

## Commentary

# No country is an island: comment on the House of Commons report *Human Reproductive Technologies and the Law*

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### Abstract

In its recent report *Human Reproductive Technologies and the Law*, the House of Commons' Select Committee on Science and Technology insisted that the United Kingdom 'does not take a purely insular view' on sex selection but to carefully consider the impact on other countries before allowing changes to current legislation. True, no country is an island, not even the British Isles. Still, outlawing a harmless practice in Great Britain because of its alleged harmful effects in other countries is bad public policy.

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In its recent report 'Human Reproductive Technologies and the Law' (House of Commons, 2005), the Select Committee on Science and Technology of the House of Commons in London has taken an exceptionally strong liberal stance on the regulation of assisted human reproduction in the United Kingdom. The report concluded that there is no adequate justification for a prohibition of germline engineering, reproductive cloning or the creation of hybrids and chimeras for research purposes. Moreover, it urged the legislator to reconsider the removal of gamete donor anonymity and to abolish the welfare of the child provision. Notwithstanding the preposterous accusation of having drafted a 'Frankenstein Report', the Select Committee on Science and Technology deserves everyone's applause for its courage to adopt an approach consistently based on the presumption in favour of liberty (Dahl, 2004).

Peculiarly, most of the media's attention focused almost exclusively on the report's recommendation that couples undergoing IVF should be allowed to use preimplantation genetic diagnosis (PGD) to choose the sex of their children. Thus, most news headlines read like 'Church Criticises Baby Sex Selection Report' (Guardian, 2005), 'Opinion Split on Baby Gender Report' (Daily Mail, 2005) or 'Parents Could Pick Babies' Sex' (BBC, 2005). The media's undue attention to the issue of sex selection is all the more surprising as the report's reflections on social sex selection are unwontedly cautious.

Despite the report's bold statement that there is 'no adequate justification for prohibiting the use of sex selection for family balancing', it engages in a rather lengthy and awkwardly timid discussion about the impact any UK legislation may have on other countries. Referring to Josephine Quintavalle's objection that by permitting social sex selection 'the UK would become a moral

accomplice to the abuses against women taking place in countries such as India and China' (CORE, 2003), the report states: 'It is important that the United Kingdom does not take a purely insular view. What is allowed here will, of course, be cited as a precedent by other countries. It may also make it harder for the UK to criticise sex selection in other countries, however abominably it is presently carried out, for instance by the murder of baby girls or by abortion. In terms of future-proofing, it is also important to consider that PGD may through scientific advance become much more widely available in other countries, for instance for sex selection in China or India, the countries most cited as having a demographic imbalance of the sexes. The UK should carefully consider the current evidence about such imbalances there before allowing blanket changes to our current laws and regulations on sex selection' (House of Commons, 2005).

As is widely known, heavily skewed sex ratios do indeed pose a serious problem in some Asian countries, most notably in India, China, and South Korea (Hudson and Den Boer, 2004). In India, thousands of girls are abandoned, neglected or even killed immediately after birth every year (Carmichael, 2004). The introduction of prenatal testing and selective abortion has apparently skewed the sex ratio of some regions of India so that there are now only 790 girls for every 1000 boys (Sen, 2003). In February 2003, the Indian parliament took action by amending its 'Preconception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act of 1994'. Doctors violating the Act now face a prison sentence of up to 5 years or a fine of 10,000–50,000 Rupees. Despite increased efforts to enforce the Act, however, the practice of sex selective abortions seems to be continuing (Gentleman, 2005).

There are religious as well as economic reasons why Indians prefer boys over girls. According to Hinduism, a man who has failed to sire a son cannot achieve salvation. Only a male descendant can perform the last funeral rites to ensure the redemption of the departed soul (McGivering, 2003). More importantly, Indian custom has it that the parents of a girl are expected to pay a dowry for her marriage. The dowry payments are considerable. They extend from £2500 to £75,000 sterling (Amanpour, 2003). To marry off one or more daughters is therefore a huge financial burden. Since girls are a liability and boys are an asset, Indian couples have a strong incentive for seeking sex selective abortions. Medical practitioners offering ultrasound scans for sex determination have taken advantage of the excessive dowry demands when they advertised their services with the slogan 'Invest 500 Rupees now, save 500,000 Rupees later!'

No doubt, it could be argued that India's predicament does not only call for national but for international efforts to design social policies likely to eradicate the religious and economic roots of its widespread son preference. However, that is not the question. The question is: does the practice of social sex selection in India justify prohibiting social sex selection in the UK? The simple answer is: most certainly not! First, preventing British couples from choosing the sex of their children will not change the sex ratio of India. Second, even if it is only meant to 'send a message', it is simply naïve to assume that Indian families will appreciate our gesture, well-meaning as it may be. As long as there are religious and economic incentives for preferring boys over girls, our moral plea will fall on deaf ears on the subcontinent. Third, legalizing social sex selection in Great Britain in no way jeopardizes our right to criticize the practice of social sex selection in India. Approving of social sex selection through cytometric sperm separation or PGD does not imply that we have to approve of social sex selection through abortion or infanticide. Fourth, and most importantly, denying British couples the opportunity to have a daughter because Indian couples have killed their girls would amount to punishing the innocent. There is no moral justification whatsoever for punishing the people of one country for actions committed by the people of another (Dahl, 2003, 2005; Doyal and McLean, 2005; Schulman and Karabinus, 2005).

Hence, it is to be hoped that the Department of Health will graciously ignore the Select Committee's misguided ruminations on social sex selection when reviewing the Human Fertilisation and Embryology Act 1990.

## References

- Amanpour C 2003 For the Love of Money. *CBS News* of 5 October 2003.
- BBC 2005 Parents Could Pick Babies' Sex. *BBC*, March 24, 2005. Source: <http://news.bbc.co.uk/2/hi/health/4376041.stm> [accessed 26 April 2005]
- Carmichael M 2004 No Girls, Please! *Newsweek* of 26 January 2004.
- CORE 2003 Sex selection: choice and responsibility in human reproduction. A response by J Quintavalle of Comment On Reproductive Ethics (CORE) to the Human Fertilisation and Embryology Authority's (HFEA) Public Consultation on Sex Selection. CORE, London, UK.
- Dahl E 2005 Preconception gender selection: a threat to the natural sex ratio *Reproductive BioMedicine Online* **10** (suppl. 1), 116–118.
- Dahl E 2004 The presumption in favour of liberty: a comment on the HFEA's public consultation on sex selection. *Reproductive BioMedicine Online* **8**, 266–267.
- Dahl E 2003 Procreative liberty: the case for preconception sex selection. *Reproductive BioMedicine Online* **7**, 380–384.
- Daily Mail 2005 Opinion Split on Baby Gender Report. *Daily Mail*, March 24, 2005). Source: <http://uk.news.yahoo.com/050324/344/fezkj.html> [accessed 31 May 2005] or [http://icsuttoncoldfield.icnetwork.co.uk/news/natnews/tm\\_obje ctid=15332034&method=full&siteid=52630&headline=opinion -split-on-baby-gender-report-name\\_page.html](http://icsuttoncoldfield.icnetwork.co.uk/news/natnews/tm_obje ctid=15332034&method=full&siteid=52630&headline=opinion -split-on-baby-gender-report-name_page.html) [accessed 31 May 2005].
- Doyal L and McLean S 2005 Choosing children: intergenerational justice? *Reproductive BioMedicine Online* **10** (suppl. 1), 119–124.
- Gentleman A 2005 India still fighting to 'Save the Girl Child'. *International Herald Tribune*, 15 April 2005. Source: <http://www.iht.com/articles/2005/04/14/news/india.html> [accessed 31 May 2005].
- Guardian 2005 Church Criticises Baby Sex Selection Report. *Guardian*, 24 March 2005. Source: <http://society.guardian.co.uk/health/news/0,8363,1444926,00.html> [accessed 26 April 2005]
- House of Commons 2005 *Human Reproductive Technologies and the Law*. Fifth report of session 2004-05. The Stationery Office, London, UK, **1**, 64.
- Hudson V, Den Boer A 2004 *Bare Branches: The Security Implications of Asia's Surplus Male Population*. MIT Press, Cambridge, USA.
- McGivering J 2003 India targets female foeticide. *BBC News*, 15 February 2003. Source: [http://news.bbc.co.uk/1/hi/world/south\\_asia/2765853.stm](http://news.bbc.co.uk/1/hi/world/south_asia/2765853.stm) [accessed 31 May 2005].
- Schulman JD, Karabinus DS 2005 Scientific aspects of preconception gender selection. *Reproductive BioMedicine Online* **10** (suppl. 1), 111–115.
- Sen A 2003 Missing women – revisited. *British Medical Journal* **327**, 1297–1298.

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