

Is using abortion to select the sex of children ever permissible?

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*The revelation that some clinicians in Britain have agreed to undertake Sex-Selective Abortions (SSAs) has brought several ethical issues to the fore. Two philosophers analyse the complex arguments surrounding this banned practice, from differing points of view. **Jeremy Williams** makes the case that SSA could be right in some particular circumstances. But **Heather Widdows** emphasises the moral dangers involved in permitting SSA.*



Many people seem convinced that sex-selective abortion is morally unacceptable. But explaining why is more difficult than one might suppose.

Jeremy Williams suggests that those who oppose SSA outright should pause to consider whether there are cases where it could actually be considered just.



The topic of sex-selective abortion (SSA) has recently featured prominently in the news, owing to an [undercover investigation](#) by *The Daily Telegraph*, which found that some private practitioners were willing to perform them. Those reacting to this story seemed overwhelmingly to agree that it is morally objectionable for a woman to abort on grounds of the fetus' sex, or for the state to allow her to do so. But whilst there was a great deal of certainty on that point, there was little elaboration as to *why* SSA should be considered objectionable. I want to suggest that opposition to SSA is rather more difficult to sustain than one might suppose – at least for those of us who share some commonplace pro-choice beliefs.

Opponents of SSA often assume that nobody could have a valid reason for wanting a child of a particular sex, and that any preference a parent might have must be merely self-indulgent. Not true, however: in at least some cases, a woman could have very compelling grounds for wanting, specifically, a boy or a girl. Take the woman who was sexually abused by her mother as a child, and cannot form close relationships with other females. Or the woman whose husband will leave her and her children in poverty if she has yet another girl. To these individuals, the sex of their child matters crucially.

Now, legal scholars have speculated that UK law might conceivably permit some SSAs, under the so-called 'social ground'. This allows abortion within the first 24 weeks, when it is needed to protect the mental and physical health of the woman, or her dependent children. As yet, there has been no legal case testing this (as LSE's own [Emily Jackson](#) pointed out to the *Telegraph*). But irrespective of whether existing law *would* allow SSA in cases like the ones I have described, doesn't it seem plausible that it *should*? After all, the women in my examples do not want to abort on trivial grounds. On the contrary, they are aiming, respectively, to protect their mental wellbeing, and to protect themselves and their children from poverty. On a pro-choice view, women have a right to choose abortion for those reasons.

Of course, some people object to SSA on grounds that fetuses are persons with rights to equal treatment, including rights against sex discrimination. However, the claim that fetuses have rights poses a challenge not just to SSA, but to abortion generally. It is not a claim that we can easily make if we are pro-choice advocates, yet attempting to argue against SSA specifically.

And precisely for this reason, others (notably feminists) have argued that SSA represents an injustice not to fetuses, but to existing girls and women. In particular, they argue that SSA expresses a negative message about the status and worth of females, making it more difficult to achieve

gender equality in society. This sort of objection is hard to make, though, if we remain committed to permitting another kind of selective abortion – namely, for *disability*.

The reason is this. Some members of the disability rights movement say that selective abortion for disability is objectionable too, because it conveys a hurtful view about the worth of disabled people. Yet I take it that most pro-choice advocates would not be happy to ban selective abortion for disability on those grounds. Rather, they would, I think, respond as follows. First, that any perceived disrespect is inadvertent. And second, that while equality for disadvantaged groups is vitally important, it would be unfair to try to achieve it by banning selective abortion, and imposing high costs on the women who need one. This line of reply, however, seems equally applicable in the context of SSA.

Comparison with disability selection is also instructive when it comes to another major criticism. This says that SSA represents an assault on women as a group, comparable to genocide – namely, ‘gynocide’. Parallel claims are sometimes made about selective abortion for disability: it is said that it recalls the atrocities of the Nazi era, when disabled people were liquidated in vast numbers. In both cases, however, the analogy seems dubious. Women’s choices to have selective terminations are not part of a coordinated, intentional effort to wipe out a group. And if we have Pro-choice beliefs, we will again emphasise that aborting a fetus is not morally equivalent to killing a person.

Drawing these threads together, my view is that, given our acceptance of abortion in Britain, including selective abortion for disability, it would be inconsistent of us not to allow SSA – at least in the sorts of urgent cases that I have described above. (I also think there are powerful reasons to liberalise UK abortion law more generally, but that’s another story.) Since strong son preference is not widespread in Britain, there seems little danger that allowing a degree of SSA would cause an unbalancing of the sex ratio.

In a gender equal world, demand for SSA would be much reduced. So, if we are concerned to minimise the practice, we should accelerate progress toward such a world. However, in the meantime, banning SSA should give us significant moral qualms. For to do so appears to be to force some people – pregnant women who need these abortions – to pay the price for our failure to create a more just society.

About the author

Jeremy Williams is a [Leverhulme Early Career Fellow](#) in the Department of Philosophy at the University of Birmingham, whose research is in the fields of moral and political philosophy, and applied ethics.

Why sex selection remains problematic, even if one is pro-choice.

Heather Widdows *argues that sex-selective abortion is rightly contested. Legitimizing the practice would give way to the commodification of children and lead to discriminatory practices based on more than gender.*

It is important to clarify that it is ‘sex-selective’ abortion that is in question here, not abortion in general. The two issues should not be confused. Abortion is a basic right, a right to bodily integrity that all non-slave men take for granted: a right not to have one’s body invaded against one’s will. However, while there is a right not to have a child – not to be pregnant, not to give birth and not to be a parent – this right does not extend to being able to choose the *type* of child one has. This is true of being able to select sex, and also other ‘social traits’, when or if selection for such traits becomes possible; including sexual orientation and physical traits (such as, height, eye-colour, hair colour and intellect). This may sound far-fetched but a quick look at the selection of sperm and egg donors suggests that recipients already seek to choose certain physical and intellectual traits. And while sexual orientation is not possible to select for, there are already debates about whether (*if it were*) it

should be permitted.

There are a number of reasons which mean that we should *not* allow selection of types of children on grounds of preference alone (there are legitimate other grounds, such as, psychological harm to the mother, or to avoid illness in the child). First, to be able to choose sex is 'commodifying' – it makes people into things. The tendency to commodify people is increasing in the contemporary market context. Bodies are more and more viewed as objects to be moulded and shaped (by diet, exercise and surgery) and there is a danger that this extends to children – who can be viewed as accessories and extensions of the self.

Second, to make choices before birth, is to have particular expectations about what or who the child will be. This changes the relationship between parent and child from one of 'gift' to one of 'contract'. While parents always have expectations and hopes for their children – and might even be *disappointed* – the ideal that we should love our children *whatever* they are like and *whoever* they are is too important an ideal to erode by making children into types which we can choose. To reject a child because it is not a child of the desired sex – for purely social reasons – moves too far towards a contractual model of the parent/child relationship.

Third, the claim that these are 'individual' choices which *only* affect the particular family is just not true. What is permitted and seen as socially acceptable affects everyone. If it is normal to have expectations – and ones which you expect to be met, such as to have a child of a certain sex or with certain traits – this is not 'individual', but 'social'. Norms are social and cultural and shared. If abortion for sex selection becomes normal and acceptable then views of all children will be affected – children in general will be commodified – as children will become the types of things which parents can choose rather than simply accept.

Fourth, discrimination is always a possibility if the selection of sex is permitted for social reasons. The fact that there might not be a strong preference for sex of a certain type in the UK is not a reason to be complacent. There may not be a strong preference in part because current norms strongly promote and reinforce the view that children should be valued irrespective of their sex. Generally it's not thought to be OK for pregnant women to say 'I don't want a girl/boy'. However, if sex selection by abortion (or by pre-implantation genetic diagnosis) were 'normal' this might no longer be the case. As stated above what is 'normal' and 'acceptable' is changed as practices change. Therefore, if it is a good thing that currently all children are seen as valuable, we should endorse practices which promote this and encourage it to continue.

Fifth, it is no longer the case that one can ignore the global situation or the norms of different cultures. In a multicultural society there are likely to be some social groups in the UK who do value one sex over another. So even if the overall figures show no strong preference this does not mean there is no discrimination. If sex selection is permitted in this country, people will travel to the UK to make use of this service? Does the UK wish to become a destination for social abortion of this type?

While brief, these arguments show that 'choosing sex' (or other types of children) should not be permitted and that it is not an individual or trivial choice, but a social choice. Permitting sex selection would affect everyone, because it would impact upon our common views and expectations of children, and not just those families who actually take this option. However, while it is clear that abortion to select sex on purely social grounds should not be permitted, policing this is more problematic – for instance, should all sex tests be banned? But working out *howto* do something is a different debate from what *should* be done and an issue for another day.

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