

SEX SELECTIVE ABORTIONS:INFLECTIONS OF PATRIARCHY AND MODERNITY

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ABSTRACT

In India the societies are mostly patriarchal. In these patriarchal societies, sons are favored rather than daughters. This may express itself in different ways. First, parents may prefer the birth of male rather than a female child. In extreme cases, female foeticide and infanticide, as reported from some parts of India , because of this preference. However, this preference does not always result in such extreme behavior. Secondly, daughters may be deprived of education, medical attention, food and other necessities of life relative to sons. This practice is also reported to occur widely in India, particularly in the north, and especially, in the northwest of India Sen Prejudice against females and their deprivation in India, results in their under-representation in the total population in all age groups. Due to such factors, the number of “missing” women in India most likely amounts to more than 50 million, or around 5 per cent of its population. In fact, Kleson estimated it to be as high as 80 million in the early 1990s so the number of Indian “missing” women could now be well in excess of 50 million. The present paper tries to analyze the female foeticide sociologically to understand its social implications on gender relationships and social formations. This paper is based on seven case studies using elaborative impressionistic model to understand the relationship of gender, patriarchy and modernity.

KEYWORDS: Sex, Abortion, Inflections, Patriarchy, Modernity

Introduction

In India the societies are mostly patriarchal. In these patriarchal societies, sons are favored rather than daughters. This may express itself in different ways. First, parents may prefer the birth of male rather than a female child. In extreme cases, female foeticide and infanticide, as reported from some parts of India , because of this preference. However, this preference does not always result in such extreme behavior. Secondly, daughters may be deprived of education, medical attention, food and other necessities of life relative to sons. This practice is also reported to occur widely in India, particularly in the north, and especially, in the northwest of India Sen Prejudice against females and their deprivation in India, results in their under-representation in the total population in all age groups. Due to such factors, the number of “missing” women in India most likely amounts to more than 50 million, or around 5 per cent of its population. In fact, Kleson estimated it to be as high as 80 million in the early 1990s so the number of Indian “missing” women could now be well in excess of 50 million.

Sex selective abortion is the termination of the life of a foetus within the womb on the grounds that its sex is female. It is the conjunction of two ethical evils: abortion and gender bias. A foetus's right to life outweighs the parents' rights to wealth, pride, or convenience, whether the foetus is male or female. The term "sex selective abortion" is preferable to the term foeticide, since it points to both of the ethical evils inherent in this practice. . This kind of ‘civilised’ extermination of a particular sex and that too in the name of democratic ‘choice’ speaks volumes of the kind of values and human essence that is being created today in the global world of liberalisation. Both these practices of female foeticide and infanticide are the result of the deep-rooted son preference prevalent in most sections of our society today. This son preference is actually acquiring new dimensions and is being strengthened by certain economic and social processes underway today. In an age when females have made progress in almost every field, there are people who still accord a lower status to women. In some of our Indian societies, while a childless woman is perceived as incomplete, one who has given birth to daughters is partially complete. Only

the one who has produced a son enjoys a status of sorts. The problem is intimately related to the institution of dowry. Diagnostic teams with ultrasound scanners which detect the sex of a child advertise with catch lines such as spend 600 rupees now and save 50,000 rupees later. "If it's a girl child, we will have to spend first on her education and then on her marriage and dowry ... It doesn't stop there. We will also have to meet some of her expenses after marriage. The bias against females is also related to the fact that sons are looked at as a type of insurance. How I wish I could get a son!" Social pressures in India, and the presence of low-cost technologies like ultrasound, have led to sex-based abortion of female fetuses, and an increasingly smaller percentage of girls born each year. Even our religions have been prejudiced towards women. According to Manu, a woman has to be reborn as a man to attain moksha (redemption). A man cannot attain moksha unless he has a son to light his funeral pyre. Also, it says a woman who gives birth to only daughters may be left in the eleventh year of marriage. It is a common saying in India, *Ladka marey kambakth ka; Ladki marey bhaagwaan ki* ("It's a fool who loses his male child and the fortunate one who loses a girl child"). Obviously, it shows the gender bias in our male-dominated, patriarchal society.

I

Whatever the natural biological laws of human reproduction had given mankind for balancing its natural sex ratio, has been taken away by man made laws, customs, traditions, religious beliefs and sophisticated medical technology, resulting in a lower status in society for girls as well as women. For too long have they been left on the back burner, facing discrimination throughout their entire journey from cradle to the grave? In particular, peculiar to South Asia, and certainly to India, tradition, values and customs encrusted over time have resulted in the insatiable desire for sons, with families having totally marginalized the joy and pleasure in giving birth to a baby girl.

Amniocentesis and other diagnostic techniques are viewed as important ways of arriving at a 'balanced family', which in turn, will reduce the birth rate and control population growth(Diaz,1988 p56). If an equal representation of a male and a female child for a couple can be considered as constituting a 'balanced family', the presence of only male children should not be

considered as 'balanced family'. Some argue that female foeticide is a powerful method of lowering the birth rate without coercion. But is not female foeticide coercion?

Since the 1970s, India's government has promoted a two-child family as "ideal." While no formal laws exist, the general fertility decline in the country has led to smaller families(Census of India 1991) with couples still preferring to have at least one son. But the government has done more than just suggest this number." In India it has been done state by state, village by village," Mosher said. "There have sterilization campaigns and there is enormous pressure. Villages that won't comply have been denied fertilizer, access to irrigation water, etc." Complicating matters even further in India is the dowry system, where families pay large sums in order to marry off their daughters. Although prohibited in 1961, newspaper reports illustrate the continuing phenomenon. This can be very expensive for families, adding to the perception that girls can be a financial burden.This paper is based on seven case studies using elaborative impressionistic model to understand the relationship of gender, patriarchy and modernity.

Case 1

Seema, a 35 years old housewife, married for 14 years. She herself and her husband are graduate. She has three daughters of 12, 7 and 3 years .She underwent abortion twice. Her husband is the only son of his parents. Her family is involved in business. She believes that it is her duty to give the family its perpetuator. She also believes in small family. That is why she tolerated the painful process of abortion. According to her, three children are more than enough. She tried a lot for male child. She even visited sadhus , who treated her with some desi medication, but of no use .At last she has lost the hope. Her in- laws treats her badly for not giving birth to a male child. Although she had an anxiety before going in for the feticide operation, yet she yielded to the pressure of her husband and other family members, as she had conceived a female child. She felt herself guilty after getting female feticide operation done. Moreover, this operation affected her health deleteriously in terms of pain in lumber region and general weakness.

Case 2

Baby a 38 years old women, married for 16 years has 2 daughters and one son. The children are 13,12,7 years old .after two daughters she was not ready to give birth more child but due to family pressure she conceived three more times .all the three times she adopted the ultrasonography method to know the sex of the fetus. Two times the fetus was female. Family suggested her to abort the fetus. In her opinion this is a great sin but she cannot do anything. If she has to live in the family she is forced to do whatever the family wants. She is a literate lady and the whole family is literate and service class. They all believe in small family but at least one son is necessary to run the name of father. In her husband's view agar beta nahiin hoga toh pita ko mukhaagni kaun dega aour mukti kaise milegi .Mere marne ke bad mere nam ko kaun aage badhaega . Thus this was the reason why she done this sinful act. The third time she conceived a male child .when the family members came to know that she is going to give birth to a son their attitude towards her immediately changed. After giving birth to two daughters she faced lot of negligence from her family members. But the birth of the son has returned back all her happiness and her respect and care in the family. She loves her daughters and the son equally, but the other family members love the son more.

Case 3

Manju, 36 is a mother of 5 daughters. The eldest is 10 years old and the youngest is 3 years old. She belongs to low caste, lives in a nuclear family. She is illiterate and her husband is a daily laborer. She is very poor and is able to meet the needs of her family with great difficulty. She knows that ultrasound is a cheap and non –invasive method of sex determination. She came to know about this technology of prenatal sex determination through her husband and relatives' .she believes that this technology is helpful as one can choose the sex of the unborn child. According to her, an ideal family should have 2 sons and 1 daughter. she believes that sons are bread earners of the family and daughters will marry and go away, but son would stay and look after the family .with this mindset for having a male child, she has undergone abortion twice after sex

determination test .she takes all the major decisions in the family and she herself is the wiling partner to know the sex of the child and abort the fetus, if it is a female. She is of the view that girls have to be married off and that entails huge expenses on ceremonies and dowry. Her calculation is simple: better to pay a little now than to pay a huge sum later on. She feels that the firstborn child should be male so that the mother can limit her family size. She does not feel sorry or considers feticide a sin. She is willing to undergo any number of female feticides till she gets a son and has already resorted to many superstitious means to conceive one. Though her health has deteriorated after the abortions, her determination to have a son has not.

Case 4

Puspa is 48 years old employed lady earning a monthly Rs.10, 000. She is married for 24 years to a law graduate husband. She and her husband enjoy a middle class status with all the basic facilities. Her family is nuclear family having two daughters of 23 and 17 years. After the marriage when she got conceived she and her husband were very happy. They expected a male child but as it was the first issue they did not worried to know the sex of the baby. But when she gave birth to a female child she got little bit disappointed .After two years she again got conceived. This time she was not ready to give birth to another girl. So she consulted the doctor for knowing the sex of the baby. As she knew that the foetus inside her womb is female, she decided to abort that. She was aware that she is going to do a crime as well as sin but she was helpless in front of her views that with out a son her family will be incomplete. She had a strong desire for son .Her husband was not agreeing with her decision. But she did whatever she wanted. After this event She underwent abortions two more times .But at last she lost her hope of getting a son and the fourth time she gave birth to a female baby again ,thinking, at least to give her elder daughter a company. At present she is happy with her two daughters. Both of her daughters are intelligent and smart. She and her husband love them a lot. Now her views have totally changed. She says “sayad maine betiyon ko marne ka paap kiya tha, isliye bhagwan ne mujhe beta nahin diya .Lekin aaj main bahot khus hoon . Meri betiyan beton se badhkar hain.

Case 5

Sangeeta a 28 years old lady, married for 12 years has 3 children – one son aged 10 years and two daughters aged 7 and 5 years respectively. Subsequently, she has aborted female foetus twice, as according to her, an ideal family should have two sons. She and her husband are both illiterate and of low socio economic status. She is of the view that the first child should be male as it increases the respect of the mother in her in-laws house. In her first three pregnancies she never went in for sex – determination tests, as her financial condition does not permit her to do so. Now she desperately wants to give birth to another son as according to her- *ek aankh ka koi maan nahin isliye doosri aankh honi jaroori hai*. She is of the view that if some thing happens to one, at least the other will take care of the parents. She therefore, borrowed money from her relatives to undergo two selective abortions. She feels guilty for having committed this sin of female foeticide twice. It has also led to deterioration in her health and has also been a financial strain on the family but she wants to have ‘a Jodi’ of sons.

Case 6

Aayesha is a young woman of 22 years married for 11 months .She is matriculate and her husband is a graduate. She is a housewife and lives in a joint family. She is very religious and visits masjid on every Friday. She believes in a very small family and according to her ideal number of children in the family are only one son and no daughter. She is one of the rare ones who went for sex determination even during her first pregnancy and subsequently got it aborted because it was a female .she believes it is better to know the sex of the foetus because one can avoid having a daughter. Reasons that she gave for not having a daughter are dowry, expenditure on education, social insecurity for girls, in general escalating cost of living. According to her, if daughter does something wrong, the whole family gets a bad name, but if son goes wrong then society does not say anything. She feels that here is preference to a male child in the society and those women who gives birth to a male is looked after very well by her in – laws.

Though she is a lady of very firm views, still her level of decision making in the family is very low. She

cannot even decide what to cook. She never went to any saint or mahatma for a son. She went for female foeticide willingly on the advice of her husband, parents and mother- in- law. She does not regret having undergone female foeticide and she plans to repeat the same during next pregnancy and would try any number of times for a male child. Though she is very religious lady, but still says that female foeticide is not a sin.

Case 7

Paramjeet is a 29 years old matriculate. Her husband is in central government job. She is married for 9 years and has only one living daughter .her daughter expired immediately after birth due to some medical reasons, thereafter; she has undergone 3 abortions after it showed in ultrasonography as girl. She rightly knows that husband is responsible for the sex of the fetus. She thinks that the ultrasound technology is not good as after knowing the sex of the foetus the whole period of pregnancy is wrought with mental tensions if the child is female .According to her the ideal family should comprise of a son and a daughter and the first born child can be of any sex, but should be of sound health .She blames her mother- in –law for instigating her husband to force her to undergo foeticide. On behest of her mother –in – law she was threatened by her husband to be left parental place, if she does not bear a son for him as all his brothers have a son. She was also physically abused by her husband. She feels that her sisters –in – law who have sons have more say in the family than her and she is often subjected to taunts. She admits that her social status is dismal and bearing a son would give her a more secure and happy life. She herself never wanted to go in for abortions and feels guilty about it, but because of ill – treatment meted out to her by her husband and in –laws, she was forced to commit the sin of foeticide.

It is clear that the onerous costs involved with the raising of a girl, and eventually providing her an appropriate marriage dowry, was the single most important factor in allowing social acceptance of the murder at birth or within womb in India. The implication is that by avoiding a girl, a family will avoid paying a large dowry on the marriage of her daughter. According to UNICEF, the problems are getting worse as scientific methods of detecting the sex of a baby and of performing abortions are improving.

II

Female foeticide and infanticide has been for centuries a prominent and socially acceptable event in two related areas of the world: India and China (Gitting 2002.) Even today, the extent of the problem is measured in frightening proportions: "at least 60 million females in Asia are missing and feared dead, victims of nothing more than their sex. Worldwide, research suggests, the number of missing females may top 100 million." The data is truly astounding, Estimates indicate that 30.5 million females are "missing" from China, 22.8 million in India, 3.1 million in Pakistan, 1.6 million in Bangladesh, 1.7 million in West Asia, 600,000 in Egypt, and 200,000 in Nepal.

In India, where the child sex ratio is calculated as the number of girls per 1,000 boys in the 0-6 year's age group, the problem is severe. The 2011 Census shows there are only 940 girls per 1,000 boys, representing a sharp decline from 1961 when that number was 976. In certain parts of the country there are now fewer than 800 girls for every 1,000 boys." India is a very mixed bag," Nicholas Eberstadt, a researcher at the American Enterprise Institute for Public Policy Research in Washington, D.C.said, "In some parts there are no signs of any unnatural imbalances; in other parts the numbers are grotesque." For instance, 2011 census reports show that Punjab and Haryana reported fewer than 850 Dadra and Nagar Haveli 775 and Daman and Diu 618 girls per 1,000 boys. The problem is more prevalent in the northern and western states, where prosperity, rapid fertility decline and patriarchal (male heads the family) mindsets combine to put girls at risk," said Ena Singh, the assistant representative at UNFPA.

Like China, there is a strong son preference for various socio-economic reasons, such as the son being responsible for carrying on the family name and support in old age. Furthermore, in some sections of India it is believed that only sons can perform the last rites for parents. In addition to sharing a strong son preference, both India and China lack a national social-security system. As it is assumed that a daughter will become a part of her husband's family, parents must rely on their sons to take care of them.

Abortion is legal in India under certain conditions, but sex-selective abortions or female foeticide is a crime. In 1994, the government enacted the Preconception and Prenatal Diagnostic Techniques Act

(PC & PNDT), which prohibited those conducting such tests from telling or otherwise communicating to the woman or her family the sex of the foetus. (Singh and Arora, 2006) (Kishwar, 1995) The law was amended in 2003 to prohibit sex selection before or after conception." In recent years, prenatal sex selection and female foeticide in India has increased," Singh said. "Though it is against the law for ultrasound technologies to be used to detect the sex of the child, it is still done illegally." In 2006 a doctor and his assistant in the northern state of Haryana were sentenced to two years in jail and fined for revealing the sex of a female foetus and agreeing to abort it. It was the first time medical professionals were sentenced to jail time under the (PC & PNDT) Act. Three years earlier, a doctor in Punjab received a fine. Ena Singh estimates that hundreds more cases are being investigated across the country and taken to court.

Experts who have analyzed the National Family Health Survey 2 (NFHS2) estimate that about 300,000 girls go "missing" in India each year. Other studies have put the number between 150,000 and 500,000.

While many people see this as a problem of the poor, analysts say it is more prevalent among those in the wealthier and educated segments of society. Men in parts of India are also beginning to have difficulties finding brides, causing some to leave the country to do so." Hindu girls are being smuggled and purchased from poor countries like Nepal and Bhutan to be brides for Indian men," said Bernard Dickens, professor emeritus of health law and policy at the University Of Toronto Law School.

According to a recent report by the United Nations Children's Fund (UNICEF) up to 50 million girls and women are missing from India's population as a result of systematic gender discrimination in India. In most countries in the world, there are approximately 105 female births for every 100 males. In India, there are less than 93 women for every 100 men in the population. The accepted reason for such a disparity is the practice of female infanticide in India, prompted by the existence of a dowry system which requires the family to pay out a great deal of money when a female child is married. For a poor family, the birth of a girl child can signal the beginning of financial ruin and extreme hardship. However this anti-female bias is by no means limited to poor families. Much of the discrimination is to do with cultural beliefs and social norms. These norms themselves must be challenged if this practice is to stop.

These methods are becoming increasingly available in rural areas of India, fuelling fears that the trend towards the abortion of female fetuses is on the increase. According to a recent **United Nations Population Fund** (UNFPA) State of the World Population Report, these practices, combined with neglect, have resulted in at least 60 million "missing" girls in Asia, creating gender imbalances and other serious problems that experts say will have far reaching consequences for years to come." Twenty-five million men in China currently can't find brides because there is a shortage of women," said **Steven Mosher**, president of the Population Research Institute in Washington, D.C. The young men emigrate overseas to find brides. The imbalances are also giving rise to a commercial sex trade; the 2005 report states that up to 800,000 people being trafficked across borders each year, and as many as 80 percent are women and girls, most of whom are exploited (Kishwar, 1995, p.15-22)

III

National Plan of Action exclusively for the girl child (1991-2000) was formulated in 1992 for the "Survival, Protection and Development of the Girl Children". The Plan recognized the rights of the girl child to equal opportunity, to be free from hunger, illiteracy, ignorance and exploitation. Towards ensuring survival of the girl child, the objectives are to:

- Prevent cases of female foeticide and infanticide and ban the practice of amniocentesis for sex determination;
- End gender disparity in infant mortality rate; eliminate gender disparities in feeding practices, expand nutritional interventions to reduce severe malnourishment by half and provide supplementary nutrition to adolescent girls in need;
- Reduce deaths due to diarrhea by 50% among girl children under 5 years and ensure immunization against all forms of serious illnesses; and
- Provide safe drinking water and ensure access to fodder and drinking water nearer home.

The launching of the Balika Samridhi Yojana in 1997 is a major initiative of Government to raise the overall status of the girl child. It intends to change family and community attitudes towards her and her mother. Under this scheme about 25 lakh girl children born every year in families below the poverty line are to be benefited. The first component of the scheme, which has already been launched, is to provide Rs.500/- as a post-delivery grant to the mother of the girl child as a symbolic gift from Government. The other components proposed under the scheme are provision of annual scholarships to the beneficiaries when they go to school and assistance for taking upon income generating activity when they attain the age of maturity.

Besides having specific legislation and policy proclamations to deal with this menace, the precipitating factors such as dowry, poverty, and woman's economic dependence etc., leading to the problem of foeticide and infanticide have been addressed by enacting various legislations as:

- Dowry Prohibition Act, 1961 (Amended in 1986);
- Hindu Marriage Act, 1955;
- Hindu Adoption and Maintenance Act, 1956;
- Immoral Traffic Prevention Act, 1986
- Equal Remuneration Act, 1976 etc.

These and various other legislations and policy proclamations intend to bring about women's economic and social empowerment to the maximum and it is hoped that such measures would equip women to exercise their rights.

In recent years various Indian state governments and media houses have launched initiatives to address the gender imbalances, including "Save the Girl Child" campaigns. The Indian government announced its "cradle scheme," whereby orphanages were planned to be set up to raise unwanted baby girls. But its implementation failed due to many loopholes. Other incentives include tax rebates on ownership of properties and reserving seats for female candidates in villages, districts and at municipal levels.

Community groups, corporations and individuals have also started various efforts to enhance the status of the girl child. In March 2007, politician Sonia Gandhi, chairwoman of the United Progressive Alliance, spoke out against female foeticide and the need for gender

equality at the International Women's Day celebrations in New Delhi.

Lara Dutta, UNFPA's goodwill ambassador, a popular actress and Miss Universe 2000, has also been working extensively with young people to raise awareness about the issue. China too has enacted laws in an effort to meet its goal of lowering the sex ratio at birth to normal levels by 2010. In 1994, the Mother and Child Health Law of the Peoples Republic of China outlawed the practice of sex identification of the foetus and sex-selective abortions without medical requirements. This was reaffirmed in the 2002 Population and Family Planning Law. Officials also started the "Care for Girls" campaign to promote equality for men and women and economic support is being offered to girl-only families in the countryside. "Raising awareness is important," said William Ryan, an Asia and Pacific regional information advisor for the United Nations Population Fund. "I think the effort to emphasize equality of the sexes and the value of women in society will help reduce the problem in the long run."

IV

Legally infanticide amounts to homicide and all legal provisions applicable to the offence of homicide are applicable to infanticide (Section 318 concealment of birth by secret disposal of the dead body amounts to culpable homicide). The National Plan of Action for the South Asian Association for Regional Cooperation (SAARC) Decade of the Girl Child (1991-2000) seeks to ensure the equality of status for the girl child by laying down specific goals for her dignified survival and development without discrimination. The codified law world over considers human life a sacred and specific legal provisions have been devised to protect the life of the born and the un-born. However, the objective of the law gets defeated due to lacuna in the law and lack of proper implementation. Even though the law is a powerful instrument of change yet law alone cannot root out this social problem. The girls are devalued not only because of the economic considerations but also because of socio-cultural factors, such as, the belief that son extends the lineage, enlarges the family tree, provides protection safety and security to the family and is necessary for salvation as he alone can light the funeral pyre and perform other death related rites and rituals. It is, therefore, essential that these sociocultural factors be

tackled by changing the thought process through awareness generation, mass appeal and social action. In addition to this all concerned i.e. the religious and social leaders, voluntary organizations, women's groups, socially responsible media, the doctors; the Medical Council/Association (by enforcing medical ethics and penalties on deviant doctors) and the law enforcement personnel should work in a coordinated way. With the emergence of the second wave Feminism, gender became an accepted category in the language of social sciences. It is a socially constructed definition of women and men. It is not the same as sex (biological characteristics of women and men) and it is not the same as women. Gender is determined by the conception of tasks, functions and roles attributed to women and men in society and in public and private life. [Gender in practice. Swiss Agency for Development and Cooperation]. It is a recent concept in our culture, both lay and professional. It was not until 1955 that John Money, first used the term "**gender**" to discuss sexual roles, adding in 1966 the term "**gender identity**". The gender discourse involves a rethinking on patriarchy and women's position in the societal order. One of the well burning issues and the social consensus officered is the female feticide. It involves the nexus of medical sciences and patriarchy that still is dominating the social world of the society, both in developed and developing countries.

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