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# Reproductive Liberty and Overpopulation: A Response

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## ABSTRACT

This appraisal of Carol A. Kates' 'Reproductive Liberty and Overpopulation' challenges her call for world-wide population control measures – using compulsory methods if necessary – to save the world's environment. The most successful part of Kates' paper is her argument that reproductive rights are not infeasible and nonnegotiable, but that like many rights, they are conditional and open to a balancing of individual freedom against collective community interests. But her advocacy of mandatory state population controls is flawed in several respects. First, she underestimates the force of the emerging consensus for voluntary population reductions through policies that empower women. Second, she walks on difficult ethical grounds. Are compulsory controls on reproduction ethically justified simply because humans are loathe to take the alternative route of curtailing their 'individualistic' 'materialistic' appetites for more economic growth and consumption? Third, Kates fails to recognise that her search for measures that immediately and directly reverse population growth would necessitate coercing an entire generation of women toward zero reproduction in order for death rates to have their effect. Lastly, problems with the feasibility of her plan and the absence of international support make it unlikely it will ever come to pass. Alternatives to Kates' policies are discussed at the close.

## KEYWORDS

Population control, reproductive rights, environmental justice, Carol Kates

I am sympathetic to Carol Kates' wish to make world population a more explicit part of the 'sustainable world' discourse.<sup>1</sup> Advocates of sustainability frequently fail to make reference to the number of humans and the scale of their requirements when advancing the claim that the world can be brought into sustainable

balance.<sup>2</sup> Moreover, to challenge the view that a woman or family has an absolute right to reproductive freedom certainly brings to the fore what some may wish to sidestep for reasons of political correctness. Yet the arguments raised in Kates' essay are not sufficient to support her call for mandatory population controls using coercive measures if necessary. I will follow the same three-part organisation the author puts forth.

### I. THE HARM OF UNSUSTAINABLE POPULATION AND CONSUMPTION

The intent of this section is not to make a new contribution to understanding the process of world population growth but rather to sound again the Malthusian alarm that the continued increase in humans is not consistent with the carrying capacity of the world. The purpose is to set the stage for the heart of the paper in Section Two.

The author begins with the demographic model that shapes most population forecasts. The United Nation's forecasts have been revised successively downward in recent years, in large part because female fertility rates have declined faster than previously projected, and also because of the unanticipated consequences of AIDS. Kates reviews a variety of estimates for the world's carrying capacity for humans, ranging from a low of 2 billion if everyone lived at European standards to 33 billion in developing countries alone if agricultural production was pushed to the limit. The UN's latest 2002 midrange forecast predicts that world population will be nearly stable at 8.9 billion by 2050. Kates sides with those sources that argue that such a level is unsustainable. The difficulty, as she recognises, is that overall human carrying capacity depends as much on resource use, consumption, and waste *per person* as it does on the number of persons alone.

But for reasons that are not fully argued she concludes 'that simply reducing consumption' (p. 56) cannot offset the environmental price being paid and that population growth must not only be slowed but reversed, although no specific target is suggested. Without more aggressive population control measures the world faces the risk of 'wholesale environmental collapse which would threaten the survival of humanity' (p. 56).

For Kates, 'the time frame for reducing population is probably too short' (p. 68) for voluntary restraints that might be achieved, for example, through social policies that bring greater empowerment to women. She acknowledges the concept of population momentum. If it came to pass tomorrow that female fertility rates worldwide magically dropped to 2.1 births per woman of childbearing age, over half of the projected population increase would still occur due to the high proportion of younger women in the current age distribution. What Kates appears not fully to realise is that to achieve her goal of population reduction

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in the near term, an entire generation of younger women-disproportionately located in the developing world-must be coerced toward a zero reproduction rate while we wait for death rates to lower population levels. Her call for 'mutual coercion mutually agreed upon' (p. 56) will represent a monumental leap in population control.

## II. REPRODUCTIVE LIBERTY AS A FUNDAMENTAL RIGHT

Here lies the core of Kates' argument. Section Two challenges the claim that women have a fundamental right to reproductive self-determination. Rather, such a right is not absolute and can be circumscribed by the state in the interest of preventing environmental collapse. She divides her opposition into two groups: religious conservatives and contemporary secular liberals and feminists. Historically, it is argued, both groups have grounded their positions in natural law theory, as developed by John Locke, although 'modern secular liberals' (p. 63) tend to ignore Locke's natural law foundation and emphasise his ideas of rational agents entering into a social contract. Kates goes on to say that once secular liberals drop the natural law position reproductive rights become a conditional right and properly should be subject to 'conflict of rights' limits when community interests are in conflict with personal liberties.

This whole line of thought has considerable merit, and its conclusion might even be strengthened. One way would be to point out that most claimed human rights are conditional or limited when they conflict with other community interests. A second way is to re-examine the debates in the philosophy of law that emerged in the 1970s questioning the development of rights-based regimes and the proliferation of rights in general. In retrospect, the political success of rights-based movements (for women, children, gays, fourth world peoples, the handicapped, etc.) may have dampened the enthusiasm for winning the abstract point and ending up on the wrong side of a social justice issue. A third way would be to revisit Marge Piercy's utopian vision offered in her novel, *Woman on the Edge of Time*. Piercy argues that to bring or not to bring a new child into the world is essentially a community decision.

Furthermore, the International Planned Parenthood Federation's 'Charter on Sexual and Reproductive Rights' takes the UN's Universal Declaration of Human Rights and contends that 12 of these rights have implicit meaning for reproductive rights. Thus comes the argument, reproductive rights are derivative from other human rights. The international quarterly journal *Health and Human Rights* devoted an entire issue (Volume 1, No. 4) to 'Women's Health and Human Rights' to situate reproductive freedom within a human health framework. I believe all of these sources could be used to further Kates' position that reproductive rights are grounded in more complex, interdependent social relations that cannot be understood through a simple infeasible natural law proclamation.

That said, these sources also universally reject state-mandated population control. Feminists place major emphasis on the need for women to obtain universal access to family planning, freely accessible contraceptives, voluntary abortion, and greater parity within the family to say no. Kates does not fully make clear how much the feminist position seeks *as a highest priority* the right of women to *limit* family size and to secure the effective means to do so.

Showing a right to be conditional rather than infeasible is not sufficient to make the case for compulsory solutions. Throughout the essay Kates argues that collective action to lower world population should be 'coercive if necessary'. In fact she endorses coercive action at least seven separate times in the paper. The burden is upon her to enter into that difficult calculus that weighs the loss of individual autonomy that feminists and others so highly prize against the gains in environmental sustainability that will result. Kates does not attempt this. Instead, she appeals to the view that to save the world is the only (and obvious) rational choice. But the coercive path is not the only path, and indeed, may not even be the shorter path.

Kates makes a significant contribution in clarifying the moral terms on which both religious conservatives and liberal feminists stake their claim for reproductive freedom. Moreover, she advances a reasoned framework for recasting reproductive rights as conditional rights. But the tough task is still ahead and Kates does not provide the precision of argument necessary to close the circle of her case for mandatory state override of individual (if limited) rights. Not only must it still be shown that the common threat outweighs the loss of individual autonomy, it must be shown, as well, that alternative solutions which do not compromise reproductive freedom are not possible. This brings us to Section Three.

### III. A GLOBAL AGREEMENT FOR THE COMMONS

Most of this section addresses the alternative strategy advanced by secular liberals (including most feminists), particularly as it is represented in the writings of Amartya Sen. Kates accurately and fairly captures the essence of this position on page 66:

'There is evidence that improvements in women's status significantly enhance the transition to lower fertility rates. Women who have access to birth control, and are able to make decisions about reproduction, are likely to have fewer children.'

Her counter to this position contains two lines of thought. One is to argue that the crisis is imminent, and that short term improvements through 'empowering women' are not achievable. 'The point is *not* that empowering women has no effect on fertility, but rather that, contrary to Sen, the time frame for reducing population is probably too short for the cultural evolution, perhaps revolution,

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needed to accomplish this in some parts of the world' (p. 68). Why wouldn't this line of argument apply with double force to Kates's own proposal? With what speed will the nations with 'patriarchal gender norms' 'often rationalised by religious beliefs and traditions' (p. 68) adopt her plan?

The second path of rebuttal for the Sen/Fem position (I couldn't resist) is to look more carefully at the darling of all cases for empowering women, the Indian state of Kerala.

Kates offers a careful argument that Kerala's achievement of first world birth rates amidst great poverty must be understood as a unique case of 200 years of evolving social and cultural values that were advanced by an 'activist democracy' (p. 67). Kerala, however, is not the only basis for the 'empowering women' thesis. Systematic regression analysis over multiple countries has sought to explain the determinants of a nation's net reproductive rate and has found at least three independent variables to be statistically significant: the nation's per capita income, the educational level attained by women, and the per cent of population that is urban. The educational level of women (usually viewed as a proxy for the empowerment of women) is statistically significant even when per capita income and per cent urban are controlled for. As prominent as Kerala is, discussing its uniqueness doesn't set to rest the wider range of supporting evidence. (As an aside, the increasing shift of population from rural areas to urban areas in developing countries is also one of the key factors in explaining why population growth is slowing faster than previously projected.)

Since the Cairo conference a developing consensus has emerged around the 'women's empowerment' thesis as a basis for shaping public policy—a consensus that finds support in UN agencies, the World Bank, and numerous nongovernmental organisations. Simultaneously, support for the author's call for government-mandated population controls (with coercion if necessary) has eroded. Kates is correct in stating that the cultural and social values that shape reproductive behaviour change slowly. But as I read the tea leaves the momentum for public policy action clearly favours the empowerment perspective.

In one of the final paragraphs Kates returns to the original rationale for opposing an unlimited right to reproductive freedom: the collective ecological impact of humans on our shared environment. Up to this point the paper has couched the issue of saving the commons almost entirely in the context of limiting population. Here the nature of the problem (and its solution) is widened to acknowledge that the ecological footprint of a human is heavily dependent on that person's level of consumption and that 'From this perspective the U.S. has been described as the most "overpopulated" country in the world' (p. 71). Indeed, the U.S. with less than 5 per cent of the world's population, consumes 22.7 per cent of the world's GDP. So why shouldn't the principle focus be upon high consumption in affluent nations rather than on high fertility rates in poor countries? Kates despairs that there is no 'sign of the widespread turn away from materialism in affluent nations' and that we can't count on 'a sudden and

widespread shift from 'individualistic' to altruistic values' (p. 71). Reducing world population should be a principal goal because 'Prudence demands further options' (p. 71). It is difficult to see why sustained economic growth without limit is not the overriding concern, particularly since world population is in the final stage of levelling off. Whatever happened to the 'zero economic growth' movement of the 1970s and 1980s?

Kates attempts to address the dilemma that national self-interest blocks the collective interest of preventing ecological catastrophe by appealing to a universal 'enlightened self-interest' in adopting an international agreement 'requiring each nation to eliminate its ecological deficit, making its own trade-off between consumption and population size' (p. 71). Under such an agreement 'No country would be permitted to "live beyond its means" by emigration or exporting pollution'. In short, this calls for a halt to foreign direct investment and foreign trade—both of which are growing two to three times faster than world GDP and both of which serve to constantly reconfigure the geopolitical location of ecological damage to the planet. On top of that the current large-scale migrations of the world's people would also be called to a halt. Capital and labour would be bottled up in nation states so that ecological footprint accounting could take place. (Strangely, two sentences earlier Kates declared 'The U.S. and other rich countries do not have the option of living in "gated communities" on planet earth' (p. 71)).

Taken as a whole, the plan has an abracadabra quality to it. How scant the discussion is of how such a global agreement should be worded, which international venue should be used, and what monitoring and enforcement measures are possible. One might respond that the paper is more concerned with the rationale than the implementation, except that the author has discarded other approaches as unrealistic.

## CONCLUSION

In sum, Kates opens a useful discourse by inquiring whether reproductive rights are fundamental and nonnegotiable or whether, like many rights, they are conditional and open to a balancing of individual freedom against collective community interests. Where she falls short is in providing a sufficient basis for showing that the threat of environmental calamity can only be resolved by circumscribing reproductive freedom, using mandatory, coercive measures where necessary.

Kates states 'There is no reason for a secular humanist to accept the risk of an ecological catastrophe to preserve an unrestricted right to reproduce' (p. 64). By the same token, there is no reason for a secular humanist to compromise reproductive rights if other approaches to environmental calamity are possible. At least three alternative policy paths need to be part of this consideration:

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- Policies that reduce the environmental damage of a given level of consumption. (Much of the world's focus is currently in this arena of 'sustainable development'.)
- Policies that limit total consumption (and the attendant mystique of unending economic growth).
- Policies that redistribute income both within and across countries, reaping the gain that raising the income of the poor often leads to voluntary decisions to have fewer children.

I realise that Kates is, in part, trying to make legitimate a discussion of policy that has fallen out of favor. But in terms of feasibility she is quick to dismiss 'women's empowerment' as too slow to be effective, while all too easily believing that state coercion is quicker (because it is mandated) without recognising the uphill, against the grain struggle necessary for such coercive policies to win the day, especially on the world scale she proposes.

The problem of mutual environmental destruction is genuine. If families have fewer children, a contribution to reducing that destruction will have been made (especially if it comes from the rich and privileged). But until unending economic growth is confronted directly, any gains from slowing world population in the next 50 years will soon be washed away. Hedonism is itself a sin – or so we were once told.

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## NOTES

<sup>1</sup> Kates 2004.

<sup>2</sup> See Warner et al. 1996.