Ethics and Population Limitation

What ethical norms should be brought to bear in controlling population growth?

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Throughout its history, the human species has been preoccupied with the conquest of nature and the control of death. Human beings have struggled to survive, as individuals, families, tribes, communities, and nations. Procreation has been an essential part of survival. Food could not have been grown, families sustained, individuals supported, or industry developed without an unceasing supply of new human beings. The result was the assigning of a high value to fertility. It was thought good to have children: good for the children themselves, for the parents, for the society, and for the species. While it may always have been granted that extenuating circumstances could create temporary contraindications to childbearing, the premise on which the value was based endured intact. There remained a presumptive right of individual procreation, a right thought to sustain the high value ascribed to the outcome: more human beings.

That the premise may now have to be changed, the value shifted, can only seem confounding. As Erik Erikson has emphasized, it is a risky venture to play with the "fire of creation," especially when the playing has implications for almost every aspect of individual and collective life (*1*). The reasons for doing so would have to be grave. Yet excessive population growth presents such reasons—it poses critical dangers to the future of the species, the ecosystem, individual liberty and welfare, and the structure of social life. These hazards are serious enough to warrant a reexamination and, ultimately, a revision of the traditional value of unrestricted procreation and increase in population.

The main question is the way in which the revision is to proceed. If the old premise—the unlimited right of and need for procreation—is to be rejected or amended, what alternative premises are available? By what morally legitimate social and political processes, and in light of what values, are the possible alternatives to be evaluated and action taken? These are ethical questions, bearing on what is taken to constitute the good life, the range and source of human rights and obligations, the requirements of human justice and welfare. If the ethical problems of population limitation could be reduced to one overriding issue, matters would be simplified. They cannot. Procreation is so fundamental a human activity, so wide-ranging in its personal and social impact, that controlling it poses a wide range of ethical issues. My aim here is primarily to see what some of the different ethical issues are, to determine how an approach to them might be structured, and to propose some solutions.

With a subject so ill-defined as "ethics and population limitation," very little by way of common agreement can be taken for granted. One needs to start at the "beginning," with some basic assertions.

Facts and Values

There would be no concern about population limitation if there did not exist evidence that excessive population growth jeopardizes present and future welfare. Yet the way the evidence is evaluated will be the result of the values and interests brought to bear on the data. Every definition of the "population problem" or of "excessive population growth" will be value-laden, expressive of the ethical orientations of those who do the defining. While everyone might agree that widespread starvation and malnutrition are bad, not everyone will agree that crowding, widespread urbanization, and a loss of primitive forest areas are equally bad. Human beings differ in their assessments of relative good and evil. To say that excessive population growth is bad is to imply that some other state of population growth would be good or better—for example, an "optimum level of population." But as the demographic discussion of an optimum has made clear, so many variables come into play that it may be possible to do no more than specify a direction: "the desirability of a lower *rate* [italics added] of growth" (*2*).

If the ways in which the population problem is defined will reflect value orientations, these same definitions will have direct implications for the ways in which the ethical issues are posed. An apocalyptic reading of the demographic data and projections can, not surprisingly, lead to coercive proposals. Desperate problems are seen to require desperate and otherwise distasteful solutions (*3*). Moreover, how the problem is defined, and how the different values perceived to be at stake are weighted, will have direct implications for the priority given to population problems in relation to other social problems. People might well agree that population growth is a serious issue, but they might (and often do) say that other issues are comparatively more serious (*4*). If low priority is given to population problems, this is likely to affect the perception of the ethical issues at stake.

Why Ethical Questions Arise

Excessive population growth raises ethical questions because it threatens existing or desired human values and ideas of what is good. In addition, all or some of the possible solutions to the problem have the potential for creating difficult ethical dilemmas. The decision to act or not to act in the face of the threats is an ethical decision. It is a way of affirming where the human good lies and the kinds of obligations individuals and societies have toward themselves and others. A choice in favor of action will, however, mean the weighing of different options, and most of the available options present ethical dilemmas.

In making ethical choices, decisions will need to be made on (i) the hu-

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man good and values that need to be served or promoted—the ends; (ii) the range of methods and actions consistent and coherent with those ends—the means; and (iii) the procedure and rationale to be used in trying to decide both upon ends and means and upon their relation to each other in specific situations—the ethical criteria for decision-making. A failure to determine the ends, both ultimate and proximate, can make it difficult or impossible to choose the appropriate means. A failure to determine the range of possible means can make it difficult to serve the ends. A failure to specify or articulate the ethical criteria for decision-making can lead to capricious or self-serving choices, as well as to the placing of obstacles in the way of a rational resolution of ethical conflicts.

In the case of ethics and the population problem, both the possibilities and the limitations of ethics become apparent. In the face of a variety of proposals to solve the population problem, some of them highly coercive, a sensitivity to the ethical issues and some greater rigor in dealing with them is imperative. The most fundamental matters of human life and welfare are at stake. Yet because of the complexity of the problem, including its variability from one nation or geographical region to the next, few hard and fast rules can be laid down about what to do in a given place at a given time.

Still, since some choices must be made (and not to choose is to make a choice as well), the practical ethical task will be that of deciding upon the available options. While I will focus on some of the proposed options for reducing birthrates, they are not the only ones possible. Ralph Potter has discussed some others (*5*).

It has generally been assumed that policy must be primarily, if not exclusively, concerned with bringing about a decline in the rate of population increase through a reduction in the birthrate. But there are other choices. It is generally considered desirable but impossible to increase resources at a sufficient pace and through an adequate duration to preserve the present level of living for all within an expanding population. It is generally considered possible but undesirable to omit the requirement that all persons have access to that which is necessary for a good life. There is still the option of redefining what is to be considered necessary for a good life or of foregoing some things necessary for a good life in order to obtain an equitable distribution in a society that preserves the autonomy of parents to determine the size of their families.

A useful way of posing the issue practically is to envision the ethical options ranked on a preferential scale, from the most desirable to the least desirable. For working purposes, I will adopt as my own the formulation of Kenneth E. Boulding: "A moral, or ethical, proposition is a statement about a rank order of preferences among alternatives, which is intended to apply to more than one person" (*6*). Ethics enters at that point when the preferences are postulated to have a value that transcends individual tastes or inclinations. Implicitly or explicitly, a decision among alternatives becomes an ethical one when it is claimed that one or another alternative *ought* to be chosen—not just by me, but by others as well. This is where ethics differs from tastes or personal likings, which, by definition, imply nonobligatory preferences that are applicable to no more than one person (even if the tastes are shared).

General Ethical Issues

I will assume at the outset that there is a problem of excessive population growth, a problem serious for the world as a whole (with a 2 percent annual growth rate), grave for many developing nations (where the growth rate approaches 3 percent per annum), and possibly harmful for the developed nations as well (with an average 1 percent growth rate). The threats posed by excessive population growth are numerous: economic, environmental, agricultural, political, and sociopsychological. There is considerable agreement that something must be done to meet these threats. For the purpose of ethical analysis, the first question to be asked is, "In trying to meet these threats, what human ends are we seeking to serve?" Two kinds of human ends can be distinguished—proximate and ultimate.

Among the important proximate ends being sought in attempts to reduce birthrates in the developing countries are a raising of literacy rates, a reduction in dependency ratios, the elimination of starvation and malnutrition, more rapid economic development, and an improvement in health and welfare services; among these ends in the developed countries are a maintenance or improvement of the quality of life, the protection of nonrenewable resources, and the control of environmental pollution. For most purposes, it will be sufficient to cite goals of this sort. But for ethical purposes, it is critical to consider not just proximate, but ultimate ends as well. For it is legitimate to ask of the specified proximate ends what ultimate human ends they are meant to serve. Why is it important to raise literacy rates? Why is it necessary to protect nonrenewable resources? Why ought the elimination of starvation and malnutrition to be sought? For the most part, these are questions that need not be asked or that require no elaborate answers. The ethical importance of such questions is that they force us to confront the goals of human life. Unless these goals are confronted at some point, ethics cannot start or finish.

Philosophically, solving the population problem can be viewed as determining at the outset what final values should be pursued. The reason, presumably, that a reduction in illiteracy rates is sought is that it is thought valuable for human beings to possess the means of achieving knowledge. The elimination of starvation and malnutrition is sought because of the self-evident fact that human beings must eat to survive. The preservation of nonrenewable resources is necessary in order that human life may continue through future generations. There is little argument about the validity of these propositions, because they all presuppose some important human values: knowledge, life, and survival of the species, for instance. Historically, philosophers have attempted to specify what, in the sense of "the good," human beings essentially seek. What do they, in the end, finally value? The historical list of values is long: life, pleasure, happiness, knowledge, freedom, justice, and self-expression, among others.

This is not the place to enter into a discussion of all of these values and the philosophical history of attempts to specify and rank them. Suffice it to say that three values have had a predominant role, at least in the West: freedom, justice, and security-survival. Many of the major ethical dilemmas posed by the need for population limitation can be reduced to ranking and interpreting these three values. Freedom is prized because it is a condition for self-determination and the achievement of knowledge. Justice, particularly distributive justice, is prized because it entails equality of treatment and opportunity and an equitable access to those resources and oppor-

tunities necessary for human development. Security-survival is prized because it constitutes a fundamental ground for all human activities.

Excessive population growth poses ethical dilemmas because it forces us to weight and rank these values in trying to find solutions. How much procreative freedom, if any, should be given up in order to insure the security-survival of a nation or a community? How much security-survival can be risked in order to promote distributive justice? How much procreative freedom can be tolerated if it jeopardizes distributive justice?

Ethical dilemmas might be minimized if there were a fixed agreement on the way the three values ought to be ranked. One could say that freedom is so supreme a value that both justice and security-survival should be sacrificed to maintain it. But there are inherent difficulties in taking such a position. It is easily possible to imagine situations in which a failure to give due weight to the other values could result in an undermining of the possibility of freedom itself. If people cannot survive at the physical level, it becomes impossible for them to exercise freedom of choice, procreative or otherwise. If the freedom of some is unjustly achieved at the expense of the freedom of others, then the overall benefits of freedom are not maximized. If security-survival were given the place of supremacy, situations could arise in which this value was used to justify the suppression of freedom or the perpetuation of social injustice. In that case, those suppressed might well ask, "Why live if one cannot have freedom and justice?"

For all of these reasons it is difficult and perhaps unwise to specify a fixed and abstract rank order of preference among the three values. In some circumstances, each can enter a valid claim against the others. In the end, at the level of abstractions, one is forced to say that all three values are critical; none can permanently be set aside.

The Primacy of Freedom

In the area of family planning and population limitation, a number of national and international declarations have given primacy to individual freedom. The Declaration of the 1968 United Nations International Conference on Human Rights is representative (*7, 8*): ". . . couples have a basic human right to decide freely and responsibly on the number and spacing of their children and a right to adequate education and information in this respect." While this primacy of individual freedom has been challenged (*9*), it retains its position, serving as the ethical and political foundation of both domestic and foreign family planning and population policies. Accordingly, it will be argued here that (i) the burden of proof for proposals to limit freedom of choice (whether on the grounds of justice or security-survival) rests with those who make the proposals, but that (ii) this burden can, under specified conditions, be discharged if it can be shown that a limitation of freedom of choice in the name of justice or security-survival would tend to maximize human welfare and human values. This is only to say that, while the present international rank order of preference gives individual freedom primacy, it is possible to imagine circumstances that would require a revision of the ranking.

One way of approaching the normative issues of ranking preferences in population limitation programs and proposals is by locating the key ethical actors, those who can be said to have obligations. Three groups of actors can be identified: individuals (persons, couples, families), the officers and agents of voluntary (private-external) organizations, and the government officials responsible for population and family planning programs. I will limit my discussion here to individuals and governments. What are the ethical obligations of each of the actors? What is the right or correct course of conduct for them? I will approach these questions by first trying to define some general rights and obligations for each set of actors and then by offering some suggested resolutions of a number of specific issues.

I begin with individuals (persons, couples, families) because, in the ranking of values, individual freedom of choice has been accorded primacy by some international forums—and it is individuals who procreate. What are the rights and obligations of individuals with regard to procreation?

Individuals have the right voluntarily to control their own fertility in accordance with their personal preferences and convictions (*7*, p. 15). This right logically extends to a choice of methods to achieve the desired control and the right to the fullest possible knowledge of available methods and their consequences (medical, social, economic, and demographic, among others).

Individuals are obligated to care for the needs and respect the rights of their existing children (intellectual, emotional, and physical); in their decision to have a child (or another child), they must determine if they will be able to care for the needs and respect the rights of the child-to-be. Since individuals are obliged to respect the rights of others, they are obliged to act in such a way that these rights are not jeopardized. In determining family size, this means that they must exercise their own freedom of choice in such a way that they do not curtail the freedom of others. They are obliged, in short, to respect the requirements of the common good in their exercise of free choice (*10*). The source of these obligations is the rights of others.

The role of governments in promoting the welfare of their citizens has long been recognized. It is only fairly recently, however, that governments have taken a leading role in an antinatalist control of fertility (*11*). This has come about by the establishment, in a number of countries, of national family planning programs and national population policies. While many countries still do not have such policies, few international objections have been raised against the right of nations to develop them. So far, most government population policies have rested upon and been justified in terms of an extension of freedom of choice. Increasingly, though, it is being recognized that, since demographic trends can significantly affect national welfare, it is within the right of nations to adopt policies designed to reduce birthrates and slow population growth.

A preliminary question must, therefore, be asked. Is there any special reason to presume or suspect that governmental intervention in the area of individual procreation and national fertility patterns raises problems which, in *kind*, are significantly different from other kinds of interventions? To put the question another way, can the ethicopolitical problems that arise in this area be handled by historical and traditional principles of political ethics, or must an entirely new ethic be devised?

I can see no special reason to think that the formation of interventionist, antinatalist, national population policies poses any unique *theoretical* diffi-

culties. To be sure, the perceived need to reduce population growth is historically new; there exists no developed political or ethicopolitical tradition dealing with this specific problem. Yet the principle of governmental intervention in procreation-related behavior has a long historical precedent: in earlier, pronatalist population policies, in the legal regulation of marriage, and in laws designed to regulate sexual behavior. It seems a safe generalization to say that governments have felt (and generally have been given) as much right to intervene in this area as in any other where individual and collective welfare appears to be at stake. That new forms of intervention may seem to be called for or may be proposed (that is, in an anti- rather than pronatalist direction) does not mean that a new ethical or political principle is at issue. At least, no such principle is immediately evident.

Yet, if it is possible to agree that no new principles are involved, it is still possible to argue that a further extension of an old principle—the right of government intervention into procreation-related behavior—would be wrong. Indeed, it is a historical irony that, after a long international struggle to establish individuals' freedom of choice in controlling their own fertility, that freedom should immediately be challenged in the name of the population crisis. Irony or not, there is no cause to be surprised by such a course of events. The history of human liberty is studded with instances in which, for a variety of reasons, it has been possible to say that liberty is a vital human good and yet that, for the sake of other goods, restriction of liberty seems required. A classical argument for the need of a government is that a formal and public apparatus is necessary to regulate the exercise of individual liberty for the sake of the common good.

In any case, the premise of my discussion will be that governments have as much right to intervene in procreation-related behavior as in other areas of behavior affecting the general welfare. This right extends to the control of fertility in general and to the control of individual fertility in particular. The critical issue is the way in which this right is to be exercised—its conditions and limits—and that issue can only be approached by first noting some general issues bearing on the restriction of individual freedom of choice by governments.

Governments have the right to take those steps necessary to insure the preservation and promotion of the common good—the protection and advancement of the right to life, liberty, and property. The maintenance of an orderly and just political and legal system, the maintenance of internal and external security, and an equitable distribution of goods and resources are also encompassed within its rights. Its obligations are to act in the interests of the people, to observe human rights, to respect national values and traditions, and to guarantee justice and equality. Since excessive population growth can touch upon all of these elements of national life, responses to population problems will encompass both the rights and the obligations of governments. However, governmental acts should represent collective national decisions and be subject to a number of stipulations.

I now recapitulate the points made so far and summarize some propositions, which I then use to suggest solutions to some specific ethical issues.

1) General moral rules: (i) individuals have the right to freedom of procreative choice, and they have the obligation to respect the freedom of others and the requirements of the common good; (ii) governments have the right to take those steps necessary to secure a maximization of freedom, justice, and security-survival, and they have the obligation to act in such a way that freedom and justice are protected and security-survival enhanced.

2) Criteria for ethical decision-making: (i) one (individual, government, organization) is obliged to act in such a way that the fundamental values of freedom, justice, and security-survival are respected; (ii) in cases of conflict, one is obliged to act in such a way that any limitation of one or more of the three fundamental values—a making of exceptions to the rules concerning these values—continues to respect the values and can be justified by the promise of increasing the balance of good over evil.

3) Rank order of preference: (i) those choices of action that ought to be preferred are those that accord primacy to freedom of choice; (ii) if conditions appear to require a limitation of freedom, this should be done in such a way that the direct and indirect harmful consequences are minimized and the chosen means of limitation are just—the less the harm, the higher the ranking.

Some Specific Ethical Issues

Since it has already been contended that individual freedom of choice has primacy, the ethical issues to be specified here will concentrate on those posed for governments. This focus will, in any event, serve to test the limits of individual freedom.

Faced with an excessive population growth, a variety of courses are open to governments. They can do nothing at all. They can institute, develop, or expand voluntary family planning programs. They can attempt to implement proposals that go "beyond family planning" (*12*).

Would it be right for governments to go beyond family planning if excessive population growth could be shown to be a grave problem? This question conceals a great range of issues. Who would decide if governments have this right? Of all the possible ways of going beyond family planning, which could be most easily justified and which would be the hardest to justify? To what extent would the problem have to be shown to be grave? As a general proposition, it is possible ethically to say that governments would have the right to go beyond family planning. The obligation of governments to protect fundamental values could require that they set aside the primacy of individual freedom in order to protect justice and security-survival. But everything would depend on the way they proposed to do so.

Would it be right for governments to establish involuntary fertility controls? These might include (if technically feasible) the use of a mass "fertility control agent," the licensing of the right to have children, compulsory temporary or permanent sterilization, or compulsory abortion (*12*). Proposals of this kind have been put forth primarily as "last resort" methods, often in the context that human survival may be at stake. "Compulsory control of family size is an unpalatable idea to many," the Ehrlichs have written, "but the alternatives may be much more horrifying . . . human survival seems certain to require population control programs. . . ." (*3*, p. 256). Their own suggestion is manifestly coercive: "If . . . relatively uncoercive laws should fail to bring the birthrate under control, laws could be written that would make the bearing of a third child illegal and that would require an abortion to terminate all such pregnancies" (*3*, p. 274).

That last suggestion requires examination. Let us assume for the moment that the scientific case has been made that survival itself is at stake and that the administrative and enforcement problems admit of a solution. Even so, some basic ethical issues would remain. "No one," the United Nations has declared, "shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment" (*13*, Article 5). It is hard to see how compulsory abortion, requiring governmental invasion of a woman's body, could fail to qualify as inhuman or degrading punishment. Moreover, it is difficult to see how this kind of suggestion can be said to respect in any way the values of freedom and justice. It removes free choice altogether, and in its provision for an abortion of the third child makes no room for distributive justice at all; its burden would probably fall upon the poorest and least educated. It makes security-survival the prime value, but to such an extent and in such a way that the other values are ignored altogether. But could not one say, when survival itself is at stake, that this method would increase the balance of good over evil? The case would not be easy to make (i) because survival is not the only human value at stake; (ii) because the social consequences of such a law could be highly destructive (for example, the inevitably massive fear and anxiety about third pregnancies that would result from such a law); and (iii) because it would be almost impossible to show that this is the *only* method that would or could work to achieve the desired reduction in birthrates.

Would it be right for governments to develop "positive" incentive programs, designed to provide people with money or goods in return for a regulation of their fertility? These programs might include financial rewards for sterilization, for the use of contraceptives, for periods of nonpregnancy or nonbirth, and for family planning bonds or "responsibility prizes" (*12*, p. 2). In principle, incentive schemes are noncoercive; that is, people are not forced to take advantage of the incentive. Instead, the point of an incentive is to give them a choice they did not previously have.

Yet there are a number of ethical questions about incentive plans. To whom would they appeal most? Presumably, their greatest appeal would be to the poor, those who want or need the money or goods offered by an incentive program; they would hold little appeal for the affluent, who already have these things. Yet if the poor desperately need the money or goods offered by the incentive plan, it is questionable whether, in any real sense, they have a free choice. Their material needs may make the incentive seem coercive to them. Thus, if it is only or mainly the poor who would find the inducements of an incentive plan attractive, a question of distributive justice is raised. Because of their needs, the poor have less choice than the rich about accepting or rejecting the incentive; this could be seen as a form of exploitation of poverty. In sum, one can ask whether incentive schemes are or could be covertly coercive, and whether they are or could be unjust (*14*). If so, then while they may serve the need for security-survival, they may do so at the expense of freedom and justice.

At least three responses seem possible. First, if the need for security-survival is desperate, incentive schemes might well appear to be the lesser evil, compared with more overtly coercive alternatives. Second, the possible objections to incentive schemes could be reduced if, in addition to reducing births, they provided other benefits as well. For instance, a "family planning bond" program would provide the additional benefit of old-age security (*15*). Any one of the programs might be defended on the grounds that those who take advantage of it actually want to control births in any case (if this can be shown). Third, much could depend upon the size of the incentive benefits. At present, most incentive programs offer comparatively small rewards; one may doubt that they offer great dilemmas for individuals or put them in psychological straits. The objection to such programs on the grounds of coercion would become most pertinent if it can be shown that the recipients of an incentive benefit believe they have no real choice in the matter (because of their desperate poverty or the size of the benefit); so far, this does not appear to have been the case (*16*).

While ethical objections have been leveled at incentive programs because of some experienced corrupt practices in their implementation, this seems to raise less serious theoretical issues. Every program run by governments is subject to corruption; but there are usually ways of minimizing it (by laws and review procedures, for instance). Corruption, I would suggest, becomes a serious theoretical issue only when and if it can be shown that a government program is *inherently* likely to create a serious, inescapable, and socially damaging system of corruption. This does not appear to be the case with those incentive programs so far employed or proposed.

Would it be right for governments to institute "negative" incentive programs? These could take the form of a withdrawal of child or family allowances after a given number of children, a withdrawal of maternity benefits after a given number, or a reversal of tax benefits, to favor those with small families (*12*, p. 2). A number of objections to such programs have been raised. They are directly coercive in that they deprive people of free choice about how many children they will have by imposing a penalty on excess procreation; thus they do not attach primary importance to freedom of choice. They can also violate the demands of justice, especially in those cases where the burden of the penalties would fall upon those children who would lose benefits available to their siblings. And the penalties would probably be more onerous to the poor than to the rich, further increasing the injustice. Finally, from quite a different perspective, the social consequences of such programs could be most undesirable. They could, for instance, worsen the health and welfare of those mothers, families, and children who would lose needed social and welfare benefits. Moreover, such programs could be patently unjust in those places where effective contraceptives do not exist (most places at present). In such cases, people would be penalized for having children whom they could not prevent with the available birth control methods.

It is possible to imagine ways of reducing the force of these objections. If the penalties were quite mild, more symbolic than actual [as Garrett Hardin has proposed (*17*)], the objection from the viewpoint of free choice would be less; the same would apply to the objection from the viewpoint of justice. Moreover, if the penalty system were devised in such a way that the welfare of children and families would not be harmed, the dangerous social consequences would be mitigated. Much would depend, in short, upon the actual provisions of the penalty plan and the extent to which it could

minimize injustice and harmful social consequences. Nonetheless, penalty schemes raise serious ethical problems. It seems that they would be justifiable only if it could be shown that security-survival was at stake and that, in their application, they would give due respect to freedom and justice. Finally, it would have to be shown that, despite their disadvantages, they promised to increase the balance of good over evil—which would include a calculation of the harm done to freedom and justice and a weighing of other, possibly harmful, social consequences.

An additional problem should be noted. Any penalty or benefit scheme would require some method of governmental surveillance and enforcement. Penalty plans, in particular, would invite evasion—for example, hiding the birth of children to avoid the sanctions of the scheme. This likelihood would be enhanced among those who objected to the plan on moral or other grounds, or who believed that the extra children were necessary for their own welfare. One does not have to be an ideological opponent of "big government" to imagine the difficulties of trying to ferret out violators or the lengths to which some couples might go to conceal pregnancies and births. Major invasions of privacy, implemented by a system of undercover agents, informants, and the like, would probably be required to make the scheme work. To be sure, there are precedents for activities of this kind (as in the enforcement of income tax laws), but the introduction of further governmental interventions of this kind would raise serious ethical problems, creating additional strains on the relationship between the government and the people. The ethical cost of an effective penalty system would have to be a key consideration in the development of any penalty program.

Would it be right for governments to introduce antinatalist shifts in social and economic institutions? Among such shifts might be a raising of marriage ages, manipulation of the family structure away from nuclear families, and bonuses for delayed marriage (*12*, pp. 2–3). The premise of these proposals is that fertility patterns are influenced by the context in which choices are made and that some contexts (for example, higher female employment) are anti- rather than pronatalist. Thus, instead of intervening directly into the choices women make, these proposals would alter the environment of choice; freedom of individual choice would remain. The attractiveness of these proposals lies in their noninterference with choice; they do not seem to involve coercion. But they are not without their ethical problems, at least in some circumstances. A too-heavy weighting of the environment of choice in an antinatalist direction would be tantamount to an interference with freedom of choice—even if, technically, a woman could make a free choice. In some situations, a manipulation of the institution of marriage (for example, raising the marriage age) could be unjust, especially if there exist no other social options for women.

The most serious problems, however, lie in the potential social consequences of changes in basic social institutions. What would be the long-term consequences of a radical manipulation of family structure for male-female relationships, for the welfare of children, for the family? One might say that the consequences would be good or bad, but the important point is that they would have to be weighed. Should some of them appear bad, they would then have to be justified as entailing a lesser evil than the continuation of high birthrates. If some of the changes promised to be all but irreversible once introduced, the justification would have to be all the greater. However, if the introduction of shifts in social institutions had some advantages in addition to antinatalism—for instance, greater freedom for women, a value in its own right—these could be taken as offsetting some other, possibly harmful, consequences.

Would it be right for the government of a developed nation to make the establishment of a population control program in a developing nation a condition for extending food aid (*18, 19*)? This would be extremely difficult to justify on ethical grounds. At the very least, it would constitute an interference in a nation's right to self-determination (*20*). Even more serious, it would be a direct exploitation of one nation's poverty in the interests of another nation's concept of what is good for it; and that would be unjust. Finally, I would argue that, on the basis of Article 3 of the "Universal Declaration of Human Rights" (*21*), a failure to provide needed food aid would be a fundamental violation of the right to life (when that aid could, without great cost to the benefactor nation, be given). The argument that such aid, without an attendant population control program, would only make the problem worse in the long run, is defective. Those already alive, and in need of food, have a right to security-survival. To willfully allow them to die, or to deprive them of the necessities of life, in the name of saving even more lives at a later date cannot be justified in the name of a greater preponderance of good over evil. There could be no guarantee that those future lives would be saved, and there would be such a violation of the rights of the living (including the right to life) that fundamental human values would be sacrificed.

Would it be right for a government to institute programs that go beyond family planning—particularly in a coercive direction—for the sake of future generations? This is a particularly difficult question, in great part because the rights of unborn generations have never been philosophically, legally, or ethically analyzed in any great depth (*22*). On the one hand, it is evident that the actions of one generation can have profound effects on the options available to future generations. And just as those living owe much of their own welfare to those who preceded them (beginning with their parents), so, too, the living would seem to have obligations to the unborn. On the other hand, though, the living themselves do have rights—not just potential, but actual. To set aside these rights, necessary for the dignity of the living, in favor of those not yet living would, I think, be to act arbitrarily.

A general solution might, however, be suggested. While the rights of the living should take precedence over the rights of unborn generations, the living have an obligation to refrain from actions that would endanger future generations' enjoyment of the same rights that the living now enjoy. This means, for instance, that the present generation should not exhaust nonrenewable resources, irrevocably pollute the environment, or procreate to such an extent that future generations will be left with an unmanageably large number of people. All of these obligations imply a restriction of freedom. However, since the present generation does have the right to make use of natural resources and to procreate, it must be demonstrated (not just asserted) that the conduct of the present genera-

tion poses a direct threat to the rights of future generations. In a word, the present generation cannot be deprived of rights on the basis of vague speculations about the future or uncertain projections into the future.

Do governments have the right unilaterally to introduce programs that go beyond family planning? It is doubtful that they do. Article 21 of the "Universal Declaration of Human Rights" (*13*) asserts that "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives . . . . The will of the people shall be the basis of the authority of government." There is no evident reason that matters pertaining to fertility control should be exempt from the requirements of this right. By implication, not only measures that go beyond family planning, but family planning programs as well require the sanctions of the will of the people and the participation of the people in important decisions.

A Ranking of Preferences

The preceding list of specific issues by no means exhausts the range of possible ethical issues pertaining to governmental action; it is meant only to be illustrative of some of the major issues. Moreover, the suggested solutions are only illustrative. The complexities of specific situations could well lead to modifications of them. That is why ethical analysis can rarely ever say exactly what ought to be done in x place at y time by z people. It can suggest general guidelines only.

I want now to propose some general ethical guidelines for governmental action, ranking from the most preferable to the least preferable.

1) Given the primacy accorded freedom of choice, governments have an obligation to do everything within their power to protect, enhance, and implement freedom of choice in family planning. This means the establishment, as the first order of business, of effective voluntary family planning programs.

2) If it turns out that voluntary programs are not effective in reducing excessive population growth, then governments have the right, as the next step, to introduce programs that go beyond family planning. However, in order to justify the introduction of such programs, it must be shown that voluntary methods have been adequately and fairly tried, and have nonetheless failed and promise to continue to fail. It is highly doubtful that, at present, such programs have "failed"; they have not been tried in any massive and systematic way (*23*).

3) In choosing among possible programs that go beyond family planning, governments must first try those which, comparatively, most repect freedom of choice (that is, are least coercive). For instance, they should try "positive" incentive programs and manipulation of social structures before resorting to "negative" incentive programs and involuntary fertility controls.

4) Further, if circumstances force a government to choose programs that are quasi- or wholly coercive, they can justify such programs if, and only if, a number of prior conditions have been met: (i) if, in the light of the primacy of free choice, a government has discharged the burden of proof necessary to justify a limitation of free choice—and the burden of proof is on the government (this burden may be discharged by a demonstration that continued unrestricted liberty poses a direct threat to distributive justice or security-survival); and (ii) if, in light of the right of citizens to take part in the government of their country, the proposed limitations on freedom promise, in the long run, to increase the options of free choice, decisions to limit freedom are collective decisions, the limitations on freedom are legally regulated and the burden falls upon all equally, and the chosen means of limitation respect human dignity, which will here be defined as respecting those rights specified in the United Nations' "Universal Declaration of Human Rights" (*13*). The end—even security-survival—does not justify the means when the means violate human dignity and logically contradict the end.

As a general rule, the more coercive the proposed plan, the more stringent should be the conditions necessary to justify and regulate the coercion. In addition, one must take account of the possible social consequences of different programs, consequences over and above their impact on freedom, justice, and security-survival. Thus, if it appears that some degree of coercion is required, that policy or program should be chosen which (i) entails the least amount of coercion, (ii) limits the coercion to the fewest possible cases, (iii) is most problem-specific, (iv) allows the most room for dissent of conscience, (v) limits the coercion to the narrowest possible range of human rights, (vi) threatens human dignity least, (vii) establishes the fewest precedents for other forms of coercion, and (viii) is most quickly reversible if conditions change.

While it is true to say that social, cultural, and political life requires, and has always required, some degree of limitation of individual liberty—and thus some coercion—that precedent does not, in itself, automatically justify the introduction of new limitations (*24*). Every proposal for a new limitation must be justified in its own terms—the specific form of the proposed limitation must be specifically justified. It must be proved that it represents the least possible coercion, that it minimizes injustice to the greatest extent possible, that it gives the greatest promise of enhancing security-survival, and that it has the fewest possible harmful consequences (both short- and long-term).

Freedom and Risk-Taking

The approach I have taken to the ethics of population limitation has been cautionary. I have accepted the primacy of freedom of choice as a given not only because of its primacy in United Nations and other declarations, but also because it is a primary human value. I have suggested that the burden of proof must lie with those proposals, policies, or programs that would place the primacy elsewhere. At the same time, I have laid down numerous conditions necessary to discharge the burden of proof. Indeed, these conditions are so numerous, and the process of ethical justification so difficult, that the possibility of undertaking decisive action may seem to have been excluded. This is a reasonable concern, particularly if time is short. Is it reasonable to give the ethical advantage to freedom of choice (*25*)? Does this not mean that a great chance is being taken? Is it not unethical to take risks of that sort, and all the more so since others, rather than ourselves, will have to bear the burden if the risk-taking turns out disastrously? In particular, would it not be irresponsible for governments to take risks of this magnitude?

Three kinds of responses to these questions are possible. First, as men-

tioned, it can and has been argued that freedom of choice has not been adequately tested. The absence of a safe, effective, and inexpensive contraceptive has been one hindrance, particularly in developing countries; it is reasonable to expect that such a contraceptive will eventually be developed. The weakness of existing family planning programs (and population policies dependent upon them) has, in great part, been the result of inadequate financing, poor administration, and scanty research and survey data. These are correctable deficiencies, assuming that nations give population limitation a high priority. If they do not give population limitation a high priority, it is unlikely that more drastic population policies could be successfully introduced or implemented. Very little effort has been expended anywhere in the world to educate people and persuade them to change their procreation habits. Until a full-scale effort has been made, there are few good grounds for asserting that voluntary limitation will be ineffective.

Second, while the question of scientific-medical-technological readiness, political viability, administrative feasibility, economic capability, and assumed effectiveness of proposals that would go beyond family planning is not directly ethical in nature, it has important ethical implications. If all of these categories seem to militate against the practical possibility of instituting very strong, immediate, or effective coercive measures, then it could become irresponsible to press for or support such measures. This would especially be the case if attention were diverted away from what could be done, for example, an intensification of family planning programs.

Third, primacy has been given to freedom of choice for ethical reasons. Whether this freedom will work as a means of population limitation is a separate question. A strong indication that freedom of choice will be ineffective does not establish grounds for rejecting it. Only if it can be shown that the failure of this freedom to reduce population growth threatens other important human values, thus establishing a genuine conflict of values, would the way be open to remove it from the place of primacy. This is only another way of asserting that freedom of choice is a right, grounded in a commitment to human dignity. The concept of a "right" becomes meaningless if rights are wholly subject to tests of economic, social, or demographic utility, to be given or withheld depending upon their effectiveness in serving social goals.

In this sense, to predicate human rights at all is to take a risk. It is to assert that the respect to be accorded human beings ought not to be dependent upon majority opinion, cost-benefit analysis, social utility, governmental magnanimity, or popular opinion. While it is obviously necessary to adjudicate conflicts among rights, and often to limit one right in order to do justice to another, the pertinent calculus is that of rights, not of utility. A claim can be entered against the primacy of one right only in the name of one or more other important rights. The proper route to a limitation of rights is not directly from social facts (demographic, economic, and so on) to rights, as if these facts were enough in themselves to prove the case against a right. The proper route is from showing that the social facts threaten rights, and in what way, to showing that a limitation of one right may be necessary to safeguard or enhance other rights. To give primacy to the right of free choice is to take a risk. The justification for the risk is the high value assigned to the right, a value that transcends simply utilitarian considerations.

References and Notes

1. E. H. Erikson, *Insight and Responsibility* (Norton, New York, 1964), p. 132.
2. B. Berelson, in *Is There an Optimum Level of Population?*, S. F. Singer, Ed. (McGraw-Hill, New York, 1971), p. 305.
3. See, for instance, P. R. Ehrlich and A. H. Ehrlich, *Population, Resources, Environment Isues in Human Ecology* (Freeman, San Francisco, 1970), pp. 321–324.
4. A 1967 Gallup Poll, for example, revealed that, while 54 percent of those surveyed felt that the rate of American population growth posed a serious problem, crime, racial discrimination, and poverty were thought to be comparatively more serious social problems. J. F. Kanther, *Stud. Fam. Plann.* No. 30 (May 1968), p. 6.
5. R. B. Potter, Jr., in *Freedom, Coercion and the Life Sciences*, L. Kass and D. Callahan, Eds., in press.
6. K. E. Boulding, *Amer. Econ. Rev.* **59**, 1 (March 1969).
7. *Final Act of the International Conference on Human Rights* (United Nations, New York, 1968), p. 15.
8. "Declaration on Population: The World Leaders Statement," *Stud. Fam. Plann.* No. 26 (January 1968), p. 1.
9. For instance, not only has Garrett Hardin, in response to the "The World Leaders' Statement" (*8*), denied the right of the family to choose family size, he has also said that "If we love the truth we must openly deny the validity of the Universal Declaration of Human Rights, even though it is promoted by the United Nations" [*Science* **162**, 1246 (1968)]. How literally is one to take this statement? The declaration, after all, affirms such rights as life, liberty, dignity, equality, education, privacy, and freedom of thought. Are none of these rights valid? Or, if those rights are to remain valid, why is only the freedom to control family size to be removed from the list?
10. See A. S. Parkes, in *Biology and Ethics*, F. J. Ebling, Ed. (Academic Press, New York, 1969), pp. 109–116.
11. In general, "antinatalist" means "attitudes or policies directed toward a reduction of births," and "pronatalist" means "attitudes or policies directed toward an increase in births."
12. See B. Berelson, *Stud. Fam. Plann.* No. 38 (February 1969), p. 1.
13. "Universal Declaration of Human Rights," in *Human Rights: A Compilation of International Instruments of the United Nations* (United Nations, New York, 1967).
14. See E. Pohlman and K. G. Rao, *Licentiate* **17**, 236 (1967).
15. See, for instance, R. G. Ridker, *Stud. Fam. Plann.* No. 43 (June 1969), p. 11.
16. The payments made in six different family planning programs are listed in *Incentive Payments in Family Planning Programmes* (International Planned Parenthood Federation, London, 1969), pp. 8–9.
17. G. Hardin, *Fam. Plann. Perspect.* **2**, 26 (June 1970).
18. See, for example, W. H. Davis, *New Repub.* (20 June 1970), p. 19.
19. P. R. Ehrlich, *The Population Bomb* (Ballantine Books, New York, 1968), pp. 158–173.
20. See the "International Covenant on Economic, Social and Cultural Rights," Article 1, section 1, paragraph 1, in *Human Rights: A Compilation of International Instruments of the United Nations* (United Nations, New York, 1967), p. 4: "All people have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."
21. "Everyone has the right to life, liberty and the security of person" (*13*).
22. One of the few recent discussions on the obligation to future generations is in M. P. Golding [*UCLA Law Review* **15**, 457 (February 1968)].
23. See D. Nortman, in *Reports on Population/Family Planning* (Population Council, New York, December 1969), pp. 1–48. Judith Blake is pessimistic about the possibilities of family planning programs [*J. Chronic Dis.* **18**, 1181 (1965)]. See also J. Blake [*Science* **164**, 522 (1969)] and the reply of O. Harkavy, F. S. Jaffe, S. M. Wishik [*ibid.* **165**, 367 (1969)].
24. See E. Pohlman, *Eugen. Quart.* **13**, 122 (June 1966): "The spectre of 'experts' monkeying around with such private matters as family size desires frightens many people as being too 'Big Brotherish.' But those involved in eugenics, or psychotherapy, or child psychology, or almost any aspect of family planning are constantly open to the charge of interfering in private lives, so that the charge would not be new. . . . Of course, many injustices have been done with the rationale of being 'for their own good.' But the population avalanche may be used to justify—perhaps rationalize—contemplation of large-scale attempts to manipulate family size desires, even rather stealthily." This mode of reasoning may explain how some people will think and act, but it does not constitute anything approaching an ethical justification.
25. P. R. Ehrlich (*19*, pp. 197–198) argues that the taking of strong steps now to curb population growth is the wiser and safer gamble than doing nothing or too little. This seems to me a reasonable enough position, up to a point. That point would come when the proposed steps would seriously endanger human dignity; an ethic of survival, at the cost of other basic human values, is not worth the cost.
26. This article is an abridgment of an "Occasional Paper" [*Ethics and Population Limitation* (Population Council, New York, 1971)] and was written while the author was a staff associate at the Population Council in 1969–70. I would particularly like to thank Bernard Berelson for his suggestions and criticisms.