

NON-MEDICAL SEX SELECTION FOR FAMILY BALANCE

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INTRODUCING ME

- Based in Politics And International Relations, in Social Sciences.
- Training/background in (moral and political) philosophy.
- Interests/past work around organ donation, reproductive choice, and state regulations.

INTRODUCTION

- It is generally assumed that family balancing is the best justification for non-medical sex selection.
- This paper criticises Eike-Henner Kluge's defence of family balancing (*Health Care Analysis* 2007).
- I do not consider the methods used for selection or funding.

KLUGE'S ARGUMENT

- Selection can be motivated by values or mere preferences.
- If one thinks that boys are more valuable than girls, then this is sexist and ought not to be permitted.
- But one may prefer a boy to a girl without thinking they're better – it's simply a matter of personal preference.

OTHER OBJECTIONS

- Others have criticised sex selection on the grounds that even preferences reinforce sexist gender stereotypes.
- Parents select sex in the expectation of particular behaviours, e.g. sporty boys or 'girly' girls.
- This is bad for freedom and equality.

PUBLIC JUSTIFICATION

- I set aside these concerns, not because they are false, but because they are controversial.
- In a liberal democracy, laws ought to be justified to all (reasonable) citizens.
- Sex and gender are controversial topics – the claim that there are natural sex differences does not seem unreasonable.

ALTERNATIVE STRATEGY

- I argue that, even if we accept Kluge's assumptions, his argument fails to justify family balancing.
- That is, I accept (for sake of argument) that we can distinguish between value-based and preference-based selection and that the latter is morally unobjectionable.
- For simplicity, I assume there are only two sexes.

FAMILY BALANCING

- 'Balancing' suggests that some families are unbalanced.
- Some may only allow sex selection in cases of 'extreme' imbalance, like three boys and one girl.
- I'll assume selection is allowed whenever (i) parents have more children of one sex than the other and (ii) wish to select a child of the sex they have fewer of.

ALTERNATING CHILDREN

- Kluge suggests selection should be allowed even in cases of mild imbalance, but refers to “every other child”.
- This suggests that a couple with BGB could be allowed to select G, but a couple with BBG not allowed to select G.
- I see no reason for this, so will assume couples can select G whenever $B > G$ (and vice versa).

KLUGE'S PROPOSAL

- We want to prohibit value-based selection, while permitting preference-based selection.
- Selection should only be allowed for family balancing.
- Further, to prevent societal imbalance, all selections must be matched with an opposite selection.

MY CRITICISM

- These restrictions are both over- and under-inclusive.
- Some supposedly legitimate preference-based selection will be ruled out (false positives).
- Some problematic value-based selection will be permitted (false negatives).

FALSE POSITIVES

- Kluge admits that some preferences will be frustrated, e.g. couples who want only one child.
- Family balancing allows matched pairs (one boy, one girl) but not matching pairs (e.g. two boys).
- If preference-based selection is legitimate, I see no reason to exclude these preferences.

ERRING ON THE SIDE OF LESSER EVIL

- One might think it better to prohibit some preference-based selection than to permit value-based selection.
- Compare punishment – it is better to let ten guilty people go free than to punish one innocent one.
- But this is no help, for Kluge's proposal makes both errors.

FALSE NEGATIVES

- Restricting selection to family balance does not prevent parents from acting on sexist values.
- Suppose parents think boys are better than girls.
- Any that have a girl can appeal to family balance in order to select boys.

FALSE NEGATIVES (ILLUSTRATION)

Couple	First child (natural)	Second child
A	Boy	Boy (natural)
B	Boy	Girl (natural)
C	Girl	Boy (selected)
D	Girl	Boy (selected)

LACK OF DISCRIMINATION

- It is true that some value-based selection may be prevented.
- But this would also be the case even if selection were only allowed at random.
- Parental motives matter, but there is no attempt to discriminate directly between values and preferences – family balancing is used as a proxy, but it is very unreliable.

LACK OF DISCRIMINATION (ILLUSTRATION)

Couple	Motivation	Coin Toss	Result
E	Value-based	Allowed	Value-based selection occurs
F	Value-based	Prohibited	Value-based selection blocked
G	Mere preference	Allowed	Preference-based selection occurs
H	Mere preference	Prohibited	Preference-based selection blocked

AN ALTERNATIVE PROPOSAL

- If we want to distinguish between preferences and values, it would seem better to test for them directly.
- Parents wishing to use sex selection might have to undergo an interview and/or (implicit) bias testing.
- This may be somewhat invasive, but those wishing to adopt face similar scrutiny to determine their suitability.

CONCLUSION

- I am not saying that we should test parental motives in this way, because I have not argued that parental motives matter.
- My claim is that this is the policy that follows from Kluge's distinction between values and preferences.
- Kluge's argument fails to show anything special about family balancing.

REFERENCES

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