

Relational legal consciousness in the one-child nation

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Abstract

This article draws from a qualitative study of people's responses to China's population control policies to analyze the relational formation of legal consciousness within and across different types of relationships. It demonstrates that our expectations of others and theirs of us regarding how to respond to law change significantly when we situate ourselves in different types of relationships. The fluid boundaries of relationships in Chinese society also make it essential to think and plan relationally and holistically across different types of relationships to come up with strategies to resist or comply with the law. During this process of relational formation of legal consciousness, law interacts with and reshapes social norms to determine the (un)availability of alternative mechanisms based on the individual's social and financial status.

INTRODUCTION

Our legal consciousness changes across contexts. The same person may think of the law as objective and impartial in one instance and as manipulating and oppressive in another (Calavita, 2016, p. 54). When we evaluate whether a piece of law is just and how we should respond to it, we often try to make sure our evaluation and decisions align with the social norms and expectations of people around us. As Nadler (2017, p. 60) powerfully argues, "Law does not generally influence individual behavior in a vacuum, devoid of social context; instead, group identity interacts with law to provide motivations to comply." The sense of being accepted and respected by the group, or what Wang (2022) refers to as groupness, plays a significant role in the formation of our legal consciousness. As Wang (2022, p. 8) writes, "people are morally and emotionally called upon to continuously identify or characterize themselves and others, according to social roles, as belonging to some category that they feel others perceive them in."

We all simultaneously belong to various groups, either real or imagined. Our families and workplaces may be among the most important groups for most of us, but other support groups and clubs we form online or in real life are also of significance to our identities and mental well-being. We care about how members of the groups we belong to feel about us and our behavior, and thus, we make efforts to act according to what other members in the group would approve (Nadler, 2017, p. 71). If the law is legitimate and just, we comply with the law because the law reflects social approval. However, when the majority of the group thinks the law is unjust, we may avoid the law, resist the law, or dismiss the law (Liu, 2018).

We are concerned about losing our status within these groups if we fail to respond to law in a way that aligns with group values. We try to live up to the expectations within the group to gain our identity as decent persons and respected group members. What complicates the situation is that we identify with and belong to several groups at the same time, and values and norms regarding our responsibility may differ across groups. Furthermore, how we engage the law within a particular group may affect our status in other groups. When responding to the law, therefore, we often have to go through a process of relational thinking and planning to make sure that we fulfill our responsibility in each group and that our legal compliance, violation, or resistance would meet the expectations of members of all the groups we care about as much as possible.

The sense of “groupness” works well to make sense of people’s compliance with the law and collective resistance to the law—living up to the values and norms of the group secures the individual’s position as a member of the group. The focus on “groups” and our efforts to be accepted into a particular group, however, cannot explain why sometimes people consider giving up their membership of a particular group to gain respect and recognition from group members.

If being included in the group is the ultimate goal, why would one voluntarily leave the group to gain acceptance and respect? How does their response to the law in one group affect their status in other groups? These questions motivate me to go one step further and examine how the fluid nature and blurred boundaries of relationships between and among individuals affect our legal consciousness.

In this article, I draw upon data collected from interviews and focus groups regarding China’s population control policies to discuss the relational nature of legal consciousness, with a focus on how people’s responses to the law differ when they situate themselves in different types of relationships. The significant impact of China’s population policies on ordinary citizens’ everyday lives and its prevalence in people’s daily conversations provides an excellent example to look into how people respond to law differently within and across different types of relationships.

My data document different strategies adopted by ordinary citizens in response to the imposition of collective responsibility in the enforcement of the one-child policy: Family members of the multi-generational domestic group consisting of grandparents, parents, and children tended to stick together to resist the law and help one another. At the same time, the fluid nature of relationships in Chinese society also led to people’s efforts in making their way in and out of particular groups in the process of responding to the law. On the one hand, according to the requirements of relational personhood in Chinese society, close relatives outside the multi-generational domestic group have the obligation to look after relatives who were in trouble and treat them like “family members” by offering more help than “outsiders,” meaning those who are not connected by blood or marriage. On the other hand, relational personhood also expects “outsiders” to avoid bringing trouble to unrelated people, and thus, people quit their jobs to protect their colleagues and the workplace from unfavorable consequences, with an aim to gain respect from others and maintain relationships with colleagues outside the workplace.

Through a detailed analysis of ordinary people’s daily resistance to China’s population control policies since the early 1990s, this article illustrates that the appropriateness of a particular response to law is usually determined by the individual’s responsibility to fulfill her obligation within her network of relationships, which include different types of relationships all at once. I argue that the fluid and flexible boundaries between relationships make it essential for individuals to think and plan relationally and holistically across different types of relationships when responding to the law.

At the same time, this article captures the law’s constitutive role in shaping and reshaping expectations within different groups and thereby influencing individual attitudes and responses to law. I take up Silbey’s (2005) invitation to investigate how ordinary people’s construction and interpretation of the law sustain social inequality and reinforce legal hegemony. When it comes to population control in China, law enters families, work units, and other communities to influence our expectations by encouraging coordination, providing information, and imposing responsibility and punishment. In particular, China’s birth control policies functioned through imposing collective

responsibility, which intensified moral policing among group members. Moral policing further reinforced existing social inequality and hierarchies. An individual's responses to the law are highly dependent on alternative mechanisms available to her under a particular situation—some people can avoid the trouble of confronting the law directly while others are left without other options. Law interacts with social norms to determine what alternative mechanisms are appropriate and available to a particular individual based on her social and financial status.

This article contributes broadly to law and society scholarship in the following aspects: first, it highlights the fluid and flexible boundaries between different types of relationships and the impact of this fluidity on our legal consciousness. Second, it provides empirical evidence to elaborate on the working of relational legal consciousness on the ground and investigates how people adopt different strategies when they situate themselves in different types of relationships. Third, it demonstrates how relational legal consciousness sustains the role of law and reinforces existing social inequality and hierarchies.

In addition to these theoretical contributions to law and society scholarship in general, this article has documented the implementation of China's one-child policy on the ground and creative strategies adopted by people of different backgrounds to resist the enforcement of this unjust law. It also offers a detailed analysis of relational personhood in Chinese society and its significant role in shaping legal consciousness in everyday life. This article expands the implications of Wang's (2019, 2022) concept of *zijiren* (自己人), or "being one of us," by taking it beyond disputes among group members and situating it within domains co-created by law and social norms. It demonstrates how people's desires for recognition and respect from other people significantly affect their responses to law, which in turn reshape the enforcement of the law.

In what follows, I will first review the current literature on relational legal consciousness and provide an overview of the concept of *zijiren* and relational personhood, after which I discuss my fieldwork in China. Then I draw on my data to explain the implementation of China's one-child and two-child policies, followed by a detailed discussion of people's responses to the law within families and work units. Subsequently, I analyze the factors contributing to the formation of different strategies within different relationships and caution against romanticizing relational legal consciousness.

RELATIONAL LEGAL CONSCIOUSNESS

Law and society scholars generally agree that legal consciousness refers to people's opinions and attitudes toward the law, the ways in which they engage with or resist the law, and their perceptions of what the law should be (see, e.g., Engel & Munger, 2003; Ewick & Silbey, 1998; Hertogh, 2004; Merry, 1990; McCann, 1994; Nielsen, 2000, 2004; Silbey, 2015). Silbey (2005, pp. 324, 358) expresses concerns about the field's focus on what particular individuals think and do and urges legal consciousness scholars to "recapture the critical sociological project of explaining the durability and ideological power of law." To Silbey (2005, p. 334), "The study of legal consciousness is the search for the forms of participation and interpretation through which actors construct, sustain, reproduce, or amend the circulating (contested or hegemonic) structures of meanings concerning law." Taking on Silbey's invitation to do this important work of revealing how people's understandings of and reactions to law constitute the rule of law, I analyze how people's relational legal consciousness dampens the enforcement of the law on the ground but at the same time sustains social inequality and existing hierarchies.

The concept of "relational legal consciousness" has been adopted by law and society scholars to refer to the relational approach to legal consciousness, the relational process of the formation of legal consciousness, and the legal consciousness resulting from this relational process (Abrego, 2019; Chua & Engel, 2019, 2021; Wang, 2022). Building upon existing literature, this article uses "relational legal consciousness" to describe the relational formation of legal consciousness within and across relationships and the different strategies resulting from this process of relational formation.

The relational approach to legal consciousness has been evident in research studies in places with relatively less influence of Enlightenment philosophy and individualistic understandings of the self (Chua & Engel, 2021, p. 189). Acknowledging that “all legal consciousness research is and always has been relational,” Chua and Engel (2019, pp. 344–348) arrange current literature on legal consciousness along a continuum, with legal consciousness studies that see the individual as “essentially autonomous and independent” at one end; and studies that view legal consciousness as constituted by relationships and “existing only as part of the relationships among two or more people” at the other end. Legal consciousness studies that “retain the individual as the appropriate object of study but treat other individuals as co-creators of consciousness rather than mere external variables” fall in the middle region of the continuum (Chua & Engel, 2019, p. 347).

Law and society scholars have been studying the influence of interpersonal relationships on the individual’s legal consciousness. Many of these studies consider relationships as external to the individual’s legal consciousness—they demonstrate how relationships, including unequal power relationships, impose external influences on individual thoughts and actions in relation to law (Gallagher, 2006, 2017; Gallagher & Yang, 2017; Li, 2016; Liu & Halliday, 2017). Studies that fall in the middle of the continuum tend to treat other people as co-creators of legal consciousness, although they still use the individual as the basic unit of analysis (Engel & Munger, 2003; Nadler, 2017; Tungnirun, 2018). These studies, according to Chua and Engel (2019, p. 347), “place a greater emphasis on the porosity of boundaries between individual cognition and relationships with others.”

The most relational approach considers legal consciousness as collectively formed within relationships and exists among and between individuals. These studies demonstrate that ordinary people’s perceptions of law and justice are dependent on other people’s understandings of these concepts (Abrego, 2019; Wang, 2022; Young, 2014; Young & Billings, 2020). According to Abrego (2019, p. 644), individuals acquire legal consciousness “as members of social networks and in relation to how others in their social groups experience the law.” Young’s (2014, pp. 500, 502) research on “second-order legal consciousness” also suggests that our beliefs about laws are influenced by our understandings of other people’s experiences with and beliefs about the law. Following Young and Abrego, Wang’s (2022) study of a neighborhood dispute in Taiwan emphasizes the importance of interpersonal interactions in the formation of legal consciousness and demonstrates that the role of law changes according to how individuals feel in the process of seeking justice and mutual recognition among parties involved in the dispute.

Different types of relationships affect our legal consciousness disproportionately. Our legal consciousness is most affected by the groups that are of the greatest importance to us, with families and workplaces being top of the list for many people. The importance of “family” as a key site for the development of relational legal consciousness has been emphasized in Abrego’s (2019) study on the legal consciousness of US citizens from Latino mixed-state families. Abrego (2019, p. 642) argues that “legal consciousness about citizenship status is centrally and relationally developed through key mechanisms within the family.” In other words, while an individual’s legal consciousness is shaped by all members of society, what is central to the development of the legal consciousness of citizenship are family narratives and experiences.

In societies that are heavily influenced by Chinese cultures, Wang’s (2019) research on a Taiwanese family discusses how the sense of being included or excluded by family members as “one of us,” or *zijiren*, determines whether to sue family members for one’s lawful interest or not.¹ Wang (2019, p. 771–773) suggests that family members may ignore the tension and avoid disputes in order to maintain the feeling of “being one of us.” Wang’s unique work has opened the discussion

¹While Wang’s (2019) study was based on Taiwan, *zijiren* is also a concept that prevails in people’s daily conversations and relational ways of organizing their everyday lives in Fujian province and other parts of mainland China. As Sun’s (1983, pp. 53–54) analysis of Chinese culture based on experience in mainland China, Taiwan, and Hong Kong suggests, people in Chinese societies attach great importance to *zijiren* in their everyday interactions with one another. A recent empirical study in mainland China by Ke (2017) also suggests that the deep-rooted notion of *zijiren* has made it difficult for village fellows to embrace state law imposed from above.

about the powerful impact of the sense of *zijiren* on the formation of legal consciousness in Chinese societies.

Wang's focus on disputes within the family and the neighborhood in her two articles on *zijiren*, however, limits the scope of the implications (Wang, 2019, 2022). They have not touched upon what roles the sense of *zijiren* plays in the formation of legal consciousness when members of a particular group are not in conflict; how group members collaborate with one another to resist the law or facilitate legal violation; and how the concept of *zijiren* determines people's different reactions to the same piece of law when they situate themselves within different types of relationships. These are questions I aim to address in this article.

Building upon existing literature that examines the connection between relationships and legal consciousness, this article focuses on two domains that are significantly affected by China's population policies, namely, the family and the workplace. I borrow from Engel (1993, p. 127) and define "domain" as "an arena in which people's day-to-day interactions necessitate the formulation of a common language of ideas about the individual and the group, about time and place, about right and wrong." Although I focus primarily on families and work units, I stress that these two domains are not fixed sites with clearly marked boundaries. Instead, they are constructed by relationships among individuals, within which people comply with a particular set of norms that may not apply elsewhere (Engel, 1993, p. 127).

More importantly, I emphasize that relationships do not necessarily disappear or are destroyed after an individual gives up her membership of the group. Quite the opposite, my data suggest that in some situations, leaving the group is one of the most effective ways to maintain relationships with members of the group the individual used to belong. Fluid and flexible boundaries of relationships are crucial in making sense of one's choice to leave a group in order to maintain relationships and gain respect—after the individual gives up membership to a group, her relationships with group members remain and may continue to develop outside that group setting.

The concept of *zijiren* provides an excellent example to demonstrate the fluid and flexible boundaries between and among different types of relationships, as well as how the fluidity and flexibility affect our legal consciousness. I will now offer a detailed discussion of the concept of *zijiren* and the relational ways of situating the self in networks of relationships in Chinese society.

THE RELATIONAL SELF AND THE IMPORTANCE OF QING

Chinese interpersonal relationships and family relations emphasize the relational nature of the self and the relational construction of personhood. As the eminent sociologist Fei Xiaotong's (1992 [1948]) well-known differentiated mode of association (差序格局) illustrates, the construction of Chinese social relations is based on social networks of personal relations with the self at the center of each net, while family members often occupying the circles closest to the center. The network of relationships in Chinese society, according to Fei (1992 [1948], pp. 63–65), "is similar to the concentric circles formed when a stone is thrown into a lake," and "each circle spreading out from the centre becomes more distant and at the same time more insignificant." Under this egocentric pattern, there is a tendency for an individual to divide people into *zijiren* and unrelated people based on their relational closeness to the self and apply differential treatments between insiders and outsiders.

Zijiren is an insider of a particular group: *ziji* can be loosely translated as "the self," while *ren* means "human." According to Wang (2019, p. 771), *zijiren* is "a culturally embedded emotional complex of belonging that refers to a psychological classification schema of one's level of relational inclusivity or exclusivity within a given group." When an individual sees another person as *zijiren*, it usually means the former considers the latter as sitting in a concentric circle that is closer to the center when compared with those who are not *zijiren*.

It is crucial to note that the boundary between insiders and outsiders is fluid and varies across contexts—a person considered to be *zijiren* under a particular situation may be an outsider in other

contexts. For example, an individual's cousin is usually *zijiren* when compared to a stranger but an outsider to the individual's nuclear family. In addition, although family members are the core of *zijiren* in Chinese society, it does not exclude non-family members from being qualified as *zijiren*. The flexible and blurred boundary between insiders and outsiders allows non-family members to become *zijiren* by building trust and gradually accumulating emotional connections.

The highly relational nature of the self in Chinese society inevitably leads to one's relational legal consciousness—an individual's response to the law depends on the individual's relationships with those who are affected. Research studies suggest that *qing*, a complex concept that simultaneously refers to social connectedness, human emotion and feelings, and what the majority believes to be right or just, plays a significant role in shaping both ordinary people and law practitioners' decision-making in the process of engaging the law (Li, 2016; Liu, 2018; Liu, 2021a; Martin, 2007, 2019; Wang, 2019, 2022).

Ke Li's (2016, pp. 946–948) study, for example, demonstrates that legal workers in rural China often prioritize social obligations derived from kinship, friendship, and community membership over short-term monetary interests in the process of case screening. Liu (2018) notes that many people look to *qing* for guidance to evaluate how they should respond to the law. Lee (2015, p. 68) uses the metaphor of the “magnetic field of human feelings” to suggest that ordinary people in China seek to be looked after by those who are *zijiren*. Lee (2015, p. 68) writes, “everyone relies on and is satisfied with his established group as the primary source of social support. Promoting relationships with those regarded as being ‘one of us’ becomes a survival need. The case with a stranger is different.” In other words, it is the requirement of *qing* for *zijiren* to help one another when one or all of them are confronted with challenges or risks, but it is also consistent with *qing* for non-*zijiren* to “mind their own business” (Bu, 2017, p. 141).

The emphasis on *zijiren* and *qing* has the potential to reinforce existing unequal power relations and gender inequalities because the differentiated mode of association stresses different treatment and legitimizes women's sacrifice for the whole family. The dire situation of gender inequality and injustice within and outside the formal legal system in China has attracted much attention in previous law and society scholarships (He, 2022; He & Ng, 2013; Li, 2015, 2016, 2022; Liu, 2021b; Michelson, 2019, 2022; Wang & Liu, 2019). The current literature on the impact of population control policies also reveals that Chinese women were overloaded with the responsibility of birth planning and contraception (Evans, 2008; Jeffreys & Haiqing, 2015; Kane & Li, 2021; Wong, 1997). Acknowledging that social norms and expectations are gendered in Chinese society, it is crucial to investigate how relational legal consciousness arising from unequal familial and social relationships plays a role in sustaining existing hierarchies and injustice.

DATA AND METHODS

This article draws upon in-depth interviews and focus groups to investigate people's understandings of and engagement with laws and policies regarding population control. The data and analysis presented in this study are based on fieldwork investigation in Fujian, China between July and November 2016, a few months after the shift to the universal two-child policy but before the recently implemented universal three-child policy.

Going into the field during this time enabled me to immerse myself in everyday conversations about the significant change of China's population policy when ordinary people were trying to think through the potential impact of the change on their lives. The abandonment of the one-child policy also led to a relatively open environment for people to criticize the former one-child policy and reflect on their family memories related to the strict implementation of the brutal policy. It was a period of time when many people in their 30s and 40s felt they suddenly had to rethink their plans regarding childbearing and career development. It was also common for people in their 50s and 60s to feel that they had lost a significant part of their identity as citizens who sacrificed for the nation by only having one child.

Located on China's Southeast coast, Fujian province has a population of 41 million, ranking 15th in population among Chinese provinces.² On the one hand, Fujian is notorious for its strong preferences for sons, the unbalanced sex ratio at birth, and prevalent patriarchal norms. On the other hand, Fujian is well-known for its ordinary citizens' strong emphasis on kinship networks. The cultural and social environment makes Fujian an ideal site for my fieldwork.

In fact, my experience growing up in Fujian province until 26 years old motivated me to conduct this research. I knew firsthand that the one-child policy had a significant impact on family relations there. I witnessed the discrimination, blame, and guilt my mother went through due to the very fact that I was a girl and the only child of the family. I heard my grandmother complaining about how useless my mother was because my mother did not manage to give her a grandson and ruined the only chance under the one-child policy by giving birth to me. I was told that our relatives in the village looked down on my father because he did not dare to violate the law for a son to live up to my grandparents' expectations. I later learned from the media and literature that my story was not unique in Chinese families—as White (2010, p. 175) notes, “no one was left untouched by the policy.” The significant impact of the policy on people's lives makes the one-child policy an excellent case to investigate relational legal consciousness.

For this study, I spoke to people in urban Xiamen, Fuzhou, and Putian, three major cities in Fujian, and visited two villages in Xiamen, a small town in the mountainous areas of Quanzhou and a small fishing village in Hui'an. I organized my participants into three categories: women born under the strict implementation of the one-child policy, women who gave birth under the one-child policy in the late 1980s to mid-1990s, and local officials in charge of implementing the population policies. Each interview took approximately 1 to 2 h, but some interviews extended to 3 h when the interviewees were eager to share their opinions and stories. Focus groups usually lasted approximately 3 h.

For the first two categories, I took care not to start the conversation with topics of China's population policies, preferring instead to see if my participants brought it up spontaneously when talking about family relations. It turned out that China's population control laws and policies were influential in almost all aspects of ordinary people's everyday lives. In many cases, the conversations on various topics shifted naturally to the impact of the one-child policy on the interviewee's intergenerational relationship, social relations, education and career development, marital choices, and the number of children they considered to have.

My fieldwork included in-depth open-ended interviews and focus groups with 63 women, all of whom were born under the strict implementation of the one-child policy and witnessed the shift to the two-child policy during the years when they would have to make decisions regarding childbearing. Born under the strict implementation of the one-child policy was an important part of the identity for those women in their late 20s to mid-30s who participated in my study, either in urban or rural China.

In addition to those who were born under the strict implementation of the one-child policy, I included six women of the older generation who gave birth in the late 1980s to mid-1990s. These women shared the same age as the mothers of the first category of participants. They spoke about their lived experience during that period of time, with a focus on the impact of the one-child policy on their everyday lives. The purpose of including them was to cross-examine the narratives of the younger generation.

To better understand the implementation of China's population policies, I talked to five individuals who worked for the local government to implement and monitor the implementation of the laws and policies on population control, with three of them working in rural areas and two in urban residential communities. I asked them to describe their daily tasks and the changes they witnessed since the shift from the one-child policy to the universal two-child policy.

²This is based on China's Census 2021. For more information, see Fujian Provincial Bureau of Statistics, https://tj.fujian.gov.cn/xxgk/tjgb/202105/t20210520_5598804.htm.

My status as a native speaker of Mandarin and my familiarity with the local culture in Fujian province facilitated the efforts to cultivate good rapport with my participants. Discussions with my participants touched on various aspects of the impact of laws and policies on population control, including the ways in which the one-child policy shaped their family relations, how people violated the law during the days of strict implementation, the strategies used by people to have “illegal” children in recent years, people’s attitudes toward other people’s violation of the law, consequences resulting from the sudden shift to the universal two-child policy, and how the legal constraint of childbearing within marriage affected intergenerational daily interactions.

I audio-recorded all my interviews and focus groups, and I took notes in most sessions. In instances when note-taking made the interviewees nervous or disrupted the natural flow of our conversations, I memorized important details and incorporated them into my field notes shortly after each session. I reflected on the interviews and observations every day and revised my questions throughout the fieldwork. Data analysis started concurrently with the fieldwork. I jotted down as much information as I could during the interviews and wrote down detailed field notes as soon as possible. Transcription also began when I was in the field. I wrote a debriefing memo for each interview based on my field notes and transcriptions. Then I coded by hand for emergent key patterns and themes, after which I assembled the data related to each particular theme.

THE IMPLEMENTATION OF CHINA’S POPULATION POLICIES AND COLLECTIVE RESPONSIBILITY

The one-child policy was first implemented in 1979 in China to curb population growth. Each couple in urban areas was allowed to have only one child with very few exceptions, while, in rural areas and for ethnic minorities a married couple had the opportunity to give birth to a second child if the first one was a girl or disabled, which is also referred to as the “one-and-a-half” policy (Wang et al., 2016, pp. 930, 949; Cai & Feng, 2021, p. 591). Severe penalties were in place in both urban and rural areas during the years of strict implementation of the one-child policy (White, 2010, pp. 174, 177). The universal two-child policy replaced the one-child policy in late 2015, allowing all married Chinese couples to have two children (Whyte, 2019). The failure in a sustained surge in births since the implementation of the two-child policy motivated the government to announce the three-child policy in May 2021.

In urban China, the implementation of the one-child policy primarily relied on neighborhood committees and the workplace to impose collective responsibility and moral policing. As an extension of the party-state at the local level, neighborhood committees kept an eye on illegal pregnancies of local residents and collected fines. In addition to collecting stiff excess-birth fines, they were in charge of issuing birth permits, coordinating ultrasound examinations, disseminating knowledge of relevant laws and policies, and reporting those who failed to pay the fines to the courts. (Interviews, Jiao, Meng, Xiamen, October to November 2016).

Urban residents who were government officials, public school teachers, workers of state-owned companies, and other employees of government-controlled organizations could get fired for violating the one-child policy (Wang et al., 2016, p. 949). Article 12 of the Law of the People’s Republic of China on Population and Family Planning stipulates that “government departments, armies, public organizations, enterprises, and institutions shall be responsible for the implementation of the population policies within the work unit.” Usually, these government-affiliated workplaces and other employees would receive punishment of some kind if they failed to ensure their employees’ compliance with the population policies. For example, colleagues at the work unit may lose opportunities for monetary awards because of an employee’s violation of the one-child policy.

In rural areas, strong resistance forced local enforcers to come up with informal policies to guide the enforcement in village society (Greenhalgh & Li, 1995, p. 608). In the 1990s, for example, a tough wave of enforcement was launched across the country. The resistance on the ground and the

pressure imposed from above forced the local cadres to use whatever means necessary to improve their birth planning performance. During that time, these informal policies often entailed confiscation of valuable personal items, destroying crops, damaging homes and furnishings, and forced abortions, among other means (White, 2010, pp. 177, 179).

While the law had never stipulated collective responsibility for family members of couples who violated the one-child policy, law enforcement on the ground was based on a collective responsibility mode that considered the multi-generational family as the basic unit of population control. Local officials held multi-generational family members responsible for the legal consequences of the young couple's illegal pregnancy. As White notes (2010, p. 177), in the 1990s, if village women who violated the policy resisted, "their relatives or children [would be] taken away and held as ransom until they complied." Yuan, a 34-year-old woman I interviewed, recalled that when her mum was pregnant in the 1990s, "the local officials would come and take away small children or the grandparents to lock up in the township as a way to force pregnant women to comply." (Interview, Yuan, Hui'an, September 2016). Lizhu, who was in charge of the implementation of birth policies in her village in rural Xiamen, confirmed that "between 1995 and 1998, local officials from the township would come to the village to destroy the house the three generations resided and arrest family members if the women refused to go for abortions." (Interview, Lizhu, Xiamen, October 2016).

The imposition of collective responsibility continued after the shift to the two-child policy in 2015. Under the supervision of the township, those who were in charge of the implementation of China's birth policies adopted various strategies to force couples to pay their fines and undergo tubal ligation. As of the time of my fieldwork in Fujian, collective responsibility shared among family members was taken for granted in the enforcement of the one-child policy in the villages.

It ranged from a stiff fine for the family to pay off, the denial of construction permits for the multi-generational family to build a house, the rejection of the older generation's social and medical insurance applications, to barriers for the "illegal" children to receive a high-quality education. As the local officials were no longer allowed to use coercive methods such as arresting pregnant women and destroying houses, they focused on collecting fines for violations and forcing sterilization. The imposition of collective responsibility was through creating barriers and difficulties for those who refused to take legal responsibility when they turned to the local government for help or permission. (Interviews, Lian, Lizhu, Cheng, October to November 2016).

The law's imposition of collective responsibility on families and work units interacted with the requirement of *qing* to affect the ways in which ordinary people organized their relationships within these domains. By emphasizing collective responsibility within multi-generational families and workplaces, the enforcement of the unjust law not only reinforced pre-existing cultural norms and power relations but also reshaped the ways in which ordinary people situated the self within different types of relationships.

FLUID BOUNDARIES OF RELATIONSHIPS AND RELATIONAL LEGAL CONSCIOUSNESS

When the law entered everyday life to encourage moral policing and impose collective responsibility, it shaped people's understanding of how they should respond to the law within different groups. Members of the multi-generational family often resisted the law collectively, protecting one another for the best interest of the family. Other relatives also facilitated the violation of the law, with some of them sacrificing their own interests to offer help. The fluid boundaries of "family" and relationships in Chinese society led to these relatives' moral obligation to look after *zijiren* when the family was in trouble because of the law.

While some colleagues may make their way into the category of *zijiren* by accumulating trust over time, the way people responded to the law was quite the opposite at the work unit. In general, people considered giving up one's membership of the group before breaking the law to be a loyal

response. Cutting down the official connection with the work unit may lead to the loss of membership of the group, but it protected colleagues and the whole group from trouble imposed by law. In so doing, the individual who left the group could gain respect and maintain relationships with her former colleagues in other social settings. Leaving the group, therefore, not only did not cut down relationships but also created possibilities for the continuity and development of relationships.

In this part, I discuss different strategies adopted by ordinary citizens to resist the enforcement of the unjust law that imposed collective responsibility on family members and colleagues. On the one hand, members of the multi-generational families stuck together to resist the enforcement of the law by digesting the legal consequences within the multi-generational family and helping each other out. On the other hand, people gave up their jobs to protect their colleagues from unfavorable consequences for the purpose of gaining respect and maintaining relationships with them. In my discussion of these two strategies, I document how the enforcement of the unjust law on the ground shaped and was shaped by people's responses to them over time. In addition, I highlight the fluid nature of relationships: compared to a family member of the multi-generational domestic group, siblings and cousins were considered outsiders. However, the line moves when they were compared with colleagues, in which case siblings and cousins would be included in the category of "insiders" or *zijiren*, and thus, they were generally under more obligations than colleagues to help. The detailed analysis of the fluid nature of relationships in this part lays the foundation for the investigation of the impact of this fluidity on legal consciousness in "Discussion and Implications."

Sticking together to resist the enforcement of the unjust law

One important characteristic coming out from my data is that family members helped each other out and shared political and social capital to facilitate resistance to law. Several participants had memories of the whole family working together to resist the law. According to a woman in a village in Fujian, officials from the township often raided at night to arrest pregnant women from her village in the 1990s, and thus, "there were lots of pregnant women hiding in the bushes or in the sweet potato fields during the night." (Interview, Ling, Hui'an, September 2016). Lili's mother was one of these women who had to hide when she was pregnant with Lili, who was the second child of the family. In a focus group, Lili shared the experience of her multi-generational family during that dark period of time:

I was born without any medical help. It was my maternal grandma who helped with the delivery. My mum wanted one more child after she had my older brother. My grandfather's brother had some connection with the town officials, so he always watched for us and let us know before the raid. My grandparents also watched closely. Whenever the officials came, my mum ran to a cave in the mountain and slept there with my brother by her side. (Focus group, Lili, Xiamen, October 2016).

Lili's grandparents were ready to sacrifice for the young couple's violation of the law. Their decision to protect their daughter-in-law could mean being arrested and locked up in the township or losing their homes. In the 1990s, Lili's grandfather took it for granted that he had the obligation to protect the young couple as the head of the household because he was the most resourceful and well-connected one in his multi-generational family.

Collective responsibility remained evident in the enforcement of the law at the local levels in the 2000s and beyond. The Chinese state's efforts in unloading the burdens of childcare, eldercare, housing, and other social welfare provision to individual families since the late 1990s have pushed ordinary citizens to rely on members of the multi-generational family for support throughout the family life cycle (Xu & Xia, 2014, p. 34; Yan, 2021, p. 10). As a result, both young and old generations tend to consider the family as the only source of assistance to deal with difficulties and challenges in

everyday life (Yan, 2021, p. 256). The interdependence among family members offered opportunities for the local officials to impose collective responsibility. For those who failed to pay the fine and go for sterilization, local officials created all sorts of barriers for the multi-generational family when members of the family needed permission or services from the government. Their aim was to force those who resisted the law to come to terms with the punishment.

When Meixiang, a 31-year-old married woman in a village in Xiamen, violated the law a few years ago, local officials came to her house several times and asked her to go for tubal ligation. Knowing that some villages had already eliminated forced sterilization, Meixiang resisted and argued that the law did not require forced sterilization. While it was true that forced sterilization was no longer allowed on the book, the local officials threatened that her multi-generational family would not be granted a permit to rebuild their house if she did not undergo sterilization. Meixiang told me that she would eventually give up resisting in exchange for a permit when the family needed to rebuild the house (Focus group, Meixiang, Xiamen, October 2016). During the focus group discussion, Wanqi nodded to agree and interrupted Meixiang with her own experience evaluating whether she should go for tubal ligation in 2012—“At that time, if you did not comply, local officials would not allow your family members to enroll in social insurance. I went for sterilization in a hurry because my in-laws were applying for social insurance” (Focus group, Wanqi, Xiamen, October 2016).

Resisting the law and refusing to go for tubal ligation, therefore, put the whole multi-generational family in a precarious position when any family member needed anything from the local officials. Successful enforcement would not be possible if those women involved did not prioritize family interests. Their decision to surrender to the oppressive population policy resulted from their responsibility to ensure that the interests of family members were not negatively affected. They dismissed the law and were not willing to go for sterilization if not for their family members. They understood taking responsibility for their violation of birth policies as fulfilling family obligations as a family member, rather than complying with the law as a citizen.

From Meiyi and Wanqi's experience, we learn that the enforcement of the law on the ground shaped and was shaped by people's responses. If local officials did not broadly target multi-generational family members, women like Meiyi and Wanqi would not have to go for tubal ligation unless they themselves needed some help from the local officials. Aware of the interdependence among family members and the emphasis on each individual's responsibility to sacrifice for the interest of the whole family, local officials targeted the whole multi-generational family in order to ensure effective enforcement by pushing family members to fulfill family obligations. It would not be possible for local officials to enforce the law through the imposition of collective responsibility if family members did not see themselves as connected to one another in such an interdependent way.

While the law's imposition of collective responsibility on the multi-generational family may contribute to its members' willingness to sacrifice themselves for the best interest of the whole family, this imposition alone cannot explain why people outside the multi-generational family also offered help in the process of resisting the law. Relatives of the multi-generational family were under no legal obligation to be responsible for illegal pregnancies. However, people like Lili's granduncle not only provided information and assistance with the process of runaway but also helped conceal the violation of the law to the extent that some would stand up and take over the legal consequences for others. To understand their choices to get involved and offer help, we have to pay attention to the blurred and fluid nature of Chinese families and relationships, as well as the moral obligation for *zijiren* to look after in-group members.

As of the interviews in late 2016, the strategy of registering the illegal child under the name of a relative, usually a sibling or a cousin, was brought up several times in my interviews. This was especially the case when those who wanted to give birth “illegally” worked for government-affiliated organizations, as they would lose their job for the violation of the population control policy. This so-called “disapproved birth equates dismissal (超生即开除)” policy remained effective across the

country until 2020 (Legal Daily, 2020). Lizhu, the one in charge of the implementation of the policy in her village, shared a case she dealt with back in 2014:

There was a family in our village with two daughters—the younger one got a really good job as a civil servant and the older sister stayed in the village and married a local guy. The civil servant had a daughter already but decided to have a boy. She went on personal leave, so her workplace would not find out she was pregnant. She then used her sister's ID to register with the hospital and delivered the baby under her sister's name. The baby belonged to her sister on the book, so the civil servant got to keep her job. Unfortunately, there were legal consequences for the sister's family—she was disqualified from medical and social allowance of many kinds because she “violated” the population policy. The worst thing was that the sister could not give birth to her own second baby after the shift to the two-child policy. The sister's in-laws were mad at the civil servant (Interview, Lizhu, Xiamen, October 2016).

Lizhu emphasized that nowadays, registering the illegal child under the name of a relative only happened among family members who were very close to each other; otherwise, it was too costly for the one who was registered as the parent. (Interview, Lizhu, Xiamen, October 2016).

Lizhu's counterpart in another village also mentioned a case of registering the illegal child under the name of a relative that happened between a village head and his younger cousin—the village head registered his second child as his cousin's in order to keep his position. Unfortunately, they could not afford the fine for the violation. As a result, the cousin's name was put on a blacklist that deprived him of the right to travel for recreational purposes. The rationale was that if one had the money for holidays, he had better use the money to pay the fine first. (Interview, Lian, Xiamen, October 2016).

Members of the village had mixed feelings about having close relatives taking parenthood of a child. While acknowledging that it was consistent with *qing* to help close relatives because they were *zijiren* in this situation, many interviewees stressed the need for the biological parents to compensate the “legal” parents for their loss. A woman from Lizhu's village brought up the story of the sisters and commented that “I understand the job is very important to the civil servant, but how about her sister? I would think the civil servant should give her sister a large amount of money or other significant compensations for the sacrifice made by the latter.” (Interview, Xiong, Xiamen, October 2016).

In the discussion of a similar story in another village, a woman found it difficult to evaluate whether it was morally wrong for a civil servant to register her child under the name of a close relative: “It was certainly a big ask for the close relative. However, collective responsibility at the work unit was also real—her colleagues would be disqualified from receiving awards and bonus payments if the civil servant violated the law and registered the child under herself. I don't think it would be fair for the colleagues.” (Interview, Yao, Xiamen, October 2016). In other words, it might make more sense to shift the obligation to close relatives compared to bringing trouble to colleagues when there were no other means. According to *qing*, one's relationship with relatives is generally closer than that with colleagues, in which case close relatives have more responsibilities than colleagues to help the individual out. When considering how to respond to the law, the relational self should always make sure that her thoughts and actions in relation to law reflect her effort in meeting the requirements of *qing* and maintaining all types of relationships skillfully.

Giving up membership in exchange for respect and relationships

By holding the workplace and one's colleagues responsible for an individual's illegal pregnancy, the law contradicted social norms regarding relational personhood and forced ordinary people to deal

with consequences created by the unjust law. As mentioned earlier, there were legal consequences and punishments for the leaders and colleagues of the work unit if an employee failed to comply with the population control policies. The imposition of collective responsibility on colleagues led to the practice of giving up membership in order to gain respect and maintain relationships. Afraid of bringing trouble to the work unit, those who were considering an illegal pregnancy responded to this unjust way of legal enforcement by quitting their jobs. They gave up their membership of the group to protect other group members from unfavorable consequences caused by their illegal pregnancy.

In the township of Shan County, the strategy of quitting one's job to give birth was prevalent among young couples—a somewhat heroic way to take responsibility for one's own violation of the law. Sitting in a new café in town, Ping, a 28-year-old middle school teacher, told me that opening this coffee shop was one step of their family's preparation for the violation of the one-child policy. Ping was pregnant with her second child at the time of the interview. It had always been their family's plan to have a son after she delivered a daughter a few years ago. At that time, she believed that no matter what happened, she would be able to find ways to have another baby. Ping said,

There are so many people in Shan County who gave up their jobs in order to have a son. It is very common for my generation, as long as your family has financial resources to support your decision. I have quite a few colleagues who had done so. My husband and I also had a plan in mind—if the universal two-child policy did not arrive before I turned 35, I would leave my job and have another baby. My husband had already quit his job with the government, and we opened this coffee shop. Several colleagues of mine quit last year for the purpose of violating the law. I was lucky that the law changed a few months ago, so I did not have to give up my job. Three colleagues of mine quit for nothing—it shifted to the universal two-child policy almost immediately after they resigned (Interview, Ping, Quanzhou, July 2016).

I asked why her husband and colleagues decided to resign well in advance rather than waiting to be laid off, which would potentially leave them some more time to wait for better population control policies. Ping used “have *poli* 魄力,” meaning “have guts,” to refer to those who gave up their jobs for the purpose of violating the law—at least they left gracefully without causing trouble to other colleagues and the workplace. They would still have respect from their colleagues and other people around them because they took responsibility for their own plan to violate the law. Ping half-jokingly said that she had not given up her job before the shift to the two-child policy because she did not have the guts to make such a huge decision in her life. (Interview, Ping, Quanzhou, July 2016).

The effectiveness of this strategy gave rise to the expectation at the workplace that those who planned to violate the law would need to make sure the violation would not affect other colleagues negatively. Dongyun, a woman who worked at a public fertility center, referred to her former work supervisor's decision to quit to stress the need to avoid bringing trouble to unrelated people. She emphasized that her former supervisor was qualified to violate the law because “she took full responsibility for her own behaviour and could easily find another job with her expertise.” (Interview, Dongyun, Putian, September 2016).

The expectation that one should not bring trouble to the work unit does not preclude support from colleagues in the process of violating the law. Dongyun's colleagues, for example, helped the supervisor with the fetus' gender identification at the center, which was illegal under the one-child policy. All of them remained silent about the supervisor's illegal pregnancy before she quit. Nevertheless, their support and respect were based on the assumption that the individual would do whatever it took to protect colleagues from being involved in legal consequences of her violation of the one-child policy.

DISCUSSION AND IMPLICATIONS

The different ways of responding to the enforcement of the unjust law within the broadly defined family and the work unit demonstrate how relationships play a significant role in shaping one's legal consciousness. The fluid boundaries of relationships make it crucial to attend to expectations from people in different groups and the need to think beyond groups when responding to law. One's response to law also depends on alternative mechanisms made available by the interaction of law and social norms—some people can exit, while some are left with no options but to resist. In highly relational societies, therefore, relational legal consciousness arising from the differentiated mode of association runs the risk of sustaining existing power relations and hierarchies and further reinforcing social inequalities.

Fluid boundaries and the larger community

While the law considered relatives outside one's multi-generational family as "unrelated" people, they saw themselves as "family members" and were included in the category of *zijiren* when the unjust law put their close relatives in trouble. Quite the opposite, people like Ping's husband and colleagues left their work units to prepare for their violation of the law—they cut down their connection with the work unit to protect colleagues from unjust punishment. People's responses to China's population control policies support Nadler's (2017) suggestion that we care most about what our in-group members think.³ Nevertheless, their responses also emphasize that people have to simultaneously live up to general notions of social approval of the larger community because of the fluid boundaries of relationships.

When we are making decisions regarding how we should respond to law, we prioritize relationships that are more significant to us. Our expectations of others and theirs of us change significantly with the types of relationships. While people assumed unconditional support among members of the multi-generational family, they did not expect close relatives and colleagues to do the same. Asking close relatives to take parenthood in order to keep one's government-affiliated job should only happen if the individual could provide compensation and pay the fine to get the close relative out of trouble. Likewise, the individual had to "mind her own business" and take responsibility, avoiding getting colleagues and the work unit involved.

One thing in common between making their way into the category of *zijiren* and giving up their membership of the work unit is that people broke down the boundaries of groups to gain respect, fulfill moral obligations, and maintain relationships in the process of resisting the law. Therefore, we must go one step further to investigate why making their way into or out of a group is important to the individual when evaluating how they should respond to the law. I argue that one's response to law in a group could simultaneously affect her status in many other groups she belongs to—this explains the importance for the relational self to respond to the law in a way that meets the expectations in as many relevant groups as possible. For analytical purposes, I use "larger community" to include all other groups that are of significance to the individual, either real or imagined.

One's larger community could include the village or neighborhood community, religious groups, friend circles, and hobby clubs, among many others. More importantly, people's relationships interconnect and overlap across all these groups. It is possible that one has already developed or has the potential to develop other types of relationships with colleagues outside the work unit. As a result, even if one quits her job, she may remain in contact with or connected in some ways with many of

³According to Nadler (2017, p. 71), "individuals usually identify with specific groups, rather than society in general or some general notion of social approval. Much of the time, individuals are concerned not so much about what most other people think, but rather by what members of their relevant in-group think."

her former colleagues. Ruining these relationships is unthinkable and could have long-lasting consequences, as these former colleagues could appear in other settings outside the work unit.

One's failure to fulfill her obligation as a relational self within one's broadly defined family and work unit would invite criticism from members of her larger community. An individual's failure in covering up for family members or protecting the work unit from getting punished would likely lead to a loss of respect in the larger community. For example, the sense of relational self and moral obligations for an individual to protect *zijiren* made it essential for Lili's grandparents to support their daughter-in-law and for Wanqi and Meixiang to give up resistance and go for tubal ligation. Likewise, people like Lili's granduncle and the sibling of the civil servant may find it difficult to stay away and see their close relatives suffer from the unjust law's severe punishment when they had resources to help. Moral condemnments from members of the larger community were unthinkable for them if they refused to take family interests into account when the unjust law negatively affected family members and close relatives.

Similar to those who shifted legal consequences to close relatives without compensating the latter, bringing trouble to colleagues would likely invite condemnation at the workplace and in the larger real or imagined community for one's immorality. In other words, meeting all the requirements of relational personhood in different domains is crucial in securing acceptance and respect in the larger community, either real or imagined.

Alternative mechanisms and the relational formation of legal consciousness

While people's responses to law are significantly affected by this internalized process of evaluation that aims to maintain relationships in their families, work units, and larger communities, their choices are not free from influences from external forces such as law and family policies. Law plays an important role in imposing responsibility and defining the boundaries of responsibility. In so doing, law changes the values and expectations of the family, the work unit, and the larger community. Law provides or denies alternative mechanisms available to an individual within a particular relationship. Albert Hirschman's classic distinction between exit, voice, and loyalty could be of use here to help make sense of people's different responses to law. Focusing on people's responses to organizational decline, Hirschman (1970, p. 4) points out that some members of organizations opt for the exit option and leave the organization, while some go for the voice option and express their dissatisfaction to make an attempt to change the practices and policies. The exit option is a non-confrontational, indirect, and secret vote; quite the opposite, the voice option implies the articulation of one's critical opinions directly, rather than escaping (Hirschman, 1970, pp. 16, 30).

Exit seemed to be a loyal response for those in the workplace, as voice would bring trouble to the work unit. When an individual quit a government-affiliated workplace, there were alternative ways of earning a livelihood for those with some other resources such as working for private organizations or running a small business. Ping's husband and Dongyun's supervisor could find other means to make a living, and therefore, they did not have to go down the confrontational path because voice was costly in comparison to silent exit (Hirschman, 1970, p. 40). The presence of the exit alternative sharply discouraged people from taking up the voice option (Hirschman, 1970, p. 43, 76).

Giving up membership, or the exit option, was unavailable in the family context because of the imposition of collective responsibility on the multi-generational family, the moral assumption of relational personhood, and the rise of neo-familism that privatizes childcare, eldercare, and housing.⁴ Against the backdrop of the rise of neo-familism, intergenerational relationships have undergone significant changes in the past few decades. Denying benefits and services for all members of the family

⁴According to Yan (2021, p. 15), "the notion of Chinese neo-familism refers to the new discourses and new practices since the early 2000s that invoke familism as the primary strategy to pursue both individual happiness and family prosperity through the collective efforts of a multi-generational domestic group."

would effectively push women to comply with the law, given that women were always expected to sacrifice for their families as wives, mothers, and daughters-in-law. Despite their dismissal of and resentment at the law, “opting” for tubal ligation usually became the only solution for women of the younger generation who violated birth policies since the 2000s.

Meixiang resisted the enforcement of the unjust state policy by accusing it of being intrusive, although she knew that making her voice heard was unlikely to lead to “improved service.” As Hirschman (1970, p. 33) notes, “The voice option is the only way in which dissatisfied customers or members can react whenever the exit option is unavailable.” Similar to the welfare recipients in Sarat’s (1990) study, Meixiang voiced not because she thought she could change anything about the enforcement of the law but because she had no other options. Her decision to argue against the intrusive operation of the law, therefore, largely resulted from the lack of other means of resistance.

The sacrifice Meiyi and other women had to make for her their multi-generational families, as well as the importance of having resources and means for those who left the government-affiliated job to find other work, highlight the fact that relational legal consciousness not only does not challenge the unjust law but also plays a role in reinforcing social inequality and existing hierarchies.

Resistance, social inequality, and the durability of law

Law enters everyday life by reinforcing normative systems through imposing norms, procedures, and sanctions that were extrinsic to these social domains (Engel, 1993, p. 168). On the one hand, it created new identities for people like Lizhu and Jiao who had already had deep connections with the communities. Most of them not only saw themselves as the ones who implemented the law but also as part of the residential community. Their roles to implement the law within the communities were entirely results of the population control policy. The strategies of successful enforcement at the local level came from local officials’ deeply rooted experience and their familiarity with social norms in the community. It was through deep knowledge of the local communities and the accumulated experience of everyday interaction with residents that local officials developed and refined their enforcement of the law. On the other hand, the imposition of collective responsibility changed the ways in which individuals organized their relationships. People would not have to go for tubal ligation or leave their government-affiliated jobs if not for the unjust law.

Resistance on the ground had been constantly shaping the enforcement of the law, which in turn also changed people’s responses to the law. From mothers hiding in the cave, women taking personal leave or quitting their jobs, to couples registering their children under their close relatives, we see various counter-hegemonic measures adopted by the individuals to dampen and resist the enforcement of the unjust state policy.

By escaping home and hiding in the wild, “illegally” pregnant women made the raids of brutal officials from the township unsuccessful. The civil servant’s strategy to take personal leave when her pregnancy became visible and register the child under her sister significantly reduced the chance for the law to punish herself and her work unit. Those who quit their government-affiliated jobs in preparation for the violation of the law eliminated the possibility for the law to negatively affect their workplace.

While the measures adopted on the ground were effective in resisting the enforcement of the unjust law, relational legal consciousness resulting from the emphasis on the individual’s obligation within and across relationships inevitably created opportunities for the law to remain intact and unchallenged by these measures of resistance. The measures of hiding in the dark, having close relatives take parenthood of the child, and quitting one’s job may have created difficulties for the enforcement of the law on the ground, but none of these measures directly confronted the law *per se*.

It may seem on the surface that people were simply following what other people did and expected them to do in response to the emphasis on differential treatments; and that these strategies

of resistance were developed and adopted based on successful experiences accumulated collectively and lessons learned by people on the ground to work around the law without confronting it directly. People like Lili's mother and Ping's colleagues, for example, may merely be following somewhat established measures adopted by many other people in similar situations to fulfill their obligations in various types of relationships. In these circumstances, law disappeared and blended into the background.

Legal consciousness resulting from highly relational ways of thinking inevitably appears to be a product of people's moral obligation to fulfill their responsibility within relationships. Nevertheless, as Silbey (2005) powerfully suggests, explaining the durability and ideological power of law is the most important task of legal consciousness scholarship. Chua and Engel (2019, p. 345) also caution that law and society scholars should not romanticize the concept of relational legal consciousness because these relationships may sometimes be unequal and maintain existing social hierarchies. My study emphasizes that when it comes to legal consciousness with highly relational nature, it is crucial to investigate how ordinary people's emphasis on relationships and the resulting relational legal consciousness sustain the durability and ideological power of law.

Relational personhood contributes to the individual's lack of interest in challenging the law using confrontational measures and consequently sustaining law's control over our relationships. As Yan (2021, p. 255) notes, "the unreserved devotion to one's family and the value of self-sacrifice for one's immediate family members translate into a lower degree of social trust in strangers and in social institutions as well as a degree of political apathy." The relational way of dividing people into *zijiren* and non-*zijiren* dilutes people's interest in advocating for legal changes for society in a political and legal environment that is highly instrumental and often repressive (Liu, 2020).

Emphasis on differential treatments contributes to legal hegemony by discouraging individuals from identifying and challenging unjust laws and policies. Requirements of relational personhood also create opportunities for the law to operate in an invisible way to divide people into two categories based on their financial and social capital: those who have the means to act responsibly toward others; and those who lack the resources to take responsibility. Ordinary people's efforts in living up to the requirements of differential treatments and fulfilling responsibility, therefore, end up reproducing the categories created by the law based on their financial and social capital.

From the stories of those who violated China's oppressive population control policies, we see that law plays a significant role in upholding structures of power and inequality within these domains. In the context of the family, the imposition of collective responsibility on the multi-generational family interacts with the social expectation that one should sacrifice for one's family to affect family members disproportionately. Gender inequality is embedded in the idea of collective responsibility because women often carry more responsibility to sacrifice for the family and "choose" to prioritize family interests over their own when the violation led to consequences for the family or other family members. The pressure to violate the law in order to give birth to one more child usually came from the in-laws and the husband to carry on the family line or have a big family (Kane & Li, 2021, p. 3). Internal hierarchies and inequalities among family members made it difficult for women to resist the pressure to violate the law. Unfortunately, it was also the wife who had to suffer the most because of the violation, which may include hiding during her pregnancy and going through sterilization after the illegal baby was born.

At the workplace, those with sufficient social and financial resources to quit the job and take on all responsibility for their violation of the law were considered to be qualified to violate the law. The emphasis on social and financial resources also disqualified those with less social and financial capital from having one more child. The law's imposition of stiff excess-birth fines further intensified inequality.

Within the larger community, those with the most social, political, and financial resources occupied advantaged positions in the process of resisting the law. We have learned from the narratives of local community members that getting close relatives involved usually required the biological parent to come up with a significant amount of compensation or at least the money to get the relative out

of trouble. Civil servants who could pay off the fine and offer compensation to their siblings usually gained more support from community members than those who shifted the burden to close relatives and putting the latter in trouble. Likewise, those who had the resources and guts to give up their jobs often received more respect and acceptance from the larger community than those who brought trouble to others.

CONCLUSION

My study on relational legal consciousness in the one-child nation delves into the relational formation of legal consciousness in a society where relationships play a significant role in shaping the ways in which people respond to law. I have documented that people respond and are expected to respond to law differently in their multi-generational families, circles of close relatives, and work units, respectively. The fluid boundaries of relationships make it essential for people to attend to many types of relationships all at once and move in and out of a particular type of relationship when themselves or group members are affected by the enforcement of the unjust law. Their responses to law are also significantly influenced by alternative mechanisms available to them in different domains, with the availability being determined by law and social norms.

As the differentiated mode of association legitimizes different treatment and the individual's sacrifice for the interest of the family and community, legal consciousness in this type of highly relational society has the potential to sustain social inequalities and further marginalize women and other weaker parties within the group. The emphasis on the individual's responsibility to respond to the law in ways that meet the requirements of as many relevant groups as possible dilutes the interest in confronting the law directly. Strategies that effectively countered the enforcement of the unjust law on the ground often left the law intact and unchallenged.

This study has drawn upon qualitative data to provide a detailed analysis of people's relational responses to the implementation of China's population control policies on the ground since the 1980s, with a focus on Fujian province.⁵ It must be noted that my findings are based on the investigation of people's responses to a piece of law that is notorious. Future studies on people's perceptions and engagement with laws that are consistent with social approval and expectations need to be conducted to examine how the legitimacy of the law affects people's relational legal consciousness.

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⁵As I have pointed out in the data and methods section, Fujian is notorious for its prevalent patriarchal norms, and thus, one may find different strategies adopted by people in other parts of China in the process of resisting the enforcement of the one-child policy. Future research remains to be done to investigate whether the ways in which people in Fujian resisted the one-child policy appeared in other parts of China. Nevertheless, the potential difference or similarity across China does not prevent Fujianese people's experiences from contributing to the current discussion of relational legal consciousness.

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