

Conceived in Liberty

ACKNOWLEDGING THE HUMAN RIGHTS OF THE UNBORN THROUGH OPPOSING GENDERCIDE

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Sex-selective abortion, also colloquially referred to as “gendercide,” has become an increasingly prevalent issue. Technological advancements have allowed parents to know the sex of their child in utero. In some ethnic groups, parents frequently abort their unborn child (almost always female) if the sex does not align with cultural desires and pressure.¹ In India and China, the problem has become so endemic that physicians are barred from notifying parents of the sex of their baby in utero. This, however, has done little to curb the problem.²

By the early 1990s, it was reported that 100 million girls had gone “missing.”¹ In 2010, the Journal of Obstetrics and Gynaecology Canada published an article describing the creeping prevalence of sex-selective abortions into Canada – a trend linked to immigration patterns – despite 92% of Canadians being against the practice.³ An article in the Canadian Medical Association Journal claims that gendercide “is about discrimination against women in its most extreme form.”⁴

To discriminate is to “make an unjust or *prejudicial*

distinction in the treatment of *different categories of people*” [emphasis added] (Oxford English Dictionary). Article 7 of the United Nation’s Universal Declaration of Human states, “All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.”⁵ In gendercide, the prejudicial distinction is made through abortion, and the object of discrimination is unborn females. Since sex-selective abortion discriminates against the unborn and is considered to be unjust discrimination, the following premise is formed: a sex-selective abortion is the violation of an unborn female’s human rights.

Another premise can be formed by assuming that human rights violations ought to be stopped. Thus, the following syllogistic argument can be made: (1) A sex-selective abortion is a violation of an unborn female’s human rights. (2) Human rights violations ought to be stopped. (3) Therefore, sex-selective abortion ought to be stopped.



However, if the rights of an unborn female are violated through a sex-selective abortion, an unborn female must possess human rights to be violated. One cannot violate something that does not exist. If an unborn female has human rights, she must be a human being and not merely tissue. Skin cells in a Petri dish do not receive human rights, for instance. All signatories of the United Nation's Universal Declaration of Human Rights agree that human rights include the right to life; the right to security of person; the right not to be subject to torture or to cruel, inhuman, or degrading treatment; and the right to recognition everywhere as a person before the law.⁵ Abortion inherently violates all four, but most specifically, it violates the preeminent right to life. All other rights are predicated upon an individual's existence. Therefore, if a sex-selective abortion of an unborn female is a violation of human rights, both unborn males and females are human beings and possessors of human rights.

The strength of an argument depends on the acceptability of its premises. The present argument relies on the premise that "a sex-selective abortion is a violation of an unborn female's human rights." This statement reflects common word choice in the debate against sex-selective abortions. However, it is possible that opponents of gendercide are using the language of rights for its rhetorical weight, not because they actually admit sex-selective abortions to be violations of human rights. Females may intuitively deem sex-selective abortions as insults against them, since unborn females are being killed solely for a trait they too possess – being female. Their opposition could be articulated, "Sex-selective abortion is reprehensible because it insults born females." This rationale has the same assumption as the proposition that

gendercide violates human rights – namely, that unborn females are human persons – as has been demonstrated.

To feel moral aversion to sex-selective abortions is to acknowledge that unborn females belong to the same category of things as born females: female human persons. The aversion cannot simply be because abortion is a traumatic procedure. Most surgeries involve blood and many feel sick when they think about the details, but such nausea cannot be described as moral aversion. The strong emotive reaction to sex-selective abortion is rather a response to the fact that it kills a female for being a female.

Yet, the insult to female persons does not merely arise because something female is killed. Male persons would not be insulted if only bucks were culled to protect the environment from an overpopulation of deer. Female persons would not be offended if an arborist decided to chop down only female holly bushes. It is not the killing of a female thing, but the killing of a female person that is an affront to other female persons. In other words, females are insulted by sex-selective abortion in the same way that they would be denigrated if women in another country were executed en masse because the women were considered an economic nuisance. Sex-selective abortions are an abuse of females inasmuch as unborn females are, like them, female persons.

If the unborn female is considered a human person with the preeminent right to life, then sex-selective abortion is a violation of this right. Furthermore, if the unborn are persons, they possess human rights regardless of their sex. Therefore, abortion is a violation of human rights that ought to be stopped. ■

REVIEWED BY DR. DAVID HITCHCOCK

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