

Clash of Comments: Should sex-selective abortions be made illegal?

By [Amy Gibbons](#) and [Ciarán Morrissey](#)

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YES – Amy Gibbons

Back in November of last year, Fiona Bruce MP tabled a bill to oppose a woman's right to abort on the basis that the baby's sex was a factor in her decision. She was backed by MPs, who voted by 181 votes to 1 that an amendment was needed for clarification that sex selective abortion is illegal.

The 1967 Act legalises abortion on the grounds that the continuation of the pregnancy could threaten the physical or mental health of the mother, but it does not explicitly criminalise the practice of sex selective abortion if, for example, a woman was to be threatened by her family on giving birth to a girl.

Whilst there is no doubt that a woman should have authority over her body and thus her pregnancy, it is evident that the practice of sex selective abortion is essentially gender discrimination, and often not at the mother's discretion. If parents continue to abuse loopholes in the law, girls will continue to be denied life before they are defined by anything other than their gender, and mothers (especially from immigrant families that live by different cultural terms) will continue to be forced into termination.

In circumstances when baby boys are favoured over girls, the 'superior' gender has priority. That's priority over life.

So surely the law should be clarified. But is Bruce going about it the right way?

Well to begin with, as further clarified by Ann Furedi writing for The Independent, there are many exceptions to the rule. Some women may take their unborn child's gender into account if they are the carrier of a genetic disease that only affects boys, for example. How is it possible for these women to consult their doctor about abortion if they face disclosing information (i.e. that the sex of their child was a factor in their decision to abort) that could make their intentions criminal?

Furthermore, if sex selective abortions were criminalised it'd be difficult to know who to prosecute. Surely not the woman if she has been coerced into the decision, surely not the doctor if they had been deceived?

But sex selective abortions are oppressive. How can we protect the rights of women, if not by clarification of the law? Are women really liberated if their 'choice' is determined by a patriarchy? Gender discrimination is not tolerated once we're born, why then, should it be subjective previous to that?

NO – Ciaran Morrissey

Since 1967, the legal right of a woman to terminate her pregnancy has been protected in England, Wales, and Scotland. The successful campaign for this right is probably the greatest success of 20th century feminism, even greater than the criminalisation of marital rape or the introduction of female suffrage.

But this right is being threatened, and it is being threatened by faulty arguments that may well cause it to

disappear entirely. In particular, the current threat to reproductive freedom is based around the issue of sex-selective abortions.

Sex-selective abortions are abortions that occur primarily due to the sex of the foetus. They are fairly common in places like China and India, and in these instances, the aborted foetus is almost always female. The argument is that such cultural practices perpetuate entrenched misogyny and backward attitudes about women, and that allowing sex-selective abortions is tantamount to endorsing these cultural norms.

The crucial point here is that, regardless of the intentions of any policies to criminalise sex-selective abortions, they're going to cause negative consequences, and these consequences are going to be felt exclusively by vulnerable women.

Before the legalisation of abortion, women were dying from illegal and improperly-performed terminations. The solution to this was simple; allow pregnant women to choose whether they carried their pregnancies to full term or had them terminated safely and legally. It is crucial to remember that the decision here was left to the women themselves.

If we bring in legislation to say that certain kinds of abortions are illegal, then we'll have to ensure an abortion is taking place for the 'right reasons', and we cannot do this without taking the agency away from pregnant women. There'd need to be a third person who assessed the woman's motives and decided whether or not she ought to be allowed an abortion. Of course, there's nothing stopping them from going to back-alley doctors and accepting the risks of illegal abortions, but the barbarity and indignity of these cases was one of the driving factors in the fight to get abortion legalised in the first place.

The fight against sex-selective abortions may be well-intentioned, but any ban would be unenforceable. Even if it were enforceable, we'd be denying women access abortions based on their motives. If we accept that we have the right to prevent women from terminating their pregnancies, how can we claim to be pro-choice?



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