Selecting for deafness – a marvellous opportunity or imposed dependence?

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Abstract
The paper focuses on the question of whether it is morally permissible to use reproductive technologies to select children with congenital deafness. I review the arguments that have been presented to support the claims that the lack of hearing is not overall bad, that disability is caused by social discrimination rather than impairment, that the community of deaf people gives its members plenty of opportunities to lead a happy life, and that procreative decisions need not improve the world. I argue that although the claims are, to a certain extent, reasonable, they fail to establish the conclusion that selecting for deafness is morally permissible. I further argue that the decision to select a deaf child is morally wrong because it results in imposed and needless dependency, that the happiness of a deaf child is conditioned by their confinement to a relatively small community, and that the deaf parents who reject their child’s potential biculturalism are motivated by questionably self-regarding reasons.

Keywords: deafness; disability; impairment; harm; discrimination; right to an open future, dependency

Introduction
Recent developments in reproductive technologies offer prospective parents remarkable opportunities in their procreative choices. In particular, the method of in vitro fertilization (IVF) combined with preimplantation genetic diagnosis (PGD) has enabled potential parents to select embryos with specific genetic traits. Although some opposition to the idea of parents ‘designing’ their babies has existed ever since these technologies were developed, there are certain applications of them that generate little controversy. For instance, parents may wish to use PGD in order to avoid certain genetic diseases in their children, such as Tay-Sachs. More controversially, some parents want to select certain preferred traits, such as the child’s sex. The most controversial cases have been those in which prospective parents wish to select a trait generally considered a disability, such as dwarfism or deafness.² It has been claimed that deafness, rather than being a disability, is a valuable trait constituting deaf people’s cultural identity, and, as such, it ought not to be eliminated (see Ivers, 1995, for instance). This idea has sparked a strong negative response from members of the hearing majority, who have accused such parents of harming their children. Interestingly, the ensuing debate has revealed that the strong intuition that such decisions are morally wrong is rather difficult to justify. Defenders of the practice argue that, firstly, being deaf is not necessarily worse than being able to hear and, secondly, even if it were, the decision to select a deaf child cannot be reasonably claimed to harm anyone.

In this paper, I shall rehearse the arguments presented by both sides of the controversy and argue that, despite some reasonable claims to the contrary, the intuition is correct and selecting for deafness is morally wrong. I make the case for a version of the argument according to which these parents are needlessly limiting their children’s opportunities. I emphasize that, even if the deaf community provides enough opportunities, the parents make their children heavily, and needlessly, dependent on the provisions of that community. I also note that in their attempt to achieve justice for themselves, the parents who select a deaf child paradoxically make a decision that is unjust

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² Prominent cases include those of Sharon Duchesneau and Candy McCullough in 2002 and Tomato Lichy and Paula Garfield in 2008.
towards their children. I do not consider my arguments novel or groundbreaking. I merely hope that I have succeeded in strengthening some established arguments and providing an interesting perspective on issues related to the controversy.

**The moral arguments against selecting for deafness**

The arguments against selecting for deafness that I will focus on can be divided into two categories: personal harm and impersonal harm. What motivates this distinction is the fact that a powerful argument based on the *non-identity problem* has been made against the claim that there is personal harm involved in selecting for deafness. I will discuss the non-identity problem in the course of the paper.

**Personal harm**

Of the two types of argument, this kind stems most directly from the intuitive ‘gut reaction’ of the majority of the hearing population according to which deliberately producing a disabled child is morally repugnant. According to this argument, when parents decide to select a deaf child, they cause serious harm to the child. Hearing, it is claimed, is one of the most important human capacities. The environment in which humans exist includes an acoustic dimension, the perception of which is necessary for survival, successful orientation and flourishing. Intentionally bringing into existence a child that will lack this substantial function seriously harms the child.

Several arguments have been proposed in the literature to counter this adverse reaction.

Firstly, although it might be the case that congenital deafness brings certain limitations, it also enables new capacities to emerge. If we carefully compare the limitations with the new possibilities, it may turn out that being deaf is not overall bad. The harm, which might well be real, is compensated for and possibly outweighed by the benefits that being deaf brings. What are the reported compensations and benefits?

Although it is very difficult for deaf people to learn to speak, and many of them never master reading and writing, they acquire sign language (Sign) – a very rich language that has enabled the emergence of a whole distinctive culture. Sign enables users to create poems, make jokes and perform plays (Cooper, 2007, p. 572). Furthermore, in some respects, its users may outperform the users of oral languages. Reportedly, it is more efficient in providing information about spatial relations (Lane, 1992, pp. 124–125) and more expressive than oral languages due to its four-dimensional nature (Sacks, 1991, pp. 89–90). This leads to the suggestion that congenitally deaf people should be considered members of a linguistic minority rather than disabled individuals.

Further, even though deaf people cannot hear and, as a result, lack certain valuable auditory experiences, such as those provided by music or natural phenomena, it has been claimed that their other sensory capacities become enhanced and more fine-tuned. Deaf people, for instance, sometimes perceive vibrations and visual stimuli much more profoundly and subtly than hearing people (Bevelier et al., 2000, cited in Cooper, 2007, p. 571).

Some authors add that even if it were to turn out that hearing people have overall more qualia, that fact does not necessarily mean that their lives contain more good. Wallis (2019, p. 6) cites the case of a stuntwoman who was able to achieve some extraordinary deeds because she could not hear.

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3 Some divide the category of personal harm into two subcategories: direct and indirect harm. This distinction need not concern us here, especially since the non-identity problem, to be discussed in the paper, applies equally to both versions. Moreover, there are other types of argument against selecting for deafness, such as ones based on parental responsibilities and virtues (see Fahmy, 2011). These will not be discussed in this paper.
Assessing whether the benefits of being deaf outweigh the limitations is partly an empirical matter. Cooper (2007) provides a careful and balanced analysis of the discussion and concludes that no general conclusion on the permissibility of selecting for deafness can be made. Cases need to be judged individually and, in some instances, the practice may be defensible.

I think we may grant that these replies are reasonable. However, it needs to be emphasized what exactly they do and do not show. First, they do not show that the congenitally deaf are not harmed by the condition. At best, they show that the harm can be compensated for. Second, they do not establish that the harms are compensated for in each case. This is consistent with the fact that, in some individuals, congenital deafness is not compensated for or is only partially compensated for. The success of compensation depends on several factors which need not always be actualized. And to be sure that the selected child will not be harmed by being deaf, the parents would have to be sure that the harm-outweighing factors will be present in the child’s life in the future. This, however, cannot be guaranteed. Finally, the analogy between linguistic minorities and congenitally deaf Sign users should not emphasize the similarities at the expense of the differences. It must be remembered that even though Sign may be equivalent to or even more efficient than oral languages, there is a significant asymmetry. The main reason why deaf people use Sign is that it is the only available means of communication, given their impairment. They are not free to communicate in an oral language, or at least it is extremely difficult for them. In contrast, hearing people can learn Sign and participate in the language’s benefits.

Some authors maintain that we should not a priori consider a disability a bad condition. Wallis (2020), for instance, drawing on Barnes, adopts the mere-difference view of disability according to which disability is a value-neutral condition. Barnes argues that our intuition that disability is bad for the disabled person is likely wrong, because “most people have a lot of confused assumptions about both disability and the lives of disabled people” (Barnes, 2016, p. 156). These ideas are closely related to the claims of the proponents of the social model of disability, according to which disability is not the result of a physical or a mental impairment itself but of the organization of society, which creates obstacles that the impaired individuals cannot overcome without assistance. According to Cooper, “those who adopt a social model of disability commonly claim that people in wheelchairs are disabled not by their inability to walk, but by a society that builds stairs” (Cooper, 2007, p. 578).

I do not find these claims conclusive. First, the claim that disability is merely a different condition, not a bad one, might seem plausible when derived from cases of relatively slight impairments such as a mild back injury or colour-blindness. It loses all plausibility when applied to severe mental retardation or physical impairment. If a being with profound mental retardation who is bedridden for life represents a merely different mode of existence, not a worse one, the concepts of the good and the bad life lose any meaning and become empty, and ethics loses much of its subject matter. Why should we then try to achieve physical and mental excellence in our lives? On the other hand, if we concede that the life of a healthy person is more fortunate than the life of a severely impaired person, we must admit that even the life of a less severely impaired person may contain relatively less good than the healthy life, and, therefore, is not ‘merely’ different.

Second, the social model of disability is questionable too. I do not deny that the structure and organization of society contribute to the obstacles disabled people have to face, and I certainly wish that these obstacles were removed to improve their lives. But suggesting that disability is entirely due to social organization is undoubtedly an overstatement. If disability were solely due to social

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4 See, for example, Oliver (1990), Finkelstein (1980) or Shakespeare (2004).
organization, then one would presumably not observe cases of disability outside society, that is, in nature. But credible examples of disability in nature are relatively easy to conceive. Take any animal that is born lacking a capacity naturally present in other members of the same species, such as a monkey born with impaired arms who will not be able to climb trees as a result. A merely different mode of monkey existence, one might say. But the monkey will likely be unable to pick fruits and hide from predators if it cannot climb trees, and its chances of survival will be substantially reduced. And what goes for monkeys with impaired limbs goes for birds with defective wings and antelopes with dysfunctional hearing. In each of these cases, the individual will not be able to achieve important goals which other members of the species benefit from. Now, replace the animal with a human being and move it from nature to culture. It is hard to accept that suddenly the only reason such a being is disabled is that society has not provided enough means of accommodation. Undoubtedly, the primary reason is the impairment.

Besides that, there are forms of impairment where it is rather difficult to conceive how it is that social organization or discrimination turns them into disabilities. Consider, for instance, chronic kidney disease, a condition in which the kidneys gradually lose the capacity to filter bodily waste products. People affected by the impairment must eventually undergo dialysis, a physically and mentally exhausting procedure that is usually repeated three times a week for up to five hours. This is a clear sense in which the patients are disabled, as they cannot perform many of the tasks that healthy people can, and their ability to work is substantially limited. It is hard to conceive how society could be restructured so that these patients could enjoy all the goods that a healthy person can. We are not able to build pocket dialysis machines that would continuously filter these patients’ blood. Nor are we able to cure them. Saying in this situation that it is society’s fault that these people suffer or that the people are disabled due to social discrimination rather than the impairment itself is hard to comprehend.

To be sure, some impairments do not naturally result in disabilities. That is the case when the loss of a function or a capacity does not prevent the individual from achieving goods typically available to other members of the same species. For instance, if an animal is born with one kidney, it has virtually no effect on any goals the animal might have. The animal can still engage in all the activities that animals with two kidneys participate in. That fact, however, does not mean that no impairments naturally lead to disabilities or that the only source of disability is discrimination and inconsiderate social organization.

In fact, it seems the argument of the proponents of the social model of disability could be reversed. In many cases, it is only due to society and its mechanisms that many impairments that would naturally generate disabilities fail to have their incapacitating effects. One could say that although society builds stairs, it also builds wheelchairs, hearing aids and dialysis machines. A disability may be made more profound by the organization of society or discrimination, but surely the source of such conditions is in many cases primarily physical or biological, not social. Thus, it cannot be maintained that the only harm associated with an impairment results from the fact that society is organized in a way that disadvantages the impaired people.

Deaf activists sometimes support their case by making an analogy between the discrimination they feel exists against their culture and the discrimination suffered by members of various ethnic groups. Thus, ABC News reports, “they consider themselves part of a minority group, like any other that might have perceived flaws or disabilities”. Yet, as Lichy puts it in an interview with ABC News, “that doesn’t mean we must kill off anyone who is not a straight white male Christian”, and when asked if he would rather be born deaf or sound sensitive, Lichy said, “Would a proud black person, full of black spirit and black history, rather be white? If I was hearing right now, what would I hear? London traffic, airplanes overhead, the dog next door, Britney Spears, people
nagging each other? Do I want to be sound-sensitive and never have a moment’s peace for the rest of my life? You must be flipping joking!” (Bova, 2009). I assume that the implication for the practice of selecting for deafness is that just as it would be unacceptable to prevent black people from having black children and raising them in their culture, it is equally indefensible to compel deaf people to have hearing children.

However, the analogy between various racial groups and deaf people is superficial. The problem is that there is absolutely no reason to accept that if a person is black, for instance, they lack an essential capacity that other members of the species naturally and generally have. Being black is in no sense an impairment. As a result, any discrimination against black people that there has been in history is solely attributable to white people’s attitudes and social organization. In contrast, deafness is an impairment and one that would arguably generate a disability even outside the social context. Hence, if black people cannot access certain goods, it is solely due to the prejudice of non-black people. But if deaf people cannot access some goods, it may be that this is caused by the fact that they lack a vital capacity. This is why one cannot argue from the fact that black people have experienced discrimination to the conclusion that deaf people do so as well.

According to a somewhat different kind of argument, it is not that a deaf person will suffer due to their condition, but rather that they will not be able to enjoy certain opportunities available to the hearing person. Thus, Camporesi argues that parents’ decision to bring a deaf child into the world is unjust towards the child because it limits a broad array of life plans the child might otherwise have (Camporesi, 2010, p. 89). In a similar vein, Davis (1997), following Feinberg (1980), maintains that the child’s right to an open future is violated by such a decision.

The limitations may be related to communication, for instance. While deaf people get around easily in the community of other deaf people, getting around in the broader context that includes hearing people who cannot sign will be more challenging and sometimes impossible without an interpreter. Cooper points out that the number of topics for discussion and people able to discuss them will be limited for deaf people as well: “There are few hearing people, and even fewer sign-users, interested in, say, the habits of the Great Crested Newt, or collecting Cornish Ware crockery” (Cooper, 2007, p. 575).

The number of relationships a deaf person can potentially engage in will also be limited. Even though the deaf community may provide opportunities for finding friends, lovers and partners, and even though these relationships may undoubtedly be as rich as any relationships a hearing person may develop, their range will necessarily be limited to Sign users.

The range of professions available to a deaf person will also be limited. Although there are arguments to the effect that these limitations are merely a result of social discrimination and that there are hardly any jobs that deaf people could not do, it is difficult to imagine how a deaf person could have certain jobs in music, traffic control or many other areas without having an interpreter constantly on hand. In other cases, it is hard to imagine how even an interpreter might be of any assistance. In jobs involving tasks that require the continuous employment of both hands, such as surgery (where emergency conditions are not rare), the possibility to communicate with an interpreter using Sign is substantially limited; yet it might be vitally important.

Several responses have been proposed to the argument based on limited opportunities. Firstly, it may be claimed that deaf people do not perceive their opportunities as limited and that the deaf community can provide them with enough career options, a rich network of relationships and an intellectually stimulating environment. Further, Wallis (2020, p. 7) maintains that a greater range of opportunities does not necessarily translate into greater happiness, since having too wide an array of options can be overwhelming and lead to anxiety.
The latter reason is not very plausible. Perhaps there are some individuals who may become distressed by the fact that they have too many opportunities in life, but I doubt that their numbers are significant. Moreover, if Wallis is correct, that would perhaps imply that we should start treating their anxiety by depriving them of hearing or another sense to reduce the feeling of being overwhelmed. As any inhabitant of a country with a totalitarian regime who has been lucky enough to enjoy the opportunities of democracy will confirm, overall, more choice brings more happiness.

The argument that the deaf community can provide deaf people with enough opportunities not to feel any limitations deserves more attention. Should we accept it? I do not think that it is generally plausible. Its validity depends on the actual desires of deaf individuals. A deaf girl, inspired by Jeannie Leavitt, who wants to become a fighter pilot will certainly not feel the community provides enough opportunities and will not be happy about her parents’ advice to seek a job as a visual artist, for instance. Similarly, a deaf teenage boy may not necessarily feel the community offers enough opportunities for romantic relationships and might be distressed by the communication barriers he faces in his attempts to seek partners in the hearing community. In any case, the claim that the deaf community offers enough opportunities misses an important point.

To bring out what I consider to be the critical factor in the immorality of selecting for deafness, I wish to consider an analogy. The Amish are well known for certain attitudes to their children’s upbringing and education that run parallel to the issues under consideration. In 1968, a school in New Glarus, Wisconsin, filed a lawsuit against several Amish parents for having prevented their children from going to school beyond the eighth grade, which resulted in the school losing part of its state funding. The Amish claimed that the values taught in school beyond the eighth grade are inconsistent with their religious values and are not needed for the Amish way of life. In 1972, the Supreme Court ruled that the Amish religious sect was exempt from compulsory state education beyond the eighth grade. The court argued that the Amish community had resisted modern influences for about 300 years and their claims did not, therefore, result from a capricious rejection of conventional education. Further, the court acknowledged that the Amish have a distinctive way of life based primarily on farming and the first eight grades of schooling prepare their children sufficiently to be productive members of the community. The court ruled six to one in favour of the Amish. What is interesting is an opinion exchanged between some of the justices. Justice William O. Douglas urged that the children be consulted about their own dreams for the future, before they are “forever barred from entry into the new and amazing world of diversity that we have today”. According to Douglas, it was estimated that “from a third to a half of Amish youths eventually drift away from their faith”. Justice Byron R. White and others, however, defended the decision, claiming that “the children’s minds would not be stultified and they could resume educations later if they wished” (see Graham, 1972, ¶16–¶17).

The situation of the Amish youth and the intentionally selected congenitally deaf young person is similar in several respects. Like the deaf parents, the Amish deliberately limit the children’s life opportunities – by depriving them of complete education and predetermining them to become farmers and homemakers. The Amish also justify their attitude by reference to their culture – the rejection of technology and the structure of the family result from a long tradition and the religious values of the people, and, like some deaf people, they believe that they have the right to bring their children up in their culture and according to the idea of the good life inherent in the community. They also claim that all the needs of their offspring can be met in the Amish community.

The arguments of both the Amish and the defenders of selecting for deafness miss an important point. It may be true that the respective communities can fulfil the children’s needs and desires and that the children living the lives determined by their parents can achieve happiness. But the happiness is conditional. It is happiness that can be achieved only by submitting to the restrictions...
and limitations imposed by others and by limiting one’s desires and preferences to the ones that can be met within that framework. The young Amish people can be happy if they voluntarily accept that they are going to become farmers and housekeepers and that they are never going to use mobile phones, cars or air conditioning. The young deaf people can be happy if they voluntarily accept that, due to their parents’ decision, specific jobs and hobbies will not be available to them and that interaction and engagement with people outside their community will be difficult and dependent on the constant presence of an interpreter. In other words, happiness is a red herring; it is autonomy that we should be concerned with – both the selected deaf and Amish children are unnecessarily and without prior consent confined to a small community and its practices. This concern is clearly voiced by Justice Douglas in the Amish case, but applies equally to the deaf case.

However, the exchange between the justices shows an important difference between the Amish and deaf people – one that reveals why the demands of the deaf activists are even less acceptable. If we accept that intentionally limiting someone’s opportunities is wrong, the wrongness of the decision is at least reversible in the Amish case. Amish adolescents, if they decided to leave the community, could, at least to a large extent, catch up with their non-Amish peers; they could learn the scientific facts they have been denied, they could learn skills other than farming and housekeeping and retrain to be able to enter other professions. And the Amish parents at least grant them the right to do so. Through the rite of passage called Rumspringa, they allow their adolescents to become familiar with the life outside the community and decide whether to stay and accept the traditional way of life or leave the community.

Children selected deaf, in contrast, do not have this privilege. Their parents decided at some point that they would be born deaf, and they are confined to that mode of existence and the opportunities that result from it for the rest of their lives. They have been made dependent on the community, and although they can potentially find happiness in it, it is happiness in dependency. The fact that they have been made needlessly dependent on the provisions of the deaf community and the accommodation of the hearing majority is the main reason why I believe that the practice of selecting for deafness is unjustifiable.

It may be objected that, in a sense, each person’s opportunities are limited in a similar respect. For instance, it might be impossible for someone to get a job in air traffic control because they cannot perform multiple tasks with high responsibility under stressful conditions; or someone might not be suitable for jobs in music because they are tone-deaf. Despite that, we do not regard such lives as limited in their opportunities. Why should we then judge the lives of the selected deaf to be more limited than these?

However, there is an important difference between these conditions, too. The hearing person has a set of significant opportunities that the selected deaf have been denied. Typically, it is up to the hearing person to find out what careers, activities and relationships are open to them. From early childhood, they are exposed to all sorts of stimuli, and their responses will, over the course of time, indicate what life paths and trajectories are available to them, given their talents and capacities. It is up to them to find out, and even if they discover during such self-exploration that they are not endowed in certain respects, they may still be able to resist their fate, work hard and sometimes achieve success. In contrast, the parents of the selected deaf have, at conception, delineated the opportunities that will definitely not be available to their children. There is no point in them trying to find out whether they have a talent for music or whether they can become a jet pilot because these presuppose the availability of a sense that has been denied to them. Certain options are precluded to such people, and they are closed due to their parents’ decision. It must further be acknowledged that deaf people also share the same limits to their opportunities as hearing people. Like a hearing person, the deaf person may find out they have acrophobia, which prevents
them from pursuing specific careers. These observations highlight a significant asymmetry between the limitations on opportunities that deaf and hearing people face.

At this stage, one may wonder why the deaf parents do not adopt one solution that, to many of us, seems obvious. If they want a child that will become a member of their own culture and, at the same time, if they do not want to harm the child, why not opt for a hearing child and teach it both an oral language and Sign? Mastering Sign would open the doors for the child to enjoy whatever assets the deaf culture offers, while being able to hear would enable them to become full-fledged members of the hearing community. This solution would neither make the children dependent on the deaf community nor alienate them from deaf culture.

This proposal is, however, not favoured in the deaf community. It has been argued that allowing a child to hear makes the incorporation of the child into deaf culture imperfect and prevents the parents of the bicultural child from performing their parental roles. Wallis, for instance, claims:

Perhaps there is an asymmetry introduced when a hearing child is included in Deaf culture; namely, the parents cannot fully engage their child with respect to the child’s hearing culture. For example, when the child makes hearing friends who cannot Sign, the Deaf parents face communication barriers with those friends and probably their parents, too. The hearing child will have many experiences which the Deaf parents might have difficulty sharing or helping them with (Wallis, 2019, p. 7).

Sparrow makes a similar point, suggesting that “[the Deaf parents] might prefer a deaf child, not because they believe that the ways of life promoted in Deaf culture are more valuable than those promoted outside of it, but simply because they are capable of being much better parents to a child who belongs wholeheartedly to their own (Deaf) culture” (Sparrow, 2002, p. 15).

Although I understand the desire of the parents to be good parents and give as much assistance in life to their children as possible, these reasons sound inappropriately self-regarding in this context. We should bear in mind that what is at stake is the best possible life for the child and that the child’s life should not be instrumental in the parents’ sense of parental self-esteem. All people’s parental and nurturing capacities are, to a certain extent, limited. Some parents cannot teach their children sports, others foreign languages. That is why we send children to schools, language courses, sports clubs, etc. We may even encourage children to take up collective sports or activities, feeling that our individualism or introversion results in less good in our lives. That is, we outsource those educational (in a broad sense of the word) functions we cannot personally provide so that our children can still enjoy them. In contrast, the deaf parents referred to in Wallis’s passage do the very opposite – rather than enabling their children to enjoy the opportunities of the hearing world, they isolate the children from the hearing community, since they themselves cannot communicate with someone who does not Sign. This seems wrong.

**The non-identity problem**

The arguments we have considered so far have been moral and practical. However, there is also one sweeping metaphysical argument that several authors appeal to when addressing the alleged harm of selecting for deafness. It is an argument that draws on Parfit’s *non-identity problem* (1984, pp. 351–379). The problem with claiming that selecting for deafness harms the child or limits her opportunities is that the child’s existence is inseparable from the condition. In selecting an embryo with the gene resulting in the child’s deafness, the parents also choose from several potential

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children one that will live. By selecting one that will be deaf, they also enable that child to exist. Had they selected an unimpaired embryo, the deaf child would never have come into existence. And since living a deaf life is generally better than non-existence, it may be concluded that the parents’ choice has not harmed the child. Ultimately, since the decision harms no one, the practice cannot be morally wrong.

The appeal of this argument comes from the fact that it seems to make the previous issues of harm and limited opportunities largely irrelevant. We all agree that the life of deaf people can be good and definitely better than non-existence. A deaf life may come with some harm and limitations, but if the only alternative is non-existence, the child has overall benefited from the parents’ decision.

On the other hand, the argument has several implications that make many people uncomfortable. Is it really not bad for a child to be conceived to become a slave, to use Kavka’s example (Kavka, 1982)? Can we really dismiss arguments against the conditions of factory farming by claiming that the animals with severely limited futures and reduced well-being should be glad they have been given the opportunity to live a life worth living?

Several philosophers have attempted to respond to the non-identity problem. I will look at some responses directly relevant to the question under discussion here. One focuses on the assumption that an act is wrong only if it causes harm. Several philosophers have argued that such an assumption is unwarranted and that an act can still be wrong even if it does not harm anybody. For instance, it has been argued that an act can be wrong if it violates a person’s right (Woodward, 1986; Velleman, 2008; Cohen, 2009), even if it does not harm the person. What right is violated in the case of selecting for deafness? I have argued that the parents who choose a deaf embryo impose a mode of dependency on their children and limit their opportunities. This seems to go against two widely recognized rights – the right to autonomy and the right to an open future (see Feinberg, 1990, Davis, 1997). As a result, even though the child cannot be said to be harmed by the parents’ decision because she would otherwise not exist, it is still the case that the child’s rights have been violated by the decision, which makes it morally wrong.

Another response focuses on the assumption that a person can be harmed by an act only if they would have been better off if that act had not been performed. This assumption, which relies on the comparative notion of harm, implies that one is not harmed by an act if one would have been worse off had that act not been performed. However, it is unclear whether this claim is supported by our intuitions. Suppose you have an infection in one of your wisdom teeth, and your dentist decides to extract it. As sometimes happens with wisdom teeth, the operation is long, injures your gums and results in a few days of pain. Would it be correct to say that you were not harmed by the extraction just because you would have suffered even more if the tooth had not been removed? It does not seem to be the most intuitive description of the case. A more fitting description would be that although the extraction caused harm to you (you lost a molar, suffered a wound and were in pain), it prevented even more significant harm, and that’s why it was permissible. As a result, one can be harmed by an act even if one is better off than one would be were that act not performed.6

These responses to the non-identity problem have their proponents, but also some problems (see Roberts, 2021). If these responses are ultimately not successful, it must be concluded that no personal harm is involved in the process of selecting for deafness; that is, the deaf person that results from the chosen embryo cannot claim that she has been harmed by the parents’ decision. Nevertheless, there are other grounds on which one may object to the practice. I will turn to these now, in the final part of the paper.

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6 A non-comparative notion of harm of this kind is defended by Harman (2004, pp. 92–93), for instance.
Some authors have claimed that although it is implausible to maintain that selecting for deafness harms the affected child, it is still the case that a bad state of affairs is introduced into the world (see Brock, 1995, for instance). According to this line of reasoning, the state of affairs of a child having a limited range of opportunities or not being able to actualize her potential, even if not bad for the particular child, is worse if compared with the state of affairs of an alternative child that could hear and have a less limited range of opportunities. In other words, even if being born deaf is not bad for the affected person, the fact that a deaf person is brought into existence when a different but hearing person could have been created is bad. The world contains a better state of affairs in the latter case.

It has been responded to this argument that, in their reproductive decisions, parents are not obligated to introduce good states of affairs into the world or improve the world in any way (see Wasserman & Asch, 2012, cited in Wallis, 2020). Utilizing some of the above arguments, including Barnes’s mere-difference view of disability, it may also be argued that the state of affairs brought about by the parents’ decision is not bad at all. To this effect, Grodin and Lane argue that the presence of disabled people in a society brings diversity, which gives life richness and meaning (Grodin & Lane, 1997, p. 248). Wallis comments that the charge of introducing a harmful state of affairs can be raised against practically any procreative decision because ‘every child’s life will include some limited opportunities and suffering, determined by climate, politics, socioeconomic status, biology, etc.’ (Wallis, 2020, p. 8).

Again, none of these responses seem wholly convincing. It is plausible that parents do not have an obligation to improve the world in their reproductive decisions. It is much less compelling, though, to claim that they are permitted to intentionally produce a state of affairs that burdens society. Anticipating this objection, Davis claims that deaf people in no way burden society because they can become its productive members (Davis, 1997, p. 567). Unfortunately, this does not entirely address the worry. We should all be productive members of society, and I concede that deaf people are as well, but there is an additional social cost that comes with deafness and other impairments. The deaf do admit that their interaction with the hearing community, as well as their ability to access the activities and experiences available to the hearing population, often require accommodation. But accommodation is costly – it requires interpreters, speech-to-text software, note-takers, captioned media, etc., implemented in as many institutions as possible. Many people will be happy to provide accommodation for those whose hearing impairment results from a natural lottery. But it is not obvious that morality or virtue obliges us to do so when the deaf person is the product of a deliberate decision of the parents.

Grodin and Lane’s argument gives disability an instrumental social value. That is, disability itself may be a misfortune, but its presence in society is desirable because it results in social diversity, which, in turn, enhances richness and meaning in life. Apart from the vagueness of the notions of richness and meaning in life and apart from the fact that the relationship between these and diversity is quite contingent (diversity also frequently brings conflict), we should be sceptical about arguments of this sort. The presence of any bad state of affairs could be justified by the fact that it is instrumentally valuable in that it enhances plurality, empathy, charity or morality in society.

Wallis’s argument, according to which any child resulting from any procreative decision will have some limited opportunities, overlooks the fact that the deaf parents’ decision adds to the unavoidable factors related to the climate, socioeconomic status, political regime, etc., that deaf children share with all other children an additional factor that is intentionally induced and completely avoidable. Wallis’s reasoning assumes that since children’s lives are always limited to
a certain extent, it does not matter if someone intentionally makes them even more limited. This assumption is wrong.

**Conclusion**

I have now considered the main moral arguments that support deaf parents’ decision to select a deaf child. Specifically, the argument that the lack of hearing is not overall bad because it can be compensated for by other benefits that are related to the condition, the argument that disability is not a worse but merely a different mode of being, the argument that the deaf community gives its members plenty of opportunities to lead a happy life and the argument that procreative decisions need not improve the world. All of these arguments have been found to be reasonable to some extent but insufficient to prove their intended point. Against them, I have argued that the decision to select a deaf child is wrong because it results in imposed and needless dependency, that the happiness of a deaf child is conditioned by their confinement to a relatively small community and that deaf parents who reject a hearing child’s biculturalism are motivated by questionably self-regarding reasons. I believe that these reasons outweigh any alleged benefits cited by deaf activists. As a result, I believe that the decision to select for deafness is morally wrong.

One should also note that the attitude of the deaf activists is marked by a certain double standard and one that affects the most vulnerable beings – children. In their campaign for the right to be able to have a deaf child, they seek to promote their autonomy and freedom from interference in what they consider to be some of the most important aspects of their lives – procreation, parenting, culture and identity. It is paradoxical that, by that same effort, they dramatically limit the autonomy and freedom from interference of those who are supposed to be closest and dearest to them – their children. Perhaps the deaf activists feel it is unjust for them not to be able to decide autonomously on the most personal issues such as parenting and the nature of the culture they wish to belong to wholeheartedly. But do their children not have the right to autonomously decide, perhaps when the time is right, about the most important aspects of their own lives, including perhaps what culture they want to belong to? Is it fair to impose deaf culture on the children when they might, in the future, prefer to be bicultural? Does the parents’ right to define themselves also include the right to define their children’s fates irreversibly, including properties that those children might later consider to be essential aspects of their self-conception? I personally do not believe that it does, and I feel that the deaf parents and activists who advocate the right to select for deafness are striving to achieve social justice at the cost of justice for their children.

Before concluding, I would also like to say that my intention has been to understand and weigh the reasons, values and attitudes involved in the debate, and to do so honestly and in good faith. I categorically do not wish to demean or disparage disabled people, and would like to emphasize that none of the critical claims I have made imply that I consider deaf people’s lives less valuable or worthy of respect than those of hearing people. Such conclusions do not follow from anything I have said. The inference from ‘x is more limited in opportunities’ to ‘x is less dignified’ or ‘x is less valuable’ is a fallacy. I believe that everyone in our society should do their best to provide deaf people with assistance and accommodation where it is welcome. However, anyone who feels that the claims some deaf people are making are unacceptable or wrong should be free to voice rational opposition.
References


