

Population Control and Sex-Selective Abortion in China and India:

A Feminist Critique of Criminalisation

Authors: [Navtej Purewal](#)* & [Lisa Eklund](#)**

***SOAS University of London, Department of Development Studies, London,
WC1X0XG UK**

****University of Lund, Department of Sociology, Lund, Sweden**

Abstract

This chapter outlines some of the key concerns with criminalising sex-selective abortion (SSA) in China and India, highlighting that it offers no identifiable options for sustainable, women-centred, progressive change. Instead, the criminalisation of SSA sits firmly within other forms of carceral feminism. Framing SSA as “female feticide”, “femicide” or “gendercide” is problematic, as such terms advance arguments for limiting women’s access to safe abortion through the indication and synonymisation of abortion with the notion of killing. Such a conflation of abortion and killing runs many risks in compromising the long struggles of feminist movements globally to defend access to safe abortion. While representing different ideological regimes, in both contexts, criminalising SSA has contributed to and bolstered the assertion of state power but without the feminist structural analysis of what generates son preference.

Introduction

This chapter focuses on policy approaches towards sex-selective abortion (SSA) within the contexts of population control policies in China and India, two countries that stand at the forefront of global patterns of masculine sex ratios attributed to daughter deselection before and after birth.ⁱ Parallels between the two countries in terms of discrimination against females suggest that reproductive behaviour and demographic outcomes have multifaceted cultural and economic sources (Purewal 2010; Eklund, 2011a; 2015; Eklund & Purewal, 2017). In India, within a broader Malthusianⁱⁱ approach to population control, the government has addressed female deselection through stigmatisation and labels such as 'daughter-killing' (*kurimaru*) in its approach to SSA. In China, the government has highlighted sex ratio imbalance as an obstacle to sustainable development and ultimately a threat to the peace and stability of the country (Eklund & Purewal, 2017). In a two-pronged approach of incentivising the birth of female children and criminalising sex-selective abortion, both China and India exemplify how population control and sex-selection have converged within a disciplinary discourse marked by carcerality. As a feminist analysis of the criminalisation of SSA, this chapterⁱⁱⁱ will provide an overview of policies and campaigns in both countries to scrutinise the significance of criminalisation in preventing abortions based on gender discrimination.

Feminist analysis of sex-selective abortion

Feminist analyses of SSA have cut across positions highlighting women's reproductive right to safe abortion, on the one hand, and those pointing to gender discrimination against the birth of female babies on the other hand (Purewal & Eklund, 2018).^{iv} The faultline between gender discrimination and reproductive rights signifies how feminist analyses have been divided on SSA. This has partly unsettled a previously established feminist discourse on abortion rights which now sits uncomfortably alongside debates around the gender discrimination dimensions of SSA, debates which often evoke terms such as femicide and gendercide.

The term gendercide gained currency in part due to the work of feminist philosopher Mary Anne Warren's (1985) who initially did not consider SSA to be an act of gendercide, but thought it may *lead to* gendercide. Warren later reconsidered her position and argued that SSA can be ethically defensible only in contexts free from gender preference (Warren, 1999, cited in Nie, 2010). Other feminist critiques of SSA have gone further by framing the practice as gender-based violence, drawing attention to the rights of the female foetus, rights which are commonly invoked by anti-abortion advocates (Goodkind, 1999). By combining the concepts of rights and violence in the discourse of "femicide" and "gendercide," such positionings have led to misconstrued rhetoric surrounding the debate on SSA. The suffix "-cide" in "femicide" or "feticide" synonymises SSA with "mass killing" or extermination. This has ushered a problematic policy conflation of criminalisation of abortion and SSA (Purewal & Eklund, 2018). Our main objective here is to highlight how the violence/rights

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

debates have muddled the conceptual terrain of SSA-related policies by straddling a criminalising, punitive discourse alongside a rights framework.

Sex-selective abortion policies: criminalisation and carceral feminism

The inclusion of SSA within identified practices of gender-based violence situates it within policy approaches tied to legal punitive measures. The function of criminalising SSA can be understood through an array of angles. Claude Faugeron (1995) pinpoints how criminalisation operates for serving parallel purposes. Through their study of prisons, Faugeron highlighted three strands or aims of imprisonment: “imprisonment of safety”, “imprisonment of differentiation”, and “imprisonment of authority”. Building on our earlier work (Eklund & Purewal, 2017) we argue that the criminalisation of SSA can be critically understood through this framework as it succinctly identifies the carceral discourse and measures which frame state policies addressing masculine sex ratios.

The “criminalisation of safety” seeks to deter harm to the “girl child” or the female fetus by emphasising the state’s role as protector. The “criminalisation of safety” approach would view the pregnant woman as simultaneously a colluder or victim of gender-based violence as well as a potential perpetrator succumbing to social and cultural pressures but who is also the site at which an act of criminality, SSA, takes place. The “criminalisation of differentiation” isolates certain social categories which are deemed deviant for their propensity for son preference. As such, sex-selection has become identified as a “social evil” within an already contested terrain of abortion rights. The state’s powers and jurisdiction over its citizenry are exerted through the “criminalisation of authority.” Criminalisation requires constructions and rhetorics of stigma and deviance, and, as Hatzenbuehler and

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

colleagues (2013, e. 1) argue, "policies and interventions must address the social factor itself, rather than the putative mechanisms that link this factor to health". The conflation of SSA as both a form of gender-based violence and a "social evil" exerts a disciplinary function through the "abnormalisation" of SSA, extending the measures of authority of the state (Alexander, 2011).

Mobilisations, including feminists and civil society organisations, have pushed for SSA to be banned by the state and for there to be punitive measures in place. As such, criminalisation as a policy approach (Faugeron, 1995; cited in Wacquant, 2001) has contributed to emerging carceral feminism which has lobbied and petitioned for zero-tolerance and punitive measures against gender-based violence, including SSA, which has muddled the terrain between the violence and rights discourse on SSA. Carceral feminism, an outcome of feminist demands and mobilisations for the state to take action on gender-based violence, has been met with a critique which recognises the perils of criminalisation and considers the possibilities of operating outside of the carceral apparatus (Vergès 2022, Bernstein 2007; Terwiel, 2019; Crenshaw, 2013). To have a non-carceral feminist perspective on SSA means to adopt a critical approach towards criminalisation which does not necessarily altogether dismiss punitive measures, but looks critically at the state's use of criminalisation as a means to address SSA. It also recognises that despite the criminalisation of SSA, son preference openly continues as a discriminatory logic which justifies and sanctions the sentiments behind daughter deselection. Within the predominant carceral discourse on SSA, there has been an assumption that state laws to ban SSA will bring about change through fear of the law and legal jurisdiction, even if not followed up in action.

Policy approaches to Population Control and SSA in China and India: An Overview

Population control in China: Conflicting logics of criminalisation

China launched its population control policies in the 1970s through the *wan, xi, shao-* policy, which encouraged couples to marry later, have fewer children and have longer spacing between childbirths. Thanks to information campaigns, improved access to health care and contraceptive services, the total fertility rate dropped from close to 5.81 in 1970 to 2.75 in 1979 (Greenhalgh & Winckler 2005: 17), when the One-child policy (OCP) was launched. The OCP represented an unprecedented interventionistic approach of criminalisation of authority, with an initial emphasis on the criminalisation of excess births (Eklund & Purewal, 2017). With few exceptions, Chinese couples were allowed only one child, and where two children were permitted, spacing of four years between the first and second child was required at least until the late 1990s. The OCP rested on a logic of criminalisation of safety, where the out-of-quota^v, unborn child was seen as a threat to the development and future prosperity of the nation. Consequently, abortion became part of the Chinese nation-building project, and undergoing abortion became part of being a “good mother subject” (Cao, 2015).

Though the fertility rate had dropped markedly during the 1970s, it was hard to reduce the number of births even further, as many couples, especially in rural areas, could imagine having one child only if that child was a son (Eklund 2011a). Hence, during the 1980s and 1990s, the OCP had not fully achieved the function of ‘criminalisation of differentiation’. Except in some urban centres where one child had been normalised, wanting and ensuring a son was born was not seen as deviant or abnormal in popular terms (Greenhalgh &

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

Winckler, 2005). Hence, the OCP met with resistance in many rural areas. To tackle this, China eased the one-child norm in most rural areas, allowing a second child if the first-born was a girl or had a disability. The 'criminalisation of safety' logic was revised to reduce the number of excess births while, at the same time, granting rural families the opportunity to have one son or two daughters. This so-called '1.5-child policy' (Ebenstein 2001), which remained until the two-child policy was introduced in 2016, effectively legitimised son preference, sanctioning the belief that girls are not as valuable as boys (Eklund, 2011a).

As part of the implementation of the OCP, married women of reproductive age had to undergo gynaecological checks regularly to detect unauthorised pregnancies and to ensure IUDs were not removed (Milwertz, 1997). Essential to this task were ultrasound machines, which became widely available in the mid-1980s, even in remote rural areas. Soon, it became clear that it was possible to combine the strict birth control policies with the cultural and economic imperative to have a son, namely using ultrasound to sex-determine the foetus (Nie, 2010). The fact that China's sex ratio at birth (SRB) started to increase by the mid 1980s evidences the widespread practice of SSA, enabled by this new technology. To prevent escalating SRBs, sex-determination was banned, first through a regulation issued by the State Commission for Family Planning and Ministry of Health in 1986 (Nie, 2010). Then, by 1994, the Law on Maternal and Infant Health Care criminalized not only foetal criminalised sex-determination without medical ground but also SSA.

Criminalising SSA presented a different logic to the OCP, namely criminalisation of safety from the point of view of protecting the unborn girl child. While both the OCP and sex selective abortion can be seen as part of controlling the population, they represented two conflicting logics, with abortion at its centre. Abortion was an important tool to prevent

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

excess births, while at the same time an effective measure to de-select daughters. Hence, SSA contributed to keeping birth rates down. Turning a blind eye to SSA was a way for local family planning cadres to stay within the targets of unauthorized births, a target to which they were held accountable (Eklund 2011b). Moreover, the four-year birth spacing requirement was an effective argument for undergoing a late-term abortion. After all, having an out-of-plan birth was associated with fines, and with ethical considerations removed, the case for late-term abortion was easily made.

Carceral state feminism with Chinese characteristics

The criminalisation of safety focused on reducing birth rates and the criminalisation of safety to protect the “girl child” portray a contradictory message of aiming to drive down the number of births while simultaneously claiming to protect female births. This could partly explain why the SRB imbalance continued to worsen around the turn of the century, reaching 120.5 in 2005 before it started to drop. Perhaps, in acknowledging that it needed to alter its approach, the Chinese government showed a revised approach and launched the “Care for Girls Campaign” (henceforth, the Campaign) in 2003, to enhance the value of the girl child, promoting gender equality, and normalising SRB by the year 2020 (Shang, Li & Feldman 2012), a target which has not been met (Jiang and Zhang, 2021). Apart from strengthening the management of illegal sex determination and SSA, by collaborating with a wide range of government agencies, the Campaign consolidated the work to boost the function of criminalisation of differentiation. It was obvious that without affecting public opinion and attitudes around the girl child, SSA was hard to avoid given son preference and the OCP, which pressed fertility rates artificially low. By emphasising the equal value of

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

girls and boys, and pitching son preference and SSA as “feudal” and “backwards”, being content with daughters only was seen as a sign of a “good citizens” (Eklund, 2011b). Yet, as noted by Rachel Murphy (2014), the activities within the Campaign have had largely controlling effects, by way of a “care as control” policy response, ignoring institutional underpinnings, such as the 1.5-child policy, discrimination of women in the labour market and son preference. Moreover, Eklund (2011b) found that by capitalising on stereotypical gender norms embedded in awareness campaigns, the Campaign fosters essentialist ideas of the value of sons and daughters respectively, partly contradicting the objective of promoting gender equality.

Another dimension of the awareness-raising side of the Campaign, was the attention drawn to the increasing numbers of men who would be “squeezed out of marriage” due to the shortage of future brides, generating so called “bare branches”. Hence, concerns over SSA and skewed sex ratios, was not only a concern for women and girls, but indeed a concern for men and the nation as a whole, since involuntary bachelors were seen as a destabilising factor. Hence, although often framed in feminist discourse and for gender equality reasons, the Chinese state’s carceral approach to SSA concerns much more than the girl child (Eklund, 2011b).

We argue that the lack of a firm anchoring in the women’s rights movement suggests a particular form of state feminism with Chinese characteristics. It is the overall structure, quality and quantity of the population that is the overarching goals, rather than the rights of individual women. In fact, abortion rights, or the lack thereof, have shifted over time. While abortion was readily available and accessible during the OCP, in late September 2021, the State Council (2021) issued *The Outline of Women's Development in China (2021-30)*,

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

which includes that abortions for non-medical reasons should be reduced. Within a rhetoric of gender discrimination against the birth of female babies, restricted abortion services are pitched as a gender equality measure, with the unborn girl child at its centre, as well as the reproductive capabilities of women to carry children. This logic does not only compromise women's reproductive rights to safe abortion, but also leaves silent the gender inequalities that underpin son preference and SSA in the first place. The recent turn in carceral state feminism feeds into the pronatalist ambition to boost fertility rates, a goal that became explicit with the shift to a three-child policy in May 2021. For the first time, women's access to abortion services is being limited in the name of preventing SSA. Like this, China joins the ranks of other countries that have used restricted abortion rights to boost fertility, such as Japan and Poland (cf Purewal & Eklund 2018).

The carceral roots of population control in India

The Indian state, without the same level of centralized authority as China, has not enacted any policy as all-encompassing as China's one-child policy (OCP) or its subsequent two and now three-child policies. Yet, in 1952, India was the first country in the world to make family planning a state-led initiative. Despite this, India's population size is regularly blamed for an array of development challenges, pressuring India to address its "population problem". India's population size and rate of growth became a key priority for the central government's Planning Commission which, in the 1960s, began to promote male and then female sterilisations as a direct approach to bring down population growth.

Between 1975-1977, the government embarked on an unpopular forced sterilisation campaign for 22 months of martial rule, known as "the emergency". Approximately six

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

million men, mainly poor, were sterilized by coercion, evidencing the will and might of the state on this issue (Kasun, 1999). Ultimately, popular opinion formed against male sterilisation, and there was an immediate turn towards women as the new targets of population control. However, the mould had been set for coercion to achieve population targets by the state. Additionally, the small family as an ideal had become an established discourse for a range of population control campaigns across India. Notably, there was a decline in the average number of children per woman from 5.2 to 2.6 between 1972 and 2008 (Registrar General of India, 2008). However, the policy emphasis remained on population control rather than improving reproductive health or addressing inequalities.

Population control and SSA have been intertwined throughout the history of population policy in India. India was also the first developing country to legalize abortion in 1971 through the Medical Termination of Pregnancy Act (MTP) (Visaria, 2007; Visaria, Ramachandran, Ganatra & Kalyanwala, 2007). India's approach to SSA sits against another historical backdrop of the British colonial state's criminalisation of female infanticide under the Indian Penal Code in 1860.

The sex ratio became clearly identified as an outcome of inequality emerging from the decline in the fertility rate. Thus, the successes in hitting population target reduction had simultaneously generated the sex ratio as an indicator of reproductive inequality (Patel, 2007). Son preference was recognised as a part of the social context in which reproductive decision-making takes place. Sex-selection became more widespread through technological means from the late 1970s through pre-natal sex-identification technologies. Thus, as fertility declined, there was an intensification of male bias (Das Gupta & Bhat, 1997; Basu, 1999). Sex-selection, which had previously fallen under the umbrella term "female

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

infanticide,” was now renamed as “female feticide” by the Indian women’s movement, which actively warned and protested against the use of reproductive technologies for prenatal female deselection (Gandhi & Shah, 1991).

However, the Indian women’s movement was slow to assert a position to defend women’s rights to safe abortion which created a vacuum within the public discourse on SSA. As a result, there has been a conflation of sex-selection and abortion within policy and legal debates on SSA in India. The two main legal frameworks which highlight the SSA policy terrain are the 1994 Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) (PNDT) Act in which diagnostic methods of sex-selection such as the ultrasound scan were made illegal and the 2003 Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex-Selection) Act. The banning of sex-selection under these two acts did not reduce the masculine trend in the ratio of females to males, showing how ineffective banning SSA through its implicit conflation of sex-selection and abortion has been (Potdar, Barua, Dalvie & Pawar, 2015).

India’s SSA policies across three types of criminalisation

After the two anti-SSA acts of 1994 and 2003 in India, the demographic data made it evident that the SRB was not being addressed by criminalisation. A number of schemes and campaigns were subsequently introduced to highlight the “social evil” of daughter discrimination through state-sponsored social messaging. These campaigns spanned several policy narratives - punitive, prohibitive and preventative. All three forms of criminalisation were embedded in the policy discourses: in protecting the “girl child” as criminalisation of

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

safety; criminalisation of differentiation by signalling a sense of deviance about those who sex-select; and criminalisation of authority which gave the state powers to invoke punitive measures. Within this framework of criminalisation in India, there are three main types of programmes promoted by local, state and central governments: (1) awareness-raising or sensitising schemes, (2) incentivising schemes, and (3) prohibitive, deterrence schemes.

Criminalisation of safety can be seen in awareness-raising schemes which have been a long-running feature in India since the UN Decade of the Girl Child (1990-2000). Subsequently, in 2009, the 24th of January was declared National Girl Child Day. Each year schools and colleges organise “anti-feticide” activities, produce posters, and host pledge-signings to not partake in the act of SSA (Purewal, 2014). However, these awareness programmes have done little to address structural aspects of son preference such as the widely accepted practice of father to son inheritance and women’s lack of material ownership which form the patriarchal underpinnings of son preference. Girls continue to be depicted to exist only as the proprietary subjects of the patriarchal unit and therefore in need of protection.

Incentivising schemes through the private banking sector have been designed to encourage the continuation of daughter pregnancies through financial schemes which purport to provide financial compensation to the parents of female children due to the costs associated with having daughters. There is an implicit criminalisation of differentiation embedded in such schemes which highlight the deviance of daughter deselection while incentivising daughters. Like incentivising schemes, awareness-raising campaigns fall short of confronting and rejecting the structural dimensions of daughter discrimination. Rather than challenging hegemonic normative patriarchal marriage practices—which burden the parents of girls—they make a play on the cultural backdrop of asymmetrical marriage relations

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

between the girl's side (bride) and the boy's side (groom) and dowry customs. Instead, the idea of daughters as financial burdens has been propagated through the marketing of anti-daughter deselection by claiming to offset the costs of having a daughter (Purewal, 2010).

The criminalisation of sex-selection in India is firmly hinged on the "criminalisation of authority" by the sheer performance of state power over the discourse on SSA. By emphasising the criminalized status of SSA, state power merely projects the idea of punishment without much reinforcement or follow-up. For example, surveillance of medical records or tactics to assign stigma and shame to those suspected to have involvement in SSA have aided in the criminalisation and policing of SSA and medical and reproductive health services.

In India, Malthusian techniques of coercive population control have been part and parcel of the history of sex-selection through overlapping mobilisations (Purewal, 2014; Rahm, 2018; Singh, 2013). Even though mobilisations by feminist, medical and social activists initially have viewed the 1994 and 2003 anti-SSA legislations as victories, the impending carcerality of the SSA has produced a scenario in which the sex ratio has continued to decline while few to no cases have actually resulted in legal action. The carceral discourse therefore has enabled an official "anti-female feticide" discourse in India with little follow-up, structural critique, or preventative, transformative work in addressing son preference.

Carceral discourses on sex-selective abortion: Implications for women

In this section, we return to Faugeron's three levels of imprisonment as a means for highlighting the ascent of the carceral discourse on SSA and what some of the impacts and outcomes have been for women in both contexts (cf Eklund & Purewal, 2017). There are three points of analysis which caution us about the criminalisation of SSA from the point of view of women's experiences. Here, we refer to the functions of criminalisation and relate them to the dangers when they are applied to SSA in the creation of a carceral discourse. We argue that this exacerbates rather than alleviates the pressures which produce son preference and skewed sex ratios.

The first is that criminalisation outlines the normative function of the "criminalisation of safety" by utilising a narrow definition of safeguarding by situating the female fetus at the centre while distancing the safety of the mother and the girl child. The safeguarding function of the state produces contradictory outcomes simultaneously involving both protection and criminalisation. However, the violence against women framing of SSA as well as the burden placed on women to give birth to sons both continue to contribute to this murky terrain of gender-based violence (Rew et al., 2013; Bélanger, 2002). When applied to SSA, criminalisation fails to recognise SSA as a "preventative measure" taken by women for either averting violence directed at them or saving a female child from structural experiences of discrimination (Santhya & Verma, 2004). While we are not arguing for this as an example of why "choice" should exist, we recognise this as one of the biggest misconceptions which carceral discourses and measures have failed to address. This perhaps also signals why criminalisation has not generated normalised SRB in many contexts.

The second point of analysis is that criminalisation, rather than alleviating stress, adds to the pressures and stress on women who are either considering or are undergoing SSA. There is

no scope for support for women who are considering or are being forced to undergo SSA when it is identified as a procedure which “violates” the “safety” of the female fetus. In the absence of a resourced, accessible support system for women, women are isolated and fear the law rather than seek its protection. Women under duress from family and patriarchal pressures to undergo a SSA face a complex and potentially detrimental set of concerns and considerations (Puri et al. (2011)). It is here that two forms of criminalisation operate in tandem in further exacerbating the pressures of sex-selection. On the one hand, criminalisation of safety generates a sense of guilt, and, on the other hand, criminalisation of differentiation generates shame (Eklund & Purewal, 2007). Yet, within the family and community environments, in many contexts, giving birth to girls can also generate shame. As Bhagat, Laskar and Sharma (2012) highlight, the higher the propensity towards son preference in a community, the higher the chances of female SSA being practiced. Therefore, the persistence of SSA needs to be understood in relation to these two functions of criminalisation, showing how both guilt and shame continue to be absorbed by women.

Our third point of analysis highlights how SSA, far from being a choice of freedom, operates as a choice of duress within patriarchal social structures which frame decision-making contexts of son preference. Criminalising women's engagement with reproductive technologies during pregnancy does little to challenge the hegemonic ideology of son preference, with the state and the family both retaining their proprietary claims over women's reproductive rights and choices. Having the “choice” to sex select is not a choice which strengthens women's reproductive “rights” but exemplifies how reproductive technologies undermine women's reproductive autonomy in the context of son preference (Petchesky, 1987; Purewal, 2010; Puri, et al 2011).

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

Male, patriarchal proprietary control over women's reproduction has been a key point of contention by feminists highlighting how violence is used as a tool to delimit and control women's autonomy (Wilson & Daly, 1992). In defending women's autonomy, the right to have access to safe abortion has been the primary mobilising message of the western and, to some extent, global feminist movement. However, feminist movements in places where sex-selection and masculine sex ratios are featured, such as in India, have focused less on the right to safe abortion than on SSA as a form of gender-based violence within the remit of criminalisation.

Conclusion

This chapter has outlined some of the key concerns with the carcerality of SSA, highlighting that it offers no identifiable options for sustainable, women-centred, progressive change. Instead, the criminalisation of SSA sits firmly within other forms of carceral feminism. The inclusion of SSA as a form of gender-based violence in China, India and other contexts has created a carceral discourse on SSA which had previously not existed. It is in the labelling of SSA as a form of violence that criminalisation of SSA has occurred. Feminist activists petitioning for recognition and inclusion of SSA as a form of gender-based violence are contributing to new forms of governance feminism and carceral feminism (Vergès 2022, Engle, 2019) through mobilisations for the state to put punitive measures in place. Framing SSA as "female feticide", "femicide" or "gendercide" is problematic, as such terms advance arguments for limiting women's access to safe abortion through the indication and synonymising of abortion with the notion of killing. Such a conflation of abortion and killing

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

runs many risks in compromising the long struggles of feminist movements globally to defend access to safe abortion.

The criminalisation of SSA eclipses policy debates which threaten rather than protect women. We have identified the quandary that feminist analysis has been presented with in its attempts to supposedly protect women. While women's rights and reproductive autonomy are central tenets of feminist mobilisations, this has become increasingly problematised with the availability and regulation of reproductive technologies in contexts of son preference and masculine sex ratios, such as China and India. While carceral space for disciplining of SSA has widened through legal bans, restrictions, and a sharpening discourse against SSA as a form of gender-based violence available data highlights the futility and pitfalls of criminalising SSA. Historically speaking, criminalisation has not had any major effect on decreasing masculine sex ratios. The reason is that government policies in China and India have been unsuccessful in addressing the underlying factors which perpetuate patriarchy, male bias and son preference. Punitive rather than preventative, structural approaches have prevailed. While representing different ideological regimes, in both contexts, criminalising SSA has contributed to and bolstered the assertion of state power but without the feminist structural analysis of what generates son preference.

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

References

Alexander, J.C. (2011). *Performance and Power*. Hoboken, NJ: John Wiley & Sons.

Basu, A. (1999). Fertility Decline and Increasing Gender Imbalance in India, Including a Possible South Indian Turnaround. *Development and Change*, 30, 237-263. DOI: 10.1111/1467-7660.00116

Bélanger, D. (2002). Son Preference in a Rural Village in North Vietnam. *Studies in Family Planning*, 33, 321-334. DOI: 10.1111/j.1728-4465.2002.00321.x.

Bernstein, E. (2007). The Sexual Politics of the "New Abolitionism", *d i f f e r e n c e s : A Journal of Feminist Cultural Studies* 18(3): 128-151. DOI: [10.1215/10407391-2007-013](https://doi.org/10.1215/10407391-2007-013)

Bhagat, N., Laskar, A.R., & Sharma, N. (2012). Women's Perception About Sex Selection in an Urban Slum in Delhi. *Journal of Reproductive and Infant Psychology*, 30, 92-104. DOI: [10.1080/02646838.2011.635297](https://doi.org/10.1080/02646838.2011.635297)

Cao, W. (2015). Exploring "Glorious Motherhood" in Chinese Abortion Law and Policy. *Feminist Legal Studies*, 23, 295-318. DOI: 10.1007/s10691-015-9291-7

Cho, S., Crenshaw, K.W. Crenshaw and L. McCall (2013) Toward a Field of Intersectionality Studies: Theory, Applications and Praxis.' *Signs*, 38 (4), 785-810. DOI: [10.1086/669608](https://doi.org/10.1086/669608)

Das Gupta, M., & Mari Bhat, P.N. (1997). Fertility Decline and Increased Manifestation of Sex Bias in India. *Population Studies*, 51, 307-15. DOI: [10.1080/0032472031000150076](https://doi.org/10.1080/0032472031000150076)

Ebenstein, A. (2010). The "Missing Girls" of China and the Unintended Consequences of the One Child Policy. *The Journal of Human Resources*, 45(1), 87-115.

Eklund, L. (2011a). *Rethinking son preference—Gender, population dynamics and social change in the People's Republic of China*, Lund University dissertations in sociology, Vol. 96. ISSN: 1102-4712

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

Eklund, L. (2011b). "Good Citizens Prefer Daughters": Gender, Rurality and the Care for Girls Campaign. In T. Jacka & S. Sargeson (Eds.). *Women, Gender and Development in Rural China* (124-142). London: Edward Elgar.

Eklund, L. (2015). Son Preference Reconfigured? A Qualitative Study of Migration and Social Change in Four Chinese Villages. *The China Quarterly*, 224, 1026-1047.

DOI:10.1017/S0305741015001198

Eklund, L., & Purewal, N. (2017). The Bio-Politics of Population Control and Sex Selective Abortion in China and India. *Feminism and Psychology*, 27(1), 34-55. DOI: [10.1177/0959353516682262](https://doi.org/10.1177/0959353516682262)

Engle, K. (2019) 'Feminist Governance and International Law: From Liberal to Carceral Feminism' in J. Halley, P. Kotiswaran and R. Rebouche and H. Shamir (eds.) *Governance Feminism: Notes from the Field*, pp. 3-30.

Faugeron, C. (1995). La Dérive Pénale. *Esprit*, 215, 132-144. [in French]

Gandhi, N. & Shah, N. (1991). *The Issues at Stake: Theory and Practice in the Contemporary Women's Movement in India*. New Delhi: Kali for Women.

Goodkind, D. (1999). Should Prenatal Sex Selection be Restricted? Ethical Questions and Their Implications for Research and Policy. *Population Studies*, 53, 49-61. DOI: [10.1080/00324720308069](https://doi.org/10.1080/00324720308069)

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

Greenhalgh, S. & Winckler, E. (2005). *Governing China's Population: From Leninist to Neoliberal Biopolitics*. Stanford, CA: Stanford University Press.

Hatzenbuehler, M., Phelean, J.C., & Link, B.G. (2013). Stigma as a Fundamental Cause of Population Health Inequalities. *American Journal of Public Health*, 103, 813-821. DOI: [10.2105/AJPH.2012.301069](https://doi.org/10.2105/AJPH.2012.301069)

Jiang, Q. & Zhang, C. (2021). Recent sex ratio at birth in China, in *BMJ Global Health* 2021;6:e005438. DOI:10.1136/bmjgh-2021-005438

Kasun, J.R. (1999). *The War Against Population: The Economics and Ideology of Population Control*. San Francisco, CA: Ignatious Press.

Kaur, R., Kapoor, T. (2021). The Gendered Biopolitics of Sex Selection in India. *Asian Bioethics Review*. 13, 111–127. DOI: 10.1007/s41649-020-00159-7

Milwertz, C.N. (1997). *Accepting population control: urban Chinese women and the one-child family policy*. Richmond: Curzon.

Murphy, R. (2014). Sex Ratio Imbalances and China's Care for Girls Programme: A Case Study of a Social Problem. *The China Quarterly*, 219, 781-807. DOI: [10.1017/S0305741014000691](https://doi.org/10.1017/S0305741014000691)

Nie, J.B. (2010). Limits of State Intervention in Sex-selective Abortion: The Case of China. *Culture, Health & Sexuality*, 12, 205-219. DOI: [10.1080/13691050903108431](https://doi.org/10.1080/13691050903108431)

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

Patel, T. (2007). Introduction. In T. Patel (Ed.) *Sex-Selective Abortion in India: Gender, Society and New Reproductive Technologies* (27-60). New Delhi: Sage Publications.

Petchesky, R.P. (1987). Foetal Images: The Power of Visual Culture in the Politics of Reproduction. In M. Stanworth (Ed.). *Reproductive Technologies: Gender, Motherhood and Medicine* (57-80). London: Polity.

Potdar, P., Barua, A., Dalvie, S., & Pawar, A. (2015). "If a woman has even one daughter, I refuse to perform the abortion": Sex Determination and Safe Abortion in India. *Reproductive Health Matters*, 23, 114-125. DOI: 10.1016/j.rhm.2015.06.003

Purewal, N. (2010). *Son Preference: Sex Selection, Gender and Culture in South Asia*. Oxford: Berg.

Purewal, N. (2014). Disciplining the Sex Ratio: Exploring the Governmentality of Female Feticide in India. *Identities: Global Studies in Culture and Power*, 21, 466-480. DOI: [10.1080/1070289X.2013.878248](https://doi.org/10.1080/1070289X.2013.878248)

Purewal, N. & Eklund, L. (2018). "Gendercide", Abortion Policy, and the Disciplining of Prenatal Sex-Selection in Neoliberal Europe. *Global Public Health*. 13(6): 724-741. DOI: [10.1080/17441692.2017.1289230](https://doi.org/10.1080/17441692.2017.1289230)

Puri, S., Adams, V., Ivey, S., & Nachtigall, R. D. (2011). "There is such a thing as too many daughters, but not too many sons": A Qualitative Study of Son Preference and Fetal Sex Selection Among Indian Immigrants in the United States. *Social Science & Medicine*, 72, 1169-1176. DOI: [10.1016/j.socscimed.2011.01.027](https://doi.org/10.1016/j.socscimed.2011.01.027)

Rahm, L. (2018) 'Protect, Track, Emancipate: The Role of Political Masculinities in India's Fight Against Sex Selection', *Men and Masculinities*, 22, 529-562. DOI: [10.1177/1097184X18768873](https://doi.org/10.1177/1097184X18768873).

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

Raj, A., Sabarwal, S., Decker, M. R., Nair, S., Jethva, M., Krishnan, S., & Silverman, J. G. (2011). Abuse From In-Laws During Pregnancy and Post-Partum: Qualitative and Quantitative Findings from Low-Income Mothers of Infants in Mumbai, India. *Maternal and Child Health Journal*, 15, 700-712. DOI: [10.1007/s10995-010-0651-2](https://doi.org/10.1007/s10995-010-0651-2)

Rao, Mohan. (2004). *From population control to reproductive health: Malthusian arithmetic*. New Delhi: Sage.

Registrar General of India (2008). *Sample Registration System*.

Rew, M., Gangoli, G. & Gill, A. K. (2013). Violence between Female In-laws in India. *Journal of International Women's Studies*, 14(1), 147-160.

Santhya, K.G. and Verma, S. (2004). Induced Abortion: The Current Scenario in India, *Regional Health Forum*, Vol. 8(2): 1-14.

Shang, Li & Feldman (2012). Policy Responses of Gender Imbalance in China : The "Care for Girls" Campaign, IUSSP paper.

Singh, Kirti (2013). Laws and Son Preference in India. A Reality Check. New Delhi, India: UNFPA India. August 16, 2015. <http://www.unfpa.org/sites/default/files/jahia-news/documents/publications/2013/LawsandSonPreferenceinIndia.pdf>.

Smart, C. (1989). *Feminism and the Power of Law*. London: Routledge.

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

State Council (2021) *The Outline of Women's Development in China (2021-30)*, Accessed 29 September 2021 at

<https://baijiahao.baidu.com/s?id=1712027365025438932&wfr=spider&for=pc>

Terwiel, A. (2019). What is Carceral Feminism?, *Political Theory*, Vol. 48(4): 421-442. DOI: [10.1177/0090591719889946](https://doi.org/10.1177/0090591719889946)

Vergès, Françoise (2022) *A Feminist Theory of Violence*, Pluto Press: London.

Visaria, L. (2007). Sex-Selective Abortion in Gujarat and Haryana: Some Empirical Evidence. In L. Visaria & V. Ramachandran (Eds.). *Abortion in India: Ground Realities* (133-167). New Delhi: Routledge.

Visaria, L., Ramachandran, V., Ganatra, B., & Kalyanwala, S. (2007). Abortion Use and Practice: Evidence, Challenges and Emerging Issues. In L. Visaria & V. Ramachandran (Eds.). *Abortion in India: Ground Realities* (1-27). New Delhi: Routledge.

Wacquant, L. (2001). The Penalisation of Poverty and the Rise of Neo-Liberalism. *European Journal on Criminal Policy and Research*, 9, 401-412. DOI: 10.1023/A:1013147404519

Warren, M.A. (1985). *Gendercide: The Implications of Sex Selection*. Totowa, NJ: Rowman & Allanheld.

Warren, M.A. (1999). Sex Selection: Individual Choice or Cultural Coercion? In H. Kuhse & P. Singer (Eds.). *Bioethics: An Anthology* (137-142). Oxford: Blackwell.

(2022) N. Purewal and L. Eklund, 'Population Control and Sex Selective Abortion in China and India: A Feminist Critique of Criminalization' in M. Dawson and S. Mobayed (eds.) *The Routledge International Handbook of Femicide/Feminicide*, Routledge.

Wilson, M. & Daly, M. (1992). *Til Death Do Us Part*. In J. Radford & D.E.H. Russell (Eds.).

Femicide: The Politics of Woman Killing (83-98). New York, NY: Twayne Publishers.

ⁱ China and India together account for 90-95% of female births that are missing globally due to sex selection (Kaur and Kapoor 2021: 111)

ⁱⁱ A Malthusian approach refers to a view where population growth is regarded as a cause of poverty, and where high fertility needs to be controlled (Rao 2004, Purewal 2018).

ⁱⁱⁱ This chapter builds on and further develops an earlier article that we published in *Feminism and Psychology* in 2017 (cf Eklund & Purewal 2017).

^{iv} It should be noted that beyond SSA there are other technologies for sex-selection, such as sperm-sorting and pre-implantation sex-selection of embryos.

^v During the most part of the 1980s and 1990s, the Chinese birth control policy was implemented through a quota system where each administrative unit had a certain number of birth quotas per year.