



# The case against sex selection

## Human Genetics Alert Campaign Briefing, Dec 2002

### 1. Introduction

Over the next two months the UK Government is consulting the public about whether to allow parents to choose the sex of their children. The Government has asked the Human Fertilisation and Embryology Authority (HFEA) to launch the consultation because techniques for separating sperm for sex selection (see below) have improved, and there is a possibility that US clinics may establish branches in the UK. Human Genetics Alert believes that sex selection should not be permitted, and is calling for a strong public response to the HFEA consultation. Please visit our website ([www.hgalert.org/whatsnew/](http://www.hgalert.org/whatsnew/)) for more information.

### 2. Sex selection techniques

There are three main techniques of sex selection: (i) pre-natal testing and termination of pregnancy (ii) pre-implantation genetic testing of embryos (iii) sperm sorting – selection of sperm carrying X or Y chromosomes followed by insemination or IVF.

Pre-natal testing and termination is the main problem in India, where its use has led to the ratio of girls to boys declining to 927 girls to 1,000 boys in 2001. In some regions, the ratio is as low as 800 per 1,000. In the UK, abortion purely on the grounds of sex would be against the 1967 Abortion Act, but it is possible for parents to ask about the sex of the child when undergoing ultrasound scanning.

Preimplantation genetic diagnosis (PGD) of embryos is regulated by the HFEA. They do not currently allow its use for sex selection, except for avoiding sex-linked genetic diseases, like Duchenne Muscular Dystrophy. This briefing does not deal with the ethics of using PGD for such purposes (see section 7), and we use the term sex selection to refer to choosing a child's sex purely because of parental preference.

### 3. Why is sex selection wrong?

#### 3.1 Sexism

Sex selection is the exercise of sexism at the most profound level, choosing who gets born, and which types of lives are acceptable. In traditional patriarchal societies, such as in India and China, the preference for boys has led to huge imbalances in the sex ratio in the population. Worldwide, there are estimated to be 100 million missing women as the result of sex selection. Indian communities in the US and UK are now being targeted by clinics who have no scruples about exploiting these traditional prejudices for profit. In Western countries, there seems to currently be a preference amongst the majority white communities for girls, but the choices that are being made are still based on rigid, sexist, gender roles. Even in the case of 'family balancing' (where a family has one or more child of one sex and wants a child of the opposite sex), which the HFEA views as relatively acceptable, rigid gender expectations are clearly operating. In how many cases where parents are 'desperate for a girl' will they be hoping for a loud tomboy that grows up to be an engineer? Society must continue to fight sexist gender stereotypes, not allow them to dictate who is born.

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### 3.2 Slippery slopes

If we allow sex selection it will be impossible to oppose ‘choice’ of any other characteristics, such as appearance, height, intelligence, etc. The door to ‘designer babies’ will not have been opened a crack – it will have been thrown wide open. As the HFEA consultation document notes, current HFEA guidelines do not permit sex selection using PGD, except for avoiding a serious medical condition. Why then, should it be permitted for reasons of parental preference, using sperm sorting? As one focus group member quoted in the document notes, “Sperm sorting doesn’t change the ethics, it just changes the plumbing.” In its consultation document, the HFEA suggests that the degree of regulation should be proportional to the degree of invasiveness of the technique (sperm sorting is much less invasive), yet the real reason for lack of current regulation of sperm sorting is to do with arbitrary legal problems. This is just one of the many loopholes in the 1990 HFEA Act which are being increasingly revealed by developments in genetic and reproductive technology. The reason for the ban on sex selection for parental preference in the PGD guidelines is that the public, in its response to the HFEA’s consultation on PGD, expressed deep concern about eugenics and the potential for a slippery slope in the use of PGD. PGD is currently restricted by the HFEA to ‘serious conditions’, but it might in future be used for trivial conditions or normal characteristics, such as appearance, IQ or musical talents. According to any classification, sex selection is well down to the bottom of any such slippery slope. The same ethical concern applies equally to sperm sorting, and the law must deal with both PGD and sperm sorting consistently. If parental preference sex selection by sperm sorting is permitted, it will be impossible to defend the guidelines on PGD. And once sex selection is permitted for PGD, it will be impossible to prevent its use for a whole variety of other unacceptable eugenic purposes.

### 3.3 Commodification

The very act of selecting our children in this way creates a major ethical problem. By choosing the characteristics of our children, we change the ethical relationship between ourselves and them: choosing tends to turn them into just another human-designed consumer commodity, or object. The relationship becomes one between designer and object, where the latter is inevitably in a subordinate position. This degrades the normal relationships between human beings, in which all humans are equal subjects, and undermines human dignity.

Commodification is a bad thing in itself, but is also likely to have immediate harmful consequences for the individuals and families involved. Once we start to pick and choose the characteristics of our children, we damage the unconditional love between parent and child, which depends upon accepting the child whatever their characteristics. Although parents always influence and direct their children, parents who have chosen a girl will tend to put greater pressure on her to conform to their hopes and expectations of her behaviour, rather than allowing her to become the person she is and wants to be. Such a child may feel that she is only wanted when she behaves the ‘right’ way. Conversely, selecting the opposite sex to existing children gives those children a very bad message about their parents feelings towards them.

## 4. ‘Family Balancing’

The HFEA suggests in its consultation document that there is a less objectionable form of sex selection: so-called ‘family balancing’. It is thought that many families, where there are two or more children of one sex, might want to use sex-selection, to get a child of the other sex, in order to ‘balance’ their families. However, it is not clear that there is any difference between this case and other, more traditional reasons for sex selection. As noted above, the motivation for such choices is still likely to be sexist, and the process is still likely to turn the

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child into a commodity. In addition, selecting a child of the opposite sex sends a very bad message to a child of the opposite sex about their parents' feelings about them. It is hard to see how a firm distinction can be made between the 'family balancing' situations and other situations in which parents wish to select their child's sex. There is no clear philosophical distinction to be made, and the HFEA will, as a result, be unable to restrict sex selection to 'family balancing' in the face of legal challenges. Therefore, no exception should be made for 'family balancing'.

## 5. Choice and 'reproductive rights'

It is often suggested that there exist 'reproductive rights' which includes a right for individuals to reproduce in whatever way they wish. This is sometimes framed more negatively as a right to non-interference by the state in supposedly private reproductive matters. Such arguments are even used to argue against a ban on reproductive cloning. While these claims may seem plausible, a closer inspection reveals that they cannot be sustained. These claims are consumerist extensions of well-founded, but much more narrowly-drawn rights.

The first legitimate right is a woman's right to choose to terminate her pregnancy. This is based on the fact that a foetus is part of a woman's body and that women have the right to have control over their own bodies. This is a protection of a vital personal interest. This is very different from saying that women have the right to choose the characteristics of their children. It can also be argued that like other technologies that increasingly subject reproduction to medical control, sex selection will tend to decrease women's control of their own reproduction.

The other basis for reproductive rights claims is the Universal Declaration of Human Rights, which includes 'the right to marry and found a family'. This article arose from the Nazi atrocities and from eugenics laws restricting disabled people's reproduction in other countries. Again, this right is narrowly drawn to protect vital personal interests and does not include a right to reproduce with whomever a person wishes, using whatever technological assistance. Jurisdictions legitimately restrict whom we can marry (for example, generally prohibiting marriage with close family members). Neither does the Declaration guarantee access to any form of technological assistance needed to reproduce, when this is not possible in the normal way.

The expansion of these narrowly-drawn rights into much broader claims for access to technology and non-interference by the state are due to a general climate of individualism and consumerism in some countries. Especially in the USA, claims of personal autonomy now dominate in bioethical discourse (see for example ref ). It is often thought that strong individual rights protect against eugenic interference by the state. However, at present, as many commentators have noted, in Western countries, the greater threat is of a free-market eugenics, driven by commerce and by consumerist desires for the perfect baby. Eugenic social attitudes, especially about the value of disabled people's lives clearly still persist, as do a whole set of social and economic factors, which exert pressure on individual choices. In such circumstances, claims for access to technology and non-interference by the state facilitate a drive towards an expanded free-market eugenics. Rather than non-interference, what is needed now is more state regulation to restrain the eugenic trend.

The proponents of 'reproductive choice' often argue that as long as the child and parent are not harmed, others have no right to interfere with parents' choices. However, it is clear that not only is the very act of choice likely to harm the child, but, if allowed to become widespread can do great damage to society, by promoting sexism and eugenic commodification. Society is not just an abstract concept: it is composed of millions of other individuals who will be harmed by the actions of those who wish to choose.

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## 6. Is it inevitable?

It is often argued that it is futile to 'try to stop scientific advances'. Firstly, it should be noted that no-one is trying to stop science here, merely to prevent what is widely regarded as an abuse. In fact over 40 European countries have already signed the European Convention on Biomedicine and Human Rights, which explicitly prohibits sex selection. Britain is almost alone in Europe in failing to sign that Convention for reasons that are unclear, but are unconnected to sex selection.

It is true that it may be possible for couples who want to use sex selection to have access to these services abroad. However, this is no excuse to fail to prevent them doing so here. Each country must make its own laws through democratic processes.

The current HFEA consultation is highly significant on global scale, because the HFEA is often seen in other countries as a model for good regulation of reproductive technology. If the UK decides that sex selection is acceptable, this may set an international trend.

## 7. Disability rights and sex selection

The current HFEA consultation discusses sex selection for both parental preference and for avoiding sex-linked genetic disease. While it should be agreed that the former is unacceptable, many disability rights advocates see the latter as equally problematic, as an example of eugenic discrimination against them. On the other hand, many parents, including those who already have a child with a genetic impairment, see it as perfectly reasonable to avoid having children with genetic impairments. This is a very difficult issue, which HGA has dealt with in other places, such as in our submission on PGD (<http://www.hgalert.org/topics/geneticSelection/pgd.htm>). We have therefore focused this campaign on the issue of sex selection for parental preference.

## 8. Conclusion

In HGA's view, sex selection, by whatever means, is ethically and socially unjustifiable. We are therefore calling on the HFEA to recommend a ban on this practice. It is important that the HFEA receives as many comments to this effect as possible, so we urge people to respond to the consultation by visiting the HGA website ([www.hgalert.org/whatsnew](http://www.hgalert.org/whatsnew)), or by writing to the HFEA.

## References

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- 4 See HGA press release <http://www.hgalert.org/pReleases/pr12-12-02.htm>
- 5 HFEA Report: Outcome of the Public Consultation on Preimplantation Genetic Diagnosis, November 2001.
- 6 What is immoral about eugenics? Caplan A.L. et al 1999 British Medical Journal **319** 1284.
- 7 King, D. Eugenic Tendencies in Modern Genetics, in *Redesigning Life?* Tokar, B. Ed Zed Books New York 2001.
- 8 <http://conventions.coe.int/Treaty/EN/CadreListeTraites.htm>

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