

1-1972

Introduction

Paul R. Ehrlich

Anne H. Ehrlich

Follow this and additional works at: https://repository.uchastings.edu/hastings_law_journal



Part of the [Law Commons](#)

Recommended Citation

Paul R. Ehrlich and Anne H. Ehrlich, *Introduction*, 23 HASTINGS L.J. 1345 (1972).

Available at: https://repository.uchastings.edu/hastings_law_journal/vol23/iss5/1

This Comment is brought to you for free and open access by the Law Journals at UC Hastings Scholarship Repository. It has been accepted for inclusion in Hastings Law Journal by an authorized editor of UC Hastings Scholarship Repository.

Introduction

By PAUL R. EHRLICH*
and
ANNE H. EHRLICH**

THERE are today over 3.75 billion human beings living on this rather small planet. More than 120 million babies were born last year while only about 50 million people died, leaving a net gain of over 70 million people.¹ This wide difference between births and deaths will occur again this year, and the next, and the next. By the end of this decade, because population grows at “compound interest” rates, the annual increment of births over deaths will have risen to nearly 80 million, unless our luck runs out and the death-rate has skyrocketed. By the year 2007, if the present rate of increase (2 percent per year) holds, the human population will have doubled to 7.5 billion.² Whether the earth can provide food, clothing, shelter and amenities at even a modest level for such a large number of people for any length of time is an open question. Clearly, it cannot decently support the 15 billion that would exist by 2042 if the growth rate remains constant.³

To compound the crisis, our present methods of maintaining ourselves are jeopardizing our future ability to support even today’s population, without even considering the needs of the additional millions of tomorrow and the aspirations of the underdeveloped two-thirds of the world. Valuable, nonrenewable resources are being consumed or scattered at an increasing rate; many will be gone within a century. Soils, fresh water, the atmosphere and the oceans, all critical to the support of human life, are being depleted or damaged by pollution. Other forms of life—on which human life ultimately and absolutely

* Professor of Biology, Stanford University.

** Research Assistant in Biology, Stanford University.

1. Population Reference Bureau, 1971 Population Data Sheet.

2. See P. EHRLICH & A. EHRLICH, *POPULATION, RESOURCES, ENVIRONMENT* 45-47 (1970). See also Population Reference Bureau, 1971 Population Data Sheet.

3. See generally P. EHRLICH & A. EHRLICH, *supra* note 2.

depends—are being heedlessly destroyed in the mistaken belief that they are somehow inferior or unnecessary. Therefore, unless humanity soon discovers where its real interests lie and takes action to end population growth, resource mismanagement, and environmental deterioration, civilization as we know it is finished. The only questions are when and how.

Where does the United States fit in this gloomy picture? As the world's wealthiest and most powerful country, it is appropriate that the United States should be the first to recognize the crisis in all of its dimensions. In terms of public awareness, if not in government action this seems to be the case. Perhaps being one of the most heavily industrialized nations, and thus one of the most polluted, has contributed to this recognition. Ours is not the fastest growing population in the world—nor the slowest by any means; the United States growth rate is about 1 percent per year with a doubling time of about seventy years.⁴ Nevertheless, because of our high rates of consumption and pollution, each individual American's impact upon the world environment—about twice that of a European, 20 to 100 times that of an Asian—represents a disproportionate threat to the future of all humanity.

Certainly, both our population and our material standard of living cannot continue to increase for long. Indeed, for at least the past ten years, while the United States population as well as its material standard of living have increased rapidly, the quality of life for the average American has declined significantly. Moreover, Americans have become aware of that decline.

In the past four or five years this growing awareness has been characterized by a phenomenal rise in public activity, particularly against environmental deterioration. Much of this activity has been legal: court action, the passage of new laws, and more vigorous enforcement of old ones. Most of these actions have been directed against the more obvious pollution of air and water caused by industry and automobiles, but there is growing recognition of more subtle threats to ecological systems and the bases of food production. Moreover, in recent times Americans have become acutely aware of the role of population growth in exacerbating our environmental problems and many social problems as well. A parallel, but less conspicuous movement to the environmental one, has succeeded in removing obsolete laws against birth control and sterilization and in reforming restrictive laws against abortion.

4. *See id.* at 45.

Public awareness of the population crisis may partially explain a recent decline in the United States birthrate, although the economic situation, the high rate of unemployment among the young, improved access to contraceptives, liberalized abortion laws, and the women's liberation movement are also important factors. The long term decline in birthrates during most of the 1960's and a more recent drop in 1971 have been hailed in the press as the "end of the U.S. population explosion." However, the decline of the 1960's was largely the result of the relatively small proportion of the population who were of prime reproductive age (those born during the depression and war years). The future parents of the 1970's and early 1980's were born in the postwar baby boom. This approaching "parent boom" virtually guarantees high birthrates for the next fifteen years, unless the fertility of that group is far lower than that of earlier generations. In 1971 fertility was surprisingly low although still above the fertility level of the 1930's, but improved economic conditions could, and probably will, reverse that trend. Furthermore, even if fertility declined to replacement level, where each adult in the parent generation is replaced by just one child in the next, *and stayed there*, the population would not stop growing for sixty to seventy years, because of its age composition. The census bureau has projected that if reproduction reached replacement levels during the 1970's and net immigration continued at the present rate of 400,000 per year, the United States population would grow from today's 208 million to some 226 million by the year 2000.⁵ It would reach 300 million by 2020 and after adding a few million more would stabilize around 2065.⁶ Even if net immigration were ended, the population would be 250 million in 2000 and would stabilize at about 276 million in 2037.⁷ These figures are awesome enough. But if fertility is not reduced to replacement levels, the United States population by the year 2000 may be as high as 300 to 320 million and still growing rapidly. What that would mean for the quality of life in the United States can well be imagined.

The momentum of population growth thus makes it imperative that policies for population control be developed and implemented *now* if our children and grandchildren are to partake of anything resembling the good life that we have enjoyed. Given the number of children that people—as individuals—want to have, it can be shown that the

5. BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, CURRENT POPULATION REPORTS 1-7 (Series P-25, No. 448, 1970).

6. *Id.*

7. *Id.*

elimination of unwanted births will not alone reduce the birthrate to replacement levels.⁸

Nevertheless, the obvious first step in discouraging population growth must be the removal of all remaining barriers, legal or economic, to access to birth control for all sexually active individuals. Some progress has been made in this direction. The federal Family Planning Act of 1970⁹ is intended to provide free or low-cost birth control materials and information to the poor and near-poor who cannot otherwise afford them. There has also been a trend for state legislatures to allow sexually active minors access to contraceptives without parental consent. Both policies certainly should be fully extended throughout the country as soon as possible.

The recent movement toward liberalizing abortion in the United States has undoubtedly contributed to the concurrent reduction of birthrates and the incidence of unwanted children. By 1971, seventeen states and the District of Columbia allowed abortion for several reasons besides the saving of the mother's life. Four states—Alaska, Hawaii, Washington and New York—permit it essentially on request. This trend may spread to other states as public tolerance, if not complete approval, of abortion becomes more widespread in more conservative parts of the country.

Thus the sixty-year-old movement toward free choice in child-bearing, with birth control information and materials, voluntary sterilization, and abortion being made available to all members of our society, is belatedly drawing to a close. Unless there is a sharp reversal in the social and legal trends of the past, this should be achieved within five years. Ironically, we must now consider restricting that hard-won freedom in the other direction.

Part of the difficulty in developing population control policies is determining how much control is needed and what specific policies will achieve the desired result. Internationally, there will be a great deal of variation among nations as to what is needed and what would be acceptable to the population in question, and each country will have to find its own solutions. Quite possibly there may be a similar variation, at least with respect to acceptability, among subgroups within the United States population. One such problem is the fear among some black groups in the United States that family planning programs for the

8. See Bumpass & Westoff, *The "Perfect Contraceptive" Population*, 169 SCIENCE 1177 (1970).

9. 3 FAMILY PLANNING PERSPECTIVES 2-3 (1971).

poor represent a racist policy of genocide. These fears can probably be overcome by ensuring that such programs are administered by the recipients themselves. Political difficulties of this kind will inevitably accompany the institution of new population policies.

What sorts of policies could be established to discourage or control population growth? Proposals have ranged from expanding family planning to eliminate unwanted births, to putting sterilants in water or staple foods, with antidotes available only from the government. The provision of contraceptives, the most mild policy, proved insufficient to halt population growth. For practical purposes that has been the policy in the United States for over twenty-five years—a period in which the population grew by nearly 60 million. Despite the existence of laws against contraceptives in some states, the illegality of abortion, and the difficulty of obtaining a voluntary sterilization, birth control was available to and practiced by the vast majority of American couples. But during this period there was a fashion for large families. Accordingly, most of the growth was accounted for by “wanted” babies.

The other extreme of population control policies—adding sterilants to water or food—can be rejected as impractical, since no suitable technology is available now, and it is difficult to visualize one that would be both safe and effective. Furthermore, such a solution appears unnecessarily harsh in the context of the United States today. Nevertheless, some form of compulsory control remains a possibility for the future if the population crisis is allowed to reach extreme proportions. Our hope is, however, that exhaustive discussion of population policies now will result in the prompt implementation of milder but effective measures before a crisis situation develops.

What lies between the mildest and the most coercive measures is a vast territory of measures of relatively unknown effectiveness. Extending the purely voluntary approach of family planning to include easily available abortion and voluntary sterilization has already begun. While this can be expected to have considerable impact in further reducing the incidence of unwanted births, it will have little or no effect on family size ideals. However, the addition of an educational campaign and a policy position by the government, such as the population resolution now before Congress,¹⁰ in favor of stopping population growth might have an important influence on reproductive motivation. Whether such

10. *POPUL. BULL.* Dec. 1970 at 12; 21 *BIOSCIENCE* 739 (1971).

measures alone would be sufficient to halt population growth in this country is an open question, but this is clearly the next step.

Various socioeconomic measures that would have a direct or indirect influence on childbearing have been proposed, some of which might be effective and acceptable in the United States. Among these are suggestions for tax changes, particularly income taxes. Deductions for third and subsequent children born after a certain date might be removed, and income tax rates for single and married people might be equalized. Harsher proposals, such as penalties against third and subsequent children and luxury taxes on baby goods and toys have also been put forth. These proposals have the disadvantage, however, that they are likely to penalize the child more than the parents.

Nontax measures, some of which have been used in other countries, include limiting maternal benefits and free education to two children, removing family allowances, setting high marriage fees, a high minimum age for marriage, limiting housing space for families, providing free or low-cost day care for children, and establishing financial incentives for sterilization, acceptance of an IUD, or childlessness for a specified period of time. In addition, any measure that opens opportunities for women outside the home and encourages their participation in society is likely to result in lower birth rates. Similarly, encouraging responsible reproductive behavior through programs that increase knowledge and awareness of demographic facts, reproductive biology and related subjects may produce the same result.

More coercive programs have also been discussed. Perhaps the most completely coercive is the sterilant in water already discussed. A proposed variation on this theme is a partial sterilant that only reduces fertility to an adjustable degree rather than removing it completely. No antidote would be required, and the level of fertility could be regulated according to changing requirements. Like the other proposal, this is not technically feasible now, although the possibility remains that it could be developed. More technically feasible is the suggestion of implanting in each girl at puberty a sterilant capsule which would be removable a limited number of times for pregnancies only when government permission was granted. The capsule could be combined with a baby licensing program. Two and a fraction licenses might be issued to each woman at marriage; for a third child, a couple might purchase enough fractions from others to make up one, or third licenses might be granted on petition or by lottery.

The advantages of coercive programs are that they allow population regulation to a relatively exact degree, and compared to some so-

cioeconomic measures, they are less likely to be discriminatory if properly administered. The disadvantages are serious. Coercive programs would provide great opportunities for abuse, and they would allow so little freedom of choice that they would be unacceptable except in a situation of direst need.

The related problems of population distribution and land use also call for population policies. While these decisions are usually made at the local or state level, population redistribution and new cities plans are now being discussed at the federal level. Additionally, some cities and states are seeking ways to limit their population growth and/or urban development through zoning and other policies. Such measures will of course have no influence on the population growth of the nation, but they may ease its impact where too rapid growth and too heavy industrialization have led to serious local problems.

What is needed now is an informed debate to reach a consensus on an optimum population size for the United States, and on when such a goal can and should be attained. The debate must consider which measures might best achieve that goal and at the same time adapt to the social and legal framework of this nation. A beginning has been made; some of the measures mentioned above have already been proposed in state legislatures and in Congress. Our decisions must be wise ones since they will influence the behavior of other nations, and their effects will determine the lives of our descendants for generations to come.

