



whether he *thinks* that his parents have failed to show proper respect for him as being another human, and not a toy doll or a video puppy. It is whether, as a matter of fact, they *have* failed to show him that respect.

Notice, incidentally, the oddity approvingly quoted within the last quotation – the remark that the “family relationships that come from having both sons and daughters” are “unique”. What am I, as a father only of daughters, to make of this? Are the authors trying to tell me that I am missing something by having no sons? Well, no doubt I am. But so is the father who does not, like me, enjoy the equally “unique” family relationships that come from having only daughters and no sons. So is the father who does not have *my* “unique” daughters missing something, just as I am missing something by not having *his*. Why should anyone go along with the implication that I am missing *more* than these other fathers – in some ill-defined sense of “more”? Even if it is true that I *am* missing something, or even missing “more” than they are – why is it impossible for me to think that in my daughters I have enough to be happy about, *without* looking for “more”?

The first issue regarding the ethics of sex selection, that of respect for humans, thus brings us to think about the reasons that typical members of Western societies or cultures are likely to have for wanting to engage in sex selection. One may form the impression that these reasons show a certain light-mindedness or frivolity – a lack of depth in our thinking about what makes people matter, which is a symptom of consumer capitalism’s tendency to make a marketable commodity out of whatever it can, even gender. This impression of frivolous consumerism is not effectively dispelled by anything that the report says. Indeed the report seems to come down cautiously in favour of it.

It would perhaps be possible to argue that sex selection in itself entails inadequate respect for humans, and that that is why it should not be part of parents’ reproductive freedom. However, the argument, which will not be attempted here, would not be straightforward. After all, *pari passu* it can be said that paying people less than some amount for their labour shows inadequate respect for humans. But not everyone who agrees with that claim believes

that it follows that we should have a legal minimum wage.

However, suppose we turn to the second issue, that of the damaging consequences of sex selection. At this point, it seems to me, a straightforward argument for banning sex selection at least in societies like ours does come into view. And once again the argument is identified, but muffed, by the report (page 22):

“When women in India choose for a boy because ‘they are reluctant to bring a female child into a society in which she will be abused and devalued, as they themselves have been’, this is not a sexist reason [for sex selection]. . . . Even if the parental reasons are prompted [*sic*] by circumstances which can be described as institutional sexism . . . it does not follow that what *they* do is sexist. Parents who opt for a boy because it is better for their child to be a boy in the prevailing situation do so on the basis of their responsibility for the well-being of their child. It is a fact that their choice can help to reinforce sexist structures and relationships but this only means that the situation is one of conflicting responsibilities in which it is inevitable that a moral price be paid.”

As its woolly last sentence suggests, this sequence of thought is a muddled one. First point: why should a committee set up to make recommendations to the *Dutch* Government, on the law regarding sex selection in *Holland*, feel obliged to consider the sociological situation in India? It is, unfortunately, true that there are rampantly sexist societies around, in which producing a female child is a disaster for the mother: but what has that got to do with the Netherlands? The only appealing answer to this question is that some inhabitants of the Netherlands are from those sexist societies and accept their attitudes. But this answer just brings us to the second point – which is that unless one views society as some sort of moral vacuum, one is likely to think that it is a government’s job to prevent blatant abuses of human rights within its own jurisdiction, not shrug its shoulders at them. This remains so even when those abuses are perpetrated by members of the society who, as immigrants and members of ethnic minorities, indisputably deserve a little bit of leeway and understanding. In a decent society we should say that

if *anyone*, whatever their background, is coercing mothers to produce sons, and victimising them and their children if they do not comply, then they should be open to the punishment of law, where punishment is possible. Moreover, we should do what we can in advance, to prevent such abuses. But allowing sex selection is not just not preventing these abuses: it is positively encouraging them. Hence one plausible argument for not allowing sex selection in our society depends on the circumstance that there are large numbers of people in our society who would be likely to use it as an instrument for coercion and for the reinforcement of a whole framework of what our society is unavoidably committed to regarding as unjust social structures and attitudes. And this framework is one within which, incidentally, the report’s attempt to distinguish the parents’ own attitudes and actions from those dictated to them by “the prevailing situation in which they find themselves”, seems to register a failure to understand that a crucial aspect of the problem is precisely that in the cases in question there is no such distinction to be drawn.

This report is an interesting document, and it is clearly and effectively written; but – as so often with government reports – the actual argument is wishy-washy and unconvincing.

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## **Treatment without consent. Law, Psychiatry and the Treatment of Mentally Disordered People since 1845**

P Fennell, London, Routledge, 1996, 356 pages, £50.

Avoiding anachronism and the passing of irrelevant moral judgment remains one of the unresolved problems of medico-legal historiography. According to some, applying current scientific or ethical standards (which in historical work are far more integrated than is usually allowed) to old forms of medical care is, at best, poor historical scholarship, and at worst a