

**Shah Julkar Nine**

Lecturer, Dept. of Philosophy
University of Chittagong
Chittagong-4331, Bangladesh.
Website: <http://www.cu.ac.bd>
E-mail: julkar9@cu.ac.bd

The Moral Acceptability of Abortion: In the Context of Bangladesh

Shah Julkar Nine

Abstract:

Abortion is an issue in which the life of an unborn human child or foetus is taken away. There are various arguments for and against abortion in today's world.

Those who oppose abortion are known as conservatives and those who are in favour of abortion are known as liberals. In Bangladesh due to rape, maternal mortality rate, population control, fatal obstruction of the foetus, women's freedom to make decisions abortion demand recognition and acceptance in the light of diverse needs. The paper has been written up following qualitative methods. Considering the conservative and liberal views on abortion, this research explores the recognition of abortion in the context of the socio-economic condition of Bangladesh. Necessary steps should be taken to legalize abortion in Bangladesh.

Keywords: Abortion, Conservative View, Liberal View, Status of Abortion.

1. Introduction

Prior to 1967, abortion was illegal in almost all countries except Sweden and Denmark. Abortions were then approved in Britain by changing the law in response to the larger social conditions, and in 1970 abortions were approved by American New York state law in response to the demand of people. In 1973, the United States Supreme Court ruled that a woman has the constitutional right to have an abortion within the first six months of pregnancy (Singer, 1993)¹. However, abortion is still banned in Middle Eastern countries. According to the Abortion law of Bangladesh, abortion is prohibited from any reason other than saving the life of the pregnant women. It is also mentioned in Section 312 of the Penal Code, if a person intentionally aborts a pregnant woman and the abortion is not performed in the simple belief of saving the life of a women, the person shall be punished with imprisonment for a term not exceeding three years and fine or both (Chowdhury, 2013)².

1.1 Definition of Abortion:

Discussions about abortion are exciting. Opponents of abortion say that abortion is tantamount to killing human life. Statement by abortion opponents is stronger. However, both pro-abortion and anti-abortion parties have argued for their position. It is not possible for a single decision to

¹ Singer, P. (1993): *Practical Ethics* (Second Edition), Cambridge University Press, United Kingdom, P-135.

² Chowdhury, M. (2013): *Moral Acceptance of Abortion: A Review*, In *Philosophy and Progress*, Dev Centre for Philosophical Studies; University of Dhaka, Volume-30, P-134.

be taken rationally. According to abortion opponents, life begins as soon as the ovum is fertilized. So, abortion is inappropriate- it is nothing but murder. But in this context, we can say that not all murders are murders. Especially if a person is killed for self-defence, it is not unreasonable. On the contrary, the supporters of abortion think that foetus cannot be considered as a person until he is born so the women concern can decide on her physical condition according to her wishes (Ahmed, 1993)³. Abortion is the process of aborting the foetus very smoothly from the mother's womb (Former, 1983)⁴. One of the central issues in the abortion debate is about foetus. Is foetus a person? According to anti-abortionists this person begins with the fertilization and according to pro-abortionists a person begins at birth. Using the term "person" both parties have promoted its moral acceptance. Opponents of abortion point out a number of characteristics that foetus fulfil it. They specially emphasize on fertilizing. According to them, since then, life has been transmitted and foetus has started to develop. Without the presence of life, there is no question of development. Such an attitude is also maintained from the religious point of view. According to medieval religious thinker's individual exists in the case of male foetus 40 days after conception and females are 80 days after conception. Followers of Islam believe that a person exists 14 days after conception. Since the 17th century, it has been the common law in Europe that abortion is considered to be murder when human embryo moves freely in the womb. That is, the person then appears. So, it turns out that there is no single decision on when foetus will be considered as an individual. The development of human embryo from conception to birth is a continuous process. In the case of this development, it is not possible to determine a person by pointing to a specific point (English, 1975)⁵.

On the other hand, proponents of abortion tell some of the characteristics that determine a person which foetus does not exist. The relevant characteristics of a person according to Jane English are as follows (English, 1975)⁶.

- i) Biological properties-Genetic organization, head, hand, arm, eye, breathing, food intake, sleep, etc.
- ii) Mental characteristics-perception, sensitivity, self-awareness, interest, desire, doubt, joy, ability to angry, ability to use equipment, etc.
- iii) Logical features-Ability to reason and make decisions, learning from past experience, ability to sacrifice interest in the present in the hope of greater gain in the future etc.

³ Ahmed, F. (1993): *The Value of Life and Abortion: Context of Bangladesh*, In *Copula*, Journal of Philosophy Department; Jahangirnagar University, Vol.10, P-2.

⁴ Former, M. J. (1983): *Ethical Issues in Sexuality and Reproduction*, The C.V. Mosby Company, St. Luis, Missouri, USA. P.171.

⁵ English, J. (1975): *Abortion and the Canadian Journal of Philosophy Concept of a Person*, Vol.5, No.2, PP. 233-234.

⁶ English, J. (1975): *Abortion and the Canadian Journal of Philosophy Concept of a Person*, Vol.5, No.2, PP. 233-234.

- iv) Social characteristics-Ability to work as a team and follow the leaders' instructions, empathy, courage, love empathy for others, ability to arouse enthusiasm and affection etc.
- v) Legal features-Obey the law, ability to sue, ability to execute contracts, ability to acquire property, the power of inheritance etc. Jane English thinks it is advisable to have these qualities in order to be a person.

1.2 Causes of Abortion:

- i) If someone is pregnant due to rape, it is necessary to abort.
- ii) Abortion is needed if the contraceptive method becomes ineffective.
- iii) If human embryo becomes the cause of maternal death, then abortion is needed.
- iv) Abortion is necessary if a mother suffers emotionally and physically as a result of pregnancy.
- v) Abortion is required if there is any possibility to born a disable child.
- vi) Abortions are performed to prevent the arrival of an unexpected child even if there are enough children in the family.
- vii) Abortion is required due to financial difficulties.
- viii) If the husband divorces the wife, then if someone is pregnant then abortion may be occurred.

2. Literature Review:

2.1 Abortion from the Conservative Points of View:

The conservative community thinks abortion is an immoral and unacceptable act. Because abortion kills a human foetus. They think life start from the beginning of the pregnancy. As a result, a human foetus can enjoy any benefits from the time he or she enters the womb. Their arguments about abortion are given below-

It is wrong to kill an innocent human being,
A human foetus is an innocent human being,
Therefore, it is wrong to kill a human foetus.

The main limitation of conservative thinkers is that they consider human embryos and human entity as equal. Their claim is that here is no difference between a child and a foetus. That is why they say it is wrong to kill human foetus. According to them, human entity develops through a continuous process, the first stage of which is foetus. So, a human embryo has a right to life. Therefore, it is wrong to kill a child as it is to kill a human foetus. Conservatives consider it to be a unicellular zygote and an individual. According to Joel Feinberg (1992) in a foetus there is not face, no limb, no brain, no nervous system, no consciousness, no logic, no idea-there is nothing

that we would recognize as belonging to a real person, although it is undeniably a potential person (Feinberg,1992)⁷.

John T. Noonan is one of the proponents of such view. According to him, a human being is called a full-fledged being because of the human part of the human womb and human genetic code. So, killing other human beings is a crime that is equivalent to killing a foetus (Noonan, 1970)⁸. According to Mandira Chowdhury, (2013)⁹, some of the conservative arguments against abortion are follows-

- i) Right to life policy. According to this principle, an unborn child should be accorded the same status and rights as other beings and the way they are treated. That is, an unborn child has an absolute right to the life of the foetus.
- ii) Abortion can cause physical and emotional damage to a woman.
- iii) In the cause of an unwanted pregnancy, the child may be adopted by a single family instead of an abortion.
- iv) The responsibility of a women's free sex must be borne by that woman. Therefore, a women cannot have the right to have an abortion by ruining the life of her unborn child as a result of free association.
- v) If a family is reluctant to have children, they should take contraceptive measures beforehand.

According to some conservatives, the embryo is not only a living entity but also a soul in itself. Calling the embryo, a soul means that it is a separate and distinct entity, that is, a human being. So, they are against feticide and abortion (Former, 1981)¹⁰.

2.2 Abortion from the Liberal Points of View:

Liberals think abortion is morally justifiable. Their argument is that foetus is a potential human entity. So, killing foetuses is not a crime. Liberals, in their argument, do not recognize the foetus as an existential human entity. They just think that human embryo is a potential human being, since foetus is an inhuman being, it cannot have any significant moral status or rights. The main difference between the conservative and liberal argument is that-the conservatives consider that the foetus begins its life from the time an embryo enters the womb, while liberals believe that a foetus can claim his dignity afterbirth.

⁷ Feinberg, J. ed., (1992): *The problem of Abortion*, In *The moral life*, Harcourt brace Jovanovich college publishers, Forth worth, P.501.

⁸ Noonan, J. T. (1970): *An Almost Absolute Valve in History*, Edited by James E. white, *Contemporary Moral Problems*, Tenth Edition, p-100.

⁹ Chowdhury, M. (2013): *Moral Acceptance of Abortion: A Review*, In *Philosophy and Progress*, Dev Centre for Philosophical Studies, University of Dhaka, Vol-30, P-138.

¹⁰ Former, M. J. (1983): *Ethical Issues in Health Care*, The C.V. Mosby Company, St. Luis, Missouri, USA.P.210.

Michael Tooley (1972)¹¹ in his essay on "Abortion and Infanticide" says no foetus can be called a person before birth. So, he thinks abortion is acceptable as killing children in some cases is acceptable. Feminist philosophers believe that a foetus is an innocent human being. So, a woman has the right to make decisions about her body. In this context, the name of Judith Jarvis Thomson is significant. According to Thomson, having the right to life does not mean that you will be allowed to use someone's else's body. You can't even use someone else's body if you die. In this context, the example of his violinist is important. She said to imagine that-

*"You wake up one morning and find yourself in a hospital bed, somehow connected to an unconscious man in an adjacent bed. You are told that this man is a famous violinist with kidney disease. The only way he can survive is for his circulatory system to be plugged into the system of someone else with the same blood type, and you are the only person whose blood is suitable. So, a society of music lovers kidnapped you, had the connecting operation performed, and there you are. Since you are now in a reputable hospital you could, if you choose, order a doctor to disconnect you from the violinist; but the violinist will then certainly die. On the other hand, if you remain connected for only nine months, the violinist will have recovered and you can be unplugged without endangering him.if you found yourself in this unexpected predicament you would not be morally required to allow the violinist to use your kidneys for nine months (Singer, 1993)."*¹²

Judith Jarvis Thomson, (1992)¹³ had explained with the same logic that violence against women in case of unexpected pregnancy and forcible use of another's body for a person with kidney problems is a similar act. Both activities are considered as irrational and unimportant. Due to rape related pregnancies, abortion is not wrong. Thomson says- the right of a person to determine what will happen to his or her body may disregard another person's right to life, so that the right of the foetus to life, if it has such a right, does not include the right to use a woman's body for good.

Peter singer (1993) uses the argument of Thomson outside of rape, ignorance, carelessness and in case of failure of contraception. He says that -

"Suppose that you found yourself connected to the violinist, not because you were kidnapped by music lovers, but because you had intended to enter the hospital to visit a sick friend, and when you got into the elevator, you carelessly pressed the wrong button, and ended up in a section of the hospital normally visited only by those who have volunteered to be connected to patients

¹¹ Tooley, M. (1972): *Abortion and Infanticide*, Philosophy and Public Affairs, Vol.2, No-1, P.40.

¹² Singer, P. (1993): *Practical Ethics* (Second Edition), Cambridge University Press, United Kingdom, P-146.

¹³ Thomson, J. J. (1992): *A Defense of Abortion*. Ed by Harry J. Genster, Earl W. Spurgin, and James C. Swindal, *Ethics: Contemporary Readings*, Routledge, London, P-268.

*who would not otherwise survive. A team of doctors, waiting for the next volunteer, assumed you were it, jabbed you with an aesthetic, and connected you (Singer, 1993)."*¹⁴

Liberals believe that if abortion is prohibited by law, it can force a woman to abort secretly and cause physical complications. Their statement about abortion is- *".... a being cannot be a victim unless it has interests that are violated, and the foetus has no interest."* (Singer, 1993)¹⁵. The question of the personal status of a foetus is quite important in the abortion debate. Because, on the basis of individual dignity abortion is supported or rejected. Different philosophers have given different opinions at different times about when a foetus can be entitled to dignity. Marry Anne Warren (1997)¹⁶, who is one of them, thinks that an entity must possess some characteristics in order to be considered an individual; i.e.- a) Self-awareness; b) Emotion; c) Sentience; d) Capacities for communication; e) Moral agency; f) Reason.

John T. Noonan (1970)¹⁷ showed that none of the above-mentioned features exists in a foetus, so abortion is justifiable. On the other hand, Noonan (1970) opined that a foetus is a human embryo that favour individual dignity; and he did not support abortion (Noonan, 1970).¹⁸ Liberals say if abortion is not recognized as legal, the number of unwanted children in the world will be increased rapidly. That is way they have supported abortion so that the number of unwanted children in the world does not increase (Glover, 1985)¹⁹.

3. Objectives of the Study:

- i. To Show the rationale of abortion in the context of Bangladesh.
- ii. To show the present condition of Bangladesh.
- iii. To show the involvement of the people in abortion.
- iv. To understand the experience of abortion.

4. Research Questions:

The proposed research questions were investigated in this paper:

- i. How the people of Bangladesh get involved in abortion?
- ii. Is abortion increasing in Bangladesh?
- iii. What is the acceptability of abortion in Bangladesh?

¹⁴ Singer, P. (1993): *Practical Ethics* (Second Edition), Cambridge University Press, United Kingdom, P-147.

¹⁵ Singer, P. (1993): *Practical Ethics* (Second Edition), Cambridge University Press, United Kingdom, P-145.

¹⁶ Warren, M. A. (1997): *On the Moral and Legal Status of Abortion*, Edited by James E. White, *Contemporary Moral Problem*, P-116.

¹⁷ Noonan, J. T. (1970): *An Almost Absolute Valve in History*. Edited by James E. White, *Contemporary Moral Problem*, P. 98-99.

¹⁸ Noonan, J. T. (1970): *An Almost Absolute Valve in History*. Edited by James E. White, *Contemporary Moral Problem*, PP. 99-100.

¹⁹ Glover, J. (1985): *Abortion Reconsidered*, In *Causing Death and Saving Lives*, Pelican Bks, London, PP. 137-149.

5. Methodology of the Study:

This paper has been written on the basis of secondary data. For secondary data different books, journals, magazines, articles and analytical method have been used. This is qualitative research. In the context of Bangladesh abortion is an important issue, I have tried to explore an overview of legal status of abortion in Bangladesh.

6. Collection of Data and Analysis of Date:

Data has been collected from secondary sources. Especially it is managed from various domestic and foreign books, journals, magazines, articles and newspaper. To analysis data different arguments in favour of or against abortion have been made. Analytical method is also used to explain data. After explaining data, a suitable suggestion has been recommended.

7. Findings and Discussion:

7.1 Present Status of Abortion in Bangladesh:

The present status of abortion in Bangladesh is defined on the basis of various data and survey results. A survey conducted by Guttmacher Institute (2014)²⁰ found that 53 lakh women become pregnant each year in Bangladesh. Out of 53 lakh women, 25 lakh women got pregnant intentionally and 28 lakh women got pregnant unintentionally. Again, out of these 28 lakh women, 11 lakh 94 thousand women have to abort due to various reason. This means than an average of 3271 intentional abortions occurs every day in the country.

According to the report of Guttmacher Institute (2010), 6 lakh 53 thousand and 100 abortions occurred in Bangladesh in 2010. It means in every one thousand about 18 women have to abort. According to National Planned Parenthood Federation (2006), about 40 lakh women get pregnant in Bangladesh out of which 13 lakhs are unwanted of these, about 8 lakh women lose their children through abortion. And most of these abortions are unsafe (Dey, 2010).²¹ International Journal on Sexual Reproductive Health and Right (2004), claims that 5 lakh women had to abort in 2000. That means less than 15 women per thousand have abortions. In 2000, 5 lakh women had abortions, but in 2010 It increased to about 7 lakh and in 2014 it increased to 12 lakh. It takes only to 10 years for the number of 1 lakh 53 thousand abortions to increase. On the other hand, it takes only 4 years for the number of abortions to reach 550000. Therefore, it can be said that the number of abortions in Bangladesh is increasing at a geometric rate. Abortion of unwedded women is still a contraband subject in customary countries. Therefore,

²⁰ Guttmacher Institute (2017): Menstrual Regulation and Unsafe Abortion in Bangladesh, 2014. Available at <https://www.guttmacher.org/fact-sheet/menstrual-regulation-unsafe-abortion-bangladesh>

²¹ Dey, A. B. (2010): *Mathematics Vs Logic*, P-83.

illicit abortions continue to be practiced, particularly in extramarital pregnancies, and in rural areas (WAP, 1999)²².

Due to overpopulation, about three-quarters of Bangladesh's population is deprived of basic necessities of life. Less than 5% of the population consumes moderate amounts of food. A report by the Household Expenditure Survey found that only 25% of the population had enough food grains. Low-income people consume 13% to 27% less food than they need. This is the lowest risk of maintaining a healthy body weight. 94% of children under the age of five suffer from various forms of malnutrition. Only 6% babies are entitled to normal nutrition. The under-five mortality rate is 50% to 60%. These deaths are due to direct or indirect malnutrition (WB, 1985).²³ 5 lakh children are suffering from night blindness due to malnutrition. At least 30,000 children are infected with the disease every year. In addition, more than one crore people are suffering from iodine deficiency diseases. Moreover, 70% of rural slum mothers and children are suffering from anaemia. One of the main reasons for this depressing statistical picture of Bangladesh is direct or indirect rapid population growth (Ahmed, 1993)²⁴. This problem will be further prolonged if the rate of population growth is not controlled. The rate of population growth can be controlled by following birth control methods. But the problem is that even after following birth control methods, some people get pregnant unintentionally. Therefore, in order to control the population, abortion needs to be recognized to prevent unintended and unwanted pregnancies. Sometimes it appears that the pregnant women are suffering from a complex disease. The condition is so critical that she could die if she became pregnant full time. In this case, if she is aborted and given full treatment, she will be able to give birth to a healthy child in future. Again, it is often seen that weak women conceive and die during child birth. When a mother dies while giving birth to a child, there is no limit to the suffering of that child. Lack of maternal affection does not lead to its full development. Legality of abortion is required to avoid unpleasant incidents. The legitimacy of abortion, on the other hand, will guarantee the health of the women and on the other hand, will free the innocent child from suffering.

Our social system is not able to give proper security to a woman but if a miscreant rapes an innocent girl on the occasion of social security relaxation, then various activities are going on to impose that girl on the charge of rape. The rapist is insulted in various ways, she is looked down upon, in many cases in the rural areas the family of the rapist is kept in one house, she does not get marriage easily, she fails to lead a normal life. Unable to bear the social stigma, many women choose to commit suicide. Many women try to keep the matter secret even after being raped.

²² World Abortion Policies (1999): *A Global Review*, Supra note 10.

²³ World Bank (1985): *Bangladesh: Food and Nutrition Sector Review*, Report No. 4974, P.4.

²⁴ Ahmed, F. (1993): *The Value of Life and Abortion: Context of Bangladesh*, In *Copula*, Journal of Philosophy Department; Jahangirnagar University, Vol.10, P-6.

Although rape can be kept secret, it is not possible to keep pregnancy as a result of rape (Dey, 2010)²⁵. Whether conceived by rape, or conceived through extramarital sex, the child born as a result does not get social recognition. Rape is seen with a crooked eye, so there is no question of having a child again. Although abortion is not officially recognized in many European-American countries, it is recognized as an extramarital affair. As a result, if a child is born out of wedlock, it is also recognized. But the picture of our country is different. In this situation, state recognition of abortion is necessary to project the social status of a woman.

There is no law for abortion in Bangladesh. Lack of abortion supportive laws those who have abortions do so most of time in secret. In case of secret abortion, the help of private organization is taken. Many of the private sector employees do not have adequate training. As a result, the abortion process performed by them becomes risky. It is often seen that the abortionist loses her ability to be a mother. Nevertheless, people have to go to them. Since abortion is not generally accepted, people have to abort secretly. This individuals or organizations continue to create a serious moral crisis by carrying out inhuman abortion the expense of the common man. Although no abortion law has been enacted and abortion has not been recognized by the state, many people have to do abortions in various reasons. As a result, different types of obstacles have to be faced. It will be possible to avoid many kinds of obstacles, if abortion is recognized by the state.

The conservative community believes that the legitimacy of abortion leads society to genocide. Liberals think the conservative's argument is baseless and fabricated. Abortion has been legalized in many countries around the world, including Sweden, Denmark, Britain and the United States. In those countries, however the abortion process did not lead to genocide (Hare, 1993)²⁶.

8. Suggestions:

- i. State reorganization of abortion is needed.
- ii. Social security has to be strong.
- iii. Abortion supportive law has to be made.

9. Conclusion:

Abortion is a massive concern for the entire world. Due to abortion, sometimes people suffer from several diseases and ultimately die a pathetic death. Bangladesh has not yet received any state or social recognition of abortion. Even then, those who are able to deceive the eyes of the state and society are secretly doing abortions. Those who cannot escape the eyes of the state

²⁵ Dey, A. B. (2010): *Mathematics Vs Logic*, P-87.

²⁶ Hare, R.M. (1993): *Essays on Bio Ethics*, Clarendon Press, Oxford. P.180.

and society are facing various problems as a result of unwanted pregnancies. Due to non-recognition of abortion in Bangladesh, population is increasing, poverty is increasing, women's health is being endangered, women's social status is being degraded, child's physical and mental development is being impaired, state or social recognition of child is being violated. If abortion is given state recognition in Bangladesh, it will be better for the country. The result of the study leads to a conclusion that a strong abortion law is needed in Bangladesh.

References:

- Ahmed, F. (1993): *The Valve of Life and Abortion: Context of Bangladesh*, In *Copula*, Journal of Philosophy Department; Jahangirnagar University, Vol.10.
- Chowdhury, M. (2013): *Moral Acceptance of Abortion: A Review*, In *Philosophy and Progress*, Dev Centre for Philosophical Studies; University of Dhaka, Volume-30.
- Dey, A. B. (2010): *Mathematics Vs Logic*, P-83.
- English, J. (1975): *Abortion and the Canadian Journal of Philosophy Concept of a Person*, Vol.5, No.2.
- Feinberg, J. ed., (1992): The problem of Abortion, In *The moral life*, Harcourt brace Jovanovich college publishers, Forth worth.
- Former, M. J. (1981): *Ethical Issues in Health Care*, The C.V. Mosby Company, St. Luis, Missouri, USA.
- Former, M. J. (1983): *Ethical Issues in Sexuality and Reproduction*, The C.V. Mosby Company, St. Luis, Missouri, USA.
- Glover, J. (1985): *Abortion Reconsidered*, In *Causing Death and Saving Lives*, Pelican Bks, London.
- Guttmacher Institute (2017): *Menstrual Regulation and Unsafe Abortion in Bangladesh*, 2014. Available at <https://www.guttmacher.org/fact-sheet/menstrual-regulation-unsafe-abortion-bangladesh>
- Hare, R.M. (1993): *Essays on Bio Ethics*, Clarendon Press, Oxford.
- Noonan, J. T. (1970): *An Almost Absolute Valve in History*, Edited by James E. white, *Contemporary Moral Problems*, Tenth Edition.
- Singer, P. (1993): *Practical Ethics* (Second Edition), Cambridge University Press, United Kingdom.
- Thomson, J. J. (1992): *A Defense of Abortion*. Ed by Harry J. Genster, Earl W. Spurgin, and James C. Swindal, *Ethics: Contemporary Readings*, Routledge, London.
- Tooley, M. (1972): *Abortion and Infanticide*, Philosophy and Public Affairs, Vol.2, No-1, P.40.
- Warren, M. A. (1997): *On the Moral and Legal Status of Abortion*, Edited by James E. White, *Contemporary Moral Problem*, P-116.
- World Abortion Policies (1999): *A Global Review*, Supra note 10.
- World Bank (1985): *Bangladesh: Food and Nutrition Sector Review*, Report No. 4974, P.4.