UNCC300 CASE STUDY 1: 
HUMAN DIGNITY AND GENDER SELECTION

Introduction
Three Main Perspectives
Required Readings
Additional Readings & Resources
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INTRODUCTION

On July 15, 2015, Prof. Anne Kelso AO, CEO of the National Health and Medical Research Council (NHMRC), made a call for public submissions for possible revisions of the NHMRC ethical guidelines on a range of biomedical issues. One of the ethical stances of the NHMRC which is being reviewed is that of gender selection, concerning whether parents should be allowed to choose the sex of their children by technological means. See this news report about a mother going to Thailand for gender selection in 2010, and the first 16 minutes only of this discussion on Insight in 2012 (transcript). The prior position of the NHMRC on sex selection (from 2004 through 2007, and up until now) is:

Sex selection is an ethically controversial issue. The Australian Health Ethics Committee believes that admission to life should not be conditional upon a child being a particular sex. Therefore, pending further community discussion, sex selection (by whatever means) must not be undertaken except to reduce the risk of transmission of a serious genetic condition.

Haemophilia and Duchenne muscular dystrophy are two examples of genetic diseases linked to the X chromosome, which are usually passed from female carriers to male offspring (which would therefore permit sex selection under these guidelines). Since the NHMRC allowed for future “community discussion” to take place, they noted the following reasons which were often given in support of sex selection for non-medical purposes:

- “Sex selection permits ‘family balancing’.
- Sex selection may enable parents to fulfil religious obligations or cultural expectations.
- Sex selection is properly thought of as a matter for individual autonomy.

They also noted the following reasons given against sex selection for non-medical purposes:

- “Sex selection is incompatible with the parent-child relationship being one that involves unconditional acceptance.
- Sex selection may be an expression of sexual prejudice, in particular against girls. As practised today around the world, it generally reflects and contributes to bias and discrimination against women.
- Sex selection harms men in some cultural groups (by contributing to the shortage of women for men to marry).

Some ethicists believe that choosing the gender or sex of one’s child is an expression of the prospective parents’ reproductive autonomy. They argue that his should be allowed in Western, pluralistic, liberal societies, since there is little chance harm will be done to anyone on the basis of their gender in this social context. Others argue that gender selection is permissible for reasons of family balancing. They argue that if the children of a family are all sons or all daughters, it is not inherently sexist to want a child of the other sex. There are some cultural contexts (such as among ethnic Kazakhs in Kazakhstan) in which having an evenly balanced family of one son and one daughter is desirable for teaching children to fulfil social norms, and sex selection takes place to ensure this particular balance.

Other ethicists argue that sex selection simply reinforces sexual discrimination in societies where there exists a strong preference for sons. A joint statement of five UN agencies calls for “renewed and concerted efforts … [from] governments and civil society … to address the deeply rooted gender discrimination against women and girls which lies at the heart of sex selection.” Others argue that parents’ deliberate choice of the sex of their children may reflect the pre-conceived gender roles they wish them to fulfil, which may impact negatively upon the children’s psychological wellbeing if they do not fulfil these expectations. This article provides a concise summary of various arguments against gender selection on the basis of a conception of human dignity.

Of significance to this issue is the claim that gender selection is an expression of procreative liberty, which should be allowed at least in cases of “family balancing.” Also of significance is the counter-claim that gender selection only reinforces sexism, gender stereotypes and gender imbalances among the number of children born. The concept of human dignity is at the core of this debate. Where does human dignity lie? Does it lie in the human nature we all have, regardless of our sex or gender? Or is it better expressed in the choices we make, especially concerning our offspring? For those who do choose the sex of their children, could this choice impact upon those children’s self-esteem? Who should decide if such a choice should be allowed or prohibited?

These questions and others are discussed in the perspectives and readings below. As you read the perspectives and articles below, consider which understandings of human dignity are operative in each argument, and what shortcomings such understandings may have in light of a multidimensional understanding of the human person.
For example, it is technologically possible to choose the sex of the embryo(s)—screened beforehand using preimplantation genetic diagnosis (PGD)—which are to be implanted in the mother’s uterus through IVF.

NHMRC, Ethical Guidelines on the Use of Assisted Reproductive Technology in Clinical Practice and Research: 2004 (As Revised in 2007 to Take into Account the Changes in Legislation), June 2007, section 11.1, 53. In section 12.2, on page 55, the guidelines go on to state: “Pending further community discussion (see Appendix C), PGD [Preimplantation Genetic Diagnosis] must not be used for: ... selection of the sex of an embryo except to reduce the risk of transmission of a serious genetic condition; ... .”


Anna Mudde, “‘Before You Formed in the Womb I Knew You’: Sex Selection and Spaces of Ambiguity,” Hypatia 25, no.3 (2010): 563-64.
THREE MAIN PERSPECTIVES

Perspective 1: Choosing the sex of a child fails to uphold the inherent dignity of all human beings. Allowing gender selection means allowing discrimination against people according to their gender, and choosing the gender of one's child means that the gender not chosen is esteemed to be of lesser value.

Perspective 2: Choosing the sex of one's child is an expression of parents' reproductive autonomy. Therefore, allowing gender selection is a recognition of the dignity of human beings who have the ability to reason and carry out significant life decisions. The dignity of the parents, therefore, is protected by allowing them to choose the sex of their child.

Perspective 3: Society values the inherent worth of all children, thus, there are limits to the choices parents should be able to make. Parents who opt for gender selection could therefore be seen as failing to uphold the moral norms and values of society. Thus, parents who choose the sex of their children, for non-medical reasons, are judged to have lost dignity in the eyes of society.

As you read the articles in the links below, analyse the understanding of human dignity that underpins the arguments and consider how this understanding of human dignity is being brought to bear on the question of gender selection. Note that you may find two authors of different ethical positions explaining dignity in a similar way or in more than one way such that it could fit into the same quadrant as another author or into several quadrants. Look carefully for the nuances and underlying assumptions that further qualify the understandings of human dignity such that the authors nonetheless arrive at different ethical positions.

In some of the articles provided, the authors also refer to other authors who offer perspectives on dignity different from their own in relation to the question of gender selection. You may wish to use the references in the articles provided to trace these additional perspectives.
REQUIRED READINGS

In the first reading, Blyth, Frith and Crawshaw present an argument against the claim that gender selection should be allowed for the sake of reproductive autonomy. They argue that allowing parents to select their children's sex in societies with a strong son preference—so that their (male) children may avoid the gender discrimination women and girls experience—only reinforces the sexism of such a society. They also believe there is no hermetically sealed distinction between societies of Eastern and Southern Asia (where such a son preference may exist), and communities in Europe and the United States. The authors argue that selecting a child of a particular sex could lead to the rejection of that child if he or she does not manifest the expected gender characteristics of their sex. They believe that allowing gender selection could promote sexist stereotypes within the community.


In the second reading, Edgar Dahl argues that in a liberal, democratic, Western society, the allowance or prohibition of any practice should begin with a presumption “in favour of liberty.” That is, people should be allowed to make life decisions as they choose, with the state intervening only when a certain type of decision brings harm to others (the “harm principle”). Dahl argues against what he sees as the ten most common objections to gender selection, on the basis that these objections do not show how the practice harms others in a Western social context. He concludes that within these liberal social contexts, gender selection should be allowed in legislation.


In the third reading, Scully, Shakespeare and Banks argue that when policy makers deliberate about bioethical issues such as gender selection, they should consider the moral judgments of “lay people” (i.e. non-experts), and not just professional bioethicists. They use focus groups and interviews to illustrate the contribution “ordinary” people can make to the public discussion of gender selection. The authors found that “lay people” usually do not make a philosophical, analytic argument for their beliefs, but often use metaphors in order to support their intuitions. Metaphors such as “the child is a gift” reflect an implicit understanding of children’s dignity in that they should be unconditionally welcomed with gratitude. On the other hand, “the child is not a commodity” is a metaphor reflecting an intuitive understanding that there are limits to the choices people can justifiably make, especially when these choices involve determining a child’s genetic attributes. It follows, then, that society could potentially judge harshly those parents who make such choices.

Finally, we have provided references to additional articles for you to find yourself, bearing in mind that being able to locate relevant information goes towards meeting the requirements of Graduate Attribute 8. These resources can be located either in the ACU library database or online. You should access these resources if you choose this case study for your final assessment.


