

The Body of Fertility and the Body of Labor: The Evolution of Protection Policy for Female Workers in the "Four Periods"(1951-)

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ABSTRACT

China has now fully implemented the three-child policy. Women's reproduction is both the continuation of a family and the cultivation of new citizens for the nation and new labor power for society. Providing compensation for women's reproductive labor has become a consensus. However, with the opening of the three-child policy, the labor women undertake in reproduction—from pregnancy and childbirth to childcare, education, and ultimately nurturing qualified labor—requires increased energy and costs. How to reasonably distribute this increased burden has become a new social issue. This paper traces the evolution of the Chinese Communist Party's (CCP) policies concerning the "Four-Period" protection (pregnancy, postpartum, lactation, and menstruation periods) for female workers from 1951 to the present. Seeking to understand the epistemological foundation of this protection, the paper traces back to the founding of the CCP, exploring the initial ideological basis for constructing the "Four-Period" protection policy. Starting from the historical origins of the policies, it analyzes the underlying concepts behind the institutional design in different periods, the continuity and changes in the policy content itself, and the social practice of "Four-Period" protection at each stage. Thus, it presents the complete process of the construction and evolution of "Four-Period" protection over a long historical span, further exploring the discourse and changes in the social status of modern Chinese women. Re-integrating and re-distributing the responsibilities of the state, market, family, and individuals in the sphere of reproduction remains a crucial issue to be addressed. This paper aims to historically analyze the design philosophy behind the CCP's "Four-Period" protection system for women, the evolution of the system itself, and its practice, exploring the changing relationship between Chinese female workers, enterprises, and the state over the past century. It hopes to provide a long-term historical perspective and potential lessons for the formulation of current women's labor protection policies.

KEYWORDS

Reproductive Body; Laboring Body; Female Workers; "Four-Period" Protection; Women's Liberation.

1. INTRODUCTION

Against the backdrop of China's comprehensive three-child policy, contradictions such as the imbalance in the division of labor within families have resurfaced, leading to heightened issues of employment inequality for women. In recent years, the conflict between women's reproductive responsibilities and work has once again become a focal point of public discussion. Simultaneously, with the dominance of the private sector in the market, news frequently emerges of female workers failing to receive legal labor protection. Female workers, stripped of their "honorable status" from the collectivist era, have re-emerged as a vulnerable group under the dual pressures of reproductive and work burdens, attracting social attention. The "Four-Period" protection policy for women workers (special protections during pregnancy, postpartum, lactation, and menstruation) is the most important

aspect of China's women's labor protection policy. On what basis of understanding was this policy constructed? What elements were continued across different historical periods? What changed? What were the design philosophies and motivations behind these changes? During the pre-marketization collectivist period, female workers undertook dual tasks of production and reproduction. Under the work-unit system, what kind of protection or welfare did enterprises provide them? How was the "Four-Period" protection policy specifically implemented in certain factories? What problems and conflicts arose? What were the female workers' own perceptions and accounts? These are the questions this paper attempts to explore.

2. THE CCP'S EXPLORATIONS IN SPECIAL PROTECTION FOR WOMEN BEFORE 1949

Accompanying the modern women's liberation movement, the discussion and construction of motherhood have always been focal points for the CCP in addressing the relationship between the individual and society, production and reproduction, the labor market, and family life. Influenced by modern Western concepts like "natural rights" and "gender equality," women's bodies were endowed with multiple meanings. Chinese intellectuals grounded motherhood in the natural attributes of the female body, affirming it as women's innate duty. Women, no longer subservient to patriarchal or spousal authority, became independent individuals, thus gaining the right to control their reproductive bodies. However, as citizens and "mothers of the nation" bearing the mission of "preserving and strengthening the race," women's bodies were also linked to nation-building, granting the state the right and necessity to manage them. Simultaneously, as citizens, women needed to participate in directly "profit-generating" productive labor, imbuing their bodies with the meaning of the "laboring body." The special physical demands of reproduction, leading to childcare, housework, and other "maternal burdens," were all recognized by the CCP as women's "special difficulties."

From its inception, the CCP recognized the inseparability of women's liberation and labor liberation. To mobilize women for revolution and production required acknowledging and resolving the series of "maternal burdens" women faced due to their bodies, reproduction, and domestic work. While mobilizing the labor movement, the CCP incorporated the specific demands of female workers, proposing corresponding slogans. Several resolutions on the women's movement pointed out the necessity for labor protection for female workers. Liberating women from family care has always been a CCP promise. According to early Marxist theory, the socialization of housework and participation in large-scale social production were prerequisites for gender equality. Starting with the "Resolution on the Women's Movement" passed at the CCP's Second National Congress, the CCP began exploring how to provide laboring women with corresponding protection during special periods, proposing a series of ideas based on protecting the laborer's body, and conducting some practices in revolutionary base areas. These slogans and proposals strengthened female workers' motivation to fight for their rights and reflected the CCP's initial conceptions for solving the special problems arising from women's "maternal burdens."

In 1931, the Soviet Areas Congress passed the *Labor Law of the Chinese Soviet Republic*. Chapter 7 stipulated legal protection for "female workers, young workers, and child labor." Regarding protection during special periods for female workers, it detailed: pregnant and breastfeeding women were strictly prohibited from night work; all female workers engaged in physical labor were entitled to 8 weeks of rest before and after childbirth with full pay; newly added special circumstances like miscarriage (abortion) entitled them to 2 weeks' rest with full pay; breastfeeding women, besides enjoying stipulated rest periods, were entitled to a half-hour break every 3 hours to nurse, without wage deduction, and factories were required to establish nursing rooms and nurseries staffed by the factory. [1]

These protective regulations show that detailed and operational plans for protecting female workers were formulated in revolutionary base areas. The explicit requirement to establish nursing rooms and nurseries addressed the burden of breastfeeding and childcare for female workers.

Shortly after this labor law, on June 20, 1932, the Provisional Central Government of the Chinese Soviet Republic issued the document *On Protecting Women's Rights and Establishing the Organization and Work of Women's Life Improvement Committees*. Addressing the tendency of local Soviet governments to neglect women's special rights in practice, it mandated the establishment of Women's Life Improvement Committees at all levels. Article 7 emphasized: "Women's Life Improvement Committees at all levels should discuss with the Labor Departments at corresponding levels methods for implementing all provisions of the Labor Law protecting female workers' interests in the near future, especially protections before and after childbirth. Female workers should realize social insurance, just like male workers." [2] This was the earliest CCP proposal to provide social insurance for female workers before and after childbirth, forming the ideological origin of maternity insurance for female workers. It demonstrates that even before establishing national power, the CCP believed childbirth should be covered by social insurance and shared collectively. In the Shaanxi-Gansu-Ningxia Border Region, the promise to provide childbirth expenses for female workers was realized: "Female workers get two months' rest before and after childbirth with full pay, plus 20 yuan for childbirth expenses." [3] Furthermore, in the 1940s, in the Shaanxi-Gansu-Ningxia and Shanxi-Chahar-Hebei Border Regions, the following were implemented:

Besides equal wages and working hours as male workers, female workers received special treatment: such as "two months' leave before and after childbirth with full pay and a maternity allowance of five to ten yuan," "female workers receive a monthly sanitary (menstrual) fee of three jiao from the factory, and are given physiological leave as appropriate with full pay," "children brought by female workers receive a monthly milk substitute fee of five yuan," etc. [4]

Although the CCP could only provide limited protection during wartime, its active exploration of measures is commendable, establishing the basic framework for the "Four-Period" protection of female workers.

From its founding, the CCP viewed women's liberation and labor liberation as inseparable. Through a series of revolutionary labor movements, it constructed the framework of "Four-Period" protection based on the rights and interests of female workers. This also indicates that the "Four-Period" protection proposed by the CCP from the outset was based on the perspective of protecting the laborer, granting rights to female workers, stemming from the protection of the "laboring body."

3. "THREE-PERIOD" PROTECTION AS LABOR INSURANCE (1951-1956)

After the CCP established national power, it continued its original intention to protect female workers and address women's "special difficulties." Between 1951 and 1956, it established protection for the "Three-Periods" (pregnancy, postpartum, lactation) and implemented a maternity insurance system, placing "Three-Period" protection under labor insurance. The formal implementation of the *Regulations on Labor Protection for Female Workers of the People's Republic of China (Draft)* in 1956 marked the formal establishment of special labor protection for female workers in China. While safeguarding female workers' reproductive rights, it significantly enhanced their social status. Protected female workers gained recognition as "people of the state."

However, during the transition period of New Democratic society, private and public-private joint enterprises still existed in large numbers. The state paid close attention to the implementation of female worker protection measures in these enterprises. Within the state-capital-female worker triangle, female workers became "people of the state" entitled to protection. Female worker protection policies became an important social policy for the state to win female workers' identification with the new state and demonstrate the superiority of the new regime. In terms of concrete implementation,

taking Beijing as an example, state-owned enterprises implemented "Four-Period" protection relatively thoroughly, with humanized designs adapted to each factory's conditions. For private and public-private joint enterprises with inadequate implementation, the CCP used intermediary organizations like the Women's Federation and women's departments within factories to urge compliance and encourage female workers to fight for their rights, leading to significant improvements. The women's departments within factories played a crucial bridging role between the state, factories, and female workers in implementing protection policies. The establishment of the Women Workers' Department within the All-China Federation of Trade Unions (ACFTU) also provided institutional support. At the first National Conference on Women Workers' Work in August 1950, Li Lisan pointed out that female workers "still have special problems and special needs. Therefore, it is necessary to set up a special women workers' department." [5] Yang Zhihua, Deputy Director of the Women Workers' Department, further proposed: "Establish women workers' departments from the bottom up; even factories with many female workers must set up women workers' committees. Moreover, not only establish them, but also staff them with a certain number and quality of cadres according to work needs." [6] Promoted and urged by women workers' committees at various levels of trade unions, enterprises successively issued corresponding female labor protection regulations. The most important aspect was the "Four-Period" protection for female workers. Since the postpartum period had a clear stipulation of 56 days rest, most factories strictly adhered to this. However, protection during pregnancy, lactation, and menstruation lacked unified detailed rules due to limitations in the early post-liberation period. Therefore, regions and enterprises implemented more flexible regulations based on their own production conditions.

For example, archival materials from the Beijing (State-owned) Public Bus Company show the company made reasonable adjustments for pregnant workers, neither harming their health nor wasting labor power excessively. Some detailed designs reflected care for pregnant workers, serving as a good template for enterprise implementation at the time. Specific measures included:

(1). Female conductors upon pregnancy were transferred to Routes 1 and 2. These routes had superior conditions: two conductors per bus, including a seat for the conductor. Pregnant conductors could sit while selling tickets, avoiding crowding and reducing fatigue. After 4 months of pregnancy, when the body tires more easily, they were given a 20-30 minute break during low passenger periods, using the mothers' rest room in the nursing room at Nanheyan No. 6. Furthermore, to avoid busy Sundays, pregnant workers' weekly rest days were preferably scheduled for Sundays.

After 6 months of pregnancy, they were taken off bus duty. After removal, they were assigned light duties based on work needs, such as selling monthly passes or assisting office departments with miscellaneous tasks. When work was not busy, the administration organized them to study politics and culture to compensate for the loss of study opportunities during pregnancy and maternity leave.

(2). Female drivers upon pregnancy remained on their original routes due to technical constraints. Although driving isn't affected by passenger peaks, the job is mentally taxing. Prolonged driving during later pregnancy could affect fetal development. Furthermore, the physical exertion required for turning the bus wheel is not beneficial for pregnant women. Therefore, it was recommended that drivers be taken off duty after 4 months of pregnancy and assigned light work.

Additionally, to reduce fatigue from commuting for pregnant drivers and conductors and ensure sleep, it was recommended to add several beds in the women's dormitories of Depot 3 and depots with female drivers, for use when home was too far or weather conditions made commuting difficult. [7]

Different enterprises had varying emphases in implementing pregnancy protection. "Some units also adopted other measures, such as providing pregnant workers with cushioned backrests for chairs, etc. Life conveniences were also provided, like special queues for pregnant workers in canteens to avoid lining up with other staff." etc. [8] These micro-level considerations, thoughtfully designed by state-owned enterprises, went beyond central policies. Such detailed arrangements brought significant

convenience to pregnant workers, reflecting the favorable atmosphere for female worker protection in state-owned enterprises during the early post-liberation period.

4. "FOUR-PERIOD" PROTECTION AS WORK-UNIT WELFARE (1957-1985)

During the Great Leap Forward (1958-1960), the demand to further liberate labor power led to increased emphasis on gendered arrangements in the sphere of reproduction, such as the large-scale construction of nurseries and canteens. Although the explorations of this period were often unrealistic and overly radical, they represented an ambitious, large-scale attempt at socializing reproduction. To address the physical harm suffered by women during the Great Leap Forward, the CCP introduced requirements for menstrual protection. In 1960, Yang Zhihua first summarized the protection for female workers during pregnancy, postpartum, lactation, and menstruation as "Four-Period" protection. This specific term was established and remains in use today.

Between 1958 and 1985, Chinese society gradually entered the "work-unit system" era. Work units integrated production and life, undertaking government management functions. They not only met the basic needs of members through wages but also covered various social security and living needs. Under this system, members' basic needs and social status were guaranteed. The "Four-Period" protection for female workers and its supporting safeguards were "packaged" as welfare by the work units during this period. The CCP attempted to combine the spheres of production and reproduction. Production organizers saw arranging workers' lives as their responsibility. To maximize women's productive capacity for socialist construction, enhance female workers' enthusiasm, and strengthen their sense of being masters of their own affairs, under the work-unit system, female workers enjoyed a series of welfare guarantees brought by "Four-Period" protection: childcare services, clinics, public canteens, etc. Interviews reveal that female workers, as "laborers" protected by the state and the unit, developed a sense of belonging to the unit and collective happiness. Childbirth was the most significant event in a female worker's life. The unit not only granted leave but also paid full wages during this period, making female workers feel maximally secure as unit members. Female workers who experienced that era recalled: the unit's welfare meant "not spending a penny on childbirth and medical care"; and also that childbirth became convenient: "Many aspects were handled by various unit departments. You just needed a chit from the factory clinic for the hospital; the reimbursement process was handled by the unit, no need to worry about it yourself." The unit's attentive service extended not only to the female worker herself but also to her family members. Female workers at the time expressed satisfaction with collective production and life under the work-unit system. Their enthusiasm for production was mobilized. Pride in their working-class identity and the unit's welfare care are reasons for their nostalgia for the collectivist period.

However, the formulation of "Four-Period" protection still largely viewed the female worker's body as a "laboring body." The work-unit system was established to better integrate resources for arranging production and life, and securing life ultimately served production. Under the principle of "production first," a conflict arose between the machine's demand for a gender-neutral body and the female worker's gendered body. The special difficulties arising from women's physiology and their assigned family duties were seen as individual "special difficulties." Resolving these difficulties required female workers themselves to overcome the limitations of their gendered bodies, challenge physical limits, compress private time, and make family sacrifices.

5. "FOUR-PERIOD" PROTECTION UNDER THE DUAL-TRACK SYSTEM (1986-1993)

After the Reform and Opening Up, Chinese society underwent profound changes. The pace of social structural transformation accelerated, and social construction returned to the path of modernization.

During this period, the work-unit system began to disintegrate. Enterprises running social services became incompatible with new development requirements. Enterprises started shedding social responsibilities to adapt to the market. Market-oriented transformation brought enterprise system reforms. To ensure equal competitiveness, the "Four-Period" protection for female workers, originally borne by enterprises, entered a transitional adjustment period.

If during the collectivist work-unit era, the unit still assisted female workers in resolving some special difficulties, by the 1980s, society entered a period of transformation. Under marketization pressures, the work-unit system was impacted. The "Four-Period" protection and associated welfare costs borne by loss-making units became a heavy burden. Maternity insurance and other female worker protection costs, funded directly by the enterprise, were seen as burdens affecting efficiency. During workforce reductions, enterprises often laid off female workers first, turning them into "second-class labor" facing hardship in the job market. As units began shedding their "society-running" functions and withdrawing some welfare, the need for female worker protection regressed and required redefinition.

A debate on how to view the value of female reproduction and how to compensate for it ensued. In this debate, many scholars cited Engels' theory of two types of production from *The Origin of the Family, Private Property and the State*: "According to the materialist conception, the determining factor in history is, in the last resort, the production and reproduction of immediate life." [9] "This again is of a twofold character: on the one side, the production of the means of subsistence, of food, clothing and shelter and the tools requisite therefore; on the other side, the production of human beings themselves, the propagation of the species." [10] This theory clarifies that both material production and human reproduction are prerequisites for human society's existence and development.

In the debate, some scholars pointed out that while Marx and Engels didn't further analyze the process and value creation of this production, and the value of the special product-population-is hard to measure economically, a preliminary estimation based on the time and opportunity costs women incur during reproduction is feasible. However, the actual energy and emotional investment women make far exceed quantifiable measures. The material costs women bear due to reproduction are visible direct costs, but the sacrificed energy, promotion opportunities, and time for self-improvement are often overlooked.

Theoretical research on women's reproductive value and discussions on social compensation methods were not only crucial for establishing a new social security system and meeting economic reform demands but also aimed to reveal to society women's special role in human reproduction. It was argued that only by making society recognize the social value of women's reproduction could women's competitive disadvantages be alleviated, securing their basic interests in employment, political participation, education, etc., thereby enhancing women's status and promoting gender equality. Other scholars argued that since reproduction has social, family, and individual value, its costs should be shared by society, the work unit, and the family. Women losing their jobs upon pregnancy and childbirth meant society, the enterprise, and the family all shared the reproductive value, while women alone bore the costs and responsibilities. This was deemed unfair and detrimental to women's development. Women, as participants in social production and bearers of human reproduction, deserve social recognition for their contributions to human development. [11] By the 1980s, a broad consensus had formed in favor of compensating women for reproduction.

This period framed reproduction as inherently social. This differed from the 1950s-1970s approach where "Four-Period" protection and maternity insurance were designed from the perspective of labor, viewing women's bodies as "laboring bodies," with protection serving production. The call for social pooling of maternity insurance in the 1980s was a continuation of the modern discourse placing female reproduction at the national and ethnic level, emphasizing its public and social nature. Furthermore, the 1969 maternity insurance regulation only held the woman's own enterprise responsible. The 1980s proposal that both spouses and both their enterprises share costs reflected a shift. The former theory stemmed from the modern discourse of reproduction as women's "natural

duty," viewing the reproductive body as an individual female matter, thus the enterprise was only responsible for its own female workers, essentially excluding male reproductive rights. The latter proposal, emphasizing shared responsibility by spouses and enterprises, returned the discussion of reproduction to the societal level.

This debate provided a theoretical basis for social pooling of maternity insurance, but the practicality and operability of social compensation remained contentious. Various localities began exploring policies, mainly adopting two approaches:

1) Social Pooling: Enterprises paid a lump sum annually into a social pool fund based on total staff numbers (including men), establishing a maternity fund. Medical expenses and maternity allowances for female workers in participating enterprises were paid by the social pool. Pioneered in counties/cities like Nantong, Kunming, Shaoxing, Ningbo, etc.

2) Cost-Sharing by Both Employers: The maternity allowance was shared equally (50% each) by the enterprises of both spouses, as trialed in Anshan and Suzhou.

The 1980s saw this dual-track transitional phase. Maternity insurance finally shifted from labor insurance to social insurance with social pooling in 1994.

6. "FOUR-PERIOD" PROTECTION AS SOCIAL SECURITY (1994-PRESENT)

After the 1990s, with the disintegration of the work-unit system, female workers were no longer "laborers" cared for by the unit. The "Four-Period" protection began to be framed from the perspective of protecting the maternal body, rather than the enterprise protecting the laboring body. This represented a significant advancement in design philosophy. However, as the enterprise and state withdrew, female workers lost unit-provided welfare like childcare. Reproduction and its associated childcare and housework burdens reverted to being the personal responsibilities of female workers and women as a group.

The most crucial adjustment to "Four-Period" protection was the implementation of social pooling for maternity insurance. In December 1994, the Ministry of Labor issued the *Trial Measures for Maternity Insurance for Enterprise Employees*, establishing a unified national method for social pooling of maternity insurance starting in 1995. This signified the elevation of maternity insurance from labor insurance to social insurance. It shifted the costs incurred during female workers' maternity (including salary during leave) from sole enterprise responsibility back to social pooling among all insured units within a region, as practiced before 1969. The measures stipulated: "These Measures apply to urban enterprises and their employees," and "Maternity insurance shall be organized according to the principle of locality, and maternity insurance costs shall be subject to social pooling." The social pooling of maternity insurance significantly alleviated conflicts between female workers and enterprises and reduced the economic burden of reproduction on both.

The transformation of maternity insurance from enterprise-funded labor insurance to socially pooled social insurance represented an important breakthrough in recognizing the social value of reproduction and sharing reproductive responsibilities collectively. However, reform in maternity insurance alone was insufficient. Although the CCP maintained the framework of "Four-Period" protection, facilitating women's inclusion in modern large-scale production, public policy fundamentally centered on motherhood, with fatherhood and employers playing auxiliary roles, did not achieve the socialization of reproduction. Women's labor protection laws protected women's reproduction and bodies from damage by paid work but did not guarantee that women's right to equally participate in paid labor and earn income wouldn't be hindered by physiological differences.

After China fully implemented the three-child policy in 2021, recent sessions of the National People's Congress (NPC) and Chinese People's Political Consultative Conference (CPPCC) have seen

proposals like "extending maternity leave," "providing enterprise subsidies or tax reductions during maternity leave," "establishing flexible working mechanisms for female employees," "improving childcare welfare institutions," and "adding paternity leave" become focal points of discussion, though their feasibility and operability require further exploration.

7. CONCLUSION

Reviewing the century-long institutional history of "Four-Period" protection for female workers aims to extract lessons from historical development. The goal is to adjust women's labor protection policies in line with the times while continuing the CCP's original intention to socialize reproductive responsibilities, forging a socialist path with Chinese characteristics in the sphere of reproduction, thereby promoting the adaptation of Marxist women's liberation theory to contemporary conditions. Under the modern large-scale production system centered on production, how to re-integrate and redistribute the responsibilities of the state, market, family, and individuals in the sphere of reproduction is an urgent issue that must be confronted and resolved.

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