice Office, middle school. See Interview YZH22102014.

<sup>27</sup> Zhong, *Local Government and Politics in China: Challenges from Below*. p.82.

<sup>28</sup> It is responsible for the recruit soldiers from local areas.

Chinese People's Political Consultative Conference (C.P.P.C.C.)'s Liaison Organization (*zhengxie gongzuo zu* 政协工作组)'.

As a *kuaikuai* section, the town family planning office is under directly management of the Town Party and government. The town government is responsible for the family planning office's funding, personnel arrangements, and supervising and monitoring the family planning office's work. In the Eleventh Five Year Plan in S province (2006-2010), standardizing the town level family planning offices is a new project set out at the provincial level. In line with this policy, the town governments are required to provide space for the new family planning offices and guarantee their smooth construction.

In addition, the town government is also responsible for the cooperation between the family planning office and the civil council (*minzheng* 民政), health department and local police as these departments are responsible for matters related to family planning implementation – marriage certification, childbirth and household registration. Moreover, the town government has the duty to monitor the family planning office's work to fulfil the targets. The most important responsibility is that the town government leaders are required to supervise the fulfilment of 'family planning *single veto* (*yipiao foujue* 一票否决)'. The single veto means that the individual and their department, and department leader need to be checked with the local family planning office before any promotion, and they would be disqualified from the promotion or award if they break the regulations.

In conclusion, while the *tiaotiao* government strengthened the central government control of local officials, the *kuaikuai* government decentralised central government power over local government. For the *kuaikuai* section, whether the policy can be

successfully implemented is heavily determined by local government cooperation, as in the saying, “the biggest, biggest, difficulty will not be difficult as long as the most powerful person cares about it (*lao da nan, lao da nan, lao da chu lai jiu bun an le* 老大难, 老大难, 老大出来就不难了)”. In this saying, the ‘most powerful person’ refers to the town level’s first leader (*yi ba shou* 一把手) and the ‘biggest difficulty’ refers to family planning. This saying indicated the vital influence of the local government on implementation of the family planning regulations.

### 5.3 Town Government Scope for Implementation Discretion

The town level government, directly led by the county level government, was assigned to carry out all the decisions and regulations passed and adopted by the higher authorities,<sup>29</sup> which are not limited tasks but related to all aspects of a region’s development and management. Its work is trivial, complex but practical, and it is directly related to and covers almost every aspect of local people’s life. So the town level government leaders are often called “Parental Officials (*Fumu Guan* 父母官)”.

However, while implementing higher level decisions and regulations, it also has to consider the local environment. On the one side, it has to fulfil the tasks required by the upper level government, even though the policies maybe unpopular;<sup>30</sup> on another

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<sup>29</sup> The Local Government Organization Law (*zhonghua renmin gongheguo defang geji renmin daibiao dahui he defang geji renmin zhengfu zuzhi fa* 中华人民共和国地方各级人民代表大会和地方各级人民政府组织法) was promulgated by the National People’s Congress (NPC) on 1<sup>st</sup> July 1979, had the fourth amendments on 27<sup>th</sup> October 2004 by NPC’s Standing Committee. Article 61.

<sup>30</sup> Popular and unpopular policies are defined depending on the villager’s attitude. As Kevin J. O'Brien and Lianjiang Li noted that the unpopular policies include “birth control, revenue collection, and funeral reform”; the popular policies include “fee limits, the Organic Law of Villagers' Committees (which establishes village-level elections), the Administration Litigation Law (which allows villagers to sue officials who break the law), circulars forbidding corruption, and central efforts to promote rule by law”.

See, O'Brien and Li, "Selective Policy Implementation in Rural China." p.170.

side, it has to practically maintain the relationship with the local population. In addition, it does not have much authority on policy/regulation making, but it has to take major responsibilities for and deal with the consequences of the policy/regulation execution.<sup>31</sup> It also has to directly face pressure from the masses. As a result, the town government is often caught between the superior county government and the resentful population that it governs. These conflicts distort the way that town government works.

This sort of regulation distortion is hardly new, either in the West or in China, especially at the grassroots level. As many scholars observed, the clarity of regulations,<sup>32</sup> the influence of political systems,<sup>33</sup> the coercive method and economic incentive methods,<sup>34</sup> the structure of government control,<sup>35</sup> and the regulation evaluation system<sup>36</sup> all influenced the success of regulations implementation. In the Maoist China, the "overlapping and reinforcing set of mechanisms" that "maintain[ed] organizational discipline" guaranteed generally successful policy

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<sup>31</sup> Yang Zhong, "Chinese Township Government: Between a Rock and a Hard Place," in *China's Local Administration: Traditions and Changes in the Sub-National Hierarchy*, ed. Jae Ho Chung and Tao-Chiu Lam (Oxon: Routledge, 2010). 193.

<sup>32</sup> Harry Harding noted that vague policy directives tended to cause poor execution. "when there was serious division over policy among the central elite," and "when the program in question ran counter to bureaucratic interests." See, Harry Harding, *Organizing China* (Stanford: Stanford University Press, 1981). pp350-51.

<sup>33</sup> Merli, Qian, and Smith, "Adaptation of a Political Bureaucracy to Economic and Institutional Change under Socialism: The Chinese State Family Planning System."; Croll, Davin, and Kane, *China's One-Child Family Policy*.

<sup>34</sup> Thomas Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development* (New York: Routledge Curzon, 2003); Saith, "Economic Incentives for the One-Child Family in Rural China."; Winckler, *Re-Enforcing State Birth Planning*.

<sup>35</sup> Georg Simmel, *Conflict and the Web of Group Affiliations*, trans. Kurt H. Wolff and Reinhard Bendix (New York: The Free Press, 1955); Rosemary Santana Cooney and Jiali Li, "Household Registration Type and Compliance with the "One-Child" Policy in China, 1979-1988," *Demography* 31, no. 1 (February) (1994). They noted that the household registration system, a unique system of government control, contributes to the successful implementation of the family planning regulations.

Harry Harding concluded that "overlapping and reinforcing set of mechanisms" that "maintain[ed] organizational discipline" was the main factor of the successful policy implementation in Maoist China. See, Harding, *Organizing China*. pp350-51.

<sup>36</sup> See, O'Brien and Li, "Selective Policy Implementation in Rural China." Zhong, *Local Government and Politics in China: Challenges from Below*; Hardee-Cleaveland and Banister, "Fertility Policy and Implementation in China, 1986-88."

implementation.<sup>37</sup> However, in the Reform era, because of the new households responsibility system, the new political reform of the village committees' elections, and decentralisation of government control on personnel appointments from “two-level-down management” to “one-level-down management”<sup>38</sup>, the regulation distortion became intensified at the grassroots level in rural China. By facing many tasks, the town government has to decide which policy has priority and which policy can be safely ignored. The more popular policies may not be the ones with the higher priority or be better executed. In some cases, unpopular regulations are even better implemented than popular regulations because a high degree of political attention has been paid to them. This high degree of political attention finally transferred to either a more comprehensive and systematic policy monitoring and evaluation system or to an intensive mass movement (*qunzhong yundong* 群众运动).

### **5.3.1 Evaluation System about Town Government Work**

As for the town level government, they are responsible for around thirty types of work. All these types of work are assigned by the county level department. Depending on the attention paid by the higher authorities, the monitoring mechanisms involved in supervising policy implementation, the clarity of the policy goals (including setting quantifiable targets in policy evaluation), the intractability of the issue, and the conflict or potential conflict with local interests, these types of work are catalogued as routine or key tasks by the county level government.

A routine task is normally a matter of implementing the policies passed down from the central government or the provincial government. Therefore, although the

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<sup>37</sup> Harding, *Organizing China*. pp350-51.

<sup>38</sup> Under this new arrangement, the town government is directly responsible to its superior—the county level.

concrete policy and the importance of the implemented policies vary between areas and over time, the routine work normally includes similar fields and directions, especially in the same provinces/municipalities. They include both the routine administrative work and the long term goals set by the central or provincial levels.

For example, in EY town, the routine administrative tasks include Party work; management of social security (*shehui zonghe zhili* 社会综合治理); secrecy and information; propaganda; health; education; social security of labour and employment; science and technology; labour unions; regions work; statistics; tax collecting and the people's armed forces (*renmin wuzhuang* 人民武装). The latter includes: communication development; poverty alleviation (*fupin* 扶贫), peasants' average personal annual income, public security, nongovernmental business and family planning.

The key tasks are normally emphasized and declared to be top priority by the upper level authorities in recent years. For example, by learning the lessons from the disastrous earthquake that happened at Wenchuan, in Sichuan province, in 2008, in which many victims were schoolchildren, most places in China began to emphasize the reinforcement of the safety of school buildings. In EY town, all the primary and secondary schools have been required to be consolidated to be able to resist an eighth degree earthquake since 2008. Therefore, the safety of schools has been the key issue since then. In 2009, the key targets set for the EY town government have been about the drawing of foreign capital investment (*zhaoshang yinzi* 招商引资), controlling the complaints and appeals to the upper authorities, the environment, new village developments (*xin nongcun jianshe* 新农村建设) and reconstruction of school buildings.

In order to examine and control local government's collective and individual work effectiveness on policy implementation, a comprehensive 'annual performance evaluation' has been used. In this evaluation, most tasks are ranked with varied credits; compared with meeting routine targets, performance in implementing the key tasks by the township officials is allocated a heavier weight in the cadres' performance evaluation. For example, in EY township's performance evaluation in 2009, nine of the key tasks took 98 points, while the routine work of twenty three jobs took only 82 points of the total 180 points. Except for the credit work, some matters did not receive any credit in the total of 180 points, but could cause a reduction in the total score if they occurred, e.g. public security, complaints and appeals to the higher authorities (*shangfang* 上访), and the preventing of malfeasance. For example, the negative points for complaints and appeals to the higher authorities are incurred depending on the number of persons who complained and the level of government that they went to. Normally, an individual "appeal (*xinfang* 信访)", which is no more than three persons, will cause a 0.5 point loss in the whole score; while a group "*xinfang*" involving more than three persons will cause a reduction of at least 1 point. There are more negative points for higher level appeals. Then, in addition to the routine and the key work, the rest of the twenty points are determined by a democratic evaluation (*minzhu pingjia* 民主评价). This democratic evaluation involves about thirty people from the leaderships of the county level Party Committee, the government, the congress, and the CPPCC. Based on these, each township/town will be given an overall evaluation by these leaderships.

The targets guideline is normally distributed to the one-level-down Party and government at the beginning of the year. However, how these targets will be ranked



in the annual comprehensive evaluation is not known by the lower level government until near the end of the year when the evaluation will be conducted. In addition, the performance targets can be adjusted and new ones added in response to changing circumstances. For instance, in 2010, the ‘targets of cleaning out the village environment’ (*cun xiang huanjing zhengzhi* 村乡环境整治) was added to the key targets in a comprehensive evaluation at nearly the end of the year as the provincial leaders made negative comments on the local environment. As a result, in the last two months the whole county was making a concentrated effort for the cleaning and tidying up of the external environment.<sup>39</sup>

### 5.3.2 Town Government’s Policy Selection

A slogan which is very popular among the town officials could exactly describe the town officials work and limitations, "there are thousand threads on the top, but only one need at the bottom. (*shang you qian tiao xian, xia you yi gen zhen* 上有千条线, 下有一根针). It indicates not only that there are too many responsibilities on the town level department, but also the limited nature of their resources and authority. It also means that the township officials tend to bear more responsibilities than their counterparts in county bureaux. Therefore, by facing these multi tasks and with limited resources and authority, the town governments always have their own internally ranked targets in importance which are quite often different from the county level’s requirements.

As grassroots level officials, in addition to fulfilling the targets requested by the upper level authorities and maintaining their political benefits, they also face the challenges from the mass to those unpopular policies but with the responsibility to

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<sup>39</sup> Group interview with local official at EY town in 9<sup>th</sup> December, 2010.

maintain social and political security. Thus, the town officials are usually two sided game players in order to maintain this balance.

With the criteria of weight in the evaluation and toughness of these issues, the township level officials catalogued these policies into hard targets (*ying zhibiao* 硬指标) and soft targets (*ruan zhibiao* 软指标). Automatically, if the task/policy is ranked as a priority target it will be paid more attention by the local Party and government. Except for the local conditions, this internal ranking again closely links to the supervision and evaluation system.

Normally, “soft targets” are those policies without any quantifiable requirements, and which do not conflict with local villagers’ interests. For example, the Party work, which composes the heaviest points out of 10 in the routine work, is one of the easily manageable tasks. The improvement of the peasant’s average annual income is another piece of soft work. Because personal income tax is not very seriously enforced in China, especially for peasants, it is hard for any upper level superior to check whether the reported data is true. Therefore, it is easy for the town level officials to make a false report in the statistics in order to carry out their responsibility. False reporting even happened among those emphasized policies. One example is the environment issue. With some other issues, such as reinforcing school buildings, the safety of drinking water, new village developments, these are popular policies for the local villagers. Therefore, once the funding is available from the upper level government, the township/town level officials have no difficulty in carrying out these policies.

For the township/town level officials, the “hardest policies” are those related to the villagers’ personal interests. Briefly, the policies are issues that are straight forwardly

related to the peasant's personal interests: money (*qian* 钱), land (*di* 地), and person (*ren* 人). The saying 'collecting money, grain, and person' (*yao qian, yao liang, yao ren* 要钱, 要粮, 要人) in the planned economy has switched to 'collecting money, land, and person' in the market reforms. This not only reveals what the peasants are most concerned about but also what are the toughest policies to implement. In conclusion, the policies related to money are: tax collecting<sup>40</sup>, peasants' pension insurance, peasants medical insurance; those related to the land are: communication development and the drawing in of foreign capital and business (*zhaoshang yinzi* 招商引资),<sup>41</sup> as they quite often involve taking up peasants' farming land and residential land; the person related one is the family planning policy. In addition, complaints and appeals to the higher authorities (*shangfang* 上访)<sup>42</sup> are also an area of work to which the township/town level officials pay great attention.

These policies are hard for the local officials not only because they involve conflicts of interest with local residents, but also because they are evaluated by the upper level authorities using quantifiable performance targets (*zhibiao hua kaohe zhibiao* 指标化

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<sup>40</sup> Tax collecting is referring to local enterprises not individuals. The township/town government does not directly involve in the tax collection, which is normally taken by the town level state and local tax offices.

<sup>41</sup> After drawing funding, the township/town level officials need to find the place to build up the factory. Then this will involve the relocation residential house and occupy the farming land.

<sup>42</sup> In China, the citizens often make complaints and comments of the mistreatment or injustices by local officials to the upper level people's governments or the relevant departments of the people's governments through correspondence, E-mails, faxes, phone calls, visits, and so on. However, after 1989's Tiananmen incident, maintaining political and social stability has become a paramount concern by the central government. Public demonstrations, sit-ins, riots are not uncommon in rural China as a result of excessive fee/tax collection, land grab by developers, official corruption and violation on local people's human rights, such as force abortion. The central government has repeatedly emphasized the importance of controlling these resistances as they pose serious threat to China's social and political stability. Township Party officials are held personally responsible if any large-scale social unrest or disturbance occurs in their area of jurisdiction. Therefore, whether the grassroots level government have been successfully controlled this kinds of complain and appeal have been repeatedly emphasised and list as the key issues for many years.

See, Kevin O'Brien and Lianjiang Li, "The Politics of Lodging Complaints in Rural China," *China Quarterly* 143 (1995).

考核指标). For local officials, these targets are relatively hard to feign by a sleight of hand. As one deputy mayor described it: 'It is hard to make a false report on the actual number of persons who paid the pension insurance, and the actual person who was born.' (*Yanglao baoxian shi jiaoqian de shi, jiao le duoshao jiushi duoshao, buhao nong xu de; jihuashengyu yeshi.* 养老保险是交钱的事, 交了多少就是多少, 不好弄虚的; 计划生育也是。)<sup>43</sup> Although each target is assigned a weight in a responsibility commission, the scores for soft policies tend to cluster near the top, while those attached to hard policy targets vary more and usually supply the crucial points that separate success and failure.<sup>44</sup> As one local official said, most of the soft policies are easy to reach depending on the local leaders' relationship with the upper level authorities, but the points for these hard policies are difficult to feign by a sleight of hand. (*Dabufen ruan zhengce de fen shi kao lingdaomen he shangmian de guanxi, danshi zhexie yingzhibiao biaojiao kunnan.* 大部分软政策的分是靠领导们和上面的关系, 但是这些硬指标比较困难。)<sup>45</sup>

Compared with the county level, the township/town level has less resources and staff but they carry on all regulations passed down from the upper level authorities. In EY town, there are only seven family planning officials in charging of the 25,600 population of the town. It is impossible for this limited labour force carry on all tasks evenly. Therefore, without these over loaded tasks and limited sources, it is easier for town government to pay more attention on the tasks which would bring them better political achievement.

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<sup>43</sup> Interview with one deputy mayor, 11<sup>th</sup> Dec, 2009.

<sup>44</sup> Similar opinions are also hold by the O'Brien and Li. See, O'Brien and Li, "Selective Policy Implementation in Rural China." 174.

<sup>45</sup> Ibid.

In conclusion, the cadre responsibility system helps secure reliable implementation by close attention paid by the local government to some tough targets, but it also creates a selective implementation method. In particular, it entices local cadres to ignore some policies that higher levels cannot readily turn into binding targets, such as the peasant's personal average annual income, and environment issues. However, it also needs to be noticed that the effective implementation of family planning regulation is only valid relatively comparing with other soft policies. Family Planning regulation implementation variation still differs from place to place. The local cadres are frequently using their discretion to implement all policies, even the hard policies, in a selective manner. The birth control story in O'Brien's paper<sup>46</sup> is a typical case in rural China.

## **5.4 Town Government Discretion Over Family Planning**

### **Implementation**

#### **5.4.1 Population and Family Planning Responsibility System<sup>47</sup>**

Since the beginning of the 1990s, population and family planning responsibility system has become the main method of monitoring and evaluating the grassroots level family planning work. Starting from the provincial level, each level of the Party and the government is required to sign a 'Population and Family Planning Responsibility Commission (*renkou he jihua shengyu mubiao zeren shu* 人口和计划生育目标责任书)' with its subordinate level Party and government. For example, the city level government would sign a performance contract with the provincial

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<sup>46</sup> O'Brien and Li, "The Politics of Lodging Complaints in Rural China."

<sup>47</sup> renkou he jihuashengyu mubiao zeren shu 人口和计划生育目标责任管理制

level; then the county level government would sign a contract with the city level, then the same at the levels of town and county, village and town.

The commission has a set of rules about the setting of quantitative goals; the use of economic incentives to encourage goal fulfilment; and the appraisal of performance with the main purpose of improving implementation.<sup>48</sup> In detail, it regulates the ratio of births, permitted second births, the third and above births; the long term contraception rate; the amount and percentage of the social compensation fees collected; annual family planning funding per person; key issues; requirements for the family planning organisation's setting and training; and the responsibility of local Party and government leaders.

#### **5.4.1.1 Quotas**

Most of these targets of the Family Planning Responsibility Commission are quantifiable measurements. Starting from the state's national birth rate targets, which set up the standard for each province, the lower administrative levels must establish quotas in line with these targets. After 2000, the main central document about the population is the Decision of the Central Committee of the Communist Party of China and the State Council on the Strength of the Population and Family Planning Program and the Stable Low Level of Birth Rate<sup>49</sup> and the Decision of the Central Committee of the Communist Party of China and the State Council on Fully Enhancing the Population and Family Planning Program and Comprehensively

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<sup>48</sup> More detailed introduction of this New Public Management model can be found in the following articles. See, Patrick. Dunleavy and Christopher. Hood, "From Old Public Administrative to New Public Management," *Public Money & Management* 14, no. 3 (1994). Peter Self, *Government by the Market? The Politics of Public Choice* (Boulder: Westview Press, 1993).

<sup>49</sup> "Decision of the Central Committee and the State Council on Strength Population and Family Planning Program and Stable Low Level of Birth Rate (*Zhonggong Zhongyang Guowuyuan Guanyu Jiaqiang Renkou Yu Jihuashengyu Gongzuo Wending Di Shengyu Shuiping De Jueding* 中共中央国务院关于加强人口与计划生育工作，稳定低生育水平的决定)," (*ZhongFa* (No. 8), 2000).

Addressing Population Issues<sup>50</sup>, which set up the long-term goal for 2020 and the short-term goal for 2010 and 2020. According to these two documents, the targets for the total population until 2010 and 2020 are 13,600 and 14,500 million, respectively; the annual birth rate is less than 15,000 million from 2000 to 2010. Then, guided by these central targets, the individual provinces set up their provincial targets of birth rate complying with the policy, the second unpermitted birth rate and the third and above birth rate. In order to achieve a higher political performance, these targets are often increased unreasonably level by level. Then it becomes very high when the targets arrived at the town level. In EY town, the target of the birth rate conforming to the policy has increased from 86% at the province level to 90% at the town level.

At the village level, the quotas have been allocated as an exact number to each village. However, this number is not calculated by subdividing the town allotment to the village, but maintained as a 'unified town team' for births. Therefore, rather than using a formula based solely on territorial population, some specific factors are also considered, for example, the number of couples who are newly married but childless and the projected number of newlyweds. For example, in FS village, a mountain village with a population of 1031 in 2008, the quota for 2009 births is no more than eight persons, which includes six first-birth and two second-birth; while in DY village, a plain village with a population of 7371 in 2008, the quota for 2009 births is no more than 58.

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<sup>50</sup> "Decision of the Central Committee and the State Council on Fully Enhancing Population and Family Planning Program and Comprehensively Addressing Population Issues (*Zhonggong Zhongyang Guowuyuan Guanyu Quanmian Jiaqiang Renkou He Jihuashengyu Gongzuo Tongchou Jiejue Renkou Wenti De Jueding* 中共中央国务院关于全面加强人口和计划生育工作统筹解决人口问题的决定)," (*ZhongFa* (No. 22), 2006).

#### 5.4.1.2 Evaluation

Although each target is assigned a weight in a responsibility commission, only the scores for key targets vary more and usually supply the crucial points for assessment and ranking. The key targets in the family planning responsibility commission are the birth rate, include the birth rate, the third and above birth rate, the long-term contraception rate<sup>51</sup> and the social compensation fees collecting rate. As one town family planning office said, ‘it is easy to carry out the sex ratio or migration work as there is no hard ratio in the assessment. What we need to do is just compile these records and conduct some propaganda’.<sup>52</sup>

In EY town, the assessment is organized by ordinary checks and annual assessments, which take up 60% and 40% respectively. The ordinary check is carried out at the county level and the city level. The annual assessment is carried out at the province level. In the ordinary check, only some keys targets about the birth ratios are checked by the upper level, but the annual check is an overall check.

The assessment generally includes three aspects: the management of the local family planning program, maintaining the low birth rate, other issues regarding the family planning policy, such as the quality of birth, sex-ratio, migrant control, etc. The first field is mainly concerned with the leadership’s supervision of family planning, such as the ‘veto issue’ (*yi piao fou jue* 一票否决), and investment in family planning

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<sup>51</sup> Following the relaxation of the population policy in 2013, the assessment has also been less restrictive. The recording of long-term contraceptive data, such as using of IUDs and sterilization, has disappeared from the comprehensive ‘Annual Performance Evaluation’ (*niandu mubiao zerenzhi kaohe* 年度目标责任制考核). It was replaced by a synthesis of contraceptive data (*zonghe biyun lv* 综合避孕率). This meant that rather than having enforced contraceptive methods, people could make their own choice. See interview FENGZY010414.

<sup>52</sup> Zhaxie gongzuo bushi kaohe de fanwei [meiyou ying zhibiao], bijiao haozuo. Jiushi diaochadiao cha xuanchuan xuanchuan. 这些工作不是考核的范围[没有硬指标], 比较好做。就是调查调查, 宣传宣传。 Interview with EY town family planning office, August 20<sup>th</sup>, 2009.



programs. The second field is the hard target with a qualitative ratio for the family planning program, which includes the birth rate, the third and above birth rate, the long-term contraception rate and the social compensation fees collecting rate. The third field has no hard ratios, so it is not considered by the local officials as the key task. The concrete assessment standard is not shown to the responsibility commission until the time of the annual check.

Table 5. 1 Population and Family Planning Responsibility Commission Quote

Targets		Goals	Value	
the management of the local family planning program	Veto Issue		420	100
	Comprehensive Management			
	Family Planning Funding Investment			120
	Employment Condition			100
maintaining the low birth rate	Statistics Accuracy	5%	330	100
	Official Training			
	Rate of Planned Births	90%		100
	Non-permitted Third and Above Births	0.3%		50

	Long Term Contraceptive Rate	80%		100
	Social Compensation Fees Collecting Rate	75%		80
other issues regarding the family planning policy	Quality of Births	70%	250	90
	Sex-Ratio: Care for the girls (guanai nvhai 关爱女孩)			50
	Migration			60
	Else			50
Total		1000		

## 5.4.2 Leadership Responsibility System and Single Veto System

### 5.4.2.1 Leadership Responsibility System (*yiba shou fuze zhi* 一把手负责制)

Leadership responsibility is the most important supervising system on family planning regulations implementation. This means that the top leader of each level of government or organisation is responsible for policy failure in the areas and organisations in his charge. Since 1984, by carrying on the ‘one-level-down management’ (*xia guan yi ji* 下管一级) system, each level of the Party and

government is supervised by its superior level of the Party and the government.<sup>53</sup> By signing the “responsibility commission (*zeren zhuang* 责任状)”, the Party secretary or the government mayor, and the deputy township/town mayors who are specifically in charge of family planning programs take personal responsibility for reaching programme goals and held responsible for failure to implement the targets.

Based on the assessment results, the local governments and government leaders’ performance are judged to be excellent (*youxiu* 优秀), competent (*chenzhi* 称职), basically competent (*jiben chengzhi* 基本称职) or incompetent (*bu chenzhi* 不称职). Normally, the verdict of excellent is only awarded to 15-20% of governments and their leaders who are top ranked.<sup>54</sup> Both economic and political rewards and punishments are used for the reward and punishment. However, bonus-penalty rules are hardly carried out in practice although they are clearly listed in the family planning regulations.

For those honoured ‘excellent’ governments, their top leaders and specific leaders on family planning (family planning special deputy town mayor (*jihuashengyu zhuanzhi fuxiangzhang* 计划生育专职副乡长)) are awarded some economic bonus. At the village level, the bonus is normally shared among the village committee members. The bonus ranges from hundreds of CNY to about one thousand CNY from place to place.

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<sup>53</sup> After 1984 personnel appointment was decentralized, with ‘two-level-down management’ replaced by ‘one-level-down management’. Under this new arrangement, officials at each level gained full authority to appoint their subordinates. County leaders, for instance, are now empowered to decide, without approval from a prefectural organization department, who will serve as a township Party secretary or head of government.

"The Key Issues of CPC (1984) (*Zhongguo Gongchandang Dashiji* 中国共产党大事记)," [http://news.xinhuanet.com/ziliao/2004-10/15/content\\_2093977\\_2.htm](http://news.xinhuanet.com/ziliao/2004-10/15/content_2093977_2.htm) (13th January 2011).

<sup>54</sup> Interview with township officials on 10<sup>th</sup> January, 2010.

Regarding those governments who failed to attain these targets or who are ranked at the bottom will disqualify the government, organisation, and their top leader and direct leader from any further commendation and promotion in the next year even if they perform well in all their other work.<sup>55</sup> For some serious faulty of fraud or failure to meet the vita quotas, he local government leader might be dismissed from office if they had received a “yellow notice” (*huangpai jinggao* 黄牌警告).

#### 5.4.2.2 Single Veto System (*yipiao foujue zhi* 一票否决制)

In 1991, after the central government further guideline of strengthen the family planning work and strictly control the population increase, a family planning single veto system was carried out in all the regions.<sup>56</sup> This Single Veto system was applied to both the individual who broke the family planning regulations, and government or work unit. If the government or work unit did not pass the assessment set in the population and family planning responsibility commission, or any employee in the unit broke the family planning regulations, or poor performance in birth control, can all be the overriding reason for disqualifying the individual and their leaders from promotion.

Comparing with the leadership responsibility system, this Single Veto system has more serious influence on the local government leaders.

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<sup>55</sup> S province Population and Family Planning Responsibility Commission, 2009.

<sup>56</sup> Central Committee of CPC and The State Council, "A Decision Made by Central Committee of CPC and the State Council About Strengthen the Family Planning Work in Order to Strictly Control the Population Increase (*Zhonggong Zhongyang Guowuyuan Guanyu Jiaqiang Jihuashengyu Gongzuo Yangge Kongzhi Renkou Zengzhang De Jueding* 中国中央、国务院关于加强计划生育工作严格控制人口增长的决定)," (*ZhongFa* (No.9), 12th May 1991).

## 5.5 Constrained Supervision System on Town Government

### Discretion

#### 5.5.1 Democratic Evaluation (*minzhu pingyi* 民主评议)

The cadre responsibility system involves two parts of democratic evaluation. One part is the evaluation of the government organisation and another part is related the government leaders. The evaluation to the government is an overall evaluation by the upper level authorities. It involves about thirty people from the leaderships of the county level Party Committee, the government, the congress and the CPPCC. In this evaluation, each township/town will be given an overall evaluation by these upper level authorities. This part of the evaluation takes about 10% in the overall cadre responsibility system.

Another part of the evaluation is regarding the local Party and the government leaders: the Party secretary, the government mayor, the deputy mayors, the deputy Party secretary, the chairman of the Town People's Congress and the secretary of the Town Disciplinary Inspection Committee (*jijianwei* 纪检委)'. This part of the evaluation involves not the upper level authorities but the representatives of the local residents, such as the village Party secretary, the town People's Congress representatives, the representatives of the retired cadres, the representatives of local enterprises, etc., about 100 people. By adopting no name records, all the main leaders of the town Party and government are evaluated. In addition, these mass representatives also evaluate the local Party and government work in general. Based on the evaluation, about 20-30% of government leaders are awarded the title of 'excellent'.

However, there is little democratic influence in this evaluation. First of all, this evaluation only takes up 3% of the overall evaluation. Secondly, most of the representatives involved in the evaluation are the superior of the local residents rather than the basic level masses (*jiceng qunzhong* 基层群众), such as the village Party secretary, representatives of the retired cadres, and representatives of local enterprises. Since they know this fact very well, these representatives normally do not really make their voices heard in the evaluation. It is very common that almost all the officials are evaluated as competent. One local official commented on the democratic evaluation that, '[these evaluations are] not all substantial assessments. The key assessment is decided by the upper level superiors rather than the ordinary masses. Except for those who have personally had conflicts with the officials, most of the evaluation result is competent'. (*[zhexie kaohe] dou shi xu de. Guanjian [kaohe] haishi shangmian de, laobaixing de kaohe meiyong. Chule gebie de you siren maodun de wai, dabufen doushi chenzhi.* [这些考核] 都是虚的。关键还是上面的，老百姓的考核没用。除了个别的有私人矛盾的外，大部分都是称职。)<sup>57</sup>

### 5.5.2 Town People's Congress

The current township/town government is composed of three sectors: Township People's Government (*zhen renmin zhengfu* 乡镇人民政府), Township/Town Party Committee (*xiang dangwei* 乡镇党委), and Township/Town People's Congress (*xiangzhen renda* 乡镇人大). As same as the upper level governments, the Township/town Party Committee is the political leader of the government. It has one town Party Secretary (*shuji* 书记) and several (generally 2-4) Deputy Party Secretaries. The Township/Town Mayor position (*xiang zhang* 乡长) is usually taken

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<sup>57</sup> Interview with EY town deputy mayor on 10<sup>th</sup> January, 2010.

by a Deputy Party Secretary. Consequently, the township/town Party secretary, instead of the township/town magistrate, is the most influential decision-maker, or the first hand, at the township/town level. In addition, practically, the town level's Party Committee and the People's Government are often intertwined intimately because of their relatively small size. This caused another consequence which is that the party and government use one group of staffs (*dang zheng bu fen jia* 党政不分家).

At the township/town level, the Town People's Congress is under the firm control of the township/town Party Committee and the Township People's Government. The legislative-executive relations at the town level should be considered a division of labour, not a separation of powers. Being a chair of the Township/Town People's Congress is viewed as an honour rather than a duty or a genuine voice for a constituency.

In the past, the township/town Party Secretary often concurrently held the position of chairman of the Township/Town People's Congress or was at least a member of the township/town Party Committee; or the position was held by a former township/town mayor or a former township/town Party Secretary who had left his leading post (*tui ju er xian* 退居二线). But the recent trend is that the chair becomes more and more independent, with the improvement of the local People's Congress's political status. In addition, unlike the Town People's Congress general members, who are directly elected by local people, the chair of the Town People's Congress must be nominated and finally decided on by the county level Party Committee.

In conclusion, the town People's Congress has little power over local affairs including family planning. First of all, it has no role in legislation formulation

according to the PRC's Constitution, the Legislation Law and the Local Organisation Law<sup>58</sup>; secondly, although it was given authority by the Local Organization Law over selecting Township People's Government officials and in shaping and affecting township/town government decisions, it is impossible to use this power since it is under the firm control of the township/town Party committee and the Township People's Government. The annual meeting of the Town People's Congress is normally held one day annually, and the daily work after the annual meeting is carried out by the general office of the Township People's Government. The actual role is taken by the Town Party Committee and the Town People's Government. Therefore, the town People's Congress has little supervision role in relation to local Party and government work on family planning.

In conclusion, even though the Chinese central government has set up many forms to improve political democracy, democracy plays a small role in supervising the town level Party and government in practice. The organization settings is the main constraint of this democracy, which makes the democracy evaluation team and People's Congress inability on the supervision.

## **5.6 Conclusion**

By analysing the administrative relationships at the town level government and the *kuaikuai* management relationship between the town family planning office and the town Party and government, as well as the supervision system over this *kuaikuai* relationship, this chapter explained how the administrative system at the town level influenced the implementation of the family planning regulations. Several conclusions were drawn from this analysis.

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<sup>58</sup> PRC's Constitution Article 100, Local Organization Law Article 17, and PRC's Legislation Law Article 63.



First of all, the cadre-responsibility system constrained the local family planning officials' autonomy to a great degree. By the use of quantifiable targets, the town level family planning officials were strictly monitored in the process of policy implementation. In order to fulfil these targets, the town level government and the family planning officials resorted to using non-legal or tyrannical administrative methods, such as forced abortions, detaining property, or detaining the persons themselves who had broken the family planning regulations. Since 1995, with the gradual transformation from rule of person to rule of law in China, most of these administrative methods have been prohibited.<sup>59</sup> In addition, after about 15 years of implementing the family planning regulations and the development of the Chinese economy and evolution of the reproductive culture, most people have started to accept the family planning regulations. As one local family planning office stated, 'Now, the people who have accepted the family planning regulation are not the problem any more, but those who still intend to have more children or sons are hard to persuade, (*Xian zai, bushing de jiu bushing le, sheng de haishi yao sheng*. 现在, 不生的就是不生了, 生的还是要生。)<sup>60</sup> As a consequence, policy cheating and distortion occur when the policies of the higher governmental authorities clash directly with local government interests, or when specified quantifiable policy goals are simply out of reach. In these cases, town officials deliberately make false reports and carry out statistical fabrications in order to reach their targets.

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<sup>59</sup> In July, 1995, the State Family Planning Commission issued the Notice of the Insisting Seven Forbidden Actions in the Family Planning Implementation (*zai jihuashengyu xingzheng zhifa zhong jianchi 'qi ge buzhun' de tongzhi* 在计划生育行政执法中坚持‘七个不准’的通知). This ‘Seven Forbidden Actions’ prohibited the unlawful actions during the family planning execution.

<sup>60</sup> Interview with EY town family planning office on November 20<sup>th</sup>, 2009.

A second conclusion drawn from this chapter is that the town government leadership (who is usually the party secretary but sometimes the mayor) and the structure of the town Party and government all contribute to how the family planning officials implement the family planning regulations. Because of the special structure where ‘the Township/Town Party and government use one group of staff (*dang zheng bu fen jia* 党政不分家)’ and the Town People’s Congress has a limited function, the township/town Party secretary is the most influential decision-maker. He is often regarded as the ‘Top Person’ by the locals and his personal attitude towards affairs determines whether legislation or policy will be implemented smoothly.

Thirdly, regarding the overall policy implementation, supervision systems tend to lead to selective policy implementation. By focusing on the policies which have hard targets which nevertheless might seriously conflict with local people’s interests, the town level officials choose to implement well these ‘hard’ tasks and neglected the ‘soft’ tasks even though they might be popular policies among the local people.

The fourth conclusion concerns the ‘Population and Family Planning Responsibility Commission and Leadership Responsibility’ system, which determines that the town government would exercise discretion over the family planning execution. The result is that although there are many tasks to do for the family planning work, only tasks which have hard measurable targets were carried out seriously. These key tasks include the birth rate, the third and above birth rate, the long-term contraception rate and the social compensation fees collecting rate.

Finally, the supervision system monitoring the town government’s discretion on policy selection and the implementation of the family planning regulations is very limited. With this limited supervision system, another problem has been caused as a

consequence: non-supervised data from the grassroots level.<sup>61</sup> 'As a result of these constraints, birth planning has suffered the fate of all centralized planning systems, which struggle with the problem of lacking or receiving distorted information from below. Among all Chinese statistical data, birth-planning figures are the most unreliable. While additional surveys and multiple systems of record-taking have introduced some checks, they have been unable to prevent the situation from deteriorating'.<sup>62</sup>

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<sup>61</sup> See White, "Implementing the 'One-Child-Per-Couple' Population Program in Rural China: National Goals and Local Politics."

<sup>62</sup> Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*. p.331.

# Chapter 6 The Influence Of Political Reforms on the Implementation of the Family Planning Regulations

## 6.1 Introduction

Political influences on family planning implementation have been widely studied since the 1980s.<sup>1</sup> This research not only pointed out that the successful implementation of the family planning regulations has been due to the centralised Chinese government structure which ensured execution at the local level, but also commented on the conflict between family planning implementation and the agricultural responsibility system.<sup>2</sup> It is a conflict between liberating the economy in the reformed China and maintaining tight control of the political and social sphere.<sup>3</sup>

In addition to the agricultural responsibility system, another political reform — the village committee election — that was introduced at the beginning of the 1980s, also intensified this conflict, particularly when the Villagers Committees Organization Law was adopted in 1998. On the one hand, the central government tried to improve grassroots democracy and manage the rural areas with these self-governed village

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<sup>1</sup> See Merli, Qian, and Smith, "Adaptation of a Political Bureaucracy to Economic and Institutional Change under Socialism: The Chinese State Family Planning System."; Croll, Davin, and Kane, *China's One-Child Family Policy*; Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*; White, *China's Longest Campaign: Birth Planning in the People's Republic, 1949-2005*; Greenhalgh, "The Peasantization of Population Policy in Shaanxi: Cadre Mediation of the State-Society Conflict."

<sup>2</sup> The Agricultural Responsibility System is also called the Household Responsibility System (*jiting lianchan chengbao zeren zhi* 家庭联产承包责任制). Under this system, after signing a contract with each individual family of the village, the farmers could freely produce over the quota. Compared to the former Agricultural Cooperative System, in which people were paid equally based on their age and ability rather than their actual work, this responsibility system greatly stimulated the farmers productivity.

<sup>3</sup> Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*. p.4.

See *ibid.*; White, "Implementing the 'One-Child-Per-Couple' Population Program in Rural China: National Goals and Local Politics." p.307.

committees; on the other hand, the central government had to make sure these self-governed organizations continued to carry out the central government's (and other level governments') policies and decisions, particularly unpopular policies.

This chapter aims to explain how the democratic village committee elections have influenced family planning implementation at the village level. First of all, the setting and role of the village family planning mechanism in relation to policy implementation is explained. This is followed by an examination of the political influences on the implementation of the family planning regulations. Then, the effectiveness of the village officials' supervision system is discussed. After this, the literacy standards of the officials and its influence on their work performance are analysed. Then, with an understanding of the village family planning officials and their setting, there follows a discussion of how the new political reform — the village committee election — has influenced family planning implementation. Finally, this chapter discusses other factors that might have caused ineffectiveness in the village family planning officials.

## **6.2 The Context of the Village Family Planning Mechanism**

### **6.2.1 The Setting of the Village Family Planning Organization**

The early stages of the village level family planning mechanism took their form in the mid-1970s. From 1974<sup>4</sup>, a leader at each level was responsible for the family planning work in addition to their ordinary duties. This was normally the People's Commune secretary (*shuji* 书记) at the commune level, and the brigade's secretary at

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<sup>4</sup> It was requested by the S Provincial Revolution Committee's Family Planning Leader Group on November 1974. See SX History Records Research Institution (*Shizhi Yanjiuyuan* 史志研究院), *Sx Local History Record (Sx Tongzhi Sx 通志)*. p.423.

the brigade level. At the production team level, women's leaders (*funv zhuren* 妇女主任), leaders of China's Communist Youth League, and barefoot doctors took joint responsibility to assist the upper level government visits and organized the villagers' meetings or women's meetings for the advocating of the family planning regulations. During this period, the family planning campaign was mainly led by the county level health department and many at-the-village (*xiaxiang* 下乡) activities were organized. They focused on advocating the state's family planning policy and popularizing contraception methods. The family planning campaign slogans and posters were painted on the external wall of village houses. The mobile cinema team was organised at all villages in turn. Some family planning-promoting films were made especially, such as Sweet Project (*tianmi de shiye* 甜蜜的事业). With limited entertainment activities before the 1990s, the open-air cinema and the broadcasts, as well as the posters, were viewed as entertainment by the villagers. Even those who might not originally accept the idea of birth control or contraception might have come to watch and listen, having been attracted by the modern media and the crowds gathering around. These kinds of publicity methods continued until the mid-1990s.

At the beginning of the 1980s, the PRC's family planning campaign went into full swing with the introduction of the 'one-child' policy. The family planning organizations needed to be further strengthened at all levels to cope with this tightened policy. As a result, one year after the founding of the PRC's National Population and Family Planning Commission in 1981, the professional village level family planning officials were requested to set up "both the production brigades and the production teams should have one leader member responsible for the family planning work in particular. (*dadui he shengchandui yao you yiming lingdao ganbu*

*zhua jihuashengyu gongzuo* 大队和生产队要有一名领导干部抓计划生育).”<sup>5</sup>

Instructed by this document, most villages<sup>6</sup> appointed a professional family planning official to carry out the family planning work under the dual management of both the village committee and the town level family planning office. At this time, the village level family planning mechanism was formulated. China’s five level family planning system had extended to villages and developed into a six level hierarchy system: state, province, prefecture/city, county, town, and village.

The village level family planning organisation was normally composed of a leader and one or two officials. The leader is often the director of the village committee (often referred to as the “village head”(*cunzhang* 村长)), or secretary of the village party branch (*cun zhibu shuji* 村支部书记). The leader normally did not get directly involved in the detailed family planning work. It was mainly the family planning officials who dealt with the tasks directly. The family planning officials in most villages were part time officials who were often the women’s leader (*funv zhuren* 妇女主任), the village doctor (*weishengyuan* 卫生员), or the village accountant. Only in some big villages was a full time family planning official appointed.

The title of these village family planning officials changed from ‘the Captain of Family Planning’ (*jihuashengyu duizhang* 计划生育队长) in the 1970s to ‘Specialist

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<sup>5</sup> See "The Central Committee and the State Council's Instructions for Further Implementing Family Planning Work (*Zhonggong Zhongyang Guowuyuan Guanyu Jinyibu Zuohao Jihuashengyu Gongzuo De Zhishi* 中共中央国务院关于进一步做好计划生育工作的指示)."

<sup>6</sup> The production brigades and production teams were the sublevel organizations of the People’s Commune between 1958 and 1984.

Under the household responsibility system (*jiating lianchan chengbao zhi* 家庭联产承包制) introduced in the late 1970s, the political structure of communes and production brigades were replaced by the villager’s committee, which is a self-governed administrative organization and a policy implementation tool for the Chinese government. Furthermore, the commune was replaced by the town; the production brigade by the village; the production team by the small villager’s group (*cunmin xiaozu* 村民小组).

Family Planning Official' (*jihuashengyu zhuangan* 计划生育专干) in the 1980s, when the independent family planning organisation was set up at county and town levels, then to 'village information official' (*cun xinxiyuan* 村信息员) in the 2000s.

### 6.2.2 The Function of the Village Family Planning Mechanism

Some Western scholars, such as Susan Greenhalgh<sup>7</sup> and Tyrene White<sup>8</sup>, have argued that the village level officials (the village level cadres, the village women's leaders and the village committee members) are the actual grassroots level enforcement officers in rural China. They believe that, because these officials "firmly rooted in local society, ... live in the (same) village, (and) ... are linked to villagers by kin and friendship ties, and their livelihood is drawn from village resources...."<sup>9</sup>, they "have often tried and sometimes succeeded in bending those rules to the advantage of their relatives and neighbours when state rules have challenged profoundly held local values or threatened farmer economic security."<sup>10</sup>

Actually, the relationship among villagers is more complex than these academics observed. Although most villagers in a village have a kind of extended family (*qinshu* 亲属) relationship, this relationship is not as close as they supposed it to be. Some modern village studies found that sometimes the *relative relationship*<sup>11</sup> is even

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<sup>7</sup> Greenhalgh, "The Peasantization of Population Policy in Shaanxi: Cadre Mediation of the State-Society Conflict." 220.

<sup>8</sup> White, "Implementing the 'One-Child-Per-Couple' Population Program in Rural China: National Goals and Local Politics."; *China's Longest Campaign: Birth Planning in the People's Republic, 1949-2005*.

<sup>9</sup> Greenhalgh, "The Peasantization of Population Policy in Shaanxi: Cadre Mediation of the State-Society Conflict." p.220.

<sup>10</sup> Ibid. p.220.

<sup>11</sup> This *relative relationship* here not limited to the patrilineal family, but refers to a much wider network which based on the extended family of both paternal and maternal side.



closer than the extended family.<sup>12</sup> Fei Xiaotong did also note the family relationship in his early research — “the relatives are not relatives and it does not matter how close you are (*danshi qinshu jinguan zenyang qinmi, jiujing shi tiwai zhiji* 但是亲属关系怎样亲热，究竟是体外之己).”<sup>13</sup> In the reformed China, the extended family relationship gradually became weaker as a result of modernization and migration.<sup>14</sup> With modernization, many farmers migrated to the urban areas and changed their jobs from their traditional field work and developed new lifestyles; they no longer relied on agricultural production as their main income; their living style and values all changed, even those who still stayed in the village. The family planning campaign further intensified this change. Because of birth control, the traditional big family size sharply reduced in rural areas from the 1980s. This smaller extended family caused more complex relationships among local villagers because the villagers became less related to each other due to the smaller families, families having varied resources and the generally different economic conditions. On the one hand, they still relied on the traditional family and neighbourhood relationships and benefited from it; on the other hand, they also competed with each other intensively when their personal interests were challenged. Therefore, it is an oversimplification to conclude

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<sup>12</sup> “the marriage family relationship is better than the extended family ... The marriage family relationship is a joint from two families into one family while the extended family is a separation between the brothers. (*zuqin zhijian de guanxi haiburu yinqin ... yinqin shi fuqi de heerweiyi, zuqin shi xiongdi de yifenweier*. 族亲之间的关系还不如姻亲 ... 姻亲是夫妻的合二为一，族亲是兄弟的一分为二.)” See Yinhe Li, *Reproduction and Village Culture - Grandson of Grandpa (Shengyu Yu Cunluo Wenhua--Ye Zhi Sun 生育与村落文化-- 爷之孙)* (Beijing: Culture and Art Press (*wenhua yishu chubanshe* 文化艺术出版社), 2003). p.71.

<sup>13</sup> Xiaotong Fei, *From the Soil: The Foundations of Chinese Society (Xiangtu Zhongguo 乡土中国)* (Beijing: Foreign Language Teaching and Research Press (*waiyu jiaoyan chubanshe* 外语教研出版社), 2012). Section 12, Consanguinity and Regionalism.

<sup>14</sup> Xueyi Lu, ed. *The Villages and Farmers in the Reform (Gaige Zhong De Nongcun He Nongmin 改革中的农村和农民)* (Beijing: Party School Publishing House of CPC Central Committee (*Zhonggong Zhongyang Dangxiao Chubanshe* 中共中央党校出版社), 1992). p.20.

that the family and neighbourhood relationship is the main reason for village cadres bending unpopular policies in order to benefit local villagers.

In order to properly understand the role of the village family planning organization, it is necessary to analyse the PRC's government structure and the local officials' actual work. Without a systematic investigation of China's hierarchical government system and family planning administrative system, it is hard to understand why village level cadres are not the grassroots level officials even though they are involved in regulation and decision enforcement and also face the villagers directly.

After the 1980s, the PRC's government organization system is a 4-tier local government system from province to prefecture/city then to county and town.<sup>15</sup> According to the PRC's constitution, the township/town government is the most basic level of government. The rural villagers' committee (or the urban residential committee) is not part of China's formal government organization system, but a self-governed organization.

It was only in the People's Commune period that the village (production team) level was the basic government level. From 1958 to the end of the 1970s, unlike any previous government system in Chinese history, the farmers were controlled as a military organization by the central government.<sup>16</sup> At the town level, the People's Commune managed both the local administrative and economic work (*zhengshe heyi* 政社合一). Below the commune level, it was the 'production brigade' (*shengchan dadui* 生产大队) level and under that then the 'production team' (*shengchan dui* 生

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<sup>15</sup> Xie Qinkui, *China's Local Government System (Zhongguo Difang Zhengfu Tizhi Gailun 中国地方政府体制概论)* (Beijing: China Broadcast and TV Press (*zhongguo guangbo dianshi chubanshe* 中国广播电视出版社), 1997). p.6.

<sup>16</sup> In the history of China, the farmers have always been controlled by informal organizations, in which *bao-jia* system was a popular one. See chapter 5 for more details.

产组) level. As an economic and political organization, the ‘production brigade’, which transferred into the village, was the basic official government organization at that time.

At the beginning of the 1980s, with the collapse of the commune system, the ‘town government’ replaced the ‘People’s Commune’ and took over its political function, the ‘village committee’ replaced the ‘production brigades’, and the ‘village team’ (*cunmin xiaozu* 村民小组) replaced the ‘production team’.<sup>17</sup> The village committee was not a formal component of the government, but a ‘self-governance’ organization, or an “informal and quasi-governmental administration”.<sup>18</sup> Therefore, regarding the family planning administrative system, the town level family planning office is the most grassroots level government organisation, rather than the village level.

The village family planning officials do not perform the same role as the town level organizations even though they implement the regulations and face the villagers directly just as the town level officials do. Although the village committee has a duty to carry out the state and upper level government decisions and regulations, it mainly supports the town government work rather than carrying out the task

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<sup>17</sup> In China’s countryside, there is a difference between the administrative village (*xingzheng cun* 行政村) and geographical village (*ziran cun* 自然村). Geographical villages (*ziran cun* 自然村), refer to individual villages that are physically separate from other villages. Two or more small geographical villages are often joined together to form an administrative village. See Zhenwei Liu, *Peasants and the Development of Rural Organisations (Nongmin Yu Nongcun Zuzhi Jianshe 农民与农村组织建设)* (Guiyang: Guizhou People’s Press (*guizhou renmin chubanshe* 贵州人民出版社), 1994). p.54.

A village committee is set up in each administrative village, and each geographical village is a village team. The village team is the most basic organization in rural China and the team leader is elected by the village team meeting (*cunmin xiaozu huiyi* 村民小组会议). See "PRC Organic Law of Village Committees (*Zhonghuarenmingongheguo Cunmin Weiyuanhui Zuzhifa* 中华人民共和国村民委员会组织法)," (2010). Article 28.

The village administrative office (*cungongsuo* 村公所) was set up in a few areas. It was a government organization and responsible to the town government directly, and its personnel were appointed by the town government.

<sup>18</sup> Zhong, *Local Government and Politics in China: Challenges from Below*. p.159.

independently.<sup>19</sup> Tyrene concluded that the main function of village cadres in terms of family planning enforcement is providing penetration and surveillance, and monitoring village women of reproductive age.<sup>20</sup> It is also indicated by their title — the “village information official” (*cun xinxiyuan* 村信息员) — that in addition to advocating the relevant regulations, their main functions include supervising and providing information to the town level. Moreover, the village level officials do not have the administrative authority to enforce the implementation of the family planning regulations. They are mainly the assistants of the town level which is the agency authorized to ensure compliance and enforcement. Therefore, the village level family planning organization is not the grassroots level agency but rather the assistant of grassroots level agencies.

However, the village family planning mechanism — a special informal organization — made a vital contribution to the enforcement of the family planning regulations. If we take one town as an example, it will be quite clear how important the village level family planning official is in practice. At EY town, there have been 24 administrative villages (*xingzheng cun* 行政村)<sup>21</sup> since May 1984. Among these 24 villages, there are 5 villages on the plain, 6 at the edge of the mountain and 13 on the mountain. At the time of the founding of EY Town family planning office in 1979, there was only 1 person doing the family planning work in the office. 2 people joined the office in the 1980s. During that time, even with strong support from both the town level government and the village committee, the family planning work was still very tough

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<sup>19</sup> See "The Regulation of S Province Implementating PRC's Organic Law of Village Committees (S Sheng Shishi 《Zhonghuarenminguoheguo Cunmin Weiyuanhui Zuzhifa》 Banfa S 省实施《中华人民共和国村民委员会组织法》办法)," (1999). Article 7.

<sup>20</sup> White, *China's Longest Campaign: Birth Planning in the People's Republic, 1949-2005*. p.85.

<sup>21</sup> These administrative villages are made of 33 geographically integral villages (*ziran cun* 自然村).

work for these officials with lots of tasks and much local resistance. Most of them worked more than 10 hours per day from early morning to late at night without weekends off or holidays. In the 1990s and 2000s, the team was further enlarged when 1 official joined in 1994 and 5 officials during 2004-2009. However, even with 8 officials working in 2009, the workload, which required the consideration of 7776 households at EY town, was still massive. Without the assistance of the village family planning officials, it would be impossible for these limited personnel to carry out all the tasks.

Because of this close relationship between the town and village levels, they always have the same tone when they are facing inspections from the upper level governments. Sometimes, the town level guides the village level to edit or conceal unflattering data in order to satisfy the inspectors. Before the inspection, the town office would give notice (*dazhaohu* 打招呼) to the village and the individual families about what to say and what should not be said. The number of people taking long-term contraception is usually easily concealed as it is hard to check, as is the number of excess birth numbers. These are the hard measures of the town's job performance by the inspector. The concealing of this data from the inspector means that the town and village are the only levels that have the real data of China's actual population. In order to get more reliable data from the grassroots level, a direct mobile phones report system (*jiceng shouji zhibao xitong* 基层手机直报系统) has been implemented in S province since November 2009. With this system, all the village family planning officials were equipped with mobile phones with certain free minutes and text messages. The village officials were required to report the data to the provincial family planning organization directly monthly. The effectiveness of this system is not yet known and further studies need to be carried out.

In conclusion, the PRC's 6-tier family planning administrative organisation system can be divided into three levels. The top level is the state's family planning commission who provide the family planning strategy and principles, and guides the nationwide family planning work. The middle level is the provincial level (including autonomous regions and municipalities) family planning commission. Because of the PRC's decentralised family planning regulations, this is the level which drafts the practical provincial regulations in terms of the local circumstances but which also complies with the central government's guidelines. This is also the level that manages the provincial family planning work. The prefecture or city level commissions are assistants to the provincial level. The grass roots level is the county and township/town family planning organization. They are foot soldiers in implementing upper level regulations. The county level is the decision making level in the local areas<sup>22</sup> and the town level is the actual front line team who implement the regulations in the real world and face the villagers directly. The village level, in spite of lacking a clear definition of its legal and administrative status, has always been treated and viewed as an arm of the Chinese county and/or town government.<sup>23</sup>

### **6.3 Effectiveness of Implementation**

During the fieldwork of this author, many complaints were heard from the town officials about the effectiveness of the village level's assistance. It is generally commented that there are more demands from the upper level government but less support from the village officials from the late 1990s. The town level found that

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<sup>22</sup> The county level family planning organization has the authority to decide the local incentive policies for the single child families, sterilized families with a single child or two girls, and the families whose single child became disable or died.

<sup>23</sup> In practice, when talking about the family planning agencies in rural areas, the town and the village level are often named together as "countryside family planning officials" (*xiangcun jihuashengyu zhuangan* 乡村计划生育专干).

much of the workload left to the town levels by the village level was done so because the village officials either didn't have the ability to carry out the task, or were not willing to fully engage with the work. The educational requirements, supervision system and the political reform are the three main factors that have influenced the effectiveness of the implementation.

### **6.3.1 Education Requirements**

In the 1980s and 1990s, the main duty for the village officials was to take the women to the town hospital for abortions and IUDs insertion, as well as collecting penalties from the above-quota births. During that time, the work was more straight-forward and did not require much in terms of education level. The statistical tasks were simple and only four types of data were required normally: date of birth, death, IUDs insertion and abortion. It was easily manageable even by officials with only a primary level education.

However, from the end of the 1990s, there were more requirements for the statistical task and more regulations and policies regarding the family planning. These more complex tasks required a higher educational level. It was concluded by the town officials that those officials with a senior secondary school education level found the work much easier to understand and carry out; but those with lower levels found it difficult.

With the help of QX County Statistical Bureau, an anonymous survey of the village family planning officials' education level of EY town and the whole QX County was carried out. It was found out that only 24% of the officials at EY town have the senior secondary or above education level and 40% in the whole county. Although the educational level of senior secondary school is sufficient for the village officials

in most regions, it is hard to attract such people because of the low pay for this job. Most farmers with senior secondary school education levels can easily find a good job with much better pay. It is only those people with low education levels who are willing to take the job. Overall, the low educational standard of the village officials further reduced the effectiveness of the implementation and left extra workload to the town officials.

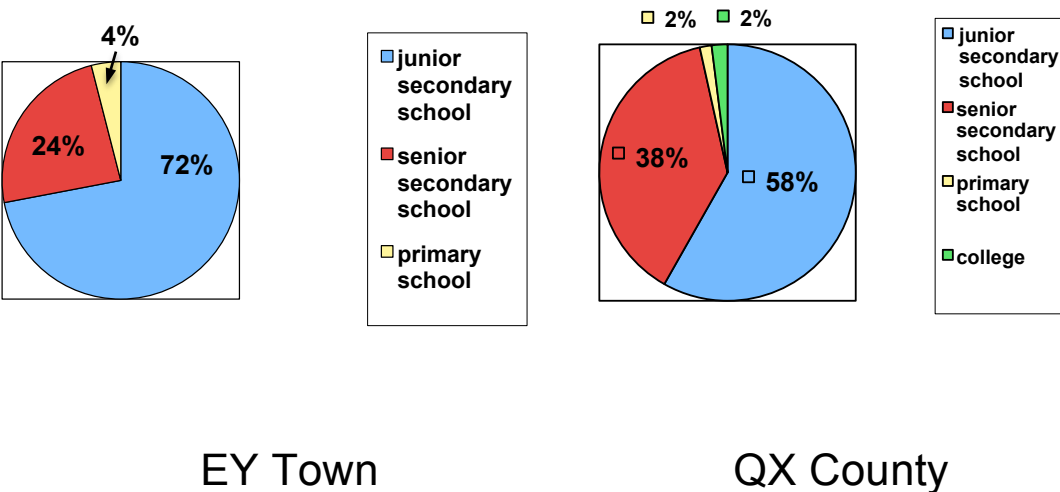


Figure 6. 1 Education Level

### 6.3.2 Supervision System of Village Family Planning Officials

Before 2000, the village family planning officials were directly employed and supervised by the town family planning office: *xiangpin xiangguan* (乡聘乡管). After 2002, with a formal payment to these village officials, employment authority transferred from the town to the county level: *xianpin xiangguan cunyong* (县聘乡管村用) — employed by the county, and managed by the town, and working for the village. However, in practice it is always the village committee who have the



decision-making on personnel. In order to smoothly carry out the work and maintain a good relationship with the village level, it is very unusual for the town office to reject the village's candidates. In addition, because of the tradition that it is normally the women's leader —a member of the village committee — who takes the family planning official's role, it is even harder for the town office to get involved in the suggestion of the family planning officials.

Because the town office does not have the actual authority on the engagement of these village officials, and the fact that these village officials are not formal government officials, the town office has very limited supervision authority over them. Although they do have the authority to reduce their pay or even dismiss them for unsatisfactory performance, this authority has rarely been used in practice. The main methods of influence that the town office relies on are the regular monitoring and economic incentives.

From the beginning of the 1980s to recent years, the compensation paid to the village family planning officials has changed from being effective to being less effective, possibly due to the increase in local farmers' average income. A graph was made to compare this incentive and local farmers' average income from 1980 to 2009. From this graph, it can be clearly seen that the gap between the village family planning official and the local farmer's average income has become bigger and bigger since 1994.

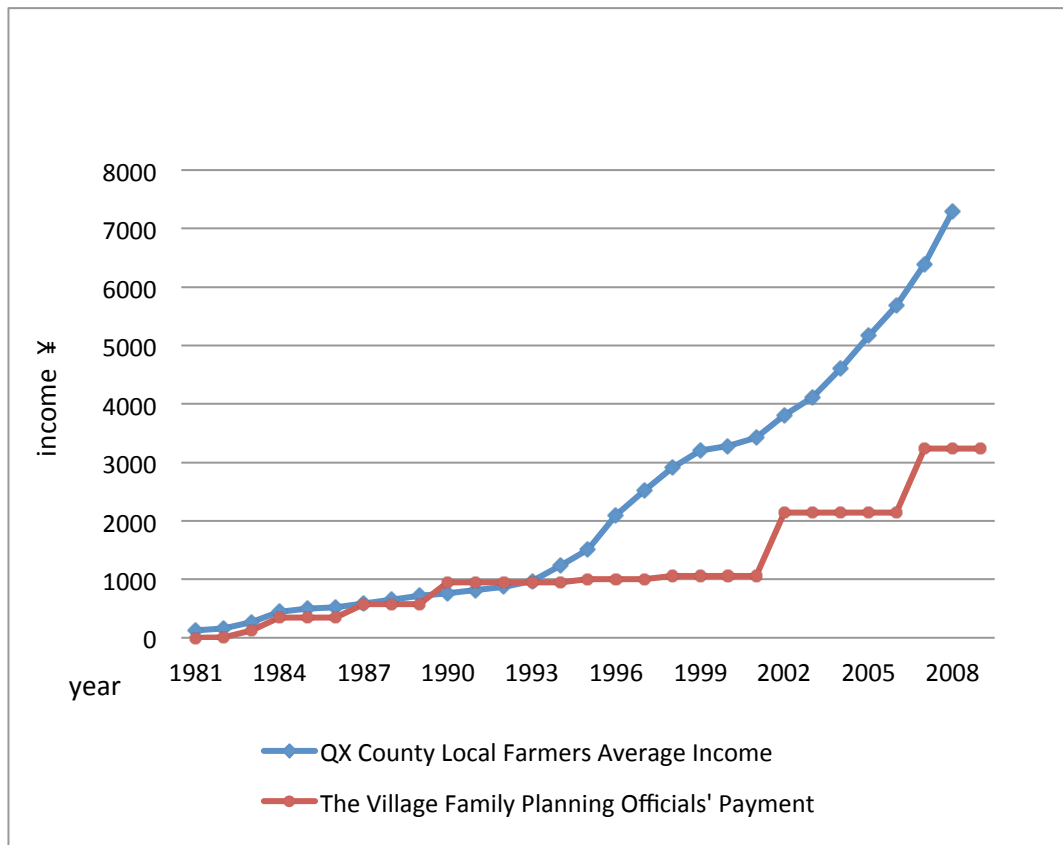


Figure 6. 2 Compensation for Village Family Planning Officials

The earliest economic incentives started from the beginning of the 1980s when the Central Committee and the State Council instructed that all villages should have a specialist official responsible for the family planning task. This document also required that these officials should receive compensation for their income having been affected by taking this job.<sup>24</sup> According to this document, from the end of 1982, most village family planning officials in QX County started to be paid a certain amount of compensation by the villages. During the Collective Ownership System, they got work points (*gongfen* 工分) for the time they spent on family planning work.

<sup>24</sup> See [1982] CPC's Document 11, 'Family planning management institutions should be established and completed at all levels (in China), ... One of the leaders from the production brigades or production teams should be responsible for family planning work. These family planning officials from production brigades or production teams are entitled to some kinds of absence from work compensation.' (*yao jiquan chongshi geji jihua shengyu guanli jigou*, ... *dadui he shengchandu yao you yiming lingdao ganbu zhua jihua shengyu gongzuo, bing tuoshan jie jue tamen de wugong butie*. 要健全充实各级计划生育管理机构, ... 大队和生产队要有一名领导干部抓计划生育工作, 并妥善解决他们的误工补贴.)

After the Production Responsibility System replaced the former collective agricultural system, they were paid by the town and village. The work points or economic rewards varied from place to place. In the 2000s, the village family planning officials were formally named “village information officials” (*cun xinxiyuan* 村信息员) in S province. Supported by the provincial, city and county levels government, their salary was formally regulated and they were paid directly by the county level government.

In DY town, the position of the village family planning official has been mostly taken by the women’s leader. Like many other areas, the main reason for this combination is to reduce the personnel cost. For this reason, 2 villages that previously had independent family planning officials also merged this position with that of women’s leader. This combination was also a result of local cultural influence. At the beginning of the family planning campaign, family planning was treated as the woman’s responsibility only, by most villagers and even the grassroots level officials. Therefore, it was taken for granted that this was the duty of women’s leader. Moreover, the women’s leader, as a member of the villagers’ committee, does not have any practical authority except organising the Women’s Day activities on 8<sup>th</sup> March. The merging of the family planning official and women’s leader not only gave the women’s leader more practical power but also help to carry out the family planning work in the name of the village committee in practice.<sup>25</sup>

During the survey, Dongnanfang (DNF) village, a middle-income village, was selected as a sample to explore more details about the village family planning

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<sup>25</sup> 19/11/2009 Interview with Deputy Header of DY Town government who is in charge of family planning.

officials' income. In DNF<sup>26</sup>, the women's leader Zhao, a forty-year-old lady, was responsible for the family planning work before 1983. At the beginning of China's hard birth control campaign, the family planning work faced huge resistance. Even a normal long-term contraception method, such as IUDs insertion, was unacceptable to the local villagers. During that time, Zhao's main duty was assisting the upper level health department's campaign visits and advocating birth control. By the end of the year, she was paid dozens of RMB (*jishi yuan* 几十元) as combined compensation for being both the women's leader and family planning official while the average farmer's annual income was 156RMB. Based on the prices at that time, this sum of money could almost pay for her family's food supplements for the whole year.<sup>27</sup>

Following the strengthening of the family planning campaign and organizational settings in 1982,<sup>28</sup> another village doctor, Chang, was also engaged to join the family planning team as Zhao's assistant in 1983. After Zhao left this position in 1994, Chang became the only family planning official in DNF. From 1983, compulsory contraception started to be carried out in China. The focus of the village family planning officials switched from the general advocating of birth control and contraception, to particular IUDs insertion for women who had reached the maximum number of births, and abortion for the non-quota pregnancies. Therefore, in addition to the original work of advocating the birth control campaign and assisting the upper level's visits, they were also required to supervise the women of

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<sup>26</sup> The following figures about the compensation paid by village and town was obtained by the interview with Dongnanfang village family planning official. See interview DNF221209.

<sup>27</sup> During that period, the local farmers' food sources were mainly supplied by their own land, such as flour and vegetables. In addition to this main supply, they needed to buy some vegetables in the winter and spring, and salt, sugar, meat, match, etc. The Chinese leaves, one of the most popular winter vegetables in north China was 0.02-0.04RMB per kg, and the matches were 0.02RMB per small box, doufu was 0.40RMB per kg, and five sweets cost 0.10RMB.

<sup>28</sup> See "The Central Committee and the State Council's Instructions for Further Implementing Family Planning Work (*Zhonggong Zhongyang Guowuyuan Guanyu Jinyibu Zuohao Jihuashengyu Gongzuo De Zhishi* 中共中央国务院关于进一步做好计划生育工作的指示)."

reproductive age and report their updated reproductive information regularly. They were required to update and report four basic data of birth, death, IUDs insertion and abortion to the town family planning office monthly. In addition, they were also required to closely monitor those families who had reached the maximum birth limit but refused to take long-term contraception. Once they found any family in the village with a non-quota pregnancy or birth, they were responsible for reporting the situation to the town family planning office. In the 1980s, the town family planning office quite often received the village official's report at midnight.<sup>29</sup> Even then, the town officials would visit such non-quota families immediately.

In 1983, the assistant Chang received 9 work points per day for carrying out the family planning work. By the end of the year, she was paid about 100RMB. Zhao was paid slightly higher, nearly half of the local farmers' annual income. From 1984, with the introduction of the Responsibility System (*zerenzhi* 责任制), the compensation was raised to 300-400RMB per year for Zhao, which is more than 3/4 of the local farmers' average income. From the late 1980s, the town family planning office also started to contribute to this compensation, which was 120RMB per year. In total, in the late 1980s, the compensation for this part time job reached 420-720RMB, which is almost equal to the local farmers average annual income.<sup>30</sup> This high monetary incentive was maintained until the middle of the 1990s. At the beginning of the 1990s, the local farmers' income gradually increased by 70RMB per year from 766RMB in 1990 to 966RMB in 1993. The compensation to the village

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<sup>29</sup> During that time, communication was still very poor in rural China. Usually, there was only one telephone in the village's office. In order to stop the pregnant women running to the other places, they normally either phoned<sup>29</sup> the town family planning office or went to the town office personally. At each level of government, evening duty officials have always been on hand to deal with emergency situations. They would report the emergency situation to the related department immediately.

<sup>30</sup> From the data obtained from the QX County Statistical Department, the QX farmers' average annual income rose as follows from 1984 to 1990: 442RMB, 494RMB, 525RMB, 585RMB, 648RMB, 715RMB and 766RMB.

family planning officials was around 900-1000RMB from which the village paid around 600-700RMB and the town paid 360RMB. Because of this well paid compensation, it is not difficult to understand why these village family planning officials would actively carry on doing the job during the 1980s through to the beginning of the 1990s. This incentive made the job attractive despite the fact that the family planning work faced lots of resistance at that time, and was called the most wicked job by local villagers. Due to the village officials' contributions, the birth control regulations have been executed very successfully at DNF and the whole town, even with the great local resistance.

But from 1994, the local farmers' average income increased dramatically. It shot up by 500RMB per year from 1994 to 1998 and reached 2903RMB in 1998. In comparison, the pay for the family planning officials, which was, in the late 1980s and early 1990s, similar to or even greater than the local farmers' average income, became 23% (271RMB) less in 1994, and the gap further widened and widened in the following years. By the end of the 1990s, the average farmers' annual income had risen up to 3202RMB in QX County. In contrast, the pay for the family planning officials in DNF remained around 1000RMB.

After 2000, the S provincial government formally regulated the salary of the village family planning officials. A basic annual salary of 1440RMB<sup>31</sup> was set, provided by the province, prefecture and county government. On top of that the town and the village levels could contribute extra funding depending on their local financial circumstances. In DNF, above the basic salary, the village topped up from 700RMB in the 1990s to 1800RMB in 2007, which is the total pay for the position of the

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<sup>31</sup> This salary is supposed to be increased based on the price inflation. However, it has been remained same from the 2000s to 2014.

women's leader and the family planning official.<sup>32</sup> In total, DNF family planning officials received 3240RMB in 2007 in DNF, which is only half of the local people's average income,<sup>33</sup> and furthermore, these family planning officials are not entitled to any government paid pension.

During the survey, many family planning officials expressed their dissatisfaction with the low pay and non-entitlement to the state pension. Because they are neither formal government officials nor full-time personnel, none of them thought it is necessary to fully engage with this job. In addition, because this is a semi-official job that lacks the guarantee of a state pension, most of these officials still have to find other jobs so they can build a private pension, or else they will take up a greater share of the housework to support the family. As a result, the village officials only perform the family planning tasks at their convenience. In EY town, all the villages set up a village family planning service room (*cun jihuashengyu fuwu shi* 村计划生育服务室). However, none of them are used properly as a work place but rather as a storage room for the documents and posters. Mostly, the office was only opened when the town or upper level government came down to inspect their work. Even the routine inspections by the town family planning office are sometimes just carried out in the village family planning official's home.

In one of the interviews, Chang said that:

‘compared with [the 1980s and 1990s], the [family planning] work is more accepted by local villagers now. But with more and more family planning tasks, I have to spend more time and energy on it. Because of

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<sup>32</sup> The salary paid by the village varies depending on the village's economy level. Villages with better economy conditions could pay 2000-3000RMB, while others with worse economic conditions would only pay around 1000RMB (*qian er ba bai* 千儿八百). 21/12/2009, QX: Interview with Director of QX Family Planning Commission.

<sup>33</sup> The average annual income for QX County farmers is 6394RMB in 2007.

engagement in this work, it is hard for me to take any other job. [Of course,] little pay is better than nothing. But compared with the workload of other jobs, the pay for the family planning work is very little. I can earn better whatever else I do.' (*he yiqian bi, xianzai zhege gongzuo shi haozuo le. Keshi xianzai de gongzuo yaoqiu ye duole. Jibenshang ganle zhege, jiu meiyou jingli he shijian gan beide le. Xianzai fade zhedian qian, bi meiyou qiangdian, keshi yao bushi zhege gongzuo, wo gansha ye bi zhege zhengde duo.* 和以前比，现在这个工作是好做了。可是现在的工作要求也多了。基本上干了这个，就没有精力和时间干别的了。现在发的这点钱，比没有强点。可是要不是这个工作，我干点啥也比这个挣的多。)<sup>34</sup>

The table attached here is the information the village family planning officials were required to collect and keep updated during the 2000s. This information was named *yikouqing* (一口清) data by the local government, which means that the village family planning officials should know these data very well and know them by heart. They were required to keep updating them and report them to the town office monthly.

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<sup>34</sup> Interview ChangDNF221209.



Table 6. 1 *Yikouqing* Data

Reward support and	Parents over 60-year-old with a Single Child or Two Girls			
	Families with Single Disabled Child or Child Died			
	The Families Give Up the 2 <sup>nd</sup> Child Quota			
	Two-Girls Families had Sterilization			
	Single Child Household Numbers			
No- Quota Birth Fine Colle	Amount			
	Household Number			
Total Number of Taking Oral Contraception and Contraceptive Tools				
Long Term Contraception	Sterilization	The Families with Two Girls		
		Total Number		
	IUDs insertion			
Mi gra nt In	Women of Reproductive Age			
	Total Number			
Mig rant Out	Women of Reproductive Age			
	Total Number			
Death				
Birth Number	A Third or More Birth			
	The Second Child	Out-Quota		
		In-Quota		
	First Child			
	Total Birth Number			
Wom en of Reproductive Age	Married Women	Newly Married		
		Total Number		
	Total Number			
Total Household Number				
Total Population Number				
Time				

With lower economic incentives, the village officials were unwilling to carry out the family planning tasks as actively as they would have in 1980s and the early 1990s. These days, most of the time they choose to do the quantitative work, such as collecting the data, distributing the publicity materials, but avoid spending time on the soft quota tasks and hard tasks such as persuading families who broke the family planning regulations to take long-term contraception or pay the excess-birth fine. The decrease in job performance can be summarised by the words of a town level officials:

‘Nowadays, the family planning is more and more difficult to carry on with. All of the work has been taken up by town level family planning officials. Before, we had lots of help from village family levels. But now, nobody would like to take this job as the compensation for the job is so little, and there’s no guaranteed state pension. It is not worth it to waste one’s time here. This is a job which will not bring any benefit to yourself but brings lots of trouble, i.e. bad neighbour relationships, or negative influence once you do not have any power. As a result, the town family planning officials have to take on the extra jobs of the village family planning officials. Even for something necessary, you cannot command them to do anything, it’s more like you have to plead with them to do it. There are so few officials, so how could we do so many things with such limited capability?’ (*xianzai, jihuasshengyu gongzuo yuelaiyue nan zuo le. Suoyou de gongzuo dou tui dao xiangzhen jihuashengyu zhe/er. Yiqian, nongcun jisheng zhuangan hai neng bang ting duo de, ye bu yong tai caoxin. Danshixianzai, zhege gongzuo meiren yuanyi gan. name yidian qian bu zhide. You meiyou yangbao baoxian he tuixiu jin. Zhege gongzuo hai jin deizui ren. Xianzai you dian quan hai bu yaojin. Deng ni tui xia lai jiu bu hao nong le. Suoyi xianzai, zanmen xiangzhen shang jiudei ti cunli gan haoduo shi. Jiushi you shi ye buneng mingling, hai dei qiu renjia. Danshi xiangzhen shang jiu zheme jigeren. Naneng mang de guolai le.* 现在, 计划生育工作越来越难做了. 所有的工作都推到乡镇计划生育这儿. 以前, 农村计生专干还能帮挺多的, 也不用太操心. 但是现在, 这个工作没人愿意干. 那么一点钱不值得. 又没有养老保险和退休金. 这个工作还尽得罪人. 现在有点权还不要紧, 等你退下来就不好弄了. 所以, 现在, 咱们乡镇上就得替村里干好多事. 就是有事也不能命令, 还得求人家. 但是乡镇上就这么几个人, 哪能忙的过来呢?)<sup>35</sup>

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<sup>35</sup> 28/10/2009 Interview with Director of DY Town Family Planning Office.

In some places, in addition to an economic incentive, the village family planning officials are also entitled to the same political influence as the village team leader's (*cun xiaozuzhang* 村小组长).<sup>36</sup> They are entitled to be involved in the decision-making on the local affairs of economy, society and culture. However, this entitlement does not make any difference in practice: for those officials who are engaged by the women's leaders, they are already members of the village committee; for the other officials, the local villagers normally do not approve of their political entitlement as they would not have been elected by the villagers.

In summary, under a lack of an effective penalty or other incentive system, the economic incentive has become the only system to attempt to stimulate the village officials' work performance. This being the case, the officials' job fulfilment has been mainly dependent on this incentive mechanism. In DNF, the payment to village family planning officials has increased sharply under government support in the 2000s. However, by considering the compensation relative to the local farmers' average income, the compensation became a lower and lower percentage of the officials' total income. Because of the low pay and non-guarantee of a state-paid pension or medical insurance, these officials have to take extra jobs to meet their normal living costs and save up for their pension. Therefore, without an effective penalty system or incentive system, it is difficult to guarantee that the village official's work performance will be sufficient, particularly for implementing unpopular policies.

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<sup>36</sup> See ZY Family Planning Bureau, ed. *Village Family Planning Official's Work Instruction Book* (*Cun Jisheng Fuwu Yuan Gongzuo Zhidao Shouce* 村计生服务员工作指导手册) (2009). p.1.

### 6.3.3 New Political Reform

Because the town family planning office lacks an efficient supervision system for evaluating the village family planning officials' job performance, the town office has to heavily rely on the town government's support. If the town government paid greater attention on the issue, they would put more pressure on the village committees and keep monitoring and inspecting the performance of their tasks. A saying can describe the attitude of the village leader to the execution of their tasks, 'the village looks to the local villages, the household looks to the other households and the villagers look to the village officials.' (*cun kan cun, hu kan hu, laobaixing kan de shi cun ganbu* 村看村，户看户，老百姓看的是村干部)

In the past, the town government could easily influence the village's implementation with direct leadership or by getting involved in the appointment of the village leading group members. However, after the election of the village committee, the relationship between the town government and the village committee has changed from the direct leadership of the People's Commune to the directing, supporting and guiding relationship of the town government.<sup>37</sup> The town government do not directly get involved with the village committee's election. As many other scholars have also found, the local government still has some sort of influence on the village committee election, particular those wealthy non-agriculture villagers,<sup>38</sup> and the key influences on the actual election are concentrated in a few big families or groups in the villages.

Although the current elections are still not completely democratic as they are in

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<sup>37</sup> See "PRC Organic Law of Village Committees (*Zhonghuarenmingongheguo Cunmin Weiyuanhui Zuzhifa* 中华人民共和国村民委员会组织法)." Article 5.

<sup>38</sup> See Ting Luo, "Village Economic Autonomy and Authoritarian Control over Village Elections in China" (London School of Economics and Political Science, 2014). pp33-46. Yansheng Shen, "The Rise and Fall of Village Governance in History and Rebuilding Village Governance in Contemporary China (*Cunzhuang De Xingshuai Yu Chongjian* 村庄的兴衰与重建)," *Strategy and Management (zhanlve yu guanli 战略与管理)* 6 (1998).

Western societies, this political reform has been a big step towards a democratic China. As local economies and cultures are developing, however, this political reform also brings some conflict when it comes to carrying out public policies, particularly unpopular policies.

At EY town, most villages set up the village committees to replace the former production brigades at the beginning of the 1980s. The villager committees in EY town usually comprised about 5 members, including a committee chairman (*zhuren* 主任), a deputy chairman, an accountant, and a women's leader (often acting as the family planning official) as well as a member in charge of village public security.<sup>39</sup> However, at the beginning when introducing these elections, these committee leaders were mainly decided or influenced by the county or town government. With this control over the personnel, the town government could directly supervise and manage the village work performance. The villager's committee and other village organizations<sup>40</sup> generally provided full support concerning implementation. With the gradual improvement of China's democracy and the 1998 restriction of local government involvement in the election, the village committee at EY town gradually started the more independent 'election' after 1998. All committee members were directly elected by the villagers every three years.

Although the village committee was required to assist the town government's work, they preferred to promote the popular regulations, particular the regulations

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<sup>39</sup> The village committee members are varied from village to village. It is normally 3-7 members in China. In addition to the necessary members of the chairman and deputy chairman, as well as the account, the others are optional members decided by the villagers. In some areas, the women's leader has been completely replaced as the family planning officials, and they may or may not be the member of the village committee.

<sup>40</sup> In generally, there are four official organizations in the village: Village Party Branch (*cun dangzhibu* 村党支部), Villager's Committee (*cunmin weiyuanhui* 村民委员会), Village Assemblies (*cunmin huiyi* or *cunmin dahui* 村民会议或村民大会), Village Representative Assemblies (*cunmin daibiao huiyi* or *cunmin daibiao dahui* 村民代表会议或村民代表大会)

benefiting local villagers, which would improve their reputation and ‘score points’ during the next election. The birth-control regulations are not liked by the village committees as they would neither satisfy the villagers nor bring any benefits in the near future. Therefore, the implementation of these unpopular regulations has been very limited unless there is great pressure exerted by the town government leader. In that case, the village committees would better carry out these unpopular regulations in order to get support for other issues from the town government.

In addition to the village committee election being influenced by political reform, it was also influenced by a change of setting. Due to the early understanding of the family planning work that as work related to women only, and also the limited budget, the role of village family planning officials was often taken up by the women’s leader, village doctors and accountants. Therefore, the elections and term shifting of the village committee also directly influenced the taking up of positions as family planning officials. This frequent personnel turnover of village officials not only caused inconsistency in the work but also extra training work for the town family planning official.

During the visits to all these villages, it was clear that the town family planning officials always have to spend more time on training the village officials who joined in 2008. The town official Chang complained:

‘the senior village family planning officials know the work much better than these new officials. So we can spend less time on and pay less concern to them. We always have to spend lots of time on training these new staff. Because most of these officials are not full time personnel, you can’t expect them to be trained intensively. We (the town officials) have to come down to the village to provide the training to them. It normally takes about one year for them to become familiar with the job. But just as the communication becomes smooth and we can deliver the work easily, the personnel change again at the next term shift. What a waste of time and budget!’ (*naxie lao jishengyun shengshi. Zhexie xinlaide sha ye*

*buzhidao, shenme doudei cong toujiang. Renjia youbushi na quanzhi gongzi de, ye buneng yaoqiu renjia sha ye buganle qu peixun, suoyi zhineng shi meici xialai shihou jiangyijiang. Yiban dei guole diyinian caineng mingbai de chabuduo le. Ranhou, ganggang yongde shunle, yihua jie jiu you huanren le. Jin zheteng!* 那些老计生员省事。这些新来的啥也不知道，什么都得从头讲。人家又不是拿全职工资的，也不能要求人家啥也不干了去培训，所以只能是每次下来时候讲一讲。一般得过了第一年时间才能明白的差不多了。然后，刚刚用的顺了，一换届就又换人了。尽折腾！)<sup>41</sup>

Even those villages with specialised officials for the family planning work were also influenced by the village committee election. The town family planning office head Chang commented:

‘In order to smoothly carry out the work, the new village committee normally appoints their own staff to particular positions. Otherwise, it is difficult to carry out the work [if the previously appointed personnel do not cooperate with them]. Some of the village family planning officials are elected by the villagers [if they are engaged by the women’s leader or accountant], and some of them are appointed by the new village committee members.’ (*youxie jisheng ren yuan shi xuanchualai de, youxie shi cunlingdao tiba de qinjin ren yuan. Zhaxie ren yuan bixu he cunganbu neng xietiao, fouze wufa kaizhan gongzuo.* 有些计生人员是选出来的，有些是村干部提拔的亲近人员。这些人员必须和村干部能协调，否则无法开展工作。)

It is clear that the town government has nothing to do with the appointment of the DNF village family planning official in practice.

Data for the job-starting year of all village family planning officials at EY town was collected in 2009. It was found that 75% of officials have been replaced during the village committee term changing in 1999, 2002, 2005, and 2008. Only 20% of them are senior officials who have continued the work since before 1998. This means that the town officials need to provide training to nearly 5 officials every 3 years, which

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<sup>41</sup> Interview ChangXMEY200809.

is a heavy workload for the town officials considering their limited staff and resources.

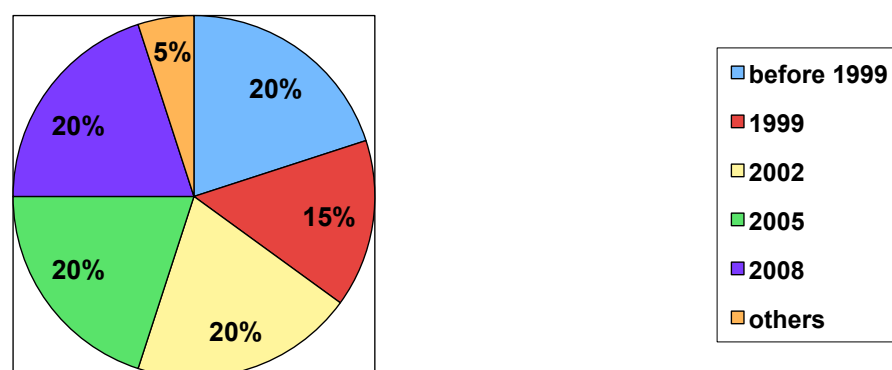


Figure 6. 3 Starting-Years for Current Family Planning Officials

This new political reform — village committee election — has improved China's democracy at the grassroots level on the one hand, but has caused resistance to implementing unpopular public policies on the other. Under this new political reform, the village committee is a self-governed organization and its members are elected by the village members. Without the hierarchical administrative relationship and the personnel control, the town government cannot directly influence village governance. This political reform has increased the burdens on the town government. The town government officials described themselves as being pressed on both sides like a sandwich filling (*jiabanqi* 夹板气): on the one side, they have to carry out the upper level government decisions and policies; on the other side, they have no authority to directly involve themselves in the village management under the new political reform. For the town officials, the implementation of unpopular regulations is even harder than before. The town head must be very clear and strong with



particular policies in order to get the attention of the village committees. Rather than using traditional leadership, the town government and officials need to maintain good relationships with the village committees in order to get their support for implementing some of the unpopular policies. In addition, because EY town holds the tradition that women's leaders are usually also the family planning officials, and there are budget restrictions on paying for specialised family planning officials, the family planning personnel have been affected greatly by the term changing of the village committee every 3 years. This term inconsistency has resulted in further devastating consequences for the execution of family planning regulations and resulted in more difficulties and greater workloads for the town officials.

## **6.4 Conclusion**

This chapter analyses how China's economic and political system has influenced the family planning regulations' implementation at the village level. The village family planning mechanism, though not an official government organization, has been crucial in assisting the grassroots level government work since the 1980s. During the 1980s and early 1990s, the village officials worked very effectively on advocating the family planning regulations, publicizing the contraceptive methods, and collecting the basic data of the population. In addition to the direct management of the town government who wielded financial and personnel controls to guarantee the smooth implementation of the governments' regulations, an effective incentive system also greatly improved the village officials' motivation to do their job well.

However, since the mid-1990s, with the rapid economic development in China, Chinese farmers' incomes shot up rapidly and their living standards greatly improved. Even though the government has tried to improve the pay for these village

officials, this improvement has been very limited compared with the local farmers' increase in income. In addition, without any other effective supervising method, this incentive system has been the only method left available to try to improve job performance at the village level. Meanwhile, under the improvement of Chinese democracy at the grassroots level, new political reforms of the village committee elections have been executed in most rural areas since the end of 1990s. During the long process of improving China's democracy and rule of law, Chinese villagers have begun to be aware of their legal rights. Legal and civilized implementation methods replaced the former brutal and inhumane methods. Moreover, these new political reforms also caused an end to the direct administrative control of the village mechanisms by the town government. Without the direct personnel control of the village family planning officials and the village committee, the town government now had less influence on the implementation at the village level. At this time, the amount of attention the town head paid to the family planning work now had more influence on the implementation outcomes. Furthermore, with the local tradition of the women's leader being also a family planning official, the village family planning mechanism's consistency has been seriously affected by the regular election term shifts. Since the 1990s, the task of family planning expanded from just birth-control to also include immigration control, concern for the gender balance and care for girls (*guanai nvhai* 关爱女孩), reproductive health, and care for single child families and two-girls families (*shuangnv hu* 双女户). These wide-reaching tasks for the grassroots officials not only required better literacy, but also more complicated statistical work. However, because of the low pay of the village officials and the tendency for new village leaders to prefer to appoint new members to assist in their work, the educational level of the village officials has been insufficient for the job.

Regarding the above economic and political factors that have influenced the implementation at the village level, some suggestions can be made to improve the situation. First, in order to better supervise the village officials, a more effective supervision system should be established, such as a better paid position and a more practical penalty system. Secondly, a highly educated and independent family planning official, who is not a member of the village committee, should be employed at the village level to keep consistency and better fulfil the job requirements. Finally, since the current family planning organizations have been merged with the health departments and China's one-child policy is being gradually relaxed, it is expected that China's family planning regulations will become more advocacy-based and return to being a normal health issue.

## **Chapter 7 Family Planning Funding**

### **7.1 Introduction**

In addition to the factors discussed in the previous chapters, i.e. the contents of the family planning regulations, the local government leaders' concerns, and the effectiveness of the supervision systems and village support, the family planning funding available for the grassroots level organizations is also an important factor influencing local officials discretion. The grassroots level governments, allocated at the bottom of China's hierarchical administrative structure, are always facing insufficient resources and funding. However, they are also the levels that take the most liability for raising the family planning funds necessary to implement the family planning regulations. Therefore, because of the insufficient government allocation, it is the non-government family planning funds that have been the main source of family planning funding. The local economic levels and the upper level government support heavily influenced the financial environment at the grassroots level. The financial situation in turn directly influences the town family planning officials' implementation behaviours.

By analyzing the sources and expenditure of the family planning funding at each level, this chapter explains each level of government's liability for providing family planning funding, with particular focus on the county and town level. A case study is then presented which examines EY town's family planning funds, and discusses how financial circumstances have influenced the family planning officials' behaviour and implementation of the family planning regulations.

## 7.2 Sources of Family Planning Funding

According to various sources, the family planning funding is divided into three big groups: government funding, non-government funding and international support. Government funding refers to the central and local government's allocation of funds for family planning. Non-government funding refers to funding outside the government budget, such as fines for the unpermitted births, and fees collected from farmers and local enterprises. International support refers to financial, technical, personnel training and equipment support supplied by international organizations.<sup>1</sup>

During the 1960s and 1970s, this funding was made up completely of government allocations, for which the local government was mostly responsible. However, with the start of the one-child family planning campaign in 1979/1980, and the maturing of the PRC's family planning administrative system into a system comprising fully-functional, autonomous organizations,<sup>2</sup> the government allocation of family planning funding was found to be insufficient to support the increasing demands. As a result, the farmers and rural enterprises in rural and work units (*gongzuo danwei* 工作单位) in urban areas were required to supplement the family planning funding directly or indirectly. These parts of non-government resources are usually used to supplement the lower level family planning, particular the county and town levels. International support for family planning funding also started soon after the formal establishment of the independent family planning administrative system at the beginning of the 1980s.

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<sup>1</sup> Kuifu Yang, Shengli Chen, and Jinsheng Wei, eds., *The Outcomes and Investments of China's Family Planning* (*Zhonogguo Jihuashengyu Xiaoyi Yu Touru* 中国计划生育效益与投入) (Beijing: People's Press (*renmin chubanshe* 人民出版社), 2000). P.161.

<sup>2</sup> See chapter 3 for the historical development of the PRC's family planning campaign, and chapter 4 for the PRC's family planning organizational structure and development from central to town levels.

### 7.2.1 Government Allocations

In 1964, soon after the establishment of the State Council's Family Planning Commission (*guowuyuan jihuashengyu weiyuanhui* 国务院计划生育委员会), family planning became an independently budgeted item. Before 1978, it is the Family Planning Commission and the Health Ministry jointly managing this specialist funding.<sup>3</sup> During this period, it was mainly the regional governments which contributed to this funding. The central government did not contribute its share until 1973, when the State Council's Leading Group for Family Planning (*guowuyuan jihuashengyu lingdao xiaozu* 国务院计划生育领导小组) was set up, and its contribution was very limited. From table 7.1, it can be seen that the central government contributions made up only about 10-16% of total government allocations from 1973 to 1998. Although there is a lack of accurate data after 1998, it has been confirmed by scholars and local family planning officials that central government funding has remained a small portion of contributions (in percentage terms).

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<sup>3</sup> Chonghuan Chang, ed. *Contemporary China's Family Planning Project (Dangdai Zhongguo Jihuashengyu Shiye 当代中国计划生育事业)* (Beijing: Contemporary China Press (*dangdai zhongguo chubanshe* 当代中国出版社), 1992). P.274.

Table 7. 1 Government Budget Allocations for Family Planning 1965-98 (million RMB)<sup>4</sup>

Year	Total	Public Funding		Other Funding
		Central	Local	
	27.63		27.63	
1971	59.52		59.52	
1972	75.47		75.47	
1973	123.48	15.00	108.48	
1974	140.31	20.00	120.31	
1975	169.20	26.00	143.20	
1976	167.81	29.00	138.81	
1977	175.27	25.00	150.27	
1978	197.64	25.12	172.52	
1979	251.33	22.46	228.84	0.03
1980	332.11	33.79	297.73	0.59
1981	345.96	50.08	293.99	1.89
1982	453.31	74.49	372.27	6.55
1983	786.02	95.96	668.62	21.44
1984	796.81	110.03	654.77	32.01
1985	787.01	145.12	599.82	42.07
1986	845.58	139.57	652.29	53.72
1987	903.19	137.10	715.37	50.72
1988	1056.28	152.29	851.98	52.01
1989	1218.92	144.67	1026.94	47.31
1990	1406.18	155.51	1189.76	60.91
1991	1691.44	239.61	1371.47	80.00

<sup>4</sup> Sources: 1965-1980: see Muhan Sun, *The History of China's Family Planning (Zhongguo Jihuashengyu Huodong Shi 中国计划生育活动史)* (Changchun: Northern Women and Children Press (beifang funv ertong chubanshe 北方妇女儿童出版社), 1987). P.164. 1981-1998: See Yang, Chen, and Wei, *The Outcomes and Investments of China's Family Planning (Zhongguo Jihuashengyu Xiaoyi Yu Touru 中国计划生育效益与投入)*. pp181-182. Original sources: Chian Fiannce Bureau: Culture and Education Administration Statistic Data (*caizhengbu wenjiao xingzheng shiye tongji ziliao* 财政部《文教行政事业统计资料》), Infrastructure Investment Statistic Data (*jiben jianshe touzi tongji ziliao* 《基本建设投资统计资料》); State's Population and Family Planning Bureau's Finance Department (*guojia jishengwei jicaishi* 国家计生委计财司), National Family Planning Public Funding Financial Report (*quanguo jihua shengyu shiye fei caiwu juesuan biao* 全国计划生育事业费财务决算表).

1992	2036.18	260.80	1676.16	99.22
1993	2408.72	277.46	2011.98	119.28
1994	2819.01	322.70	2385.26	111.05
1995	3380.70	361.28	2888.21	131.21
1996	4059.62	394.50	3527.40	137.72
1997	4561.17	443.69	3979.35	138.13
1998	5234.63	469.65	4568.18	196.80

The central government's limited allocation was used to pay the national level family planning administrative officials' wages, subsidize the provincial projects, in which 70 per cent was for the minority regions and poor areas of Central and West China,<sup>5</sup> and also provide oral contraception and contraceptive tools which were supplied free of charge nationwide.<sup>6</sup> However, it was still the regional governments who were responsible for *local* family planning costs.

During the 1960s and 1970s, the major task in family planning work was setting up formal and independent family planning organizations from central to local levels, organizing family planning working teams, and advocating family planning. The total of government budget allocations for family planning increased gradually when the central government joined in the budget allocations in 1973, and funding jumped sharply in 1979 when the family planning campaign became the one-child campaign. Funding increased further still in 1983 when the one-child campaign intensified. In

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<sup>5</sup> Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*. P.191.

<sup>6</sup> The oral contraception and tools were provided free of charge nationwide from January 20<sup>th</sup>, 1974. See State Council's Family Planning Leadership Group et al., "A Joint Emergency Notice of Free Providing of Oral Contraceptions and Contraceptive Tools Nationwide (*Guanyu Quanguo Shixing Mianfei Gongying Biyun Yao He Biyun Gongju De Jinji Lianhe Tongzhi* 关于全国实行免费供应避孕药和避孕工具的紧急联合通知)," ([74]GuoJiYuZi (No.1), January 9th 1974).



1992, the allocation rose dramatically again under the large scale expansion of rural birth-control work.<sup>7</sup>

Table 7.1 shows the central and local government contributions to family planning from 1965 to 1998. The total government allocation for family planning is divided into family planning public funding (*jihuashengyu shiye fei* 计划生育事业费) and others. From this table, it can be seen that the family planning public funding is the main part of the government allocation, comprising over 90%. Therefore, the family planning public funding could be used alone to represent the overall trend of the total government allocations. In the 1960s, the family planning public funding covered the family planning campaign's propaganda expenses, contraceptive surgery equipment costs, cadres training, subsidies for persons practising birth-control and other running costs, and contraceptive surgery and abortion costs for rural residents and urban residents not on the state payroll.<sup>89</sup> The contraceptive surgery costs of urban residents on the state payroll and their immediate family members were to be borne by their organizations' budgets or by the public health budget. From 1970, contraceptive medicine and tools were provided to all citizens throughout the country.<sup>10</sup> This cost was also accounted for in the budget allocation. Since the beginning of the 1980s, following the establishment of the family planning administrative system from state

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<sup>7</sup> Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*. P.191.

<sup>8</sup> The family planning public funding covers the cost of contraceptive surgery for all rural residents and those urban residents who are unemployed or do not have a permanent job. See "State Council Approved the Ministry of Health and Ministry of Finance's Regulation About Family Planning Funding Expenditure Issues (*Guowuyuan Pizhuan Weishengbu Caizhengbu Guanyu Jihuashengyu Gongzuo Jingfei Kaizhi Wenti De Guiding* 国务院批转卫生部、财政部关于计划生育工作经费开支问题的规定)," ([64]*GuoWeiZi* (No.140), April 4th 1964).

<sup>9</sup> SX History Records Research Institution (*Shizhi Yanjiuyuan* 史志研究院), *Sx Local History Record* (*Sx Tongzhi* 史 通志). P.453.

<sup>10</sup> Free provision of oral contraception and tools nationwide started in 1970. See, Ministry of Finance and Ministry of Health, "The Notice About the Free Provision of Oral Contraception (*Guanyu Biyunyao Shixing Mianfei Gongying De Tongzhi* 关于避孕药实行免费供应的通知)," (1970).

to grassroots level, the wages of the town, township and street level family planning cadres were also accounted for in the budget. In the late 1980s, the expenditures for family planning stations at the county level were further included in the budget. In addition, the single child award (*dusheng zinv baojian fei* 独生子女保健费) for rural residents and unemployed urban residents was also included in the budget, while the single child award for other employed urban residents was required to be paid by their employers.<sup>11</sup>

The family planning public funding does not include the family planning administrative funding (*xingzheng fei* 行政费), foreign affairs funding (*waishi fei* 外事费), research funding (*keyan fei* 科研费), and infrastructure funding (*jichujianshe fei* 基础设施建设费). In the table above, this funding is classified together under ‘others’, and accounts for less than 10% of the total government funding. Infrastructure funding is the biggest component in this category.<sup>12</sup>

### 7.2.2 Non-government Funding

Non-government family planning funding started in 1982. Alongside the maturing of the local family planning administrative organizations from the beginning of the 1980s, the provincial family planning regulations were widely issued and enacted at

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<sup>11</sup> Mingguo Cao and Muhan Sun, eds., *The Study of China's Reproduction Management (Renkou Shengyu Guanli Xue 人口生育管理学)* (Changchun: Jilin University Press, 1987). P.273. Yang, Chen, and Wei, *The Outcomes and Investments of China's Family Planning (Zhongguo Jihuashengyu Xiaoyi Yu Touru 中国计划生育效益与投入)*. P.183.

<sup>12</sup> Related researches: Zhongguan Wu and Lijian Xiao, "Researches About the Efficiency Assessment on China's Family Planning Investment and Outcome from 1971 to 1990 (*Zhongguo 1971-1990 Nian Jihua Shengyu Touru Chanchu Xiaoyi Pinggu Yanjiu* 中国 1971-1990 年计划生育投入产出效益评估研究)," *Population and Family Planning (renkou yu jihuashengyu 人口与计划生育)* 3 (1994); Yang, Chen, and Wei, *The Outcomes and Investments of China's Family Planning (Zhongguo Jihuashengyu Xiaoyi Yu Touru 中国计划生育效益与投入)*; Lang Sheng and Xinjie Qi, "The Magnitude and Constitution of China's Family Planning Investment (*Zhongguo Jihua Shengyu Touru De Guimo Yu Goucheng* 中国计划生育投入的规模与构成)," *Population and Family Planning (renkou he jihua shengyu 人口和计划生育)* 3 (2000).

that time. The 'excess-birth fine' (*chaosheng fei* 超生费) was regulated and collected by the grassroots level family planning officials soon after. This fine became and remains an important source of funding for grassroots level family planning.

When the family planning work expanded to the large rural areas in the 1990s,<sup>13</sup> the funding from government and the excess birth fines was found to be insufficient to cover the family planning expenditure. The farmers and the rural enterprises were requested to shoulder part of the family planning costs. In rural areas, their formal monetary resources comprised 'the expenses retained for the village's collective undertakings' (*cun tiliu fei* 村提留费) and 'fees for unified management of township public undertakings' (*xiang tongchou* 乡统筹费). The village collective undertakings refers to village public accumulation funds (*gongjijin* 公积金),<sup>14</sup> public welfare funds (*gongyijin* 公益金) and management costs. The fees collected by the town were used for schools and education (*banxue* 办学), family planning, special care (*youfu* 优抚), militia training, and road construction and repair. The local farmers had to pay both of these two fees, and the local enterprises needed to pay the town's fee. In practice, the ratio of the above funds used for family planning varied from town to town. However, in order to reduce the burden on farmers, these fees have been cancelled after the farmer's tax and fees reform in 2004.<sup>15</sup> In addition to these

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<sup>13</sup> Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*. P.191.

<sup>14</sup> It is used for maintaining or expanding the village's production.

<sup>15</sup> From 1998, central government started a series of tax and fees reduction reforms in order to reduce the farmer's heavy burden. See Ministry of Finance and State's Tax Bureau, "A Notice of Comments About Some Agricultural Tax Issues in the Pilot Scheme of Rural Area's Tax and Fee's Reform (*Guanyu Nongcun Suifei Gaige Shidian Gongzuo Zhong Nongye Shui Ruogan Wenti De Yijian De Tongzhi* 关于农村税费改革试点工作中农业税若干问题的意见的通知)," (*CaiShui* (No.43), 2000); State Council, "The State Council's Comments About Further Extend the Pilot Scheme of Farmer's Tax and Fee's Reform in Nationwide (*Guowuyuan Guanyu Quanmian Tuijin Nongcun Shuifei Gaige Shidian Gongzuo De Yijian* 国务院关于全面推进农村税费改革试点工作的意见)," (*GuoFa* (No.12), 2003).

formal funds, some other funds were also used for family planning indirectly. One example is XB town in XY county, where due to the advantageous coal resources, many small coal industries were founded in the 1990s. By collecting fines for environmental pollution, deposits for safe production and ‘voluntary’ subsidies, etc. the town government was able to supplement its main finances. Part of this fund was used for family planning after the town government reallocation.<sup>16</sup> However, when the financial regulations became more restrictive in 2000, this funding source reduced sharply. Since then, the excess-birth fine became the main source of non-government family planning funding.<sup>17</sup>

In addition to the excess-birth fine, contributions from rural enterprises and individual farmers, and the “work units” (*gongzuo danwei* 工作单位) — state and collective owned enterprises, public institutions such as schools and universities, government organizations, and NGOs (*tuanti* 团体) — bore a significant portion of the burden for family planning funding. During the 1960s, they were requested to cover the contraceptive surgery and abortion costs for their formal employees and their direct family members. In addition, these working units also needed to cover the subsidies for staffs practising birth control and other running costs, and the medical expenses for those suffering the side effects from contraceptive surgery or abortion. At the beginning of the 1980s, with the intensification of one child policy campaign, the ‘single-child award’ (*duseng zinv baojian fei* 独生子女保健费) was also regulated.<sup>18</sup> The cost of these rewards was requested to be shouldered by the work units in urban areas, and by county and town government in rural areas. In addition

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<sup>16</sup> Interview YangXY270814.

<sup>17</sup> Interview Tan10092014.

<sup>18</sup> "The Central Committee and the State Council's Instructions for Further Implementing Family Planning Work (*Zhonggong Zhongyang Guowuyuan Guanyu Jinyibu Zuohao Jihuashengyu Gongzuo De Zhishi* 中共中央国务院关于进一步做好计划生育工作的指示)."

to the single-child reward, the work units were also responsible for other fees related to employees with a single child, such as childcare, health care and insurance, and late marriage and late child-birth rewards.<sup>19</sup> Although there is a lack of accurate data for this part of the funding, some estimates have been calculated by researchers, although, the use of different databases and statistical methods leads to different estimates. In an earlier research project, Zhongguan Wu and Lijian Xiao provided the estimated data for a wider range of non-government funding from 1971-1990, which included: the contributions by the state-owned enterprises, public institutions, government organizations; the contributions by other institutions and enterprises in urban areas; the costs covered by the street (*jiedao* 街道) family planning funding;<sup>20</sup> and the costs in the rural areas.<sup>21</sup> In 2000, based on the number of reproductively active women in enterprises (including the state owned and other types of enterprises) and some sampling surveys, Yang, Cheng and Wei provided another estimate of the enterprises' family planning contributions and found that the enterprises contributed 19.45% of non-government family planning funding.<sup>22</sup>

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<sup>19</sup> Yang, Chen, and Wei, *The Outcomes and Investments of China's Family Planning (Zhongguo Jihuashengyu Xiaoyi Yu Touru 中国计划生育效益与投入)*. P.167.

<sup>20</sup> The single child reward of the unemployed urban citizens is paid by the street family planning funding. See, "The Central Committee and the State Council's Instructions for Further Implementing Family Planning Work (*Zhonggong Zhongyang Guowuyuan Guanyu Jinyibu Zuohao Jihuashengyu Gongzuo De Zhishi* 中共中央国务院关于进一步做好计划生育工作的指示)."

<sup>21</sup> Wu and Xiao, "Researches About the Efficiency Assessment on China's Family Planning Investment and Ourcome from 1971 to 1990 (*Zhongguo 1971-1990 Nian Jihua Shengyu Touru Chanchu Xiaoyi Pinggu Yanjiu* 中国 1971-1990 年计划生育投入产出效益评估研究)." pp11-12.

Similar data was also provided by Scharping. See, Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*. P.190.

<sup>22</sup> See, Yang, Chen, and Wei, *The Outcomes and Investments of China's Family Planning (Zhongguo Jihuashengyu Xiaoyi Yu Touru 中国计划生育效益与投入)*. pp167-170. Sheng and Qi, "The Magnitude and Constitution of China's Family Planning Investment (*Zhongguo Jihua Shengyu Touru De Guimo Yu Goucheng* 中国计划生育投入的规模与构成)." P.33.

### 7.2.3 International Support

International support for the PRC's family planning also started in 1980. However, it only made up a very small portion of total family planning funding, and became less and less in the later years and finally stopped in 1998.<sup>23</sup>

### 7.2.4 Summary

Table 7. 2 Family Planning Funding Expenditure 1971-98 (million RMB)<sup>24</sup>

Year	Government Budget		Non-government		International Support	
	Allocations		Funding			
	Amount	Percentage %	Amount	Percentage %	Amount	Percentage %
1971	59.52	100.00		0.00		0.00
1972	75.47	100.00		0.00		0.00
1973	123.48	100.00		0.00		0.00
1974	140.31	100.00		0.00		0.00
1975	169.20	100.00		0.00		0.00
1976	167.81	100.00		0.00		0.00
1977	175.27	100.00		0.00		0.00
1978	197.64	100.00		0.00		0.00
1979	251.33	100.00		0.00		0.00
1980	332.11	97.60		0.00	8.18	2.40
1981	345.96	97.69		0.00	8.18	2.31
1982	453.31	60.32	289.10	38.47	9.08	1.21
1983	786.02	57.22	578.20	42.09	9.48	0.69
1984	796.81	47.56	867.55	51.78	11.17	0.67
1985	787.01	40.20	1156.40	59.08	14.10	0.72
1986	845.58	36.64	1445.50	62.64	16.57	0.72
1987	903.19	34.01	1734.60	65.32	17.87	0.67
1988	1056.28	34.10	2023.76	65.33	17.87	0.58
1989	1218.92	34.34	2312.80	65.15	18.07	0.51

<sup>23</sup> "The Magnitude and Constitution of China's Family Planning Investment (*Zhongguo Jihua Shengyu Touru De Guimo Yu Goucheng* 中国计划生育投入的规模与构成)." P.35.

<sup>24</sup> Sources: *ibid.* P.36. Original sources: same as table 7.1.

1990	1406.18	34.95	2601.90	64.66	15.59	0.39
1991	1691.44	30.43	3831.21	68.93	35.60	0.64
1992	2036.18	38.31	3247.70	61.11	30.96	0.58
1993	2408.72	34.06	4630.37	65.48	31.97	0.45
1994	2819.01	35.50	5091.79	64.12	29.95	0.38
1995	3380.70	35.85	6018.00	63.81	32.23	0.34
1996	4059.62	38.62	6419.93	61.08	30.94	0.29
1997	4561.17	40.25	6769.95	59.75	0.23	0.00
1998	5234.63	42.38	7117.26	57.62	0.20	0.00

Table 7.2 shows PRC's total family planning funding coming from each of the three main sources. Both central and local government budget allocations increased significantly from 1964. Even taking inflation into consideration, government funding increased 12.27% from 1971 to 1998.<sup>25</sup> Although government budget allocations increased rapidly, family planning still faced insufficient funding due to the increasing demands of the intensifying family planning campaign. In 1971, the budget allocations for family planning amounted to just 0.082% of all state expenditure. By 1998, this figure had risen to a still modest 0.485%.<sup>26</sup> Hence, with an insufficient government allocation, it was non-government funding-raising<sup>27</sup> that made the major contribution to China's family planning. It can be seen from table 7.2 that non-government funding took up a very significant proportion, 38.47%, of family planning funding in the first year it was introduced, 1982. This proportion quickly increased to over 50% two years after and remained at around 60% during

<sup>25</sup> Yang, Chen, and Wei, *The Outcomes and Investments of China's Family Planning (Zhongguo Jihuashengyu Xiaoyi Yu Touru 中国计划生育效益与投入)*. P.176.

<sup>26</sup> See National Bureau of Statistics of the PRC, *China Statistical Yearbook* (China Statistics Press, 1999); *Finance Yearbook of China*, (China's Finance Magazine (*Zhongguo Caizheng Zazhi She* 中国财政杂志社), 1993&1998); Sheng and Qi, "The Magnitude and Constitution of China's Family Planning Investment (*Zhongguo Jihua Shengyu Touru De Guimo Yu Goucheng* 中国计划生育投入的规模与构成)." P.38.

<sup>27</sup> The non-government funding in this thesis was quoted from Yang, Chen and Wei's paper.

the following years. International support, particularly the United Nations Population Fund, did make a certain contribution to China's family planning in the 1980s and 1990s,<sup>28</sup> but it only made up a very small proportion of overall funding.

### 7.3 Regional Level Family Planning Funding

With the exception of contraceptive medicines and tools, the regional governments share the cost of almost every aspect of family planning. The central government is, in general, responsible for a lighter part of these costs. The notices jointly issued by the State's Planning Commission and other departments have clearly listed the items which are subsidized by the central government: contraceptive medicines and tools, contraceptive surgery and abortion, single child rewards, equipment for the grassroots level family planning stations, grassroots level family planning publicity and education, personnel training, and certain award projects for rural birth planning families.<sup>29</sup> Central government support varies from region to region according to regional economic levels. The general principle is more support to the poor Western areas, less to the Middle, and even less to the wealthy Eastern areas.

At the regional levels, the family planning funding liability is delivered by the provincial, prefecture and county levels unequally. The county level, being closest to

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<sup>28</sup> Sheng and Qi, "The Magnitude and Constitution of China's Family Planning Investment (*Zhongguo Jihua Shengyu Touru De Guimo Yu Goucheng* 中国计划生育投入的规模与构成)." P.34.

<sup>29</sup> See Office of State Planning Commission and Office of State Family Planning Commission, "The Notice of Managing the Special Supplemental Investment to Local Family Planning (*Jihuashengyu Buzhu Difang Zhuanxiang Touzi Guanli Banfa De Tongzhi* 计划生育补助地方专项投资管理暂行办法的通知)," (1992). The National Planning Commission was renamed as National Development and Reform Commission (*fagaiwei* 发改委) in 2003.

See Ministry of Finance and State Family Planning Commission, "The Notice of Managing the Special Family Planning Funding Subsidized by the Central Government to the Local Government (*Zhongyang Buzhu Difang Jihuashengyu Shiye Zhuanxiang Jingfei Shiyong Guanli Banfa De Tongzhi* 《中央补助地方计划生育事业专项经费使用管理办法》的通知)," (*Caijiao* (No.25), 2002). Article 6. See Ministry of Finance and State Population and Family Planning Commission, "The Comments About Improving the Population and Family Planning Investment System (*Guanyu Wanshan Renkou He Jihuashengyu Touru Baozhang Jizhi De Yijian* 关于完善人口和计划生育投入保障机制的意见)," (*Caijiao* (No.588), 2011).



the grassroots level, encounters most of the direct expenses, and so bears the heaviest duties. However, excluding the contraceptive medicine and tools, and contraceptive surgery and abortion,<sup>30</sup> the county level government shares all of the other costs incurred with the other regional levels. The town level government does not contribute to the family planning funding directly.

### **7.3.1 County Level Liability for Family Planning Funding**

At the county level, because most of the costs incurred are directly costs, the demand for family planning funding has become intensive. In order to satisfy this high demand, the county government has to seek assistance from the local society, such as farmers and local enterprises, to supplement the insufficient budget allocation. Therefore, unlike the provincial and prefecture levels, which mainly rely on their budget allocations, county level family planning funding is supported by both the budget allocation and non-government fund-raising.

#### **7.3.1.1 Family Planning Infrastructure Funding**

For the county level, the infrastructure cost was mainly born by the county government.<sup>31</sup> In the 1980s, following the setting up of the formal family planning administrative system, the buildings, offices and technical appliances for family planning organizations were also included. At county level, the main infrastructure was normally sorted out by placing the family planning administrative organizations (as well as the family planning association) inside the ‘government yard (*zhengfu*

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<sup>30</sup> The oral contraception and tools were fully funded by the central government, and the contraceptive surgery and abortion were mainly funded by provincial family planning funding and supplemented by the state and prefectures.

<sup>31</sup> The infrastructure cost at the province and prefecture levels are also born their level’s government.

*dayuan* 政府大院)',<sup>32</sup> or in any vacant building. The office equipment and technical appliances were mostly paid for by county level funds with a small supplement coming from the central and provincial governments, and an even smaller amount coming from prefectural funds. At QX County, the county population and family planning bureau and the family planning association were located in one building in the county people's government yard. Six offices were occupied by five officials of the bureau and nine staff members of the association: one large office was occupied by the bureau head, two smaller independent offices were occupied by one deputy head and another deputy head in charge of the files and records (*dangan* 档案), one office was for the accountant, and two offices were for the other general staff members. They didn't have an independent meeting room but shared one with other departments. The county government supplied all of the offices with office desks, chairs, and cabinets. However, only one laptop was supplied for each office.

Among the infrastructure works, only the key projects, such as the establishment of county level family planning stations, received significant central government support. In the 1980s, there was only a 20% contribution from the central government for buildings and technical appliances for the local family planning organizations.<sup>33</sup> However, with the start of the eighth five-year plan (1991-1995), the central government's support for county level family planning stations suddenly increased. This special fund supported the rebuilding of one third of the entire county's family planning stations. Again, this central government fund also required

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<sup>32</sup> Similar as the town government yard mentioned in Chapter 5, in many places in China, the county and town levels' People's Government are located in a group of gathered building. This group of gathered building was normally secured by the wall and with one main entrance. This place is normally called 'government yard' by the Chinese. Some major *kuaikuai* departments were also allocated in this yard, such as family planning.

<sup>33</sup> Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*. P.193. Yang, Chen, and Wei, *The Outcomes and Investments of China's Family Planning (Zhongguo Jihushengyu Xiaoyi Yu Touru 中国计划生育效益与投入)*. pp181-182.

the help of local government funding. For each family planning station that was to be rebuilt, the central government contributed a maximum of 0.1 million RMB, while the provincial and prefectural levels each made a larger contribution than the central government. The central government's funding was only used for the building and office infrastructure, while the regional governments' funding was used for the medical and technical appliances. The county government bore the rest of the costs.<sup>34</sup>

However, QX County Family Planning Station was not able to get any financial support from the central government. It was situated with the family planning bureau when it was established in 1985. Without proper space and medical equipment, the staff have to travel to individual town hospitals to carry out the insertion and removal of IUDs, abortions and sterilization. In 1988, supported by the county government, it got a new independent office equipped with medical facilities. Since then, it became possible to carry out some basic birth-planning operations there, although the majority of operations were still done in the town hospitals. In 2007, it moved into a new 3-level modern building. Using local government bonds, the county government invested 0.5 million RMB into this new building and its facilities, with some subsidies also coming from the province and prefecture. This new building provides the family planning station with enough space for general offices, an operation room, a gynecology check room, a test room, an ultrasound room, an electrocardiogram check room, a family planning advice room, and a population

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<sup>34</sup> See the Office of State Planning Commission and Commission, "The Notice of Managing the Special Supplemental Investment to Local Family Planning (*Jihuashengyu Buzhu Difang Zhuanxiang Touzi Guanli Banfa De Tongzhi* 计划生育补助地方专项投资管理暂行办法的通知)." Section 2.5, 'The central government funding is to act only as a guide. It is mainly the responsibility of the regional governments to arrange the investment. The provinces' and prefectures' investment should not be less than the central government's investment. The rest are to be supplemented by the county governments. (*zhongyang zijin qi zhengce yindao zuoyong, touzi zhuyao kao defang anpai. Sheng qu anpai de touzi he zhuangbei fei buying shaoyu zhongyang buzhu shuer, buzhu bufen you suozai xian buqi.* 中央资金起政策引导作用, 投资主要靠地方安排。省、区安排的投资和装备费不应少于中央补助数额, 不足部分由所在县补齐.'

school. This new building is also properly equipped with office furniture, as well as technical and medical facilities and tools. A travelling van was also equipped for village visits. Some of the facilities were sponsored by the prefecture and province family planning organizations.

In conclusion, with the exception of some family planning stations' building costs, the county level family planning infrastructure costs are mainly covered by the county government, while the provincial level can use part of the central government's medical funding for its infrastructure work. According to regulations about S province family planning public funding, 15% of central government's medical funding can be used for the running costs of the family planning medical organization, of which the province receives 60% and the prefecture and county the remaining 40% between them for their publicity costs, conference costs, and storage and maintenance costs. However, in practice, because the provincial family planning medical station was set up together with the family planning commission, the part of the funding meant for running costs was used to support the provincial family planning infrastructure work.

### **7.3.1.2 Family Planning Public Funding**

#### **Family Planning Running Costs**

In addition to their infrastructure responsibility, the county level also has to shoulder a major part of the general publicity costs, office expenses and training costs, while the provincial and prefectural levels only partly supplement these costs. At QX County, it is usually the provincial levels which provide some support for publicity costs, while the prefecture offers more support for the office and training costs. These supports take the form of either direct funds or subsidies. For example,

concerning the training costs of the grassroots level officials, the province or the prefecture usually covers the training and materials costs, while the county level is responsible for covering only accommodation and travel expenses. For some particular projects, the province or prefecture would normally provide the majority or even totality of the funds. For example, S province provided all the publicity funds for Encouraging the Balanced Sex-Ratio Activity in 2014.

Among all the expenses shouldered by the county level, the greatest is the family planning officials' wages. At county level, this expense includes the salaries of all the staff members of the county level family planning bureau, family planning association, family planning station, and family planning medical station (*yaoju zhan* 药具站).<sup>35</sup> These wages take up more than half of the county family planning funding. At QX County, the total wage cost is 2.8 million RMB, which is about 65 per cent of the total county family planning funding, which is 4.28 million RMB.<sup>36</sup>

#### Family Planning Awards

In addition to the above running costs, the county level government also has to shoulder a big share of the family planning awards. Although the share of county liability varies from place to place depending on the local economic levels, the county level has always taken up quite a heavy proportion of these costs. For

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<sup>35</sup> Theoretically, the salary of civil servants (*gongwuyuan* 公务员) is included in the administrative funding, rather than the family planning public funding. In QX County, most staff members of the most of them are from the family planning bureau while some of them are family planning association officials. However, in order to reach the required investment on the family planning public funding, in practice, this part of wages is also calculated in the county level's allocation for family planning public funding.

<sup>36</sup> See interview FZY10092014.

example, at Yi County in Hebei Province, the single child award was funded by a ratio of 8:2 between the county and town.<sup>37</sup>

In S province, this burden has been shared amongst the central, province, prefecture and county governments since 2003.<sup>38</sup> Prior to the 2000s, there was only one type of family planning award — the single child award. However, because of insufficient family planning public funding, the single child award for rural residents could not be guaranteed in QX County.<sup>39</sup> From 2003, following the central government's new campaign, the 'family planning incentive mechanism' (*jihuashengyu liyi daoxiang jizhi* 计划生育利益导向机制), regional governments started to invest more funds for family planning awards.

The central government normally supports two projects: the monthly 'retirement reward for rural birth-planning families' (*nongcun bufen jihuashengyu jiating jiangli*

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<sup>37</sup> See Yi County People's Government Office, "The Notice of Implement Rural Part Family Planning Award's Special Support Policies (*Guanyu Luoshi Nongcun Bufen Jihuashengyu Jiating Jiangli Fuzhu Tebie Fuzhu He Duixian Jiangli Youhui Zhengce De Tongzhi* 关于落实农村部分计划生育家庭奖励扶助特别扶助和兑现奖励优惠政策的通知)," <http://www.yizhou.gov.cn/zfwj/2014/10/24/883926ce-cf26-4849-998f-c8b654cb8aea.htm> (28th Oct 2014).

<sup>38</sup> Xinhua Net, "S Province: Award and Subsidy Ets Six Policies Helped Birth Planning Families Achieve Well-Off (*S Sheng: Jiang Mian Bu Deng Liuxiang Zhengce Zhu Jisheng Jiating Ben Xiaokang* S省:奖免补等六项政策助计生家庭奔小康)," [http://news.xinhuanet.com/politics/2005-12/11/content\\_3907336.htm](http://news.xinhuanet.com/politics/2005-12/11/content_3907336.htm) (28th Oct 2014).

<sup>39</sup> Before 2005, the single child award was not guaranteed in rural China. Although the central government provided some support, it was mainly focused on the poorer areas. In some areas, because the local peasants were not aware of their entitled benefits, the local government could easily cut this part of the funds if there was a funding shortage. Many urban residents on the state payroll also have no guaranteed award from their employer. Furthermore, in most areas, the increase in the value of the single child award has been much slower than the ratio of inflation. For example, in S province, the single child award was 2.5 RMB per month in the 1980s, five RMB per month in the 1990s, then increased to ten RMB, then finally 50 RMB since 2008. See "S Province People's Government Family Planning Regulations (*S Sheng Renminzhengfu Guanyu Jihuashengyu De Ruogan Guiding* S省人民政府关于计划生育的若干规定) (Invalid)." S Province Family Planning Regulation, 1989, S Province Family Planning Regulation 1999, edited in 2002, 2008, and 2014.

*fuzhu* 农村部分计划生育家庭奖励扶助)<sup>40</sup> and the monthly subsidy for ‘the birth-planning families with special needs’ (*jihuashengyu jiating tebie fuzhu* 计划生育家庭特别扶助).<sup>41</sup> The level of support from the central government varies depending on the local economic level. According to the 2004 document jointly issued by the Ministry of Finance and the Family Planning Commission, regional support for the rural birth-control families’ awards is 80% in the poor Western areas, 50% in the Middle areas, and very little in the wealthy Eastern areas.<sup>42</sup> In S province, the central government provides 50% of the total funds for these two awards, while the province and prefecture are responsible for 40% and 10% of the funds respectively.

The county level does not share the above monthly liability, but it does cover 40% of a one-off subsidy for birth-planning families with special needs, while the province and prefecture each cover 30%<sup>43</sup> – this is normally called 3:3:4 by local officials. In addition, the county government is also responsible for 40% of the monthly single child award for rural residents and urban residents not on the state payroll, and for the one-off and monthly awards given to families who have given up their second child quota and rural families with two daughters who have had sterilization. In

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<sup>40</sup> "Ministry of Finance and National Population and Family Planning Commission's Joint Notice About the Pilot Scheme of Developing the Rural Birth-Planning Families' Retirement Award, Forwarded by the State Council (*Guowuyuan Bangongting Zhuanfa Renkou Jishengwei Caizhengbu Guanyu Kaizhan Dui Nongcun Bufen Jihuashengyu Jiating Shixing Jiangli Fuzhu Zhidu Shidian Gongzuo Yijian De Tongzhi* 国务院办公厅转发人口计生委财政部关于开展对农村部分计划生育家庭实行奖励扶助制度试点工作意见的通知)," (*GuoBanFa* (No.21), 2004).

<sup>41</sup> It refers to those certificated single child families whose single child was disabled or dead. It applies to both rural and urban families.

<sup>42</sup> See, "The Notice of the Pilot Scheme on Proposed Rewards and Support Systems for the Rural Birth-Control Families (*Nongcun Bufen Jihuashengyu Jiating Jiangli Fuzhu Zhidu Shidian Fang'an Shixing De Tongzhi* 农村部分计划生育家庭奖励扶助制度试点方案(试行)的通知)," (*GuoRenKouFa* (No.36), 2004).

<sup>43</sup> See S Province Finance Bureau, S Province Population and Family Planning Commission, and Bank of China's TY Branch, "The Notice of Print and Distribute the Temporary Regulation of Managing S Province Rural Birth-Planning Families' Retirement Award (*Guanyu Yinfa S Sheng Nongcun Jihuashengyu Jiating Jiangli Zhuanxiang Zijin Guanli Zhanxing Banfa De Tongzhi* 关于印发《S省农村计划生育家庭奖励专项资金管理暂行办法》的通知)," (*JinCaiJiao* (No.127), 2005).

2014, the total funds for the family planning award is 0.8 million RMB for QX County, which is the second largest share in county level family planning public fund.

Not only does the level of central government support vary from province to province, but the type of award also differs depending on the local conditions. In S province, in order to give more support to birth-planning families, since 2009 there has been a rural birth-planning families' pension award – specifically, single-child parents pay half and the county government pays the other half of their pension insurance for 15 years. At the moment, the insurance is 100 RMB per person every year. Those who have paid for 15 years or more, and parents over 60, are entitled to this pension award. In some pilot schemes of S province, such as XB County, the pension benefit is 900 RMB per year (75 RMB per month).

Furthermore, in recent years, with more and more of these family planning awards schemes appearing, the provincial level is gradually shifting more of its burdens to the county. For example, as explained above, the financial responsibility for most rural birth-planning family awards used to be shared according to a ratio of 3:3:4 among the province, prefecture and county. However, this 3:3:4 ratio was changed to 2:3:5 at ZY county in S Province from 2012. For some regions with better economic circumstances, the province's burden has completely moved to the county and so the burden ratio has become 3:7 between prefecture and county.<sup>44</sup>

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<sup>44</sup> LL City Finance Bureau and LL Population and Family Planning Commission, "A Notice About Adjusting Finance Ratios of the Rural Birth-Planning Families' Rewards (*Guanyu Tiaozheng Nongcun Jihuashengyu Jiating Jiangli Caizheng Fudan Bili De Tongzhi* 关于调整农村计划生育家庭奖励财政负担比例的通知)," (*LvCaiJiao* (No.1246), 2011).



### Other Funds

In addition to the above financial responsibilities, the county level, being the lowest level of local government to have financial autonomy, also shares some of the burdens of the village level. The county level has provided one-third of the village family planning officials' wages since 2000, which is equal to the province's and prefecture's contributions. In S province, the rules are that the province, prefecture and county levels each have to contribute 40 RMB to the monthly wages of the village family planning officials. The town can pay an amount based on its financial ability to pay.

Overall, the county level, as the most basic level of government that has financial autonomy, shoulders the heaviest burden of family planning funding, more than any of the other regional levels. The government budget allocation was often found to be insufficient to fully afford this considerable liability. Non-government funding, such as the fees collected from local enterprises, has made a great contribution to family planning funding. In addition, the county level also received a significant proportion of its family planning funding from collecting excess-birth fines. The county and town share these excess-birth fines in order to support each level's family planning costs, but the ratio is different from place to place. For example, in ZY County, the ratio for sharing this fine is 7:3 between county and town, while the ratio is 2:8 in QX County. However, even with these multiple funding sources, the family planning funding often faces shortfalls caused by funding shortages in either the upper levels or county level governments. In these situations, the county family planning organizations, as well as the town level family planning office, always face pressure from the people directly.

### **7.3.2 Town Level Liability for Family Planning Funding**

Compared to the county level, the town level generally carries a lighter financial burden. But the town level still quite often faces funding shortages. This is caused not only by insufficient budget allocations but also large running costs. The major expenses at this level are the large publicity costs, materials costs and the staff wages.

As explained in chapter 5, family planning has always been given a hard target by local officials. Under these intensive qualitative and quantitative quotas, rather strict evaluation systems, and with family planning being a key political issue for the town government leader, the implementation of family planning regulations was often given priority even amongst all the other hard targets. Therefore, in order to better carry out this tough work, the town government normally pays more attention to it.

However, the implementation of family planning regulations faces many difficulties. The major difficulty is the local people's resistance, as the one-child policy naturally conflicts with China's son-preference. Although each level's family planning organization does organize lots of publicity for birth control, the town family planning office is a key actor that supports all publicity. In addition, the town officials also have to arrange in their own time individual home-visits to those families who put up big resistance. This work is not only time-consuming but also a real safety risk. Stories of family planning officials being injured were not uncommon in the 1980s and 1990s. A family planning official, Gu, was once hurt by a lady, who had a non-permitted pregnancy, during a home visit to persuade the

family to have an abortion. Another time, after finishing work in a village, she was hit by someone and lost consciousness for a couple of hours.<sup>45</sup>

Another difficulty of implementing the family planning regulations is the massive workloads. As the family planning campaign developed, their job has also developed, from simply collecting the excess-birth fine in the 1980s, to also recording and managing migrations, educating the locals about the sex-balance, publicizing pregnancy and reproduction health, providing extra care for girls, issuing related documents, and training the village officials. In addition, they are also responsible for coordination with the other departments. In order to fully track the population change, in particular unpermitted births and the migrant population, the town officials also need to check their information with the police station, hospital<sup>46</sup>, and local enterprises.<sup>47</sup> Furthermore, following the trend of the ‘profit guide to family planning’ (*jihuashengyu liyi daoxiang* 计划生育利益导向), in addition to the financial awards, more and more incentives were created to benefit birth-planning families, such as serious illness support (*dabing qiuzhu* 大病求助), medical insurance, low income support, free textbook & other fees for the children of birth-planning families children at the primary and junior secondary education stage, as well as extra points given to these children on the secondary school entrance exam. Most of these jobs carried out by the town level family planning officials are very detailed. With the requirement of a minimum 90% awareness rate, they need to

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<sup>45</sup> Interviewee, Gu, a specialist family planning deputy town head, who was a family planning assistant since 1984. GuEY19112009.

<sup>46</sup> Since 2009 at EY town, communicating with the local police station and hospital has been called ‘information corresponding’ (*xinxi hutong* 信息互通). But the information is never given voluntarily, it was always the town family planning officials who goes there personally, requests the relevant information, and then copies it down by hand.

<sup>47</sup> This is called family planning ‘localized management’ (*shudihua guanli* 属地化管理). It means that the local enterprises and all organizations are also responsible for managing their employees’ reproductive behaviour. They need to record their marriage status, childbirth numbers and pregnancy status. However most private enterprises don’t practice this at all.

publicize the main regulations not only in the villagers' meetings or through public media, but also by distributing the publicity materials in person and explaining it to every individual household. This inevitably results in large publicity and material costs.

In facing so many difficulties and such huge workloads, the town government normally achieves their goal by recruiting more staff. However, with limited establishments (*bianzhi* 编制), the extra staff they recruit are only temporary and their wages are not guaranteed by the government allocation. At EY town, there are only two formal family planning officials, while the remaining five staff members are temporary. Therefore, it becomes the town government's responsibility to pay for these temporary staff members.

Being at the bottom end of the resource allocations, the town level always receives very limited funding from the government. Therefore, in order to fulfil the family planning task, the town government has to manage by getting support either from the local villagers or local enterprises.

### **7.3.3 Town Level Family Planning Funding Sources**

Before the 2000s, EY town's family planning funding was mainly funded by government allocation, *san-ti-wu-tong* [the three and five deductions] (三提五统),<sup>48</sup> social contributions and excess-birth fines. However, following economic reforms, tax and fee reforms, and family planning reforms, the main sources of the town level

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<sup>48</sup> *San-ti-wu-tong* refers to 'the expenses retained for the village's collective undertakings' (*cun tiliu fei* 村提留费) and 'fees for unified management of township public undertakings' (*xiang tongchou* 乡统筹费).

family planning funding have become the government allocation and excess-birth fines only.

#### **7.3.3.1 Government Allocation**

This part of the funding covers both the permanent official's wages and the family planning office's running costs. At the end of every calendar year, the town government reports next year's planned budget to the county government, which will determine the funding that will be allocated, after approval. However, as discussed above, this allocated fund is very limited and does not cover all the running costs or any temporary officials hired by the town.

#### **7.3.3.2 San-Ti-Wu-Tong**

From 2003, following the central government's implementation of tax and fee reforms nationwide, *san-ti-wu-tong* was gradually cancelled in China. As a result, the share of the family planning funding which was borne by the local villagers was shifted to the regional governments. The town government, as the major beneficiary of *san-ti-wu-tong*, in turn has shouldered the brunt of this shifted burden.

#### **7.3.3.3 Other Social Contributions**

At town level, social contributions are another source of the government funding. This contribution to the town government's total funding varies according to local economic levels. In some rich towns, social contributions make up the majority of the town government's funding. In general, the town government has complete control of this part of the fund. It is used for local government running costs, including the family planning running costs and temporary officials' wages, road repair, school buildings, or even local officials' bonuses, or other hidden expenses.

With the exception of a small amount of fees collected legally, such as the environment management fees, most of these fees collected from the local enterprises are illegal. As one local official described the situation:

‘You don't need to think what the fees for. Once the government officials tell you that your (company) needs to pay some fees, then you just pay it. It can be of couple hundred thousand RMB or a couple of million RMB. Regarding the receipt, it could be anything. Or, sometimes, the local government tells you than you need to share the costs for repairing the road or building the school. Then you also need to pay the figure allocated to you. Sometimes, some enterprises need to pay fees when they set up their company. Once they pay they will soon get the certificate. For the deposit, such as the safe production deposit, it becomes the government's funds once you have paid it. You should just forget about it.’ (*Ni jiu buyong guan shi weisha, fanzheng shi zhengfu lai ren le, gao ni, ni dei jiaoqian le: shaode jishi wan, duode nibai wan. zhiyu shouju kai cheng sha ni jiu buyong guan le. Huozhe shi, xiulu le, jian xuexiao le, qiye dei jiao dian qian le. Nimen jiao jiu xing le. Haiyou yixie shihou, kaigong shihou jiudei jiaoqian. Jiao le qian, gezhong zheng jiu ban xialai le, ni jiu neng kaigong le. Zhiyv anquanshengchan de yajin sha de, yiban jiu dou zidong kou le, jiu buyong xiangde jianglai huan le.* 你就不用管是为啥，反正是政府来人了，告诉你，你得交钱了：少的几十万，多的几百万。至于收据开成啥你就不用管了。或者是，修路了，建学校了，企业得交点钱了。你们交就行了。还有一些时候，开工时候就得交钱，交了钱，各种证就办下来了，你就能开工了。至于安全生产的押金啥的，一般就都自动扣了，就不用想的将来还了。)<sup>49</sup>

However, this part of the funding has become more and more limited in recent years as a result of more regulation of local government fee collections.

As for EY town, it has two military controlled enterprises and two private enterprises. As these enterprises do not make huge profits, the town government hardly collects any extra fees.

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<sup>49</sup> Interview YXB11112014.

#### 7.3.3.4 Excess-Birth Fines

At the beginning of the family planning campaign, the fine for a non-quota birth was called an 'excess-birth fine'. It was renamed 'out of quota birth fee' (*jihuawai shengyu fei* 计划外生育费) in 1992, and then a 'social maintenance fee' (*shehui fuyang fei* 社会抚养费) in 2000. For urban residents on the state pay roll, the fine was directly deducted from the couple's wages by their work unit. For unemployed urban residents, it was the street family planning office which collected the fine. For rural residents, it was the village committee or town government who collected the fine. The fine was managed by the village, town, or county government and shared between them according to a particular ratio.

#### 1979-1982 Collected and Managed by the Village

The earliest fine-collecting in S province started on Oct 1<sup>st</sup>, 1979. However, at this early stage, it was only for the third child where a family had to pay the fine.<sup>50</sup> In rural areas, the fine was replaced by work points<sup>51</sup> (*gongfen* 工分) which were normally directly reduced accordingly by the production brigade. At this time, wages or work points deducted from families were completely used up into the unit's bonus (*fulijin* 福利金) or community welfare (*gongyijin* 公益金).<sup>52</sup>

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<sup>50</sup> "S Province Proposed Regulations on Family Planning Work (*S Sheng Jihuashengyu Gongzuo De Ruogan Guiding (Shixing)* S 省计划生育工作的若干规定(试行)), " (*GeFa* (No. 154), 1979). Section 4;

<sup>51</sup> During the Agricultural Production Cooperative and People's Commune period, the farmers' work was calculated by the work point. The full point is 10 in a work day. All the people, depending on the strength of their labour rather than their actual contributions, were set up their work point in a single working day. In general, a strength men labour could earn 7-9 work points and women could early 5-7 work point, and children and elders only get 2-3 work points. By the end of the year, the farmers get their income based on their annual work points. These work points system was canceled in the responsibility system.

<sup>52</sup> "S Province Proposed Regulations on Family Planning Work (*S Sheng Jihuashengyu Gongzuo De Ruogan Guiding (Shixing)* S 省计划生育工作的若干规定(试行))."

### 1982-1989 Collected and Managed by the Town

Following the intensification of the family planning campaign, an economic penalty for non-quota second-birth was established on 1<sup>st</sup> Dec, 1982.<sup>53</sup> For rural residents, it was first the village which was responsible for collecting the fine, but that changed to the town family planning office in 1987.

Meanwhile, because of the insufficiency of the government allocation for the family planning funding, the fines collected were not allowed to be expended freely by the work units or villages as was the case before, but had to be used to subsidise the family planning funding.<sup>54</sup> According to the regulations, the fine could be used to pay the single-child bonus, or subsidise those couples who had a birth-control operation. In 1984, in response to the central government's decision to 'unify control over income and expenditure' (*tong shou tong zhi* 统收统支) on the family planning fine,<sup>55</sup> S province published detailed regulations about it,<sup>56</sup> providing that the village committee was responsible for collecting the family planning fine in the villages, the street office was responsible for collecting the fines from urban residents who are unemployed or working in private enterprises, and work units were responsible for collecting fines from their employees. In addition, in rural areas the management of the fine shifted from the village to the town government. The collected fines were shared between the village, town and county in a ratio of 60%, 30% and 10% respectively.

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<sup>53</sup> "S Province People's Government Family Planning Regulations (*S Sheng Renminzhengfu Guanyu Jihuashengyu De Ruogan Guiding* S 省人民政府关于计划生育的若干规定) (Invalid)." Section 10.

<sup>54</sup> Ibid.

<sup>55</sup> "The Proposed Regulation on Strengthening the Excess-Birth Fine Management (*Guanyu Jiaqiang Chaosheng Zinyfei Guanli De Zanxing Guiding* 关于加强超生子女费管理的暂行规定)", (State Family Planning Commission and Ministry of Finance, 1982).

<sup>56</sup> "The Proposed Regulation on Strengthening the Excess-Birth Fine Management in S Province (*S Sheng Guanyu Jiaqiang Chaoshengzinyfei Guanli Shixing Banfa* S 省关于加强超生子女费管理试行办法)."



From 1987, the fine collecting authority completely shifted from the village to the town as a result of the misuse of the fine-collecting authority by some village committee members.<sup>57</sup> The town government was responsible for both collecting and controlling this fine (*xiang shou xiang guan* 乡收乡管). The share of the collected fines also changed to 50%, 30% and 20% between the village, town and county respectively. In urban areas, the collected fines were shared between work units, street offices and county according to the ratio of 90%, 5% and 5% respectively.

However, as was the case in the past, without effective financial inspection, the fund, which was controlled completely by the town government, was spent freely by the local government. As one local official described it: 'This fund was used for any purpose by the town, county and village. There was no inspection or approval of the expenditure of this fund. (*xiang zenme hua jiu zenme hua, meiyou jindu ye bu xuyao shenpi*. 想怎么花就怎么花, 没有监督也不需要审批.)'<sup>58</sup> In some areas, some money from the fines collected was used for bonuses for the town and county level family planning officials and even other government cadres.<sup>59</sup> Some funds were also embezzled or borrowed illegally.

#### 1989 Collected by the Town and Managed by the County

At the end of the 1980s, in order to better manage the excess birth fines, the management method was changed again. Between 1984 and 1989, the method was 'unified control over the income and expenditure' (*tong shou tong zhi* 统收统支). It meant that the town government was responsible for accounting for both the fine

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<sup>57</sup> S Province Family Planning Commission, S Province Finance Bureau, and Agricultural Bank of China S Branch, "S Provincial Regulations on the Management of Excess-Birth Fines (*S Sheng Chaosheng Zinyfei Guanli Banfa* S 省超生子女费管理办法)," (1987).

<sup>58</sup> Interview YXB27082014.

<sup>59</sup> Interview DUCC13112009.

income and its expenditure. In order to better manage this fund, this ‘unified control’ was changed to ‘two accounts for income and expenditure’ (*shouzhi liangtiao xian* 收支两条线) in 1989 in QX County when the first S provincial Family Planning Regulation was published formally.<sup>60</sup> The fine collected was handed to the county level financial bureau, then reallocated to the county family planning bureau, town family planning office and village individually. This method was also called ‘town funding managed by the county’ (*xiang cai xian guan* 乡财县管). Out of the excess-birth fines collected, 80 per cent was reallocated to the township government and 20 per cent was kept by the county family planning bureau. The village was not involved in fine management nor took any share.

This two-accounts-management varied from place to place in S province. In 1992, an individual provincial regulation about the excess-birth fine confirmed this management change as well as the shared ratio between the town and county.<sup>61</sup> This 8:2 ratio between town and county has been widely retained in most counties in S province, but some areas adjusted it according to their local conditions in the later 2000s. For example, in ZY county, the ratio between the county and town is 7:3.<sup>62</sup>

The fine for the excess-birth increased further according to the 1989 formal provincial family planning regulation. As for the non-quota second-births, the fine

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<sup>60</sup> "S Province Family Planning Legislation (*S Sheng Jihuashengyu Tiaoli* S 省计划生育条例) (Invalid)," (1989).

<sup>61</sup> S Province Family Planning Commission, S Province Finance Bureau, and S Province Bureau of Commodity Price, "S Province Implementation Suggestion About the Management Method of out of Quota Birth Fee from Three Departments from the Central Government (*Guanche Guojia Sange Buweiju Jihuawai Shengyufei Guanli Banfa* 贯彻国家三个部委局‘计划外生育费管理办法’的实施意见)," (1992).

<sup>62</sup> Telephone interview with ZY county family planning bureau deputy head. Interview FZY22102014.

was increased from 15% of income to 20%, while the out-of-quota third-births increased from 20% of income to 40%.<sup>63</sup>

### 7.3.4 Summary

In China's hierarchical administrative structure, the grassroots level organizations, located at the bottom end of the allocation chain, have always faced a lack of funding and manpower. However, their liability for family planning funding has become heavier and heavier due to the top to bottom administrative structure until eventually the grassroots level governments have the heaviest burdens placed on them.

As for the county level, they have to shoulder the majority of their own infrastructure costs, running costs, and also a large share of the family planning awards, and are the completely liable for the county and town family planning officials' wages and share liability for paying the village officials' wages. As for the town level, although it does not share the huge costs of the family planning awards, it still faces its own large running costs.

The town level's large family planning costs are caused by both the day-to-day running costs and temporary officials' wages. Due to the massive workloads, resistance from the locals, and tough inspections, the town government not only paid more political attention to it, but also recruited more staff members as another direct method of fulfilling the task. However, with there being limited places for the formal

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<sup>63</sup> "S Province Family Planning Legislation (*S Sheng Jihuashengyu Tiaoli* S 省计划生育条例) (Invalid)." Article 29.

establishment (*bianzhi* 编制)<sup>64</sup> at the town level, these officials (*chi xiang caizheng de* 吃乡财政的) do not have the same entitlements as officials paid by the county (*chi xian caizheng de* 吃县财政的), although they are also called ‘cadres’. Their jobs are not permanent or secure although many of them could work until their retirement age, or transfer to being a formal cadre at some later stage; while they are temporary they are not entitled to a pension, state-paid health insurance, housing subsidy or any other subsidy. The temporary staff wages and massive workloads cause large running costs and are a big burden on the town government.

With limited government allocation, non-government funds, particular from excess-birth fines, have become a major source of revenue for the town level family planning. The collected excess-birth fine has been shared between the town and county since the end of the 1990s, although the exact share differs from county to county depending on local economic levels. At the town level, the excess-birth fines are the main source of revenue for paying for the extra family planning staff hired by the town as well as subsidizing the day-to-day running costs.

## **7.4 Financial Influences on the Town Family Planning Officials**

From the analysis above, it can be seen that the financial environment of town level family planning is very complicated and varies from town to town according to local economic levels and government support from higher levels. The most direct effects of the financial environment at the town level are on the officials’ wages, particularly the temporary staff, and on the family planning running costs.

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<sup>64</sup> At the town level, a person in the administrative establishment means that they are formal and permanent cadres — civil servants (*gongwuyuan* 公务员), also called a ‘person paid by the county’ (*chi xian caizheng de* 吃县财政的). The people recruited by the town government are temporary staff, but are still called ‘cadres’. They are not entitled to a pension, nor the state-paid health insurance. Such a person is called a ‘person paid by the town’ (*chi xiang caizheng de* 吃乡财政的).

Generally, the town's formal officials' wages differ from county to county while the town's temporary officials' salaries differ from town to town. For counties in a better financial environment, the officials get better subsidies from the county to supplement their wages. For example, in 2009, the formal town family planning official salary in XY county ranged from 2,000 to 3,000RMB per month, while it was around 2,000 RMB in ZY county and only 1,200 RMB in QX county. But the temporary officials have always had a lower salary than the formal officials in most areas in S province even though they are carrying out exactly the same work. For example, the formal officials' monthly salary is between 2,000 to 3,000 RMB in XY, while the temporary official's was just 1,200.

The next part of this chapter will consider in more detail these two main expenses of personal wages and running costs, taking EY town as a case study, and analyse how the financial situation reflects on the family planning officials' implementation. Although the following analysis of EY town is not representative of all towns in China, it might still reflect some of the general trends.

#### **7.4.1 Personal Incomes**

In EY town, there were seven staff members in the family planning office, including the office head. During my fieldwork from July to December 2009, one lady in charge of statistics and IT was on maternity leave, so her work was being covered by someone recruited by the town. These general officials were individually responsible for: publicity, family planning association & medicines & single child certificate approvals, migration & new-born certificates, technical services, excess-birth fines & statistics & IT.

Among these seven officials, only the office head and a senior family planning official, L, were formal officials, whose salaries were paid by the county government. The others were temporary staff recruited by the town and paid by the town government using the excess-birth fines. In 2009, the monthly salary for a temporary family planning official was 900 RMB per month, while the formal official's salary was 1,200 RMB.

L, a nearly 50 year-old man, was the most senior member of staff in the office. He joined the family planning office in the mid-1980s, thanks to a close personal relationship with the town leaders. He had two children: a son, who got married a year ago, and a daughter, who had nearly finished the university education. His hukou was transferred from rural to urban residence after he got this job, but his wife still kept her rural hukou. Therefore, they were still living in the village where they lived before which was also the town government location. In their own garden, they built another two bedrooms for their son's family. In addition to his formal income, their family also had some income from their land, and a small baking business. As for L, he was quite happy with his job and the pay. In his opinion, the family planning officials were fairly paid during the 1980s and 1990s compared with the local people's average income. This relatively well-paid job made it much easier for him and his wife to bring up his children than for other families. Now, having paid for his son's wedding and paying off the last of his daughter's education fees, he did not have any big financial responsibilities. Therefore, L was happy to stay in this position until his retirement age even though the pay had become relatively low in recently years because of the rapid increase in local people's average incomes and rapid price inflation.

However, L was an exceptional case in the office because of his age. Apart from L and the newly recruited staff, all of the other officials were urban residents aged between 25 and 40. They all had a young child to bring up and most of them resided in the county centre (*xiancheng* 县城). Therefore, they were faced with much more pressure than L. The following list of QX County's child-rearing costs explains well this family burden.

Table 7. 3 Children-rearing Costs (Including the Education) at EY Town (2009)<sup>65</sup>

Age	Stage	Annual Cost (RMB)
0—3	Pre-Nursery	3,500
3—7/8	Nursery	3,000
7/8—13/14	Primary Education	1,000
13/14—16/17	Junior Secondary School	2,000
16/17—19/20	Senior Secondary School	10,000
19/20—23/24	Higher Education	15,000
Total		124,500
Annual Average		5,200

Table 7. 4 Marriage Costs for a Son (2009)<sup>66</sup>

Items		Cost (RMB)
Betrothal Gifts		85,000
House	Village	80,000-90,000 (800-900 per m <sup>2</sup> )
	County Town	300,000-400,000 (3,600-3,700 per m <sup>2</sup> )

<sup>65</sup> Group Interview at EY town 19112009.

<sup>66</sup> Group Interview at EY town 19112009.

From the list above, it can be concluded that a family needs to save at least 5,000 RMB per year to cover one child's education costs. If they have a son, then the parents need to also save for their son's wedding costs, which amounts to at least 5,000 RMB per year. Therefore, the town-paid officials would have to save up all of their salary for 20 years in order to cover their child's education and marriage costs. This is a huge burden for these young urban couples.

With this huge burden, it is not difficult to understand why there is only one young male staff member, N, in the family planning office. In this region, people still hold to the traditional cultural value that men should take the major financial responsibility for the family while women are responsible for most of the housework. Therefore, because of the low wages, it is normally women who apply for the family planning office rather than men. N, in order to better support the family, also does some small business with his friends, talking privately on the phone or checking personal things on the office computer during office hours. N's behaviour, however, is quite acceptable for all other staff members including the office head. She commented:

'N is a man and it is not easy for him to raise the whole family with this little money. I will keep one eye open and another blind as long as he gets his work done on time and stays in the office most of the time.'  
(*Nyige nande. Zhe dian qian yanghuo yijia ye bu rongyi. Zhiyao ta neng anshi wancheng gongzuo baozheng chuqin, wo jiu zheng yizhi yan bi yizhi yan.* N 一个男的. 这点钱养活一家也不容易. 只要他能按时完成工作保证出勤, 我就睁一只眼闭一只眼.)<sup>67</sup>

The table below is a summary of the personal information of the EY town family planning officials. From this table, it can be concluded that the females, temporary staff and young staff aged 25-40 make up the majority. The demographics of the EY

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<sup>67</sup> Interview with EY town family planning office head. GEY26102009.



town staff are actually quite typical for town level family planning offices, perhaps unsurprisingly. Because it is a job related to birth control, and involves face-to-face family visits where one has to persuade couples to undergo an operation, it is generally more suited to females. In addition, after 30 years of the family planning campaign, most of the early stage officials are either retired, have been promoted or have changed jobs. Most towns recruited young officials during the 1990s and 2000s. Furthermore, as there are generally only 2-3 formal positions in each town family planning office, and the office head and the most senior staff member normally take the most formal positions, the more recently recruited officials are mostly town-paid staff.

Table 7. 5 Personal Information of EY Town Family Planning Officials

Name	F/M	Age	Year Joined	Town paid / county paid	Education <sup>68</sup>	Family	
						Married /single	Children
C	F	35	2007	C	U	M	Nursery
L	M	52	1986	C	J	M	-Married  -University
N	M	27	2004	T	S	M	Nursery
Ning	F	49	2004	T	S	M	Secondary  School
D	F	40	1993	T	S	M	University
M	F	20	2009	T	S	S	
H	F	25	2004	T	U	M	Baby

It follows that the financial situation of the majority of the town-paid staff could explain the team's overall motivation and incentive to fulfil their duties. Generally,

<sup>68</sup> U-university; J-junior secondary school; S-senior secondary school.

the better-paid officials would be more motivated to carry on with the work, and to take the initiative in their work. At EY's family planning office, the direct consequence of this job, which is neither secure nor well paid, and gets little respect because of its conflict with Chinese reproductive culture, is that people doing it have no interest in or motivation towards implementation. Most implementation is only carried out as a result of enforcement from above i.e. hard quotas and inspections.

### **7.4.2 Running Costs**

Theoretically, the town family planning office should not only get its allocated family planning funding from the county government, and share part of the collected excess-birth fines, as well as some office funding from the town government, but should receive even more support on top of that from the town government. However, in practice, even the specialist family planning government allocation could not be guaranteed to be allocated to the actual family planning work.

As discussed in chapter 5, the attitude of the town leaders is another important factor deciding the implementation result of the family planning. In those towns where the town leaders attach more importance to the family planning work, it not only gets better support from all of the working units, related departments and village committees, but is given priority in the budget allocations for family planning funding. For those towns with town leaders who give less attention to family planning, they were not given priority for family planning funding. In fact, sometimes, if the town government has a very tight budget, the family planning funding, being one of the guaranteed funds, is often used to cover other costs.

At EY town, the total of excess-birth fines collected was 270,000 RMB in 2008, of which about 220,000 RMB was reallocated to pay for the town family planning work.

However, due to the town government's tight budget, 90,000 RMB was used by the town government for other purposes.<sup>69</sup> The rest of the funds were used for the travel expenses, office overheads, wages, magazines, technical machines, publicity costs, etc.

Table 7. 6 EY Town's Family Planning Funding Expenditure (2009)

Items	Cost (RMB)
Travel (car cost mainly)	10,000
Office Funding	30,000-40,000
Wages	50,000
Magazines and Newspapers	10,000
Town level's share for the ultra-sound machine and breast scanner (the rest was paid for by the provincial level)	10,000
Publicity Cost	20,000
Total	130,000-140,000

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<sup>69</sup> Interview with town deputy head, GEY25122009.

Among these costs, the wages and the share of the technical machine are fixed costs. The magazines and newspapers are compulsory expenses, including the People's Daily, Population and Family Planning Magazine (*renkou he jihuashengyu* 人口和计划生育), Population Digest (*renkou wenzhai* 人口文摘), and the Party's newspapers and magazines (*dangbao dangkan* 党报党刊), as well as some others required by the upper level governments. As for the publicity costs, even with upper level government support, the town level still needs to print out leaflets or pay for some small gifts with printed information on them. With the requirement of a 100% distribution rate of publicity materials to individual households which contain women of fertility age for each village, the 20,000 RMB funding is very limited for a town with a population of 25,000. The office fund covers the cost of stationery, office appliances, phone calls, business trips and entertaining costs (*zhaodai fei* 招待费), as well as repairing costs for office appliances.

After all these necessary costs, the family planning office is left with very limited funds to carry out their actual family planning work. They have a very tight budget as it is for spending on office appliances. EY town family planning office takes up four bungalow rooms in the town government yard: one room is for pregnancy checks and insertion of IUDs etc.; one is for medicine storage; another big one serves as the general office; a smaller room inside the general office has one computer and a single bed for the evening duty staff. There is no photocopy machine, no scanner, nor wireless Internet. In order to reduce printing and photocopying costs, they handwrite most paperwork. As with most other grassroots level organizations, they don't have a cleaner to clean the office. They are not only responsible for cleaning their office every Friday, but also the inside and outside areas in front of their office. During the

winter, the temperature outside ranges between 0°C and -15°C, but even inside the office, with a thick door curtain hanging up to stop the wind and cold air blowing in, the temperature is only 5°C. Everybody wears very thick winter clothes inside the office. They don't have the budget for an electrical heater (or an air conditioner for the humid summers). Concerning transport, excluding L, all other officials take the free shuttle bus provided by the town government for communication. The office only has one very basic mini van which is mainly used when an official attends county family planning bureau meetings, attends a short training course, or visits the villages. Without good public transport or convenient travel tools, they are often put in an awkward situation when the task is urgent. Some of the farthest villages are impossible to reach by foot, so sometimes they have to borrow a colleague's bicycle or car during very bad weather in order to finish their work – either information distribution or village-visiting -- in time.

In recent years, more and more new tasks, such as pregnancy care, new-born care, forest ownership reform (*linquan gaige* 林权改革), birth defect prevention (*chusheng quexian ganyu* 出生缺陷干预), and family planning awards, are assigned to the town officials. With limited funding and overloaded with tasks, they find it impossible to finish every task completely. Therefore, they exercise discretion when implementation the family planning regulations.

## **7.5 Conclusion**

At EY town and many other towns, the excess-birth fines have been a major source of family planning funding. It is also the main source of the majority of the town family planning officials' wages. These funding situations not only influenced the town family planning officials' behaviour in the form of being directly funneled into

their salary, but also forced officials to act with autonomy in the implementation process.

Without a proper legal procedure, the fine-collecting was the most tough and complex family planning task to carry out. On the one hand, the officials needed to collect the fine to maintain the office's running costs and get paid, and fulfill their duties. On the other hand, they not only faced lots of local resistance to the fine-collecting, but were also limited by practical restrictions on the collecting. Since the 2000s, there has been a gradual change of reproductive culture and increasing cost for the raising of children as well as the effective enforcement in general of the family planning regulations. As a result, more and more families have been complying with the family planning regulations. For the town family planning officials, it means that the total capacity for collecting fines has been decreasing year by year. In order to pace themselves and keep to each annual quota, the town officials have restricted the fine-collecting. For example, during 2005-2009, the quota for the fines collected at EY town was 180,000RMB per year. The town officials would only collected about 200,000RMB to fulfill this task. They said: '[We can't] collect too much; otherwise it will be difficult to fulfill next year's task. ([*women buneng*] *duoshou, fouze xiayinian gongzuo nanzuo*. [我们]不能多收, 否则下一年工作难做.)'<sup>70</sup>

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<sup>70</sup> Interview Kouer27122009.

## **Chapter 8 Grassroots Level Family Planning Officials**

### **Discretion over Family Planning Implementation**

#### **8.1 Introduction**

In the practical enforcement of the family planning regulations, the local officials have been allocated many tasks by upper level governments. When facing the piles and piles of tasks with insufficient funds and limited labour force, the local officials have felt the need to apply their own discretion over the implementation.

The local family planning officials' work normally includes: publicizing the family planning regulations; investigating the statistics of local population change, particularly the excess quota births and the migration data; cooperating with other units, such as the police and hospitals; training the village family planning officials; carrying out administrative office work, such as checking the documents related to the one-child certificates, birth permissions or extra-birth quotas; providing contraceptive technical support, such as distributing oral contraception and contraceptive tools, providing ultrasound checks and contraceptive operations (usually insertion or removal of IUDs,<sup>1</sup> or abortion); controlling the local population growth rate according to the upper level government's quota, with particular focus on reducing the number of excess-births by means of violation fines, and persuading couples to use long-term contraception. After 2000, the new tasks of 'forest tenure

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<sup>1</sup> An IUD is a long-acting reversible contraceptive method applied to women. It is one of the most common contraceptive methods in China because of its lower technical requirements (compared to other surgical methods) and low cost.



reform' (*linquan gaige* 林权改革),<sup>2</sup> birth defect prevention (*chusheng quexian fanyu* 出生缺陷干预) and family planning rewards (*jihuashengyu jingli fuzhu* 计划生育奖励辅助) were added to the above list. In addition to these, the local officials also need to go on training courses organized by upper level family planning organizations to learn about the updated government policies, population studies, and undergo technical and ICT training. There is naturally a lot of office work officials must carry out, but the most important is the paperwork that 'fulfills' their tasks and which 'reports' their achievements to the upper level family planning organizations.

The local officials usually have to decide on priorities and determine which tasks are the 'hard' ones. For all the local officials, population growth control is the hardest target to meet. As discussed in chapter 5, according to the upper level government's assessment of the population growth rate, the town gets its local quota, and then this quota is distributed to the individual villages according to the population size. In order to fulfill the hard target of the regulated population growth rate, the local officials have to work very hard on excess-birth control and long-term contraception, which are the hard objective measures of their job assessment. In practice, particularly since the 1990s, the main methods of controlling the number of excess-births are persuading those families who have reached their maximum birth allowance to use long-term contraception, and fining those families who have had an excess-birth. In addition to the efforts made to achieve this hard target, the town officials also spend a lot of time on the paperwork reporting the statistical data and

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<sup>2</sup> 'Forest tenure reform' policy was another provincial policy implemented in 2008. According to this policy, families with a one-child certificate, or families with a daughter and had a sterilization operation, were entitled to an extra portion of land. See, S Pronvice Family Planning Commission and S Pronvice Forestry Bureau, "The Proposed Reward Policy to the Qualified Birth-Planning Families for the Forest Tenure Reform (*Guanyu Zai Jiti Linquan Zhidu Gaige Zhong Dui Jihuashengyu Jiating Geiyu Youhui De Banfa (Shixing)* 关于在集体林权改革中对计划生育家庭给予优惠的办法(试行)), (2008).

their work achievements. Also important is any work directly connected to the upper level organizations, such as those related to training courses or conferences.

The town officials spend lots of time on these top-priority tasks, and there is very limited time left over for all of the other tasks. Therefore, it is quite often the case that the town family planning officials only get to carry out work which is unpopular with the locals.

The contraception and fine-collecting targets are the hardest targets for the local family planning officials to meet. By taking EY town as a case study, this chapter will explain in detail the levels of discretion the local officials exercise when dealing with these two tasks.

## **8.2 Local Officials' Discretion on Excess-Birth Fines**

In S province, the economic and political penalties for the families violating the family planning regulations were regulated in 1979 in provincial regulations. These penalties were confirmed in subsequent central and regional regulations. But the practical enforcement of these penalties did not start until the beginning of the 1980s in S province, and specifically 1983 in QX County. These penalties included both an economic penalty for an out-of-quota pregnancy, an out-of-quota birth, and even an eligible birth but without official permission, for example, an unmarried birth, or a family qualified for a second birth but who broke the gap year regulation. In addition to the economic penalties of reduced salary or work points, and fine charges, the families who violated the family planning regulations were also deprived of many benefits, such as housing, promotions, job awards, employment, maternity leave and related medical benefits, or were even demoted from their position or fired from their job completely. Out-of-quota children were deprived of many benefits as well, such

as nursery care, land, or even entitlement to *hukou* registration. Without *hukou* registration, these children became ‘black’ persons<sup>3</sup> and could not even get education in school. The family planning officials’ responsibilities mainly concerned the economic penalties. Out of all these fine charges, the excess-birth fine makes up the largest portion and serves to offset family planning policy implementation costs. In S province, the excess-birth fine for a third non-quota birth was regulated from 1<sup>st</sup> October 1979,<sup>4</sup> and a second non-quota birth from 1<sup>st</sup> December 1982.<sup>5</sup>

For urban residents on the state payroll, the fines have always been collected by the work unit by deducting them from their salaries directly. For urban residents not on the state payroll, it has normally been the street level family planning office which collects the fine. As for the rural residents, it used to be the village, but is now the town family planning office which is responsible for collecting the fines.

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<sup>3</sup> The black person was translated directly from *hei hu* (黑户), which means the person without *hukou* registration. It was also translated as missing person by foreigners. According to the six national census in 2010, there are more than 130million missing persons in China and most of which are excess-birth person. See, Shihua Cheng et al., "A Survey About the Chinese 'Black' Persons' Living Conditions (*Zhongguo Heihu Qunti Shengcun Zhuangtai Diaocha* 中国“黑户”群体生存状态调查)," <http://www.banyuetan.org/chcontent/jrt/201465/103136.html> (17th Dec 2014).

Some researches about the missing children have carried out by western scholars. See, Daniel M. Goodkind, "China's Missing Children: The 2000 Census Underreporting Surprise," *Population Studies: A Journal of Demography* 58, no. 3 (2006). Yong Cai and Lavelly William, "China's Missing Girls: Numerical Estimates and Effects on Population Growth," *The China Review* 3, no. 2 (2003).

These ‘black’ person also caused another issue is the statistic accuracy, which is mainly caused by the local officials enforcement of the birth quotas. In China, this statistic inaccuracy has become an open issue for all the scholars and officials but most of them believe that these inaccurate officials data could still represent an overall trend of population development. See, interview with Guangzhou Wang, Oct 2009. See also, Kejian Tan, "Inaccurate Population and Family Planning Statistics: An Analysis of New Features and Counter Measures (*Renkou Yu Jihuashengyu Tongji Shishi: Xin De Tezheng Yu Duice Fenxi* 人口与计划生育统计失实: 新的特征与对策分析)," *Population and Economy (renkou yu jingji 人口与经济)* 4 (1998).

<sup>4</sup> See, "S Province Proposed Regulations on Family Planning Work (*S Sheng Jihuashengyu Gongzuo De Ruogan Guiding (Shixing)* S 省计划生育工作的若干规定(试行))." Section 4: The fine was 10% of wages for urban residents on the state pay roll or 10% of work points for rural residents, and was collected for 14 years after the child's birth.

<sup>5</sup> "S Province People's Government Family Planning Regulations (*S Sheng Renminzhengfu Guanyu Jihuashengyu De Ruogan Guiding* S 省人民政府关于计划生育的若干规定) (Invalid)." Section 10.

In QX County, fine-collecting did not start in practice until 1983. At the beginning of the 1980s, due to the huge resistance to birth control by the local villagers, the family planning work was carried out with extreme difficulty in the rural areas. The village leaders, although expected to work with the town and village level government officials, did not actually support the family planning work, such that when the family planning working team went into the villages, they didn't get any support or even a road guide from the village leaders. The village leaders usually made excuses to avoid getting involved in the direct implementation of the family planning regulations and facing the villagers directly. Dogs were in fact released by the local villagers to frighten and drive away the family planning team members. This situation was not improved until 1983 when more political pressures were delivered from the upper level governments to the village leaders. From then on, the village leaders started to better support family planning work and fine-collecting could be carried out in practice in rural areas in QX County.

## **8.2.1 Implementation of Excess-Birth Fine Under Different**

### **Authorities**

At the beginning stage of the fine collecting, the local family planning officials had a high level of discretion. It was first the village committee and town officials jointly, then the town officials alone, who were the main authorities on implementing the family planning regulations and collecting the excess-birth fines.

#### **8.2.1.1 1980: Implementation under the Village and Town as the Joint Authority**

At the beginning of the 1980s, most villages were still managed by the People's Commune. During this time, the production brigades were entitled to decide all villagers' work and their income, so each family's income was clearly recorded.

Therefore, in a similar way as to how fines were collected from urban residents on the state payroll, the economic penalties for the excess-birth families were deducted by the production brigade directly.

Later on, this direct deduction ceased due to the economic system changing in the rural areas. With political and economic reform and the change from People's Communes to the Household Responsibility System, the village committee had less direct control over the villagers' income. Under the new Responsibility system, the villagers were entitled to more autonomy over production and could decide how they exploited their land. In addition, the farmers were also allowed to undertake some others jobs, such as handicrafts service, or transport. As a result, the individual family started to have several different incomes and the villages could not keep track of all of the family's income from all the sources. This non-recorded income caused difficulty for the collecting of fines as the amount of fines collected was based on the family's annual income in the previous year. Therefore, the village committee and the town family planning officials jointly decided that the fines were to be based on the village's average economic levels,<sup>6</sup> and this approach was applied until the later 1980s. For those villages with higher economic levels and where the village leaders paid more attention to the family planning work, the fine-collecting was comparatively easy.

In QX County, fines collected from 1983 to 1986 were generally about one hundred to two hundred RMB per family.<sup>7</sup> With an average local farmer's annual income being 274RMB to 525RMB from 1983 to 1986, this fine was much less than the

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<sup>6</sup> The standard of the village's average income was mainly decided based on the village leader's observation and self-estimation. For the villages with poor economic environment, the fine standard was only about 100RMB, and for those with better conditions, the fine was around 700-800RMB.

<sup>7</sup> Interview ChDNFVillage22122009.

provincial regulation dictated. Based on the 1982 provincial regulations for out-of-quota second-births, the fine was set at 25% of a family's total income (based on the previous year) for the first two years, then 15% of income for the following five years; for out-of-quota third-births, the fine was 30% of family's total income for the first three years, then 10% of income for the remaining eleven years.<sup>8</sup> Future regulations have gradually increased this amount.

During 1986 and 1987, in response to large resistance from the villagers to the fine-collecting and birth-control operations, some village committees reduced the fines privately in order to encourage the villagers to pay the fine on time. At this time, the collected fines were reallocated to the village, town and county. In some villages, they would cancel the village part of the fine. With a ratio of 6:3:1 between the village, town and county, this would lead to excess-birth families paying only 40% of the required fines in practice.<sup>9</sup> In some villages, this fine reduction was continued even after 1987. This was the time when the town alone became the fine-collecting authority, so the village could no longer directly reduce the fines, but would instead refund part of or the whole of the village's share of the (reallocated) fine, which would be 50% of the total fines. This type of fine reimbursement continued until the end of the 1980s.

#### **8.2.1.2 From the 1990s: Implementation with the Town as the More**

##### **Independent Authority**

From 1989, following the publication and implementation of the first S Province Family Planning Regulations, the excess-birth fines began to be shared between the

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<sup>8</sup> "S Province People's Government Family Planning Regulations (*S Sheng Renminzhengfu Guanyu Jihuashengyu De Ruogan Guiding* S 省人民政府关于计划生育的若干规定) (Invalid)." Article 10.

<sup>9</sup> Group Interview DY20082009, DY27122009.

county and town only, with the village no longer involved with the reallocation of collected fines.<sup>10</sup> Following this change, the discretion applied to the amount of the fine was in practice transferred from the village to the town level. Hence, the town became the main authority over the collecting and managing of fines.

## **8.2.2 Use of Discretion by Local Officials Over the Collection of Excess-Birth Fines**

### **8.2.2.1 1980s – 1990s Local Officials' High Use of Discretion**

Before 2000, the town family planning officials used high levels of discretion when applying the standards of the excess-birth fines, which included their fine-collecting methods.

During the initial stages of fine-collecting, the local officials used to collect the fines not only in cash, but also in household belongings if the villagers didn't pay the fine on time, such as bicycles, TVs, furniture, watches, radios, cookware, and even cows and sheep.<sup>11</sup> In some town and county family planning offices, these collected items occupied a separate room in the office, with one of the officials having to look after the animals. If the villagers paid the fines in full, they could take back their belongings. Otherwise, after a certain deadline, their items would be sold and the money raised would be paid towards their fines.

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<sup>10</sup> This change in the share of the reallocated fines designated to the county, town and village was later confirmed by central government regulations on excess-birth fines and the subsequent provincial regulations: the fine was to be mainly used to support the town level family planning work while the county would take 20%. See, State Family Planning Commission, "The Management Method of the out of Quota Birth (*Jihuawai Shengyu Fei Guanli Banfa* 计划外生育费管理办法)," (1992). Article 14 &15. S Province Family Planning Commission, S Province Finance Bureau, and S Province Bureau of Commodity Price, "S Province Implementation Suggestion About the Management Method of out of Quota Birth Fee from Three Departments from the Central Government (*Guanche Guojia Sange Buweiju Jihuawai Shengyufei Guanli Banfa* 贯彻国家三个部委局‘计划外生育费管理办法’的实施意见)."

<sup>11</sup> See interview DuCC12112009.

During this period, assisted by local police officers and village committees, the local family planning officials often behaved quite fiercely when implementing the family planning regulations: they often entered the villagers' houses by force or by knocking on the door at midnight; they would take the villagers' belongings like a robber; they would force above-quota pregnant women to have an abortion or undergo sterilization in a violent manner, threatening the other family members if the couple refused to do so; they would even carry out some extremely inhumane actions, such as performing an abortion on a fetus more than 28 weeks old, or jailing the family members illegally. At that time, the relationship between the family planning officials and the local villagers was like how the police treat criminals.

Before the 2000s, the town family planning officials' behaviour was less regulated than it has been since the 2000s. In addition to the excess-birth fines, the town family planning officials set up some new small fees services to get some extra funding although most of these services were supposed to be free of charge. For example, fees were charged for couples applying for the one-child certificate, or the in-quota birth permission, etc.

In order to address aggressive implementation, especially the forced collection of villagers' personal belongings and the arbitrary charges made by officials, the central government issued the 'Seven Forbidden Actions Policy in the Family Planning Implementation' in 1995<sup>12</sup>. This policy forbade the following unlawful behaviour: jailing, assaulting, and insulting those who violate the family planning regulations and their family members; damaging or destroying these people's properties,

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<sup>12</sup> State Family Planning Commission, "The Notice of Insisting Seven Forbidden Actions in the Family Planning Implementation (*Zai Jihuashengyu Xingzheng Zhifa Zhong Jianchi 'Qi Ge Buzhun' De Tongzhi* 在计划生育行政执法中坚持‘七个不准’的通知)," (*GuoJiShengZhengZi* (No.138), 1995).



belongings or agricultural products; illegally collecting these people's properties in lieu of excess-birth fines; arbitrary fines or charges; penalties to these people's family members, neighbours or others, or taking revenge against those who reported or exposed officials' unlawful behaviours; restricting legal reproduction in order to fulfill family planning targets; pregnancy checks on unmarried women. After these policies were issued, these illegal practices gradually diminished in most areas in China and completely disappeared in QX County by the end of the 1990s.<sup>13</sup>

The town family planning officials also used more discretion at this time over applying the fine standards compared with later stages. First of all, although the authority over the excess-birth fines transferred from the town to the county in 1992 in order to avoid abuse in the collecting and management of fines,<sup>14</sup> the actual practice of this new management system differed from region to region depending on the local government leaders' attitudes towards the family planning work. Furthermore, at the initial stages, this 'collected by town and managed by county' system was immature and still had many loopholes. Compared to the strictness of the system in the 2000s, the town officials in the 1990s had more freedom to decide the fine amount. Secondly, the provincial regulations at this time conferred relatively more authority on the town officials over the fine-collecting. Before 1999, the fine amount decided by the province was mainly based on the couple's previous annual

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<sup>13</sup> Although this policy has listed the most common and fierce behaviours in the implementation, this policy also clearly noted to be circulated only inside the family planning department. Therefore, for a long time, this policy has only been known by the family planning officials rather the general villagers. The purpose of this is to prevent large scale resistance from the villagers once they knew that the local officials' behaviour was illegal, and obstruct the family planning campaign. Therefore, in practice, the process of stopping these fierce behaviours took quite a long time. Even now, it still often heard that local officials are taking the villager's belongings to replace the excess-birth fines.

<sup>14</sup> S Province Family Planning Commission, S Province Finance Bureau, and S Province Bureau of Commodity Price, "S Province Implementation Suggestion About the Management Method of out of Quota Birth Fee from Three Departments from the Central Government (*Guanche Guojia Sange Buweiju Jihuawai Shengyufei Guanli Banfa* 贯彻国家三个部委局'计划外生育费管理办法'的实施意见)."

incomes. As discussed earlier, as rural areas changed from the commune system to the household-responsibility system at that time, individual families' incomes became more varied, and it was difficult for the town family planning officials to obtain accurate data for an individual family's total income. Therefore, the town officials had to rely on both the local average income and their observation of a family's particular conditions. In addition, the regional gaps in the levels of fines between towns also increased during this time due to the implementation of the household-responsibility system. Therefore, even in the same county, the fine amount between towns varied from a couple of hundred RMB<sup>15</sup> to three thousand RMB.

In the 1980s and 1990s, in addition to the excess-birth fines, there were also fines for out-of-quota pregnancies. This pregnancy fine was regulated in the 1982 provincial regulation<sup>16</sup> but cancelled in 1999.<sup>17</sup> This fine was a one-off fine: 20% of family income for an out-of-quota second pregnancy and 30% for a third. However, in practice, the local officials at EY town never collected this pregnancy fine in order not to add to the resistance from the local villagers due to the excess-birth fines.

#### **8.2.2.2 2000s: Town Officials' Relatively Restricted Use of Discretion**

From the end of the 1990s, the town official's discretion over fines became restricted due to the increased regulations on fine-collecting and better management of the fines. From the end of the 1990s, the separation of the collecting and management of

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<sup>15</sup> A county level family planning official provided this data based on that county. See, interview FengZY05122014.

<sup>16</sup> "S Province People's Government Family Planning Regulations (*S Sheng Renminzhengfu Guanyu Jihuashengyu De Ruogan Guiding* S 省人民政府关于计划生育的若干规定) (Invalid)." Article 10 (1).

<sup>17</sup> The 1999 provincial family planning legislation did not regulate for the collection of pregnancy fines anymore.

excess-birth fines was widely applied. The system gradually became mature in most areas in S province, with the fine being better and more seriously managed. In addition, the 1999 provincial legislation also set up a minimum amount for the excess-birth fines, which further restricted the town officials' discretion. Therefore, the gap in the fine amount between towns became smaller. Further, regulations issued from the central and provincial governments further restricted the town officials' discretion over fine-collecting. For example, before the 2000s, the town officials could remove a villager's household belongings if they refused to pay the fines on time. However, after the central government regulations outlining the 'Seven Forbidden Action Policy' in 1995, the removal of villagers' personal belongings was gradually restricted. In QX County, local officials were prohibited from this particular use of discretion completely from the end of the 1990s.

### **8.2.3 Town Family Planning Officials' Discretion on Deciding the Excess-Birth Fine's Amount**

In practice, the town family planning officials have been setting the fine amounts differently from how it is stated in the provincial regulations. The main reason for it is that the provincial standards, which set a fine amount of about 20% for seven years for an extra second-births and 40% for 14 years for a third, have been too high for the villagers in many areas. These unrealistic standards have caused great resistance from the local villagers and left the town level officials in a dilemma. The result is that in practice, these grassroots level officials set up different standards, which are more reasonable to the local situation. These grassroots level standards have never been written in any formal document or approved formally by any upper level government or even the town government who know all about this. When the town

family planning officials decide on the fine amount, they do not only rely on the official data of the local farmer's average income,<sup>18</sup> but use their own experience and observation of the local villagers' general living standards and affordability.

### 8.2.3.1 Reproductive Behaviour

Since the 1990s, China's fertility culture has changed slowly and been steadily influenced by the high economic pressure of the costs of raising children and the changing of the social environment, as well as the restrictive government policies on family size. The traditional multi-offspring reproductive culture of 'more sons, more blessings' has gradually been abandoned in China.<sup>19</sup> The number of third above births has been gradually decreasing in most areas of China. Even in rural areas, people are generally not expecting a high number of children. In QX County, families with three or more children have become fewer and fewer since the 1990s: three above births were 3% of all new births in the 2000s and 1.5% in the 2010s.<sup>20</sup> This actual reproductive behaviour has been roughly consistent with people's changing reproductive intentions, although it has been found that actual reproductive behaviour is slightly lower than reproductive intentions as a result of the current family planning policy.<sup>21</sup>

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<sup>18</sup> Interview FZY28112014. Because the local peasant's average income was determined by the county statistical department's report, the town officials believed that this data was not wholly reliable as those figures themselves are also the result of some kind of adherence to upper level government targets. So, in addition to the official data stating the average income, they still heavily rely on personal observation of the local villagers' economic conditions.

<sup>19</sup> Zhenzhen Zheng, "Reproductive Desire of Fertility Women in China (*Zhongguo Yulin Funv De Shengyu Yiyuan Yanjiu* 中国育龄妇女的生育意愿研究)," *Population Science of China (zhongguo renkou kexue 中国人口科学)* 5 (2004).

<sup>20</sup> Data obtained from the county level family planning bureau. This is the official data. The actual data might be slightly higher than this, but there still has been a sharp decrease from the 1990s in the number of families with more than three children as a consequence of the family planning campaign and high pressure of children's bringing-up costs.

<sup>21</sup> Hao Luo and Zhuoyan Mao, "From Fertility Intention to Fertility Behaviour," *Asian Population Studies* 10:2 (2014).

As concluded from research from the 1980s until the present, reproductive intentions have changed in China in both rural and urban areas. In the 1980s, the general desire in most rural areas was to have two to three children although the exceptional case of a high desired number of more than three persisted in some particular regions, such as rural areas in Guangdong and Gansu provinces, where people had a very strong son preference and multi-offspring culture. In urban areas, the general desire was for one to two children. In the 1990s, the rural family's reproductive desire reduced to two children, and even in rural Guangdong and Gansu it gradually became close to 2. The reproductive desire for about 50% of urban residents was one child, and for about 40% families it was two children.<sup>22</sup> Recent research indicates that one child for urban families and two for rural families is still the main trend in the 2010s.<sup>23</sup>

### 8.2.3.2 Town Family Planning Officials' Discretion on Setting the Fine Amount

In the 1990s, direct resistance from local villagers to the implementation of the family planning regulations was less strong than in previous years. The family planning officials experienced fewer physical and verbal attacks from the villagers

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<sup>22</sup> Zheng, "Reproductive Desire of Fertility Women in China (*Zhongguo Yulin Funv De Shengyu Yiyuan Yanjiu* 中国育龄妇女的生育意愿研究)." pp73-76. Xiaotian Feng and Qingsong Zheng, "Study on the Transition of Reproductive Desire among Rural and Urban Residents in the Past Twenty Years (*Ershi Nian Chengxiang Jumin Shengyu Yiyuan Bianqian Yanjiu* 二十年城乡居民生育意愿变迁研究)," *Market and Demographic Analysis (shichang yu renkou fenxi 市场与人口分析)* 8, no. 5 (2002). P.25. See also, Xiaochun Qiao, "Consideration on China's Reproductive Policy in the 21st Century (*Guanyu 21 Shiji Zhongguo Shengyu Zhengce Yanjiu De Sikao* 关于 21 世纪中国生育政策研究的思考)," *Population Research (renkou yanjiu 人口研究)* 23, no. 2 (1999); Kejian Tan, "An Analysis of Chinese Rural Resident's Reproductive Desire Transition (*Woguo Nongcun Jumin Shengyu Yiyuan Zhuanbian Fenxi* 我国农村居民生育意愿转变分析)," *Journal of Nanjing College for Population Programme Management (nanjing renkou guanli ganbu xueyuan xuebao 南京人口管理干部学院学报)* 20, no. 4 (2004).

<sup>23</sup> Yaer Zhuang et al., "Fertility Intention of Rural and Urban Residents in China: Results from the 2013 National Reproductive Intention Survey (*Dangqian Woguo Chengxiang Jumin De Shengyu Yiyuan: Jiyu 2013 Nian Quanguo Shengyu Yiyuan Diaocha* 当前我国城乡居民的生育意愿: 基于 2013 年全国生育意愿调查)," *Population Research (renkou yanjiu 人口研究)* 38, no. 3 (2014). See also, Jiawei Hou, Silin Huang, and Ziqiang Xin, "A Change of Chinese Reproductive Desire (*Zhongguo Renkou Shengyu Yiyuan Bianqian* 中国人口生育意愿变迁 ): 1980-2011," *Social Science in China (zhongguo shehui kexue 中国社会科学)* 4 (2014).

and got more support from the village leaders. However, although the one-child family planning regulations had been implemented for nearly ten years, the son-preference and multi-offspring culture was still very strong in most rural families. Out-of-quota second and third-births in rural areas were still common. Most families still wanted to have at least two children even if their first child was a boy, and the families who had two daughters were still hoping for a son. The families with more children were normally in a poorer financial situation. Therefore, the fine-collecting for the excess-births was still a very tough and challenging task.

In practice, the town family planning officials normally set two different standards for the excess-birth fines. One was for couples who agreed to undergo a sterilization operation, which was normally ligation for women; the other was for couples who refused sterilization. As a result of reproductive intentions changing, third or more births became fewer in the 1990s. Therefore, most families agreed to have the sterilization operation after their second births. So, in practice, most excess-birth fines became of the reduced type given to couples who undergo sterilization after the second births.

#### Sterilization-Replaced-Fine (*yi jie dai fa* 以结代罚)

Sterilization and the excess-birth fines have both been hard targets of the family planning evaluation<sup>24</sup>. For the town family planning officials, sterilization has been the best solution to stop any excess-birth in the future. Therefore, sterilization has been widely applied since it was implemented in the middle of the 1980s. According to provincial regulations, it was only couples who had more than two children who

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<sup>24</sup> See Chapter 5, population and family planning responsibility commission.

needed to have sterilization,<sup>25</sup> while families who had only one child just needed to have an IUD insertion.

According to S provincial regulations, there was a general rule to allow rural families to have a second child if the first child was a girl.<sup>26</sup> Thus, the potential excess-birth families were those whose first child was a boy but who wanted a second child, or those who had two girls but were still hoping for a boy. Normally, it was relatively easy for families who already had a boy to agree to stop further reproduction and submit to the sterilization operation, and also pay the reduced fines. The tough ones were the families who had two daughters but still wanted a son, and would normally refuse to undergo a sterilization operation until they had a boy.

As a compromise, the local officials rarely enforced sterilization on couples who did not already have a son even if they had exceeded the birth quota.<sup>27</sup> This was especially the case after the central government issued the ‘Seven Forbidden (*qi buzhun* 七不准) [Action] Policy’ in which coercion, which included detaining of family members and forced sterilization, were forbidden. In practice, the criterion for whether the town family planning officials would enforce sterilization was whether or not the family had a boy.

Therefore, in order to encourage couples to undertake sterilization voluntarily, many informal local policies were set up. At EY town, when sterilization was applied in 1983, the local government introduced a local policy that promised ‘the fines for any excess-birth would be discharged completely if the couple undertake sterilization’ in

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<sup>25</sup> See "S Province Family Planning Legislation (*S Sheng Jihuashengyu Tiaoli* S 省计划生育条例) (Invalid)." Article 14.

<sup>26</sup> See Chapter 3 for details of the regulations about the allowance for second or third children.

<sup>27</sup> Interview YangXY05122014.

order to encourage couples to submit to the long-term contraception operation.<sup>28</sup> This ‘sterilization-in-lieu-of-fine’ ( *yi jie dai fa* 以结代罚) policy was very popular in S province in 1985 and 1986 particularly after it was confirmed by a provincial regulation in 1985.<sup>29</sup> But because of a shortage of family planning funding, the ‘sterilization-in-lieu-of-fine’ policy was cancelled in 1987 and replaced with a ‘no reduction or annulment of the excess-birth fines for any reason’.<sup>30</sup>

Although the sterilization-in-lieu-of-fine policy was cancelled, a reduced fine for those families taking sterilization was soon invented by the local officials and applied widely in S province. In 1987, the provincial regulations which cancelled the ‘sterilization-in-lieu-of-fine’ policy restored the previous choice of payment method: full payment or payment by instalments.<sup>31</sup> Therefore, the instalments payment method became a loophole through which the town officials could implement reduced fines. For example, in EY town in 2000, a family who should have paid a minimum of 5,000RMB for an extra second-births would only pay around 2,000-2,500RMB. On the official work fulfilment report, this payment would be noted down as an instalment payment, which indicated that there should be further payments in the following years. But actually, this would often be the only payment they would ask for from the family.

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<sup>28</sup> See Interview LEY20082009.

<sup>29</sup> See S Province Family Planning Commission, "A Supplementary Notice About the Clean-up and Rectification of the Excess-Birth Fines Work (*Guanyu Dui Qingli Zhengdun Chaosheng Zinyfei Gongzuo De Buchong Tongzhi* 关于对清理整顿超生子女费工作的补充通知)," (1985).

<sup>30</sup> S Province Family Planning Commission, "An Notice for Implementing the Economic Penalties Regulations on Excess-Births Rigorously (*Guanyu Yangge Zhixing Chao Jihua Shengyu Jingji Xianzhi Zhengce De Tongzhi* 关于严格执行超计划生育经济限制政策的通知)," (1987).

<sup>31</sup> The excess-birth fines were taken by both full payments and instalment payments in S province since it was implemented in 1979. However, the instalment payment method was cancelled from 1985 to 1987. According to the 1985 provincial regulations, the fines must be calculated in full and paid in full, and only the families with exceptional circumstances can apply for the delayed or instalment payments. See, S Province Family Planning Commission, "A Supplementary Notice About the Clean-up and Rectification of the Excess-Birth Fines Work (*Guanyu Dui Qingli Zhengdun Chaosheng Zinyfei Gongzuo De Buchong Tongzhi* 关于对清理整顿超生子女费工作的补充通知)."



Neither the government nor the regulations had approved these reduced fines formally although they were well known to all local officials and villagers. During the fieldwork period, I attended many fine-collections with the local town officials. The collection process has never been easy or straightforward, except for those with very good financial circumstances. As the officials described it:

‘We don't have any authority to collect the fines if they refuse to pay for it. Before, we could take their household belongings to force them to pay the fines. But now, after the Seven Forbidden Actions policy, we can't do anything if they say they don't have any money to pay it. We can only visit and persuade them again and again.’ (*Xianzai yaoshi renjia bujiao fakuan, women meiyou renhe quanli. Yiqian, women hai neng tongguo ban dongxi shenme de qiangpo tamen jiao qian. Xianzai youle zhege qibuzhun zhengce, renjia yaoshi shuo meiqian, women yidian banfa ye meiyou, zhineng yibianbian zuogongzuo.* 现在要是人家不交罚款，我们没有任何权力。以前，我们还能通过搬东西什么的强迫他们交钱。现在有了七不准政策后，人家要是说没钱，我们一点办法也没有，只能一遍遍做工作。)<sup>32</sup>

The town officials concluded that even these reduced fines were difficult to collect, so it was deemed impossible to collect the full amount. As a result, fine reductions were inevitable in practice.<sup>33</sup>

#### Practical Fine Standards: A Case Study of EY Town

Here, EY town was taken as a sample to examine the local official's use of discretion to set the fine amount in detail. According to 1989 provincial legislation for the excess-birth fines, the fine amounts were set at 20% of the couple's total income for seven years for an extra second-births and 40% for 14 years for a third.<sup>34</sup> The new

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<sup>32</sup> Group Interview EY10112009.

<sup>33</sup> Shusen Liu and Shukui Zhang, *The Study of Population Management in Town and Townships (Xiangzhen Renkou Guanli Yanjiu 乡镇人口管理研究)* (Jilin: Yanbian University Press (YanBian Daxue chubanshe 延边大学出版社), 1991). P.317.

<sup>34</sup> "S Province Family Planning Legislation (*S Sheng Jihuashengyu Tiaoli* S 省计划生育条例) (Invalid)." (1989). Article 28, Article 29.

provincial legislation in 1999 confirmed these standards and strengthened them with minimum charges: 5,000RMB for an extra second-births and 20,000RMB for a third.<sup>35</sup> These standards remained until 2008, when 1999 provincial family planning legislation were revised for a second time. In 2008's revised legislation, the minimum standards for the second and third excess-births were increased to 7,000RMB and 30,000RMB respectively.<sup>36</sup>

In 1992, based on the local average family income<sup>37</sup> of 1,636RMB,<sup>38</sup> the provincial-prescribed fines were around 2,270RMB for an extra -birth and 9,083RMB for a third. Unsurprisingly, the fines set by EY town family planning officials in practice were not the same. The fines set by them were 1,500-2,000RMB for an extra second-births and 3,000RMB for a third.<sup>39</sup> As shown in the flow chart below, these practical standards have remained lower than the provincial standards even after the province introduced minimum levels. After the 1999 regulations the provincial regulated fines were 5,000RMB for an extra second-births and 20,000RMB for a third.<sup>40</sup> But in practice, fines in EY town were set at 2000-2500RMB for an extra second-births and 3000-3500RMB for a third. Even for those who did not have sterilization, the fines in practice were also lower than those set by the provincial standards, which were 3000-3500RMB<sup>41</sup> and 7000-8000RMB for an extra second and third-births. In 2008, under the newly revised provincial family planning legislation, the minimum fines rose to

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<sup>35</sup> S Province People's Congress, "S Province Family Planning Regulation," (1999). Article 49.

<sup>36</sup> Ibid. Revised in 2008. Article 53.

<sup>37</sup> It is based on the couple's income, so it is two times of the local villager's average income.

<sup>38</sup> The data of the local farmer's average income was obtained from the QX County Statistic Bureau.

<sup>39</sup> See interview DingEY24122009 on fine-setting in practice. As explained earlier, because most couples who had two births did take the sterilization and portion of families who were still expecting a boy but refused to have sterilization was small, when the local officials talk generally about fine-setting, they are usually referring to couples who have had the sterilization.

<sup>40</sup> S Province People's Congress, "S Province Family Planning Regulation." Article 49.

<sup>41</sup> Few families with very good economic conditions paid 4,000RMB.

7,000RMB for an extra second-births and 30,000RMB for a third.<sup>42</sup> However, this revised provincial regulation did not have much influence on the fines set in practice, which remained at a similar level to fines set in the 1990s’.

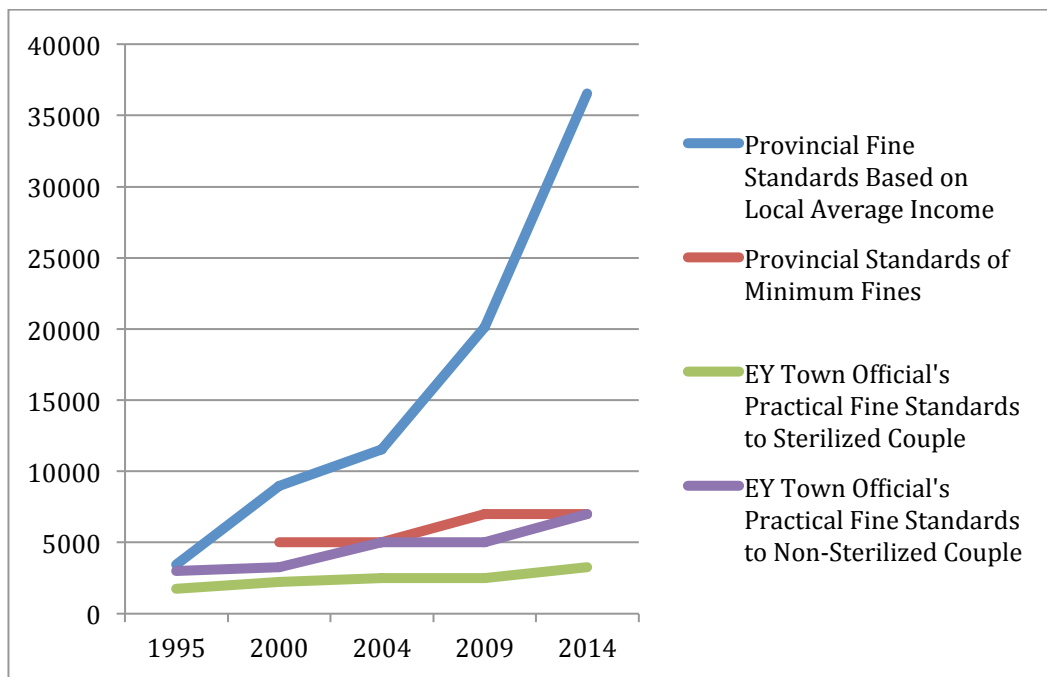


Figure 8. 1 Fine-Setting Standards for an Extra Second-Births

<sup>42</sup> S Province People's Congress, "S Province Family Planning Regulation." Revised in 2008. Article 53.

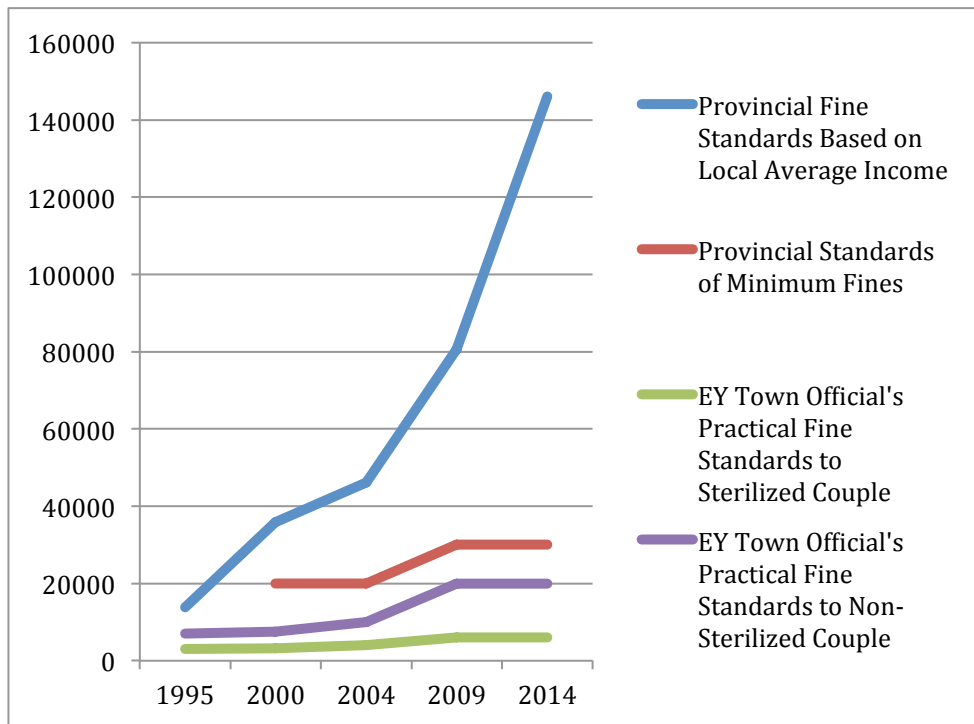


Figure 8. 2 Fine-Setting Standards for an Extra Third-Births

The line charts above compared the excess-birth fines of those set by the provincial standards and its minimum requirements, and the practical standards applied by the town officials in reality. The comparison is drawn from the 1990s to the present, for both out-the-quota second and third-births. From these two charts, some conclusions can be drawn. Firstly, the fine set by the local officials in practice has remained lower than that set by the provincial level in EY towns at most times and the gap between the provincial requirements and practical reality has become bigger and bigger. These low practical standards have happened not only in EY town but also in many other regions in China.<sup>43</sup> The story that famous Chinese filmmaker, Zhang Yimou, was charged 7.5mRMB (£700,000) for excess-birth fines is no more than

<sup>43</sup> In some regions, although the fines set in practice are higher than the provincial minimum levels, they are still much lower than the general standards would expect based on the people's family income. For example, in some towns of JZ city, a region with better economic levels, the fine levels in reality are 10,000RMB for an excess second-birth for non-sterilized couples. But this level is still much lower than the provincial standard of 20% of family's income for seven years. See, interview YXB04122014.

eyeball attracting news.<sup>44</sup> It is not representative of excess-birth fine standards in practice in China. From the end of the 1980s, the fine amount set out in the provincial legislation has risen and people's average income has also increased rapidly, but the fine amount set by the local officials has remained at a similar level, particularly for sterilized couples. Secondly, comparing the out-of-quota second and third-births fines, the latter has a bigger gap between the fines set by the provincial standards and fines set in practice. This has been mainly caused by the unrealistic fine standards set by the provincial government. With the expensive child-raising costs in China, families with more children normally have a worse financial situation compared with families with fewer children. As the provincial general standards for the third excess-birth is 40% of the couple's income for 14 years, which is four times that of the out-of-quota second birth charge of 20% for seven years, it is especially impracticable to set the out-of-quota third-births fine at this high level, which is far beyond the villager's ability to pay. In facing these unrealistic general standards, the town officials view the minimum fine levels as a more realistic goal.

#### Causes of the Low Fine-Setting in Practice

Overall, the setting of lower fines is caused by: the provincial standards being unrealistic, calling for fines which are unaffordable; the local villagers' resistance; and the inefficient implementation methods available to the town family planning officials. In the 1980s, some regions did implement fine collections based on the individual villager's family income by way of observation and investigation through neighbours. However, this individually-based fine standard was soon stopped because of villagers disputing the fairness of this standard. So, later on, an average-

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<sup>44</sup> BBC, "Filmmaker Zhang Yimou Pays One-Child Policy Fine," <http://www.bbc.co.uk/news/world-asia-china-26081229> (10th December 2014).

based standard replaced the individual-based standard. In addition, a lack of valid implementation methods for the town officials to collect the fines from villagers is also an important factor contributing to the low levels of fine-setting. Unlike the urban residents on the state payroll, most villagers are either self-employed or employed by private enterprises, in addition to their normal land work. The town officials have no authority to get access to their income data or request those private enterprises to deduct the fines from their pay directly. Although the provincial legislation gave the local family planning officials the authority to apply for ‘legal enforcement’ for those who refused to pay the fines in full or on time,<sup>45</sup> in reality, without a mature bank system and cooperation between bank and revenue offices, there have always been many challenges to effective legal enforcement. In addition, for most Chinese people, being ‘sued in court’ is a serious issue, and they would feel ashamed of being a defendant. Therefore, the town officials believed that this legal process would destroy the relationship between the officials and the people and that legal enforcement would be counterproductive and in the long run would be unlikely to bring in more fines or even make easier the work of family planning implementation.

#### **8.2.3.3 Work Satisfaction of Fine-Collecting**

In facing these high-level fine standards set by the province, the town level is placed in an awkward situation. From the point of view of the town family planning officials, the many standards or tasks set by the upper levels are too theoretical or ideal, just thought up in an ‘office’, and not based on practice. During my fieldwork, the local officials would always emphasize that ‘the upper level officials should spend more

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<sup>45</sup> This ‘legal enforcement’ procedure was first regulated in the 1989 provincial family planning legislation (article 36), and it has remained in successful legislation.

time at the grassroots level' (*naxie shangji lingdao yinggai duo xialai kankan* 那些上级领导应该多下来看看). The fine amounts set by the upper levels are far beyond what local villagers can afford and so are impossible to fulfill under any method. But they still have to 'fulfill' them under pressure from the town leaders and the tough evaluation system.

Regarding the fulfillment of the fine-collecting tasks required by the county or upper level governments, one of the town family planning officials expressed her helpless feeling:

'the standards set by the upper level governments are not practical at all. Most local villagers can't afford such a high amount. What can we do when they just can't afford it?' (*naxie shangmian ding de biao zhun genben jiu bu shiji. Dabufen ren dou jiaobuqi. Renjia jiushi jiabuqi women neng zenme ban?* 那些上面定的标准根本就不实际.大部分人都交不起.人家就交不起我们能怎么办?)<sup>46</sup>

As a result, the only solution found by the local officials is to provide a false work report. 'Regarding those upper level government fine-collecting tasks, it is just a numbers game.'<sup>47</sup> (*zhiyu naxie shangmian yaoqiu de shoufei renwu, na jiushi wan shuzi youxi le.* 至于那些上面要求的收费任务, 那就是玩数字游戏了.) After a couple of month's office work, this numbers game became better understood by the author. Actually, it is similar to what the villages had done in the 1980s. The town family planning office has two sets of accounts for all the fines collected: one records the actual fines collected, while the other one is the formal record used to report their work to the upper level government. The actual account was only known by the

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<sup>46</sup> Group Interview EY10112009.

<sup>47</sup> Interview LEY04112009.

family planning officials and sometimes the professional family planning deputy town head. The other town leaders might not be aware of the exact situation regarding the fines collected but, based on their experience and understanding of the local environment, it was likely that they knew there was some false data in the formal reports. The specific bits of data that were falsified always varied: sometimes, the total fine collecting amount was correct (it met the target) but the town officials still had to figure out the individual family fines; sometimes, the actual fines collected were insufficient (to meet the target), in which case the town officials would have to make up the total amount and borrow the money from other sources to make up the difference. Because 80% of the fines would be reallocated to the town in the following year, it meant that the town office would get less net funding in practice in the following year if they did this.

In addition, the town officials also abused the provincial regulations' instalment payment method to fulfill their tasks. According to the provincial regulations, excess-birth fines can be paid in instalment in two years for the out-of-quota second-births and in three years for the third birth.<sup>48</sup> Therefore, the town officials took advantage of this loophole and reported insufficient fines as merely part of an instalment payment.

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<sup>48</sup> See, S Province Finance Bureau and S Province Population and Family Planning Commission, "The Notice of Printing and Distribution of the Regulation of Using and Managing S Province Family Planning Public Funding (Guanyu Yinfa S Sheng Shengji Jihuashengyu Shiye Zhuanxiang Jingfei Shiyong Guanli Banfa De Tongzhi 关于印发《S 省省级计划生育事业专项经费使用管理办法》的通知)," (*JinCaiJiao* (No.28), 2003). Article 8.

This instalment payment method was allowed in the earliest regulations of the excess-birth fines in 1979: the excess-birth fine was calculated as a one-off fine but payable in seven years or fourteen years. However, this method was cancelled in 1985 and 1986, and then restored in 1987. The 1987 regulations sharply reduced the period of the instalment payment: three years for an excess second-birth fines and five years for a third. See, S Province Family Planning Commission, S Province Finance Bureau, and Agricultural Bank of China S Branch, "S Provincial Regulations on the Management of Excess-Birth Fines (*S Sheng Chaosheng Zinyfei Guanli Banfa* S 省超生子女费管理办法)." Section 2.



To summarize the conflict the town family planning officials face, on the one hand they face insufficient funding, limited manpower, and restricted time to do the actual implementation of the family planning regulations; on the other hand, they have to spend lots of time doing the paper work, especially the reporting of ‘official’ data to the highly-demanding upper level governments. As some town officials complained:

‘we spend too much time completing our tasks on paper and providing this false data. It would be easier for us if we could just concentrate on work rather than worrying about these useless ‘tasks’.’ (*Women hualie taiduo shijian wancheng zhaxie ‘zhishang’ de renwu he xiang banfa zuo jiazhang le. Yaoshi women buyong danxin zhaxie meiyou de renwu zhishi zhuanxin gongzuo de hua bi zhe yao rongyi de duo.* 我们花了太多时间完成这些纸上的任务和想办法做假账了.要是我们不用担心这些没用的任务只是专心工作的话比这要容易的多.)<sup>49</sup>

#### 8.2.4 The Future of Fine Standards

The local family planning official’s wide use of discretion over setting the excess-birth fine is well known at all levels of government. After the release of China’s family planning policy in late 2013, the central government also planned to revise how the fines are set (the fine standards). The National Health and Family Planning Commission had revised the regulation on these fines (social maintenance fees), and the draft was sent to the State Council for final approval and promulgation in late November 2014. According to China Daily’s report, ‘the draft sets a ceiling on fines and social maintenance for couples violating the rules, suggesting penalties should be less than three times the local average annual *disposable personal income*, to unify standards in different provinces.’ The new draft is aimed at setting up more

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<sup>49</sup> Interview CEY03112009.

reasonable standards, balancing the regional gaps and restricting local officials' discretion to set their own local fine standards.<sup>50</sup>

### 8.3 Local Officials' Discretion over Birth-Control Operations

In addition to excess-birth fining, increasing long-term contraception is also an important and practical method for the town family planning officials to stop any future excess-births. However, the contraceptive method is even harder to implement than fine-collecting. During the 1980s and early 1990s, some exceptional cases happened in some places, where pregnant women were taken by force by the officials and forcibly given an abortion or sterilization operation. However, since the issue of the *Seven Forbidden Actions* policy, this kind of enforcement has gradually been abandoned in most areas. In addition, villagers have become more legally aware, and would thus feel more emboldened to resist this kind of fierce enforcement. All of these changes left the town officials with very limited choices on implement the birth control. Therefore, as discussed in the previous part, the annulment or sharp reduction of the excess-birth fine was used as a reward for undergoing a contraception operation. In EY town, and many other regions, the general principle is that fines should be reduced for couples who take up contraception, which is normally an IUD insertion for families with one child, and sterilization for families with two children, particularly if one of those children is a boy. However, if the couple pays the full amount of the fine, they would usually be exempt from the sterilization request.

As with the fine collections, the contraception standards were also largely abused. For the town officials, the most reliable method for checking a person's sterilization

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<sup>50</sup> Juan Shan, "Family Size Violation Fees to Stay," [http://www.chinadaily.com.cn/china/2014-12/03/content\\_19014470.htm](http://www.chinadaily.com.cn/china/2014-12/03/content_19014470.htm) (11th Dec 2014).

status is proof by means of a hospital letter. However, in some areas with strong resistance to family planning, the local people could always find a back door to getting such a hospital proof letter. Sometimes, the sterilization operation would just be a superficial scar on the tummy, but none done underneath. Therefore, it is often impossible for the officials to know the truth unless the couple then has an excess-birth. But even in this case the couple can always claim that their operation must have failed.

Regarding these fake sterilizations, there is not much the town officials can do. However, in order to meet their quota targets and avoid penalties, the town officials would usually conceal these sorts of facts by choosing not to report the extra births above their targets.

In the 1980s and 1990s, the provincial regulations on contraception suggested a more compulsory approach: one of the couple *should* take long-term contraception if they have one child, while one of the couple *should* undergo sterilization if they have two children. But this compulsory approach was amended to that of an ‘informed choice’ (*zhiqing xuanze* 知情选择) in the 2002 revised provincial legislation.<sup>51</sup> However, in practice, compulsory contraception is still widely applied in most areas in order to meet the quota targets.

## 8.4 Conclusion

As a result of being overloaded with tasks, the town family planning officials had used their autonomy to prioritise these tasks. The highest priority tasks are those with hard quota targets as listed by the Population and Family Planning Responsibility

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<sup>51</sup> S Province People's Congress, "S Province Family Planning Regulation." 2<sup>nd</sup> revised in 2008. Article 37.

Commission (*renkou he jihuashengyu mubiao zeren shu* 人口和计划生育目标责任书), i.e. the ratio of births, permitted second births, the third and above births; the long term contraception rate; the amount and percentage of the social compensation fees collected. Successful implementation of these tasks would not only guarantee their job security but also would closely relate to with their direct income.

However, during the actual implementation, the town family planning officials have faced various forms of resistance from the villagers and other difficulties. Hence, rather than enforcing the uniform regulations set by the upper level governments, they usually set up more practical rules, which are more suited to the local economic conditions and culture. Undoubtedly, their discretion is also influenced by other factors, such as the local government and village support. The town officials' use of discretion could be viewed as a desirable adjustment of the upper level government population policy to bring it in line with reality.

In the 2010s, following the relaxing of China's one-child policy, the family planning assessments have also been relaxed. The hard quota of the long-term contraception rate has been removed from the Population and Family Planning Responsibility Commission, although the actual enforcement of contraception has not stopped in all regions. With the promise of change from rule by law to rule of law in the Xi era,<sup>52</sup> it is expected that the family planning regulations will soon be executed in a legal framework.

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<sup>52</sup> Laifang Li, "China Voice: CPC "Rule of Law" Meeting Key to Reform, Fairness," [http://news.xinhuanet.com/english/china/2014-10/19/c\\_133727639.htm](http://news.xinhuanet.com/english/china/2014-10/19/c_133727639.htm) (20th December 2014).

## **Chapter 9 Conclusion**

### **9.1 Research Findings**

Through a micro level case study, this thesis investigated the factors that have influenced the grassroots level officials' discretion in the implementation of the family planning regulations in a socio-legal environment. Combining empirical and theoretical viewpoints, this research contributed to the understanding of not only the family planning regulations' implementation in rural China but also general factors which have influenced the local officials' autonomy on decision-making.

#### **9.1.1 China's Family Planning Organizational Structure**

Using documentation, archival records (secondary and official data), questionnaires, in-depth interviews and direct observations, this research provided a detailed analysis of China's family planning organizational structure, and pointed out that it is the town level family planning office that is the grassroots level family planning agency (chapter 4). On the one hand, they are required to fulfil birth control targets loaded onto them even though these tasks conflict with the local villagers' reproductive culture. On the other hand, as the agency has to face the local resistance directly, the local officials often felt the need to apply their own discretion in the implementation.<sup>1</sup>

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<sup>1</sup> On May 2007, riots happened in a rural area of Guangxi. It was caused by the town family planning officials enforcing the strict official standards of the social maintenance fines and executing the fine-collecting by inhumane methods such as removing household items, etc. "Guangxi Villagers Clash with Authorities over Family Planning Measures," [http://www.rfa.org/english/china/china\\_guangxi-20070526.html?searchterm:utf8:ustring=bobai](http://www.rfa.org/english/china/china_guangxi-20070526.html?searchterm:utf8:ustring=bobai) (28th June 2008).

## **9.1.2 The Institutional Environment Factors Influenced the Family**

### **Planning Implementation**

After identifying what is the grassroots level agency in the family planning implementation, this thesis further discussed the factors that have influenced the family planning implementation and how these factors interact and interplay with each other. Using the political science institutionalism approach, this thesis examined these factors in a broad socio-legal environment. It argues that the family planning implementation at the grassroots rural China has been influenced by the following factors: the formal and informal organisational structures (chapter 4 & 5), political influences (chapter 6), the economic development level (chapter 7), employment conditions (chapters 4 and 7), culture (chapter 8), and the relationships among various interest groups, i.e. local villagers, village leaders, hospitals, police stations, work units, and family planning officials' understand of their work, as well as the imperfect legal environment (chapter 8).

#### **9.1.2.1 Organizational Settings**

Chapters 4 & 5 explained that the family planning agency, particularly at the town level, is under a dual system of control from both the upper level family planning agency and the local town government. In this system, the town government plays its role as a vital actor in the implementation of the family planning regulations by controlling personnel and funding of the town family planning agency (chapter 5.2.2). Although the upper level family planning agencies have less influence on the direct enforcement (chapter 5.2.2), they set up the targets for sublevel agencies and also supervise the sublevel's work by routine or non-routine inspection and formal evaluation at the end of the year (chapter 5.4.1). This evaluation system is called the

Population and Family Planning Responsibility System (*renkou he jihuashengyu mubiao zeren shu* 人口和计划生育目标责任管理制).

At the town level, it is normally the town party secretary who is the actual top leader of both the party and the government. He has decisive influence on the local issues, including the family planning implementation. Therefore, in order to strengthen the local government support for family planning implementation, other supervision systems were also set up: the Leadership Responsibility System (*yibashou fuze zhi* 一把手负责制) (chapter 5.4.2.1) and the Single Veto System (*yipiao foujue zhi* 一票否决制) (chapter 5.4.2.2). These two systems have increased the town government's and Party head's liability for the fulfilment of the family planning tasks. The town leaders not only need to supervise their sublevel departments' 'single veto' on any individual violating the family planning regulations (chapter 5.2.2), but they are also responsible for the whole town's family planning work (5.4.2.2). Regarding the individuals on the state pay roll, they would be denied promotion or even fired if they broke the family planning regulations, and their work units or department leaders would be disqualified from awards and commendations. As for the town leaders, they would be disqualified from promotion if they had performed poorly in family planning or the town did not pass the assessment set by the population and family planning responsibility commission (*renkou he jihua shengyu mubiao zeren shu* 人口和计划生育目标责任书).

China's town government officials, unlike the grassroots level bureaucrats in many other countries who are often assigned a limited number of specific tasks, are responsible for the majority of governance issues related to almost all aspects of local

people's lives.<sup>2</sup> In facing these various tasks, the town government often uses their autonomy to decide the priority of the tasks (chapter 5.3.2). The criteria for priority is not whether these policies are 'popular' or 'unpopular' policies for the local villagers, but whether the policies' targets are 'hard' targets that matter most to the town government. Therefore, compared to the many other 'popular' policies with 'soft' targets, the family planning policies were paid the most attention in most areas because of their tough targets.

Similarly, regarding the family planning tasks, the town government and town family planning officials again use their discretion to decide the priority of the tasks. The criteria for deciding the priority is mainly made based on the quota and evaluation standards of the Population and Family Planning Responsibility System (chapter 5.4.1). Depending on the Population and Family Planning Responsibility Commission (*renkou he jihua shengyu mubiao zeren shu* 人口和计划生育目标责任书), the tasks with the hard targets and quantitative quotas became their top task: rate of planned births, non-permitted third and above births, long term contraceptive rate, social compensation fees collection rate (chapter 5.4.1.2).

Regarding the town government's autonomy, some supervision systems were set up: democratic evaluation (*minzhu pingyi* 民主评议) and the town people's congress. However, because of political traditions and the practical settings, these two systems had a limited function to constrain the town government discretion (chapter 5.5).

This limited constraint on the town government also applies to the town family planning officials. When facing intense pressures and impractical deadlines and targets from the upper level government that they could not realistically fulfil, they

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<sup>2</sup> O'Brien and Li, "Selective Policy Implementation in Rural China." 168.



would sometimes produce fake figures to satisfy the upper level's inspections (Chapter 5.6).<sup>3</sup> Unreliable Chinese statistical data, particularly the birth-planning figures, have become a new problem facing by the Chinese government.

#### **9.1.2.2 Political Influences**

From the end of the 1990s, a new democratic system started in China's villages: the village committee election (chapter 6.3.3). However, this new political system caused new obstacles for the family planning implementation. Before the village committee election, it was mainly the town government who nominated the villager leaders. In the new system, the town government has less influence on the village leaders' candidates. Meanwhile, the new elected village leaders often provided less cooperation on the 'unpopular' policies implementation, since they worried about losing the villagers' support. In addition, the village family planning officials positions are often occupied by the women's leader (*funv zhuren* 妇女主任). As a female member in the village committee, the women's leader faces the risk of regular replacement every three years. This frequent changing of women's leader, who is also the family planning official, resulted in extra training work for the town officials and inconsistent work at the village level. Overall, the new democratic system in the villages has resulted in less support from the village leaders for the family planning work. Furthermore, the low pay for the village family planning officials caused less competition for this job - the general low education level has been another obstacle for the implementation. Overall, all these factors have caused more difficulty for implementation and extra tasks for the town officials.

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<sup>3</sup> Scharping, *Birth Control in China, 1949-2000: Population Policy and Demographic Development*. p.331.

### **9.1.2.3 Employment Conditions**

Most town family planning officials work in poor conditions: insufficient equipment, job insecurity, and low pay. These issues are caused by both the family planning organizational settings (chapter 4.3.2.2) and insufficient family planning funding (chapter 7).

At the town level, in response to being over-loaded with family planning tasks that have demanding targets, the town government would often recruit more temporary staff to strengthen the labour force and in turn strive for a better outcome. These extra recruited staff make up more than 60% of total family planning officials numbers at EY town. But with limited positions in the formal establishment (*bianzhi* 编制), these temporary staff have neither guaranteed jobs nor wages, or any other kind of welfare received by state paid officials (7.3.4). The problem of the temporary staff's wages is normally resolved by using social maintenance fees.

### **9.1.2.4 Economic Development Level and Reproductive Culture/Religious**

#### **Culture**

The social maintenance fees, in addition to being used to pay the temporary town family planning officials' wages, also cover the running costs caused by the over-loaded family planning tasks. Sometimes, they are even shared by other departments of the town government. Therefore, the collection of the excess-birth fines became not only important for fulfilling the family planning tasks, but also became closely related to the town family planning office's running costs and staff wages. The standard set for the excess-birth fines is mainly decided according to the local economic levels (chapter 8.2.3) and the resistance from the local villagers. This resistance is still mainly caused by the local reproductive culture and religious

culture. The local culture usually refers to the reproductive culture of pronatalism and son-preference. This culture influences not only the policy formulation at the macro level<sup>4</sup> but also the practical implementation. LH village, a village in the neighbourhood town, is a good example of the religious culture. At LH village, a Christian village in the neighbourhood of EY town, the enforced family planning had almost caused a riot because of the villagers' religious beliefs.<sup>5</sup> Since then, the family planning regulations have never been actually implemented there.

#### **9.1.2.5 Interest Groups**

From the above analysis, another factor, which also contributed to the local officials' discretion in implementation, was found to be the relationships between various interest groups. In the implementation of the family planning regulations, in addition to the main executive's authority over the town family planning officials and the town government, and the objectives of the villagers, there are some other important interest group that play a role, such as the local work units<sup>6</sup> (they supervise their employees' reproductive behaviour), the local hospital and police station, and the village leaders. These actors used to provide important cooperation with the family planning agencies, but now they offer much less support as a result of the market economy and the new democratic system. This less cooperative relationship has caused the town family planning office to become more isolated when carrying out the implementation.

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<sup>4</sup> In order to soften the conflict with the Chinese reproductive culture, especially in rural China, the PRC's family planning regulations have a relatively relaxed policy for rural residents: if the first born child is a girl, the couples can be allowed to have a second child.

<sup>5</sup> See interview GuEY12102009.

<sup>6</sup> Most of these local work units where the villagers were hired are private enterprises.

#### **9.1.2.6 Family Planning Officials' Understanding of Their Own Work**

Furthermore, the family planning officials' understanding of their own work has also influenced their work performance. In the 1980s, even with the great resistance from the local villagers due to the conflict with China's traditional son-preference and pronatalist culture, most of the town family planning officials were proud of their work: not only because they got the chance to join the cadre team who had superior lives in many ways, but also because they were fully supported by the village, town, and upper level governments, which made them see this job as a revolutionary task against the 'old traditional culture'. However, since the end of the 1990s, with the economic development in China, and more and more democracy ideas from the West taking root, the family planning officials have gradually changed their views on the family planning tasks. With the comparatively low pay, and the position of family planning cadre being considered a dead-end department, these officials have lost their perceived superiority over the locals. Meanwhile, they have started to be more sympathetic to the villagers' situations: who might need a son to either continue the family line or supply labour, and consider the enforced birth control methods to not be a humane method (although they wouldn't know much about human rights). This new self-understanding has influenced their performance: they have become less willing to enforce birth control unless it is for the purpose of fulfilling the tasks.

#### **9.1.2.7 A Society With Imperfect Rule of Law**

Although China's family planning policy has been regulated in a legal regime following the launch of the State's Population and Family Planning Law in 2002, and the local officials have been required to adopt a legal enforcement method when

implementing the family planning regulations, i.e. when collecting overdue social maintenance fees, the family planning regulations have still been treated mainly as administrative issues in practice. This is rooted in the culture in which administrative regulations often take priority over the law,<sup>7</sup> and of using informal dispute resolution methods. Even modern China is a relationship-based society, which always prevails over a rule-based or market-based society. These relationships exist everywhere in Chinese life, in getting employment, work promotions, housing, information, education, and can almost used to solve all the formal and informal, legal or non-legal affairs in China. Therefore, the law, as a formal resolution method, is only used as a last resort.

### **9.1.3 The Grassroots Officials' Discretion over the Family Planning Implementation**

Based on the analyses of chapters 4-7, Chapter 8 explored the town family planning officials' discretion level in the implementation. As decided by the family planning assessment system – Family Planning Responsibility System (chapter 5) – and actual financial need, the town family planning officials' work is mainly focused on birth-control operations and fee-collections. In the actual implementation, as a result of considering the local economic levels, resistance from the local villagers, and local government support, the town officials often set up their own standards for the fines and birth-control operations rather than adhering to the formal standards set by the upper level governments.

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<sup>7</sup> Similar as Russian, China's legal system is composed not only by the laws but also the administrative regulations, and the latter are often have priority over the law. See Jane Henderson, "Law as Regulation," in *The Russian Socio-Legal Tradition: Report and Analysis of a Workshop Held at Wolfson College, Oxford 19th April 2012*, ed. Marina Kurkchyan (2012).

In conclusion, the factors influenced the family planning regulations' implementation in rural China can be concluded as: formal and informal organizations, sets of norms (culture, convention), cognitive (understanding of the world), relationships, and resources (funding, employment conditions, resources).<sup>8</sup>

## 9.2 Consequences of the One-Child Policy

The social consequences of the one-child policy have been studied since the middle 1980s. These consequences include: gender inequality and disparity, an unbalanced sex ratio and female discrimination, labour shortages, a change in the population's age distribution, a widening of the rural-urban divide, unplanned births, and changes to the personality of the single-child, the family structure and traditional Chinese culture.<sup>9</sup> Most of these were predictions that have been confirmed by now. Amongst these consequences, the most serious ones are China's ageing population and unbalanced sex ratio, as well as the labour shortage. Based on the 2010 national census, the gender ratio of newborn babies born between 2000 and 2010 was 118 males to 110 females. It is estimated that there will be 15 percent more young Chinese men than women in 20 years.<sup>10</sup> In addition, labour shortages have also been reported since the beginning of the 2010: 'Climbing wages and a diminished demographic dividend point to big changes for the manufacturing sector in China'.<sup>11</sup>

The most serious consequence is the aged population. With 13.26% of the population

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<sup>8</sup> See Steinmo, Thelen, and Longstreth, *Structuring Politics: Historical Institutionalism in Comparative Analysis*. Powell and Dimaggio, *The New Institutionalism in Organisational Analysis*; Dimaggio and Powell, "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields."; Meyer and Rowan, "Institutionalized Organizations: Formal Structure as Myth and Ceremony." Scott, *Institutions and Organizations: Ideas and Interests*.

<sup>9</sup> Supra note 12-19, chapter 1.

<sup>10</sup> Wang Feng, "You've Come a Long Way, One-Child Policy," <http://english.caixin.com/2011-04-29/100254386.html> (20/12/2014).

<sup>11</sup> Huo Kan, "Labour Dents Appear in China's Factory Armor," <http://english.caixin.com/2011-06-02/100265552.html> (10 March 2011).

now above the age of 60, which is 2.93% higher than 10 years ago,<sup>12</sup> China is starting to face the ‘timebomb’ of ageing population. This ageing population is causing many other social problems, such as the increasing expenditure on pensions, greater pressure on social security and public services, the relationship between generations, and on the elder people left in the rural areas when the younger generations have migrated to the urban areas.<sup>13</sup> In contrast to the aging population of other countries, the problem is more serious in China: ‘She is getting older before she has got rich.’<sup>14</sup> Therefore, much research has called for the Chinese government to change its population policy to meet these demographic changes.

### 9.3 Recent Changes and Prospective Development of China’s

#### Population Policy

In 2013, the Chinese government finally started to relax its population policy after 30 years of implementing the strict one-child policy. A selective two-child policy was confirmed by the central government, and the family planning organizations were reorganized.

In 2013, the National Population and Family Planning Commission was integrated with the National Health Ministry to form a new National Health and Family Planning Commission (*guojia weisheng he jihua shengyu weiyuanhui* 国家卫生和计划生育委员会).<sup>15</sup> The functions of studying and drawing up population

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<sup>12</sup> Feng, "You've Come a Long Way, One-Child Policy" (20/12/2014).

<sup>13</sup> "Challenges to China's Population: The Tendency of Few Children and Aging," <http://en.people.cn/100668/102793/102811/7560854.html> (21st December 2013).

<sup>14</sup> "China Faces 'Timebomb' of Aging Population," <http://www.theguardian.com/world/2012/mar/20/china-next-generation-ageing-population> (2nd June 2012).

<sup>15</sup> On March 2013, the 1<sup>st</sup> Conference of the 12<sup>th</sup> National People’s Congress approved the State Council’s Organizational Reform and the Functional Transfer Proposal (*guowuyuan jigou gaige he zhineng zhuanbian fangan* 国务院机构改革和职能转变方案).

development strategies and population regulations of the former Family Planning Commission were transferred to the National Development and Reform Commission (*guojia fazhan he gaige weiyuanhui* 国家发展和改革委员会). The integration of these two ministerial-level departments is aimed at better upholding the basic national family planning policy, improving medical and health care services and deepening institutional reform in the medical care and public health sectors.

The new National Health and Family Planning Commission is responsible for planning the resource allocations of medical care, public health and family planning services, establishing a basic medicine system to standardize drug prices, formulating China's family planning regulations, and supervising and administering public health, medical care and family planning services.<sup>16</sup> This national level reorganization was completed in June 2013.<sup>17</sup> In the new Commission, three family planning departments were set up: the grassroots level family planning advice department (*jihua shengyu jiceng zhidao si* 计划生育基层指导司), the family planning families' development department (*jihua shengyu jiating fazhan si* 计划生育家庭发展司), and the migrant population family planning service department (*liudong renkou jihua shengyu fuwu guanli si* 流动人口计划生育服务管理司). The sub-national level reform was started soon after the national level reform. At the time of writing, the end of 2014, most province level agencies are in the process of reformation and

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<sup>16</sup> Xinhua Net, "The State Council Will Set up National Health and Family Planning Commission (*Guowuyuan Jiang Zujian Guojia Weisheng He Jihuashengyu Weiyuanhui* 国务院将组建国家卫生和计划生育委员会)," [http://news.xinhuanet.com/2013lh/2013-03/10/c\\_114965277.htm](http://news.xinhuanet.com/2013lh/2013-03/10/c_114965277.htm) (10th March 2013).

<sup>17</sup> See "Regarding the Notification Published by the State Council Office About the National Health and Family Planning Commission's Main Tasks, Initial Organization Setting and Staff Arrangement (*Guowuyuan Bangongting Guanyu Yinfa Guojia Weisheng He Jihuashengyu Weiyuanhui Zhuyao Zhize Neishe Jigou He Renyuan Bianzhi Guiding De Tongzhi* 国务院办公厅关于印发卫生和计划生育委员会主要职责内设机构和人员编制规定的通知)," (*GuobanFa* (No. 50), 2013).



transformation while the sublevel agencies in most regions have not started the process yet.

On 12<sup>th</sup> November 2013, the relaxation of the one-child policy to a selective two-child policy was confirmed by the central government: the Third Plenary Session of the 18<sup>th</sup> Central Committee approved the Decision on Major Issues Concerning Comprehensively Deepening Reforms (*zhonggongzhongyang guanyu quanmian shenhua gaige ruogan zhongda wenti de jueding* 中共中央关于全面深化改革若干重大问题的决定). This decision allowed couples to have a second child if one parent was an only child. By the end of 2014, except Hongkong, Macao, Xinjiang, Tibet, (Taiwan), all other 29 provincial regions had approved the second-child policy.

Despite the relaxation of the birth planning policies, a comprehensive two-child policy has not been scheduled. On 6<sup>th</sup> March 2014, Li Bin, the head of the National Health and Family Planning Commission, reported that China would stick with the current policy for the foreseeable future at the annual session of the National People's Congress.<sup>18</sup> In practice, the new two-child policy mainly focuses on urban residents of the 1980s and 1990s single-child generation. There is less impact on rural families as second children were permitted for rural families in the original policy if their first child was a girl.

However, some recent research on the new population trends based on China's new population policy have indicated that the population growth is slower than expected. During the last couple of months, there have been fewer couples applying for the

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<sup>18</sup> Juan Shan and Huanxin Zhao, "No Timetable for Family Planning Policy Changes," [http://www.chinadaily.com.cn/china/2014npcandcpcpc/2014-03/07/content\\_17329060.htm](http://www.chinadaily.com.cn/china/2014npcandcpcpc/2014-03/07/content_17329060.htm) (7th March 2014).

second child quota than expected. Based on this trend, some scholars estimate that the population growth rate would not make up for the labour shortage and ageing society problems even if a comprehensive two-child policy is fully implemented.<sup>19</sup> Based on these findings, the author predicts that the Chinese government will soon further relax its population policy to a comprehensive two-child policy.

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<sup>19</sup> Xiaohong Ma, "Why the Application of the Selective Second Child Permission Meet Cold -- a Research Based on Beijing (*Dandu Erhai Shenqing Weishenme Yuleng?--Jiyu Beijing De Yanjiu* 单独二孩申请为什么遇冷? —基于北京的研究)," in *Face to the Future's China's Population Study and Third Population Policy Conference (mianxiang weilai de zhongguo renkou yanjiu yu disanci shengyu zhengce yantaohui 面向未来的中国人口研究与第三次生育政策研讨会)* (Shanghai2014); Wenzheng Huang, "China's Population Trend and Its Influence to the Future (*Zhongguo De Renkou Qushi He Dui Weilai De Yingxiang* 中国的人口趋势和对未来的影响)," (2014).

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