

## **It's Time for the Male Pill**

*A special report, and campaign, by [Having Kids](#)*

The world is at a crossroads where future world population will vary by billions depending on whether the average intending parent has one child more or one child fewer. [That decision will fundamentally determine the state of child welfare, equity, our environment, and our democracies.](#) It will impact, [more than anything else, how the climate crisis unfolds and how it impacts the societies we are becoming.](#) We are at a crossroads between being [a future people defined by subjective valuations, like economic growth, or objective values and human rights.](#)

And at this crossroads, if we choose child-focused and human rights-based family planning policies, over policies that exploit future generations and the natural world to create more wealth for people at the top, we will all choose to wait, prepare and have smaller families. We will choose [to cooperatively invest more time, love and energy in each future child,](#) and move [toward the United Nations low variant population projections.](#)

**Ensuring the approval, subsidization, and promotion of the male pill and other male contraceptives is key to making the right decision at this crossroads.**

Better family planning policies - aided by new and effective forms of contraception - that promote cooperation, fair starts in life, and smaller families, are the most effective way to help children, restore our environment, protect animals and build democracy – ten to twenty times more effective than most alternatives. Better family planning policies, including funding for the approval, subsidization, and promotion of long-acting reversible contraceptives, is not a partisan issue. It is appealing to thoughtful conservatively-minded persons who [believe in responsible parenting,](#) and understand that the [climate crisis a threat to national security,](#) as well as thoughtful liberally-minded persons who value efficacy [in environmentalism](#) and [child welfare.](#)

**We are a crossroads, and can choose to exploit future generations or invest in them.**

And right now, there is a [concerted effort by businesses and politicians to push women to have more kids, limit access to both male and female contraceptives, and exploit future generations as cheap labor, voracious consumers, and compliant taxpayers.](#) This includes [recent proposals in Congress that amount to using taxpayer money to pay people to have kids,](#) in the face of social and ecological crises that are fundamentally driven by poor family planning and population growth. The people behind this movement are a threat to children ([having ensured the birth and immeasurable suffering of unwanted children in the opioid crisis, for example](#)), the environment, our freedom and security, and our future.

We have a choice to make.

**The Male Pill campaign**

Over the past several years Having Kids has conducted research into the politics behind the absence of effective long-acting reversible contraceptives. In the process, Having Kids teamed up with Georgetown Law School's Institute for Public Representation, Professor Kathy Meyer, formerly of the leading public interest firm Meyer Glitzenstein & Eubanks, and now a clinical professor at Harvard Law School, Brian Larris, a biomedical researcher, and Sarah Johnson, a nurse practitioner, to produce the following report and campaign.

### **Our findings:**

- **Better family planning and smaller families should be the cornerstone of all U.S. environmental policy. If agency actions, including family planning policy decisions, induce population growth they are suspect.**
- **The U.S. has flouted that focus and effective policy, here and abroad, and threatened our security and well-being. The U.S. [focused on approval and promotion of sexual stimulants](#), rather than contraception, thereby reducing child welfare, worsening inequity, and destroying our environment.**
- **Our contraceptive policy has been [driven by sexism](#), and a mode of using future children to create wealth for those at the top, rather than values like child welfare, equity, democracy, and nature.**
- **We can reverse this policy, and doing so starts with child-focused family planning policies.**

### **Family Planning: The Foundation of Environmental Policy**

In 1970, the US passed the National Environmental Policy Act, commonly referred to as NEPA<sup>1</sup>, which is none other than the grandfather of US environmental laws, setting the tone of US environmental policy for years to come. NEPA was among the most significant and foundational environmental laws passed during that period – a period of conservation landmarks such as the Clean Air Act (1963) and Endangered Species Act (1973). NEPA survives as bedrock to this day. In passing NEPA, both Congress and the Executive branch were clear: *for the sake of the environment, family planning matters.*

Ever foresighted, NEPA declared that the US government has a “continuing responsibility” to act as trustee over the environment for future generations<sup>2</sup> and it outlines a federal environmental policy to “use all practicable means and measures... to create and maintain conditions under which man and nature can exist in productive harmony...”<sup>3</sup> The policies NEPA sought to carry out viewed unchecked family sizes as corrupting this balance, which is why NEPA’s main requirement - that the federal government formally assess the

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<sup>1</sup> National Environmental Policy Act of 1969, Pub L No 91-190, 83 Stat 852 (1970), codified at 42 USC § 4321 et seq.

<sup>2</sup> 42 U.S.C. § 4331(b)

<sup>3</sup> 42 U.S.C. § 4331(a).

environmental impacts of its actions<sup>4</sup> – requires the government to take a hard look at unconstrained family sizes and population numbers before taking any major action.<sup>5</sup>

Indeed, NEPA’s opening declaration professes that “particularly the profound influence of population growth” must be addressed as a major effect on environmental health and preservation.<sup>6</sup> NEPA states that the government must aim to “achieve a balance between population and resource use.”<sup>7</sup> NEPA even required that the President provide Congress with an annual Environmental Quality Report specifically addressing “expected population pressures...”<sup>8</sup> President Richard Nixon, in delivering the first of these reports, noted that “*Population growth poses an urgent problem of global dimensions. If the United States is to have an effective voice in world population policies, it must demonstrate willingness to face it owns population problems at home.*”<sup>9</sup> Translation: The healthy, harmonized, environment NEPA pursues can’t exist without stable, manageable family sizes. This goal is impossible without smart family planning.

So serious was NEPA about this issue that almost immediately after passing, Congress supplemented it with the Environmental Quality Improvement Act of 1970, further recognizing the gravity of unchecked family sizes and cementing what NEPA already made clear - “population increases... contribute directly to pollution and the degradation of our environment.”<sup>10</sup>

## **Agency Regulations Incapacitated NEPA’s Focus on Family Planning**

Sadly, within a decade after passage, NEPA’s focus on family planning was derailed by the same agency that was supposed to uphold it. NEPA is administered by the Council for Environmental Quality (CEQ) and, in 1978, it published regulations supposedly to carry out the goals of NEPA. CEQ regulations enumerate ten factors that the federal government “should [] consider[] in evaluating” its environmental impact.<sup>11</sup> Conspicuously absent from this list – in direct contravention of what Congress set up NEPA to do – is effect on population. Instead, CEQ relegated population growth to a mere “indirect effect” on the environment, diminishing the significance of the family planning policies the government was supposed to consider for all its major actions affecting the environment.<sup>12</sup>

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<sup>4</sup> To carry out this policy, NEPA mandates that all federal agencies prepare a detailed statement, known as an Environmental Impact Statement (EIS) for any “major federal action significantly affecting the quality of the human environment.” (See 42 U.S.C. § 4332(c).) If any US government agency fails in this directive, they risk being sued and having their actions halted by the courts until they issue a proper EIS. (See *South Carolina Dept. of Wildlife and Marine Resources v. Marsh*, 866 F.2d 97, 29 Env’t. Rep. Cas. (BNA) 1227, 19 Env’t. L. Rep. 20727 (4th Cir. 1989).)

<sup>5</sup> 42 U.S.C. § 4331(b).

<sup>6</sup> 42 U.S.C. §4331 § 101(a) (emphasis added).

<sup>7</sup> 42 U.S.C. § 4331(b) (emphasis added).

<sup>8</sup> 42 U.S.C. § 4332 (emphasis added).

<sup>9</sup> See *President’s Message to Congress*, Environmental Quality Report (Aug. 1970.) available here: [https://ceq.doe.gov/ceq-reports/annual\\_environmental\\_quality\\_reports.html](https://ceq.doe.gov/ceq-reports/annual_environmental_quality_reports.html) (Last accessed November 13, 2019.)

<sup>10</sup> 42 U.S.C. §4371(a) (emphasis added).

<sup>11</sup> 40 C.F.R. §1508.27(b).

<sup>12</sup> 40 C.F.R. §1508.8. (“Indirect effects *may include growth inducing effects* and other effects related to induced changes in the pattern of land use, *population density, or growth rate*, and related effects on air and water and other natural systems, including ecosystems.”)

After these regulations, the President continued to issue NEPA reports analyzing population growth.<sup>13</sup> But, the “cash value,” or real world effect, of these CEQ regulations is that the Environmental Impact Statements NEPA requires from the government, and the judicial review of those documents, are no longer forced to consider the environmental impacts of family planning and population. Even though those issues drive and compound every other environmental problem, they are now simply considered an “indirect” environmental concern.

Why did CEQ debilitate NEPA’s focus on family planning and population? The culprit appears to be pronatalism, itself a species of sexism, as it promotes pregnancy rather than letting women make their own decisions.

### **U.S. Child Policy Has Further Diverged From NEPA**

While NEPA codifies population as a major lever on the environment, the US, nevertheless, has marched ahead, creating child policies at odds with NEPA. Indeed, the US now encourages higher birthrates irrespective of their environmental costs and irrespective of the decreases in quality of life they drive. For example, in 1997, the US passed the Child Tax Credit, which was initially \$400.<sup>14</sup> Since this time, the amount of the Child Tax Credit has been increased several times.<sup>15</sup> Recently, in 2017, Congress passed the Tax Cuts and Jobs Act, which actually doubled the Child Tax Credit from \$1,000 to \$2,000 *per child* and added a new \$500-per-dependent credit for dependents seventeen and older.<sup>16</sup> Such actions don’t facilitate sound family planning – they promote the opposite, incentivizing people to have more children.

It gets worse: the Tax Cuts and Jobs Act of 2017 also abolished the former income cap on the Child Tax Credit; the cap increased from its prior limits of \$75,000 for single filers and \$110,000 for married couples filing jointly to *\$200,000 for single filers and \$400,000 for married couples filing jointly*.<sup>17</sup> Moreover, even if the parent pays no taxes, he/she may still collect a refund of up to \$1,400 based on the Child Tax Credit.<sup>18</sup> These are massive changes in incentive that foster larger families at a time when the US needs to be doing the opposite. We should be striving to calibrate our family planning policy *with* the needs of the environment, like NEPA originally required.<sup>19</sup> Apart from the environmental benefits that flow from sound family planning, each individual child would also experience a much greater quality of life. That matters.

### **In the U.S., Sexism And Ideological Resistance Have Created Additional Barriers To Managing Populations Through Male Birth Control**

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<sup>13</sup> 1978-80 Environmental Quality Reports, *supra* at n. 32.

<sup>14</sup> The Child Tax Credit was added to the Code by section 101(a) of the Taxpayer Relief Act of 1997, Pub. L. No. 105-34, § 101(a), 111 Stat. 788 (1997).

<sup>15</sup> E.g., Section 101(a) of the Working Families Tax Relief Act of 2004, but it is not subject to an “inflation adjustment.” Pub. L. No. 108-311, § 101(a), 118 Stat. 1166 (2004.)

<sup>16</sup> Tax Cuts and Jobs Act of 2017, Pub. L. No. 115-97, § 11022, 131 Stat. 2054 (2017).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> NEPA asks that federal agencies tune their actions to “achieve a balance between population and resource use” and that federal agencies “create and maintain conditions under which man and nature can exist in productive harmony.” (42 U.S.C. § 4331.)

It goes without saying that sensible family planning is critical for maintaining environmentally sustainable populations. One of the most important components of family planning, *and one that has been almost entirely disregarded*, is male contraception. Making matters worse, rather than create reliable hormone-driven male contraceptives akin to what's available to women, the market seemingly focuses on the opposite – pouring its resources into products such as Viagra, Cialis and Levitra.

And in the few instances when pharmaceutical companies have tried to create products for men similar to “the pill,” progress has often been halted by side effects that women have experienced for decades, such as depression, acne, increased libido, and shrinking testicles or ovaries.<sup>20</sup> Society apparently will not tolerate these effects in men, but for women they remain not only acceptable, but an expectation. In short, [nontraditional sexism is driving the market away from giving males the type of choices available to women.](#)

And beneath this layer of sexism, there seems to exist a much deeper phenomenon of human nature that compels large numbers of people to naturally resist, almost instinctively, any new perspectives aimed at controlling procreation. For example, in 2001 the landmark paper (which was either illuminating or infamous) entitled “The Impact of Legalized Abortion on Crime” was published<sup>21</sup> was published. This paper would later become the most controversial chapter in the New York Times Best Seller, *Freakonomics*.<sup>22</sup> In this paper, the authors concluded that legalized abortion in 1973 “appears to account for as much as 50 percent” for the precipitous drop in national crime that took place in the late 1990s and early 2000s. Resistance to this conclusion was massive, immediate, and continues even to this day. Numerous follow-up studies attempted to debunk it.<sup>23</sup> Even in May of this year, when the U.S. Supreme Court partially reviewed an abortion-related appeal, Justice Clarence Thomas wrote, “Some believe that the United States is already experiencing the eugenic effects of abortion.”<sup>24</sup> As proof, he cited *Freakonomics* and stated “these observations echo the views articulated by the eugenicists...”<sup>25</sup> Whether or not this study was accurate, the instantaneous, reactionary resistance to it is telling. Many people will simply oppose any efforts to manage birthrates, even in the face of a perceived benefit like crime reduction, or in this case, quality of life and environmental preservation.

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<sup>20</sup> See Brodeur, Mary. “Is It Just Us, or Does This News About Male Birth Control Make the Pill Look Really Sexist?”, *Verily*, Nov. 1, 2016. (Available at <https://verilymag.com/2016/11/sexism-the-pill-depression-male-birth-control-news-3110>, last accessed November 16, 2019.)

See also Luthra, Shefali. “Is sexism a factor in decision to stop trial of male birth control?”, *MedCity News*, Nov. 7, 2016. (Available at <https://medcitynews.com/2016/11/sexism-male-birth-control/>, last accessed November 16, 2019.)

<sup>21</sup> “The Impact of Legalized Abortion on Crime,” by John J. Donohue and Steven D. Levitt (*The Quarterly Journal of Economics*, 2001).

<sup>22</sup> S. Levitt & S. Dubner, *Freakonomics* 6 (2005)

<sup>23</sup> See, e.g., Dills, Angela K., and Jeffrey A. Miron. “A Comment on Donohue and Levitt’s (2006) Reply to Foote and Goetz (2005);

See also, e.g., Joyce, Theodore J. “Further Tests of Abortion and Crime: A Response to Donohue and Levitt (2001, 2004, 2006).” National Bureau of Economic Research Working Paper no. 12607, 2006;

See also, Foote, Christopher L., and Christopher F. Goetz. “The Impact of Legalized Abortion on Crime: A Comment.” *The Quarterly Journal of Economics* 123, no. 1 (2008): 407-423.

<sup>24</sup> *Box v. Planned Parenthood of Indiana*, 139 S.Ct. 1780, 1791 (2019),

<sup>25</sup> *Id.*

But despite the hurdles of both sexism and humanity's irrational gag reflex to new methods of birth control, there has been positive movement on male contraception recently, both with the product itself as well as with perception, as some opinion polls in the UK found that men would be willing to take such a pill.<sup>26</sup> Nevertheless, the public is still waiting and more movement is needed.

One of the fundamental blocks to better family remains, ironically, a cognitively dissonant attachment to a [family planning model that fails to distinguish between the acts of having and not having children](#). Reproductive rights advocates must fundamentally alter their perception, and modeling, if we are to succeed in using better family planning to protect children, animals, the environment, and our democracies.

### **The U.S. must Devote More Resources To Ensuring Male Contraception**

The world's current population is increasing at the rate of 80 million persons a year and *global population is projected to exceed 9 billion by 2050*. Choosing smaller families is the most effective way to reduce human impact on the planet and animals.<sup>27</sup> "In fact, the carbon legacy and greenhouse gas impact of one less child is nearly 20 times more significant than the adoption of other environmental practices, for example, driving a high mileage car, not eating meat, recycling, or using energy-efficient appliances."<sup>28,</sup>

In the US alone, there is a birth every eight seconds. Yet, approximately half of all pregnancies are unplanned, with the socioeconomic costs of unintended pregnancy in the United States alone estimated at approximately \$15 billion.<sup>29</sup> This is at least partly attributable to a lack of access to adequate male contraception.<sup>30</sup>

The federal government's strategy to tackle this deficiency is woefully inadequate. Currently, the National Institute of Child Health and Development, a division of the National Institute of Health, spends only \$20 to \$24 million each year on contraception research generally, with those resources being evenly split. Since female contraceptive products are already widely available *and used*, more resources must be allocated to develop male contraception products, including both hormonal and nonhormonal drugs and devices.

Indeed, clinical trials investigating the use of androgens and androgen-progestin combinations for use in male contraception have begun to show promise. However, much more needs to be done to insure that such products are both safe and effective and that they actually reach the marketplace. For example, while charities and private foundations have funded research on male contraception, they often simply cannot afford the large, phase-3 clinical trials required for federal drug and device approval under the Food, Drug, and Cosmetic Act.

Public funding, therefore, needs to be significantly increased because the private sector cannot saddle this burden. And of the current funds allocated to birth control research, a much higher percentage must be annually earmarked for male contraception given the current disparity

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<sup>26</sup> Roberts, Michelle. "Male pill - why are we still waiting?" *BBC News* (Available at <https://www.bbc.com/news/health-47691567> last accessed November 16, 2019.)

<sup>27</sup> See, e.g., <https://havingkids.org/climate-impact/>

<sup>28</sup> Hamity, et al. "A Human Rights Approach to Planning Families." *Sage Journals*, Vol 49, Issue 3, 2019

<sup>29</sup> Khourdjaji, I, et al., "The future of male contraception: a fertile ground." *Transl Androl. Urol.*, Vol. 7 at S220-235 (2018)

<sup>30</sup> *Id.*

relative to women's birth control<sup>31</sup>. This is not only an issue of choice, but also one of urgency. There will be unavoidable environmental consequences if population is left unchecked so both sexes need as many prophylactic tools as possible.

## **Our Difference:**

### **Having Kids Is Working To Improve The Quality Of Life For Every Child Through Sensible Family Planning Policies, Including Assuring the Approval, Subsidization and Promotion of Male Birth Control**

[Having Kids](#) is promoting sensible family planning through the [Fair Start model](#), which encourages communities to provide a better life for every child by sensibly managing shared resources in exchange for couples delaying pregnancy and ultimately having fewer children. Better family planning policies, like the Fair Start model, are the most effective way to help children, restore our environment, protect animals and build democracy – ten to twenty times more effective than most alternatives. The model is designed to take advantage of trends like falling fertility rates and delayed parenthood, and to balance five fundamental and widely shared values that together comprise the best conception of freedom and the foundation of human rights and democracy.

It's time to make the connection between family planning, the world around us, and the future we all share. Our children's future depends on how other parents plan for and raise their children. It's time to work together. [Cooperative, human rights-based family planning](#) is centered around the needs of future children, and defined by objective standards like the Children's Rights Convention. It is cognizant of gender power dynamics. And it is prioritized as the lexically primary and dominant human right/responsibility: That of *being* self-determining people under the Universal Declaration of Human Rights.

Smaller families who invest more in each child can create sustainable and deliberately inclusive communities, a greater voice for each person in their systems of governance, more time off for parents, less impact on the planet, wildlife, and farmed animals, better outcomes for each child and more resources to share between families so that everyone can get a fair start in life. It means thriving together, not just surviving

## **Specific Additional Avenues for Reform**

There are many avenues through which we can make advancements in family planning practices, aided with board availability of the male pill, to improve lives and the future of our planet. Here are just a few.

- Ensuring that Congress and the [NIH prioritize funding for approval, subsidization, and promotion of the male pill and other long-acting reversible contraceptives.](#)

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<sup>31</sup> All funding and research should be based on non-animal modeling, consistent with the evolving best practices. See <https://www.niehs.nih.gov/health/topics/science/sya-iccvam/index.cfm>.



- Reversing the [global gag rule](#) and prioritizing male contraceptive use abroad [as the most effective way to ensure global, and thereby national, security](#)
- Bringing global attention to the need for child-centered policies [with informal statements from United Nations representatives addressing the key issues raised above.](#)
- Using [expressive and non-coercive approaches to prioritize child welfare and to accelerate a change in family planning culture.](#) using current child welfare crises to show the urgent need for reform.
- Ending [the patriarchal and unsustainable culture of pushing women to have children as a means of creating consumers, as well as future labor and taxpayers to grow state economies.](#) A human rights approach to family planning means never treating children as economic inputs. This reform [would include UN agencies.](#)
- Creating tax policies that encourage large families can be reformed to encourage delaying parenthood, planning smaller families, and the transfer of resources to ensure every child gets a fair start in life. [This would include guaranteed minimum incomes for all children, pegged to better family planning policies.](#)
- Ensuring policies that [actually subsidize delayed parenthood, and in some cases, relocation, to create the best child welfare outcomes possible.](#)
- Urging public figures to speak out, given the massive impact that role modeling better and more sustainable family planning can have. What [Meghan Markle and Prince Harry recently did](#) is exemplary.

**If it takes a village to raise a child, it takes a village to plan for a child.**

Take action: Urge Dr. Francis Collins to consider our proposals and campaign at [@NIHDirector](#).

## **Conclusion**

**We need the male pill and other male contraceptives, now.** The world is at a crossroads where future world population will vary by billions depending on whether the average intending parent has one child more or one child fewer. [That decision will fundamentally determine the state of child welfare, equity, our environment, and our democracies.](#) And if we choose child-focused and human rights-based family planning policies, over policies that exploit future generations and the natural world to create more wealth for people at the top, we will all choose to wait, prepare and have smaller families. We will choose [to cooperatively invest more time, love and energy in each future child,](#) and move [toward the United Nations low variant population projections.](#)

Over time better family planning policies can create truly self-governing communities that are free and equal. That's what liberation looks like. Child-focused family planning is the most fundamental human right and responsibility, and because we are before we do, it overrides all other rights and interests.



[Learn about the Fair Start Model.](#)