

# From Plato to Public Policy: Tracing the Political Evolution of Family Planning

*Various methods of family planning have existed since the beginning of history. Yet, concepts of its form and function have changed over time. Historical political ideologies and agendas have imbued a myriad of interpretations regarding the legitimacy and purpose of family planning, shaping our landscape of today.*



**By Juliet Hull**

February 27, 2024

---

**T**wo weeks ago, the Alabama Supreme Court ruled that frozen embryos are children under the state's Wrongful Death of a Minor Act. The Court decided that nothing about the Act narrows the definition of an unborn child to those that are physically in utero. The ruling also acknowledges that even if the word “child” was ambiguous, the Court would “resolve the ambiguity in favor of protecting unborn life.” The Court holds that the “Sanctity of Life” section of Alabama’s Constitution, which reads that it is the “public policy of this state to ensure the protection of the rights of the unborn child,” to be a “constitutionally imposed canon of construction” directing the Court to rule in this way.

This ruling has once again pushed the issue of family planning to the forefront of American public discourse. Since the 1950s, decision-making bodies throughout the globe have increased their support for family planning initiatives, most markedly contraception and fertility services. The United States, however, is increasingly distinguishing itself as an exception to this trend. Alabama’s decision is one of many recent subversions to the modern American status quo in the realm of family planning. It joins a laundry list of recent political decisions that limit the scope of legitimate family planning by proclaiming a commitment to historical precedent and traditional text. *Dobbs v Jackson* (2022) rescinded the due process basis for the right to abortion by explaining how abortion is not “deeply rooted in this nation’s history and tradition.” *Burwell v. Hobby Lobby* (2014) states that the language of the Religious Freedom Restoration Act of 1993 exempts devoutly religious corporations from covering contraception expenses. In 2020, the Trump administration issued new rules that extended this exception to any objecting private employer, but the attempt was struck down by the Supreme Court.

Legal actors who align only to the direct text and principles of policy as it is written espouse “originalist” or “constitutionalist” approaches to legal decision-making. This approach opposes those that envision policy as a living document that evolves with contemporary public opinion and societal norms. In his 1998 article Against Constitutional Theory, Chief Judge Richard Posner argues that originalists align themselves to anything but the direct language of policy and law. He writes that “constitutional theorists conceal their normative goals in vague and unworkable principles of interpretation” and advocates for a pragmatic approach to constitutional decision-making. Posner stresses above all a consideration of “the actual and likely effects of particular decisions and doctrines.” Posner’s views deviate starkly from the decision passed down by the Alabama Supreme Court, which features an entire section titled “The Defendants' Public-Policy Concerns Cannot Override Statutory Text.”

While conservative understandings of Western statutory law threaten the accessibility of family planning options, negative views towards reproductive control are not truly “traditional” at all. Throughout history, countless societies have practiced diverse methods of reproductive control influenced by many beliefs and values. In Greco-Roman antiquity, there was a generally positive attitude towards family planning among political and philosophical elites. According to convention and the law, women could employ contraceptives and early stage abortifacients virtually without consequences. The religious belief that life began at conception was not widespread, and there is no evidence that it was ever codified into law. The most widely held position, advocated by Aristotle (384-322 BCE), was that fetuses gradually developed into living beings. In De Anima, Aristotle writes that a fetus in early gestation has the soul of a vegetable, then of an animal, and only later becomes "animated" with a human soul by "ensoulment." While Pythagorean philosophy claimed that life began at conception, Stoic philosophy held that life began at first breath. Plato (428 ~ 348 BCE) proposed that the ideal city should practice euthanasia in the form of infanticide for those neonates who are defective or ethically "incurable." Dioscorides (40 ~ 90), whose work *De Materia Medica* was the leading pharmacological text for sixteen centuries, prescribed the seeds of a wild carrot to spur menstruation and rid the body of an unwanted embryo.

The only known legal restrictions placed on abortion were explicitly intended to control women's reproductive potential for political aims. In some ancient Greek city-states, as well as laws introduced in the Roman Empire during the reigns of Septimius Severus (r. 193-211 CE) and Caracalla (r. 211-217 CE), abortion was criminal when it deprived a husband of an heir without his permission, not because it was considered to be murder. During the reign of the first Roman emperor Augustus (r. 27 BCE to 14 CE), new policies were introduced to encourage couples to have multiple children to increase the birth rate

among the patrician class. However, abortion was not outlawed and remained a popular method of family planning.

Aristotlian and Pythagorean theories of “ensoulment” inspired the views of Popes and theologians in early Christianity into medieval times, although these concepts were construed to allow ecclesiastical penalties for abortion. Aristotle's view of successive life principles was the prevailing view among Tertullian (155 ~ 220), Augustine (335 - 430), and Jerome (319 - 420). As early as the time of Tertullian in the third century, Christianity had absorbed the Pythagorean Greek view that the soul was infused at the moment of conception. From the 12th century, when the West first came to know more of Aristotle than his works on logic, medieval declarations by Popes and theologians on ensoulment were based on the Aristotelian hypothesis. Medieval Christian philosophers such as Thomas Aquinas (1224–1274) adapted largely to Aristotelian views; they believed that the early embryo did not have a human soul, did not necessarily see early abortion as murder, but condemned it nonetheless. In Aquinas’ main work *Summa Theologica*, he states “...that the intellectual soul is created by God at the end of human generation.” Although ecclesiastical penalties differed during the period when the theory of delayed ensoulment was accepted as scientific truth, the claims of the Catholic Church today don’t match this historical reality. The Catechism of the Catholic Church, promulgated in 1992, states that abortion has been “affirmed as a moral evil” since the first century and this position “has not changed and remains unchangeable.”

Many early Church Fathers made statements condemning the use of contraception. Among the condemnations is one by Jerome which refers to an apparent oral form of contraception: “Some go so far as to take potions, that they may insure barrenness, and thus murder human beings almost before their conception.” Augustine, in *On Marriage and Concupiscence*, states that “whoever merely involves lust in intercourse without intending procreation, although they be called husband and wife, are not; nor do they retain any reality of marriage, but use the respectable name [of marriage] to cover a shame . . . Sometimes this lustful cruelty, or cruel lust, comes to this, that they even use sterilizing drugs.” The phrase “sterilizing drugs” was widely used in theological and ecclesiastical literatures to condemn any contraceptive acts and birth control.

In the Enlightenment era into the early 20th century, political theory examining the role of women and family was woefully limited, particularly examinations of family planning. Modern feminist theorist Susan Okin (1956 - 2006) explains that “for [those not satisfied with the widespread belief] that neither women nor the family are appropriate subjects for discussions of justice . . . the great tradition has little to

offer, directly at least, to our inquiry.” In her writings, Okin explores how the heavy weight of tradition combined with the effects of socialization have worked powerfully to limit what women understand as their rightful place within society. In this sense, it’s easy to understand how feminist discussions of reproductive rights have been relegated to the margins of political theory. Instead, emergent feminist theorists frequently focused on issues such as gender equality and autonomy in marriage, family life, and the public sphere. While early feminists may not have directly addressed family planning, their work often touched upon its central issues in more abstract or implicit ways.

Mary Astell (1666 - 1731) touched upon the importance of autonomy when building a family through her discussions of marriage. Astell is one of the first feminist philosophers to address female agency in the family unit. In *Some Reflections upon Marriage*, Astell analyzes how marriage has greatly degenerated from its original blessed state and how this might be rectified. She identifies the main problem as the moral failings of human beings and men in particular. Astell warns her fellow women to be extremely wary of entering into marriage in the first place. She points to the fact that a wife is expected to offer blind submission to her husband, even when he does not deserve it. As a remedy, Astell states that education allows women to fortify their reason and to cultivate their virtue. In accordance with Cartesian rationalism, she teaches her readers that all knowledge is founded on reason rather than the senses. Astell urges women to practice Cartesian rules for thinking in order to attain knowledge of both moral and metaphysical truths. Astell empowers both married and unmarried women to champion themselves regardless of their external circumstances. By rejecting the role of women as blind, faithful wives, Astell indirectly confronts norms around family planning and female autonomy.

Mary Wollstonecraft (1759 - 1797) also touches on key themes of autonomy in the family unit. She believes that the transformation of the family was key to the transformation of society and politics at large. While both Wollstonecraft and her rival Edmund Burke acknowledge the importance of the family unit, Wollstonecraft contends that a social revolution must overturn the oppressive gender hierarchy in order for the goals of the American and French revolutions – greater equality and liberty for all – to be fully realized. According to Wollstonecraft, only once reform brings about the egalitarian transformation of the family, would the family finally fulfill its natural role as the primary unit for shaping virtuous citizens. One of Wollstonecraft’s most famous quotes in *A Vindication of the Rights of Women* echoes the sentiments of modern proponents of autonomy in family planning: ““I do not wish [women] to have power over men; but over themselves.”

Harriet Taylor (1807-1858) touches on themes surrounding family planning by encouraging women to not see having a family as the ultimate aspiration of life. Taylor met the utilitarian philosopher John Stuart Mill (1806 - 1873) in 1831, and they married in 1851. Harriet Taylor's *The Enfranchisement of Women* (1851) predates Mill's *Subjection of Women* (1869) and is more radical on a variety of points.

*Enfranchisement* speaks more strongly than *Subjection* in favor of married women being agents of their own rather than an appendage of a man, attached to him for the purpose of bringing up their children and making the home pleasant. Taylor notes that if wives are largely confined to the small circle of family, they will find it hard to protect their interests. Taylor encourages women to be financially independent both within and without marriage, and cultivate their own private life even within their families. Taylor writes that "there is no inherent reason or necessity that all women should voluntarily choose to devote their lives to one animal function and its consequences. Numbers of women are wives and mothers only because there is no other career open to them – no other occupation for their feelings or activities." While Mill's *Subjection* is widely appreciated among readers and academics despite its flaws, including by Susan Oklin, Taylor's *Enfranchisement* better renders autonomy in family planning and womanhood.

George Bernard Shaw (1856 - 1950) in his *Treatise of Parents and Children* offers a (often humorous and sometimes painful) construction of parenthood and childhood that addresses the pitfalls of familial roles and responsibilities for women. He also encourages actionable insights rather than philosophical musings about family dynamics. While not truly being a feminist work in any sense, Shaw identifies inequities and pains that result from a woman's role in her family. Shaw also criticizes how households are expected to be happy, and does not believe that this happiness should be understood as the foundation of virtue. Shaw contributes an important perspective that rues the abstract way in which theorists conceptualize family life. He relents that "we never speak of actual adults or actual children, or of realities of any sort, but always of ideals such as The Home, a Mother's Influence, a Father's Care, Filial Piety, Duty, Affection, Family Life, etc. etc., which are no doubt very comforting phrases, but which begs the question of what a home and a mother's influence and a father's care and so forth really come to in practice." He asks the reader to consider questions that can allow one to truly get a sense of the role of the home. One of these includes *how many hours a week of the time when his children are out of bed does the ordinary bread-winning father spend in the company of his children or even in the same building with them?*

The women's movement, which gained ground during the late eighteenth and early nineteenth centuries, centered primarily on women's suffrage until the right to vote was won in 1920. The birth control movement began around that time, and was spearheaded by public health nurse Margaret Sanger. Sanger

argued that women had the right to control their own bodies and fertility, and that access to birth control was necessary to achieve gender equality. She began operating a legal birth control clinic in 1923, where she agreed to only distribute contraceptives for medical reasons. It is important to note that Sanger allied with eugenicists, who believed, among other things, that only white, financially stable people should be allowed to have children.

Susan Okin's works on gender and the family unit render the progression of theory behind family planning into the late 20th century. Her 1989 work *Justice, Gender and the Family* criticizes the continued subordination of women. She states that gender inequality disgraces American life, argues that the current order of domestic life is unjust, and urges that change be made a matter of public policy. Families, according to Okin, are not havens in an otherwise heartless world. Instead, the current division of domestic labor marks them as the centerpiece of a broader system of inequalities between men and women. Justice condemns those inequalities and commands their remedy through the transformation of our domestic practices. Okin believes that a humanist-egalitarian concept of justice commands the 'minimization of gender,' and that the gender-structured social arrangement of American society is crucially sustained by a gender-structured family.

Around the time that Okin was born in the mid 20th century, birth control remained illegal in many states. In the 1950s, clinical trials on the pill began. Once the pill was introduced, plenty of opposition surfaced related to the pill's purpose of preventing pregnancy. Religious leaders, including Pope Paul VI, condemned the artificial manipulation of conception along with female sexuality. The FDA's approval of the birth control pill in 1960 marked a significant turning point in the availability of effective and reversible contraceptive methods. In 1965, the landmark case *Griswold v. Connecticut* recognized a married couple's right to privacy and consequently rendered state laws banning contraceptive use by married couples unconstitutional. In 1972, this ruling was extended in *Eisenstadt v. Baird*, granting single people that same right to privacy.

As contraception became more accepted, global actors began instating family planning policies. Three major philosophies underpinned family planning both domestically and internationally throughout the second half of the 20th century. Family planning policy was largely formulated in the interest of population control, health, and human rights. These rationales shifted as concepts behind the purpose of family planning changed.

The history of family planning programs, particularly in developing countries, partly originates due to rapid population growth and its impact on economic productivity, savings and investment, and natural resources. In the late 1940s and 1950s, declining mortality and high fertility led to population growth in some South and East Asian countries. The postwar baby boom also had a significant effect on American attitudes toward family planning. Results from a postwar census in the 1950s provided the initial evidence that population growth could be an impending problem. India was the first country to establish a family planning program in 1952. By the mid-1960s, more countries, including a number in Latin America and the Middle East, were experiencing unprecedented rates of population growth.

Although there was little experience with family planning programs in the mid-to-late 1960s, three U.S. organizations – the Ford and Rockefeller Foundations and the Population Council – served as catalysts to bring global leaders together and develop consensus. In the 1950s and 1960s, international conventions discussed the implications of rapid population growth and high fertility and exchanged insight with family planning program practitioners. At this time, a number of governments in developing countries were actively adopting policies to reduce fertility and supported the development of national family planning programs. The United States Agency for International Development Population Assistance Program began in 1965. This program provided technical assistance for family planning programs for countries who requested it. This initiative was tied to a strong concern about rapid population growth as a destabilizing factor and a threat to U.S. security, in part prompted by the Cold War atmosphere of the period. More recently, China's one child policy (1980 - 2015) is an exceptional example of restrictive state fertility policy, and demonstrates the power that government interests have in constructing the purpose of family planning.

Concerns regarding unequal access to family planning methods cropped up in the late 1960s and resonated with the increasing human rights-rationale of the time. Family planning became the subject of international human rights when the United Nations issued a statement on population on Human Rights Day in December 1967. The World Leaders' Declaration, signed by 30 heads of government from five continents, stated that “the opportunity to decide the number and spacing of children is a basic human right” and that ensuring access to family planning “frees man to attain his individual dignity and reach his full potential.”

In the 1990s, the human rights rationale became predominant and has backed international treaties centering womens' right to control their reproduction. The first international agreement recognizing the

right to reproductive health was The Programme of Action of the 1994 Cairo International Conference on Population and Development. The fourth guiding principle of this international treaty highlights the global imperative to ensure women maintain autonomy over their own fertility. While there has been increasing pressure in recent years for international laws to construct more divisive family planning methods such as abortion as human rights, contraception has been identified as a key human rights issue since reproductive health entered the international law-making sphere.

The United Nations today holds that reproductive rights are human rights tied to multiple other rights such as the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education, and the prohibition of discrimination. The Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Elimination of Discrimination against Women (CEDAW) are examples of international laws promulgating reproductive rights. CEDAW guarantees women equal rights in deciding the number and spacing of their children and the means to enable them to exercise these rights. CESCR recommends States eliminate laws that obstruct or undermine access to reproductive health services. The Beijing Platform for Action reaffirms that the right for all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment. These U.N. treaties, among many others, outline state's obligations to respect, protect and fulfill rights related to women's fertility and autonomy.

The evolution of the concept of family planning over time demonstrates there is no "traditional" perspective towards the concept that we can invoke. Various political theories and agendas have shaped the form and function of family planning, from ancient philosophies to modern legal doctrines. As nations grapple with the challenges of sustainable development and social equity, family planning remains a crucial component of these efforts. In line with Chief Judge Posner's views of pragmatic decision-making, our decisions governing family planning must champion the practical needs of women. By understanding the evolution of family planning, we can more effectively navigate the issue of reproductive rights and work towards a future where women can make informed choices about their own bodies and families. ♦