

FEMALE FOETICIDE AND SEX SELECTION SERVICES IN INDIA: AN ETHICAL PERSPECTIVE

Lt. Laxmipriya Chand

Lecturer in Logic

K.B.D.A.V. College, Nirakarpur, Odisha

&

Research Scholar

M.S.C.V.D. University, Odisha

Email: laxmipriyachand1992@gmail.com

Abstract

Even though the bad consequences like inviting the possibility of diseases such as sepsis, perforated uterus, hemorrhage, genital and abdominal trauma, gangrene, etc., women are not serious to avoid abortions. For abortion, regardless of whether the law permits it or not, what the people around think and say, morally sound or not there have been always cases of unwanted pregnancies, and women take the risk of their lives and health. The reasons for choosing abortion are varied. Out of those the decision to terminate a wilful pregnancy because of the reason that the sex of the child is not up to the choice which is known through illegal prenatal diagnosis is the most tragic and harmful decision for the self and the society. The act involves legal, ethical and social considerations out of which in the present paper the ethical perspectives will be focused.

Keywords

Reproductive autonomy, Utilitarian approach, Consequentialist stand.

Reference to this paper
should be made as follows:

Received: 05.09.2022

Approved: 21.09.2022

Lt. Laxmipriya Chand

**FEMALE FOETICIDE AND SEX
SELECTION SERVICES IN
INDIA: AN ETHICAL
PERSPECTIVE**

Article No.38

RJPSS Apr.-Sept. 2022,

Vol. XLVII No. 2,

pp. 347-353

Similarity Check: 0%

Online available at:

[https://anubooks.com/rjpss-
2022-vol-xlvii-no-2/](https://anubooks.com/rjpss-2022-vol-xlvii-no-2/)

DOI: [https://doi.org/10.31995/
rjpss.2022.v47i02.038](https://doi.org/10.31995/rjpss.2022.v47i02.038)

One of the significant issues of the twentieth century is the remarkably diminishing number of females in the Indian society which cannot be taken as the result of the chance coincidence. The number of females does not reduce overnight of without having any reason. The constant increase in number of males in the society not only shows reflects the imbalance in the male-female ratio but has affected and will definitely affect the peace of the society. Out of the significant factors responsible for the diminishing of female numbers, the practice of female foeticide and infanticide are highly significant. Such practices are continuing in India for decades. In our country, the issue has reached an alarming stage during the last quarter century which has drawn the attention of the intellectuals in various ways. There is no doubt that sex selection techniques like, amniocentesis, ultrasound, PGD, etc. play a very vital role in the promotion of female foeticide. The abuse of these techniques can be viewed from an ethical perspective. In this article, attempt will be taken to view the issue from the angles of different ethical angles.

Sex Selection Services

To prevent the birth of a female child attempts can be taken in both the ways that are prior to and after conception. Ericsson method is used as a pre-conception sex-selection technique where the by the application of chemical solutions at the bottom layers the x-chromosomes are being separated from the y-chromosomes so that the egg can be fertilized with a high concentration of Y sperms to lead to a male child.¹ The Ericsson technology was found out to be used for the patients who have problems with x chromosomes. But later it has been used, rather misused for the prevention of a female child. There is also another method to prevent the female child in the method of going for a test-tube baby. Here the sex of the future child can be determined by the help of the use of the particular type of cells for the formation of the embryo. It is known as the Pre-Implantation Genetic Diagnosis method.

As post conception sex-selection technique most easy method seen is the ultrasound. To make sure through ultrasound by collecting the blood sample of the fetus the fetal blood sampling test is also followed by some people with a high lifetime risk of the fetus. The method of Amniocentesis was introduced to detect fetal abnormalities but later on, it was abused as a sex-determining technique.

Ethics Involved

At first, a general question comes up that should there be access to the knowledge of the sex of a fetus? A general answer can be given that it does not harm others or affect others in any manner then why should the agent (the mother) be prohibited to have it? But at the same time, another question is also involved in it that what is the intention of the agent behind knowing the sex of the fetus? It cannot

be just a fanciful desire of the agent because it involves going to a nursing home/ clinic, making payment of a good deal of amount, remaining in a queue and finally bearing some pain. The purpose cannot be thought of to be a noble one. Had it been so there would not have been strict legal restrictions on it. If the act is legally prohibited how can it be expected to be morally justified? However moral justifications may be sought for the desire of the agent to make an appeal at the proper corner for the amendment of legal restrictions if there are sufficient moral justifications. Let us examine the possibility.

First of all, let us ascertain whether what for there is a desire for the knowledge of the sex of a fetus. Is it to abort it making a choice to between male and female category or for some other reason? There cannot be any claim that better care of the fetus/agent can be taken by knowing the sex of the fetus. Similarly, if the purpose of aborting the fetus is to check the population growth then also the knowledge of the sex of the fetus is futile. So the other option is open that after knowing the sex of the fetus whether to continue with it or not? If the continuance with the fetus is in some way fatal for the fetus-bearing agent then justification in support of aborting the fetus is there. But for this, there is no need of knowing the sex of the fetus. Irrespective of the male-female category it should be aborted. If the intention is to make a choice of some definite category then here there must be justification in support of choosing a particular category. Thus there is a distinction between female foeticide and abortion which can be specified in the following manner.

Abortion is the term used to terminate the pregnancy knowingly when it is felt to be needed for some reason or other. Here the purpose is not to give birth to the child without having any concern for the sex of the child. But if the abortion is aimed at not giving birth to the female child then it leads to female foeticide. Thus female foeticide refers to such cases of abortion where only female fetuses are aborted. Thus female foeticide involves sex selection procedures and services. It needs the access to the knowledge of the sex of the fetus.

The necessity of choosing abortion or female fetus abortion differs from circumstance to circumstance and nation to nation. For example, in the United States where a female child is not treated as a burden to the parents, the issue is usually restricted to abortions only. There was a time when abortion was not legalized in many countries including the United Kingdom and the United States. The United Kingdom happens to be the first country to liberalize the law for abortion in 1968. It was followed soon by the United States in 1973. As a result after 1973, the deaths of women being related to abortion are very few in the United States whereas such

deaths were found to be more than 20% prior to legalization. It is because those were conducted secretly in unhealthy sanitary conditions.

If we take the picture in India into account it is seen that the abortions are legalized but sex determination is treated as illegal. So if someone desires to go for an abortion without knowing the sex of the fetus then it is acceptable. But knowing the sex of the fetus and being disinterested in a female child going for an abortion is not admitted. As far as the Indian psyche is concerned as there is always a weakness for the male child no one thinks of terminating it unless some other problems are there. It is because here the preference for a male child is conspicuous. So the number of females is reducing remarkably in Indian society for this reason. In such a case let us see what kind of justifications can be provided in support of the abortion of chosen sex.

Argument from Reproductive Autonomy

There can be some arguments in support of the access to the knowing the sex of the fetus in the following manner. According to John Stuart Mill, the individual's liberty should be restricted if an individual's liberty is supposed to be harming any other individual's liberty in any manner. This view has the bearing on the consideration that an individual should not be deprived of her reproductive autonomy unless until it harms other individuals. In this connection, Stephen mentions that "The level of harm that is required for us to interfere with procreative autonomy is ordinarily very high. Even if there were some harm to others that result from the use of sex selection technologies, they would not be as serious as the harm that would be required to constrain this important liberty. Therefore we should not restrict access to sex selection services."²² It is further added by Robertson "that in cases where the sex of a child will be the deciding factor in whether that child is born, selection techniques are necessary for parents to exercise their reproductive autonomy."²³ Thus both the quoted views appear to be in support of the access to the sex selection services.

This autonomy argument is also found in another form with the consideration: 'Her body- her decision.' The bearer of the fetus should decide whether she should continue with it. "A woman living in a country marked by poverty and gender apartheid wants to abort because she decides it would be wrong for her to bear a daughter whose life, like hers, would be filled with hardship."⁴ In order to decide if it is needed to know the sex of the fetus then she should have access to knowing the sex of the fetus. The question is linked with the right of the women and the legalized aspect of the abortion. If abortion is legalized in the country then the woman will have the right to fulfill her desire in accordance with the socio-cultural

preference to go for a male child. She can try to take another chance to have a male child against this forthcoming female child. Taking another chance is neither difficult nor non-pleasant.

Argument from End and Means Consideration

The support for this access can also be extended from another angle taking the Kantian view of 'means and end' into account. "When parents wish to use sex selection services they do so because they have a preference about what kind of child they want to have. If they use a sex selection technology and have a child the child's sex has been determined to satisfy an end of the parents and the child has been used as an instrument to bring about this end."⁵ In this consideration there is a presupposition that it is right to use a sex selection service to remove the specific sex. But one of the major considerations involved in this line of thinking is that nothing other than the theoretical approach is given importance whatever the practical effects may be. Besides being going against the process of natural selection in emphasizing on a specific end it has a strong bearing on the psychology of the forthcoming child that his existence is conditional to the choice of his parent.

The other factor important in the Kantian approach to the issue is that "Kant requires us to treat persons as ends in themselves and never as a means only. In actuality, it would be impossible to never use other persons as a means because it implies that employing the assistance of another to achieve any end negates the personhood of that other. Kantian theory directs us to only use persons for our own ends when this does not violate their status as persons."⁶ This line of thinking is also not uncontroversial in the sense it hints at the personhood of the fetus which is a controversial issue.

Argument from a Utilitarian Angle

It may so happen that there may be some people, who want to destroy a female fetus to get rid of their personal problems and miseries regarding giving birth to a female child. There might be the fear of future dowry problems or torture at in-laws houses in giving birth to a female child or any other reason of this type. If they can successfully destroy the female fetus not only they will be free from the possible miseries to be witnessed but also they can be happy in being able to solve their aheading problem. Some people also desire to give birth to a male child considering it to be a matter of pride and pleasure. For the fulfillment of such desire which can fetch happiness for them requires access to the knowledge of the sex of the fetus. From utilitarian angle, actions are right in proportion as they tend to promote happiness. The act of female foeticide may make them happy for those who deliberately wanted it and may appear to be morally sound to them. In this manner,

there can be an argument in favor of knowing the sex of the fetus from the utilitarian perspective.

Female Foeticide and The Promotion of Happiness

Does the act of female foeticide promote happiness? If so then it can be appreciated from a utilitarian perspective. Those who feel that their aim has been fulfilled by aborting the fetus they are expected to be happy. Those who earn fabulous amounts of wealth in helping the agent for abortion they are also expected to be happy. So there is the possibility of happiness for some people in promoting the female foeticide.

But in the utilitarian frame when the question of promotion of happiness comes, the emphasis is on the greatest happiness of the greatest number. It does not speak of the happiness of few individuals which has been achieved by fulfilling the selfish desire of few individuals. Such happiness of a few may be responsible for the unhappiness of a greater number of the people. The happiness of a larger number of people should not be sacrificed for the happiness of the selected few. At the cost of the happiness of a large number of people, a selected few cannot be allowed to be happy. At least from the standpoint of the greatest happiness or good of the greatest number the act of female foeticide cannot be treated to be ethically sound.

The promoters of female foeticide never judge the act in terms of the social good or from altruistic angle. The act is no doubt harmful to the future of the society. Only those can think of encouraging the act of female foeticide who are unable to visualize the future of that society. Ethics is never limited to individual good rather it aims at social good.

Argument from a Deontological Perspective

Does the act come under the spheres of duty of any agent in a manner? Probably the answer would be negative in the sense the cat has been equated with the act of killing and no killing can be considered to be the duty of a being unless it is required for a greater moral good. Sometimes the program of family planning is pointed out as the reason and cited as moral justification. Then it can be pointed out that then there should be only foeticide as it has been legalized with this intention but not particularly female foeticide. The male child alone cannot be treated as a social necessity. The preference for a male child is always an emotional and irrational choice and involved with self-interest. So it cannot be considered as a duty-bound act.

Arguments from Consequentialist Stand

Let us see what consequences follow from the sex-selection services. It has only helped in reducing the number of females in the society. Once upon a time in

India, it was thought that foeticide need to be followed as a legal birth control method. Since many problems were found in our country because of the vast population Indian government thought that there can have a control overpopulation through contraceptive methods. Accordingly, an extensive family planning program was started in all the big government hospitals. It was considered that under the pressure of poverty and population growth people can be easily be mobilized in aborting the child if they know that the present child is not a male one. This service was available free of cost. The government wanted to reduce the population growth through female foeticide. Of course, when the government realized about the consequences of it and some social activists objected to this policy the government officially banned it. But by that time people were aware of the method and the practice started to be followed in the private clinics to meet the demands of the people giving scope for illegal wealth accumulation by some. It has affected the ratio of male and female children in the society in the long run. The scarcity of girls enhanced social crimes in many ways in many states. It has created the tradition of legitimizing some wrong practices. One can never expect any good consequence out of the promotion of female foeticide.

References

1. Informal Social Networks. Sonography and Female Foeticide in India, <https://www.jstor.org/stable/pdf/23620731.pdf>.
2. Post, Stephen. G., Ed. (2011). "Sex Selection". *Encyclopaedia of Bioethics*, 3rd edition. Macmillan, USA. Pg. 2268. 7th paragraph.
3. Ibid. Pg. 2269. 2nd paragraph.
4. Ibid. Pg. 14. 2nd paragraph.
5. Ibid. Pg. 2269. 3rd paragraph.
6. Ibid. Pg. 2269. 5th paragraph.