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Sex Selection as Procreative Liberty?

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Back in 2001, several leading newspapers reported that the ethics committee of the American Society for Reproductive Medicine had ruled that parents could ethically choose between embryos on the basis of gender, and that fertility clinics were now authorized to offer the service. The clinics would identify the sex of embryos, and the would-be parents could choose a boy or a girl, and discard the rest.

As it turns out, the ethics committee did not issue that ruling, but its acting chairman had acted unilaterally on behalf of the committee. The acting chairman, Professor John Robertson, said that his committee was to have considered the question in September of 2001, but was unable to meet in the aftermath of the terrorist attacks. He nevertheless claimed to have expressed the group's position, and at least one major system of fertility clinics planned to move ahead on this basis.

Robertson's letter, and the ensuing fury of controversy, forced many Americans to come face to face with the reality that some couples would be willing to go to extreme lengths in order to give birth to a baby of the chosen gender. The controversy could have helped the nation to come to a moral, rational and morally sound understanding of the issue, but it didn't.

The American Society for Reproductive Medicine was on the spot. The executive director of the ASRM was quick to distance his group from Robertson's letter, citing a 1999 ethics committee report that discouraged using reproductive technologies "solely for sex selection." But the letter was written on behalf of the committee, and the damage is already done.

The letter—and the ASRM's backtracking—was a clear demonstration of how so many modern bioethicists have abandoned any legitimate claim to ethical objectivity or expertise. Their ethical principles are often bendable to almost any reality, and their decisions seem conveniently to serve the economic interests of their clients. Many of these bioethical experts are simply moral arguments for hire.

With Robertson the motivation appears to be ideological. A professor of law at the University of Texas, Robertson has developed an entire theory of reproductive rights he calls "procreative liberty." According to Robertson, procreative liberty "is the freedom to decide whether or not to have offspring." This seems quite simple, but it is actually one of the most radical theories in modern bioethics.

"Procreative liberty" is an example of the "rights" that are now routinely invented by modern legal theorists and then soon make their way into court decisions and legislation. Who holds such a "right?" Robertson argues that all individuals possess this right of procreative liberty. Not just married couples—but every individual. Quite obviously, individuals cannot yet exercise this supposed liberty alone. That is why Robertson is an enthusiast for human cloning and virtually all other reproductive technologies. According to his theory, we will not be fully free until each of us can individually reproduce

offspring who will be designed according to our own preferences.

This is no longer a matter for “God or nature,” Robertson claims, but for every citizen of our Brave New World. In his book, *Children of Choice*, he asserts that it is now “a matter of choice whether persons reproduce now or later, whether they overcome infertility, whether their children have certain genetic characteristics, or whether they use their reproductive capacity to produce tissue for transplant or embryos and fetuses for research.”

According to this theory, selecting embryos by gender is morally acceptable, even if this means that the remaining embryos will be destroyed. The embryo is not morally significant in itself.

In his letter, Robertson extended “procreative liberty” to a new right of parents for “gender variety.” Obviously, this could be extended to any other genetic trait. What about eye color variety? Why not choose embryos by genetic markers for intelligence, or athletic ability, or blond hair? As with so many of these invented rights, there is no limit to its extension—and the embryo is expendable. Robertson himself makes this point clear: “Although some persons view embryos as powerful symbols of human life, only a small minority of persons view them as moral subjects with a right to life. If discard of unwanted embryos is accepted, discard on the basis of genetic traits should also be acceptable.”

Even *The New York Times*, one of the media’s most strident voices on behalf of abortion, was outraged. In an editorial, the paper criticized the decision as “a hasty response driven by competitive pressures in the fertility industry, where some clinics see a potentially big demand for sex selection.” This is the same paper, however, that constantly pushes for an expansion of stem-cell research on human embryos.

Margaret Talbot, columnist for *The Atlantic Monthly*, correctly sees the push for sex-selection technologies as a quest for genetic control. “The real trouble with sex selection goes beyond sex discrimination. The real trouble is that it allows us, for the first time, to use a medical procedure to select or reject a child on the basis of a characteristic that has nothing to do with life and death, that is not in any sense of the word pathological, that cannot possibly be construed as sparing a child any pain and suffering. It might sound harmless enough, maybe even kind of cute—this impulse to pick and choose, pink or blue. But if we allow people to select a child’s sex, then there really is no barrier to picking embryos—or, ultimately, genetically programming children—based on any whim, any faddish notion of what constitutes superior stock”

The very idea of “superior stock” should send shivers down the moral spine. Once this principle is accepted, every embryo is at risk of being judged as worthy or unworthy of life—perhaps just based on a preference for eye color, tallness, or athletic ability. If such a technology had been available and widely used when we were conceived, how many of us would have made it to birth?

Do you want a boy or a girl? The question takes on a whole new meaning when current technologies allow this to be a real choice. Robertson’s argument for “procreative liberty” is likely to be a big hit in postmodern America. This is one more sign of our culture’s descent into moral madness.

