

Women's Hospital
Care Clinic presentation
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Ethical Issues Involved In Sex Selection

Most of us are uncomfortable with the idea of sex selection. The purpose of this presentation is to review the issues involved to assist healthcare workers who must address implicit or even express requests for sex selection.

Methods

- (i) Flow cytometry ("Microsort") is a preconception method involving sperm sorting. It is less accurate than preimplantation genetic diagnosis ("PGD").
- (ii) PGD – Preimplantation genetic diagnosis involves embryo discard. This method is problematic if you believe that the fetus has moral status. Some claim that there must be "serious" reasons for discarding a fetus. Although this method is very accurate, it is expensive and involves all the risks attached to in-vitro fertilization. It is usually used only to detect serious genetic disease.
- (iii) Termination or selective reduction

Major non-medical reasons for sex selection

Ninety percent of couples in the United States wanting sex selection wish to balance sex in the family

Preference for female or male children

Is there anything intrinsically morally wrong with simply having a preference for one gender?

Law

The *Assisted Human Reproduction Act* (federal legislation) prohibits, in section 5:

"for the purpose of creating a human being, perform any procedure or provide, prescribe or administer any thing that would ensure or increase the probability that any embryo will be of a particular sex or that would identify the sex of an *in vitro* embryo except to prevent, diagnose or treat a sex-linked disorder or disease."

Note this prohibition is limited to assisted reproduction which would include sperm sorting and PGD noted above. There is no legislation prohibiting non-medical sex selection through termination or selective reduction.

The Royal Commission on New Reproductive Technologies reported that more than 90% of Canadians surveyed found it unacceptable to abort a fetus because the parents wanted a child of an opposite sex.

This value is reflected in provincial and federal human rights legislation which universally prohibits discrimination on the basis of gender or sex.

The Commission determined that using reproductive technology to determine the gender of a fetus for non-medical reasons was unethical as it departs from the major goal of prenatal diagnosis (prevention of serious disease), violates the principle of equality between males and females, sets a precedent for other 'eugenic' decisions that are socially repugnant, and employs costly and scarce medical resources for a private purpose.

This position has been endorsed by the College of Physicians and Surgeons of B.C.

SOGC's December 1994 Policy statement notes that measures which perpetrated discrimination are to be condemned.

Arguments in favour of allowing sex selection

Procreative autonomy, which is the liberty to decide when and how to have children according to what parents judge is best, is the main argument in favour of allowing sex selection. The arguments are as follows:

- (i) Procreative autonomy should not be sacrificed to correct social inequality.
- (ii) It is totalitarian for the State to dictate which children parents should have and rear.
- (iii) Parents know their circumstances best and should decide what children they want to have and/or rear.
- (iv) Social harms associated with sex selection are not sufficient to cancel procreative autonomy.

Social harms of sex selection (and counter arguments)

(i) Oppression of women

Argument for

Allowing sex selection (i.e. the preference for male children) oppresses women because it further institutionalizes the discrimination against women.

Argument against

Not allowing sex selection results in infanticide of female babies (e.g. 1995 survey of the National Foundation of India estimates that 300,000 newborn girls die annually from being killed outright or from suffering such neglect that they die of illness or starvation).

Not allowing sex selection causes increased harm to women who must endure repeated pregnancies in efforts to have a son.

Even if there is a correlation in some cultures between sex selection and the oppression of women, it does not follow that allowing sex selection causes the oppression, or that elimination sex selection will alleviate the oppression. Other factors may be responsible for the desire for male children and the oppression of women (e.g. economics, lack of education) It is unclear if banning sex selection will benefit women.

(ii) **Diversion of medical resources from genuine medical need**

Argument for

Medical resources are in short supply and need to concentrate on **medically necessary** procedures.

Argument against

There are many procedures that medical personnel perform that are not medically necessary. It is unjust to single out sex selection.

(iii) **Family balance**

Argument for

Eight-one to ninety-four percent of parents in the United States using sex selection wanted a boy first. First children tend to be more aggressive, better educated and have higher incomes. Allowing sex selection could create hardships on younger siblings.

Argument against

There is insufficient evidence to support that this potential harm is sufficient to justify constraining choice (i.e. procreative autonomy).

(iv) **Eugenics**

Argument for

If sex selection is allowed there will be a slide to eugenics with "designer babies". It could lead to testing for hyperactivity, obesity and homosexuality. This further promotes the cultural negative view of persons with disability.

Argument against

We already allow parents to test and abort fetuses with disability, even non-serious conditions such as cleft palate. If parents can decide to abort for minor disabilities they should be able to decide to abort on the basis of sex.

(v) **Female/male ratio**

Argument for

Allowing sex selection leads to altering the traditional ratio of females to males, especially in countries like China and India where there is a preference for male children. Some argue that this phenomenon will not correct itself naturally and that governments must ban prenatal and preconception tests that are used solely to determine the sex of the fetus.

Argument against

It is not clear that disturbing female/male ratios will necessarily be a bad thing. The rarer sex may have greater influence and population growth is likely to be reduced.

Sex selection is the product of a false belief in the inferiority of women. The false belief in the inferiority of women is not a product of sex selection. Providing education and improved social opportunities corrects this phenomenon better than banning sex selection.

(vi) **Playing god**

Argument for

Sex selection is playing god and we should not do that.

Argument against

Sex selection is no more playing god than contraceptive use, abstinence or abortion.

References

- Savulescu, Julian. (1999). Sex section: the case for. *MJA*, 171:373-375.
Steinbock, Bonnie. (2002). Sex selection: not obviously wrong. *The Hastings Center Report*, 32 (1): 23-27.

Hypothetical Cases

- a. Mary is expecting her 5th child. She has 4 boys and would like a girl this time. She during her routine 18 week ultrasound she was told that she is carrying another boy. She would like to terminate the pregnancy and try one more time for a girl.
- b. Rachel is pregnant with quadruplets and scheduled for a selective reduction to twins. She would like to have one boy and one girl if at all possible as she is in her early 40's expects this will be her only pregnancy.
- c. Veronica is pregnant with her first child and has sent away by mail for a "Baby Gender Mentor Home DNA Test" which promises to identify the gender of her baby "before she even shows". If it is a girl she is going to terminate the pregnancy.