

Sex Selection and Women's Reproductive Rights

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For instance South Carolina is considered legislation that would require pregnant women to undergo an ultrasound and view images of their embryo before being permitted to have an abortion. [South Carolina already has the toughest climate for abortion rights](#) in the United States, causing the number of clinics in that state to drop from 14 to 3 in ten years, with a 50% drop in abortions. Forcing women seeking abortions to view an ultrasound would presumably deter even more women from seeking them from the dwindling number of providers.

One would think that the obvious pro-choice position would be that a woman has a right to know the contents of her womb with any test she chooses, including ultrasound, but should not be forced to have one, just as she should have the right to continue or terminate her pregnancy with or without that information. But this is far from obvious to a bioconservative minority within reproductive rights activism.

Responding to the slowly shifting sex ratios in India and China where male-biased sex selective abortion is widely practiced a global bioconservative alliance has emerged to demand harsh punishment for providers of ultrasound and abortion in those countries. Some activists would like to see sex selective abortion banned worldwide. These demands are popular across the political spectrum, since religious conservatives welcome any restriction on reproductive freedom, and progressives have contempt for the patriarchal attitudes that lead to male preference. The language of millions of "missing girls" and widespread "foeticide" has equated sex selective abortion with the murder of girls and ethnic genocide. The argument is also advanced that the changing sex ratio in those countries will have bad consequences for women and social stability.

India and China, under increasing international pressure, have stepped up the criminalization of ultrasound and abortion, as have countries such as Vietnam, South Korea and Taiwan. In India doctors can be, and are being, imprisoned for providing women ultrasound and abortion, unless they are at a high-risk of having a pregnancy with congenital anomalies.

Disability extremists have in turn seized on the unpopularity of sex selective abortion to argue that aborting feti with congenital abnormalities is a form of discrimination against the disabled, and should also be banned.

Even the humanist movement is subject to this form of bioconservative coercion, as [a recent article in the IHEU journal on the tragedy of foeticide in India](#) attests, insisting that the restrictions on reproductive choice be enforced with no mention of reproductive rights.

Briefly, then, I want to recapitulate the arguments for women having the right to choose what kind of child they have, including its gender, whether they live in the affluent North or India or China.

First, however, I feel obliged to point out that I had no preference for boys or girls when my kids were feti, and I have contempt for the patriarchal attitudes that lead to boy preference. But people bring all kinds of attitudes that I dislike to their reproductive decision-making, and the question is whether our disdain for a patriarchal prejudice warrants contravening women's reproductive liberty.

One of the more disingenuous aspects of the debate about sex selection is that very few of the activists in the North demanding bans on sex selection in the developing world promote such bans in their home countries where they would be far less popular. Insofar as their arguments hinge on the alleged harm done to the unconditional love of parents for children when parents make choices about the kind of children they have, this would apply equally to Americans or Germans choosing their children's genders.

This argument for "unconditional love" leads naturally to questioning the ethics of contraception, however, which only Catholics do; if unconditional love of parents requires accepting without question whatever God sends your way, then you shouldn't choose how many kids to have either. Parents who use contraception, sex

selection or any fertility regulating technology are alleged, by this argument, to devalue all their children into commodities. In fact, the research has consistently shown that "children of choice" produced through fertility treatments are as or more loved than the children produced by the usual methods which require far less commitment and forethought.

Bans on gender selection have little other rationale in the developed North, since research on gender preference in developed countries, [Europe and North America](#), show [only a slight gender preference if any](#). (Gender preference in Japan actually favors girls three-to-one, although it is rarely practiced there [1, 2](#).) [Few parents in the developed world express any interest in using sex selection](#), and the majority of those who do want to use it want it to "balance" their families, to have both a daughter and son in the family. Consequently the overall effect on gender balance in the developed world would barely dent the 51%/49% female-to-male ratio which currently makes it harder for *women* to find mates.

If it is in fact the obligation of the state to ensure that there is a perfect 50/50 gender balance - so that every man and woman in society can find someone of the opposite gender - then male preference sex selection should in fact be state policy in the developed North until we achieve such a balance. As much as some of us would like to have been able to insist that the federal government had an obligation to make sure we found a sex partner I don't really think that is a state obligation.

The demand for a ban on sex selection thus suggests yet another serious bit of doublethink for progressives: it is based on normative ideas that about sexuality and family that progressives have otherwise tried hard to critique and discard. Not every man wants or needs a woman, and not every woman needs or wants a man. If there are fewer women than men, or vice versa, it will be irrelevant for some, and others will adapt. Individual reproductive expectations, and sexual desires and identities can and do adapt to availability. The evidence is clear that sexual preference is only in part biologically determined, and that situational factors play some role. Many men become "situationally gay" in boys' schools, prisons or the military. In the developed world growing numbers of people are bisexual, remaining single or forming alternative family structures, and in a world with hooking-up, polyamory and virtual sex, those who can't find a single person of the opposite sex to form a long-term monogamous bond with have plenty of alternatives. Polyandry, one wife with several husbands, has been practiced by Tibetans and other societies, and could be re-introduced. Openness to gay sex, porn and non-marital sex are also growing rapidly in the developing world, to the consternation of religious and neo-Maoist Puritans.

Another reactionary strategem of the opponents of sex selection in the developing world is the reification of the unattached male as a violent rapist and criminal, a "surplus male," as exemplified in den Boer and Hudson's 2004 book *Bare Branches: The Security Implications of Asia's Surplus Male Population*. It is of course true that areas with more young men than young women, like the early American West, have a higher crime rate, and that marriage and family has a stabilizing effect on male risk-taking. (It is equally true that there is a high rate of violence in poor African-American neighborhoods that have a skewed female-to-male ratio in favor of females.)

But it is quite extraordinary for purported progressives to argue that women should be denied reproductive choice in order to ensure that there are enough girls in the next generation to marry and pacify violent males. Why not propose instead that males be taught non-violent conflict resolution and punished harshly for rape? Would male predominant societies really go to war to kill their excess males and bring home brides as booty? If removing women's reproductive freedom were the only method to prevent such a dystopian future it might be warranted, but fortunately there are many alternative policies to address "surplus males" from international peace-keeping, to male emigration and female immigration, to male behavior modification.

Most directly governments should and are changing the economic incentives that lead to male preference in abortion. In 2003 the Indian government began to give homeless women with girls twice as much welfare assistance as women with boys, and legislation is pending in the Lok Sabha to provide free medical and education assistance to all of India's girls, contingent on their attending school and remaining single to the age of 18. [China is offering parents with one or two girls old age pensions as a selective incentive to have girls](#).

Actually, providing universal old age security would probably be even more effective at eliminating boy

preference. A major source of parental desire for sons is the weakness of social welfare provision for senior citizens, and the far greater likelihood that a son will have income to provide for his parents. Expanding educational and employment opportunities for girls, and providing a state pension system, would go a long way to reduce male gender preference.

Another argument propounded against sex selection is that male preference sex selection reduces women's political influence in society by reducing their number, which is of course true. But it does not follow that their rights are any less likely to be respected if they are 45% of the population than if they are 51%. Many minorities have fought for and won rights from majorities in the developed North, as well as in the developing world, from India's scheduled castes to non-Han Chinese. Civil rights do not and should not depend on population proportion. The logic of that argument would be that we should advance the rights of the disabled, GLBT, or an ethnic group by working to increase their proportion in the population. That's bad social science and worse public policy. The defense of women's rights begins with the defense of their right to control their own bodies, not from their proportion in the population. Securing women's reproductive rights today is essential for ensuring their rights in 2025.

Pro-choice opponents of sex selection again display their doublethink when they use terms like "missing girls" and "foeticide." As Catholics and other opponents of reproductive freedom rightly point out, why is it foeticide only when the fetus is a girl? If there is a two-to-one ratio of aborting female feti to aborting male feti in India, leading to tens of millions of "missing girls" doesn't that mean there are millions of "missing boys" as well? Reproductive rights are weakened every time an opponent of sex selection argues as if aborting a female fetus is equivalent to the murder of a girl person. It is not.

Most shocking about the feminist doublethink on the issue is the substantial harms to girls that banning sex selection imposes. Patriarchal societies have routinely abused, malnourished and murdered unwanted girls. Child and infant mortality for girls remains far higher than for boys in India and [China](#). Giving mothers a choice about whether to bring a girl or a boy into their family reduces the likelihood that girls will be born into families that see them as unwanted secondclass citizens. If all those "missing girls" had been born into families that didn't want them, millions of them would have suffered as a consequence. [Donohue and Levitt's \(2001\)](#) demonstration that the legalization of abortion in the U.S. led to a decline in male juvenile delinquency twenty years later is ample evidence of the beneficial effect of reproductive choice on parenting. This is the flipside of every child being a wanted child; reproductive choice ensures that parents don't have, and subsequently neglect, unwanted children.

Another problem with the doublethink around sex selective abortion is that it dismisses or underestimates the potentially positive impacts on the status of women that the changing gender ratio is having in China and India. There is little empirical work on these effects yet, but many anecdotal reports suggest that one immediate benefit of the changed gender ratio is that women who would otherwise be considered unmarriageable are now able to find partners. This includes disabled women, older women, widows, women who want higher education and careers, and [women of otherwise undesirable religious, ethnic and caste backgrounds](#). As desperate men relax their expectations about what kind of bride is acceptable, and women become more socially mobile, this will increase the options for all women in sex ratio-shifted societies.

Another change in India has been the relaxation and even reversal of the expected bridal dowry in India. Now [would-be bridegrooms are either dropping any expectation of receiving a dowry, or offering a dowry to the bride's family](#). While this change has been luridly described in the press as the growth of bride selling, the reporting ignores the fact that tens of thousands of Indian wives were murdered in the 1980s and 1990s because their husband's family wanted to collect a second dowry. Removing the bridal dowry not only protects wives from murderous in-laws, and improves their choices in the marriage market, but reduces the dowry-burden incentives that cause families to prefer sons over daughters in the first place.

A third beneficial consequence of the changing sex ratio has been state policy to encourage families to have girls, such as the subsidies for girls in India and experiments with free university tuition for girls in China. Affirmative action policies ensuring equal number of boys and girls in higher education and employment would

also benefit women in a sex ratio-affected society.

Finally, the case against sex selection takes no account of the advance of fertility technology, which will allow gender selection earlier in the pregnancy and even before conception. [Blood tests](#) now enable sex determination as early as six weeks, and sperm-sorting with in-vitro fertilization allows pre-conceptive sex selection. Eventually there will be a pharmaceutical or contraceptive device which will allow parents to choose to only conceive embryos of the desired sex without recourse to abortion or in-vitro fertilization. Will the opponents of sex selection argue that these should also be outlawed?

In conclusion, a woman's right to know the contents of her own body, and to make a choice about whether to continue her pregnancy or not, should be defended against laws trying to stop prenatal sex selection, either in the developing world or in the developed world. Restrictions on women's reproductive freedom harm the interests of women and girls, and ignore myriad social policy solutions, such as education and income incentives to have girls and universal old age pensions, that provide better answers to the strains of unbalanced sex ratios. The opponents of sex selection trumpet all accounts of increased discrimination against women resulting from unequal sex ratios while ignoring growing evidence of positive cultural change and women's empowerment from women's enhanced marriage prospects. Opponents of sex selection reify a conservative heteronormative model of sexuality, gender roles and family structure, while arguing that unmarried men are social time bombs who can only be controlled by a wife. Eventually the social policy dilemma around sex selection will presumably be made moot since would-be parents will be able to use pre-conceptive technology to determine a conceptus's gender without abortion or in-vitro fertilization. But until the sex selection argument unravels before technological innovation, women's rights to control their bodies must be defended against laws banning - or requiring - prenatal ultrasound and abortion.