

Madison Baughman

Professor Gatton

Introduction to Criminology

November 19, 2023

Eugenics and Court Mandated Sterilizations

The eugenics movement of the 20th century aimed to create a more desirable race of people having little to no imperfections, by eliminating the undesirables. This did not mean that the government began assassinating people deemed disliked by the majority, but that it took measures to prevent the future reproduction of children likely to be undesirable. Men such as Charles Davenport and Harry Laughlin worked to establish standardized state legislation for the sterilization of people deemed defective, feeble-minded, or imbecile (Rutherford, 2021). The definition of “feeble-minded” was completely arbitrary at the time. It was a loose term used to describe people who didn’t fit neatly into society. These people were often sterilized against their will and without their consent. However, it was considered the best course of action for future generations. Court mandated sterilizations became a common solution to an unjust problem, and this “solution’s” generational effects can still be found today. The act of taking someone's ability to reproduce on the grounds of shaky, undefined, and vague diagnoses of “feeble-mindedness” is immoral and unethical. The question of morality and ethics bridges into questioning basic human rights, and at what point we infringe upon them. At what point do we stop treating humans like humans?

In 1907, Indiana became the first state to establish an involuntary sterilization law which stood until 1921 when it was overturned by the Indiana Supreme Court. However, after the US Supreme Court upheld the Virginia Eugenic Sterilization Act in an eight to one verdict, the

state of Indiana reenacted the law which stood until 1974 (Reilly, 2015). Approximately thirty states would follow Indiana's lead in creating sterilization laws. None of these sterilization laws had been brought to the US Supreme Court until the case of Buck vs. Bell. The Virginia Eugenic Sterilization Act was signed into law on March 20, 1924, and the test case Buck vs. Bell was organized in order to test the constitutionality of the law (Antonios, Raup, 2012).

Carrie Buck was chosen to be the first person sterilized under the law because of her special circumstance. Carrie, her mother, and her young child had all been deemed “feeble-minded” and sent to live in colonies. This was ideal for creating a test case because it highlighted the potential hereditary implications of “feeble-mindedness”. The case could also argue that the sterilization of Carrie or her mother would have prevented the continuance of the undesirable DNA. The court ruled that Carrie could be legally sterilized under the Virginia Sterilization Act and the majority opinion, by Justice Oliver Wendell Holmes Jr., stated that “Three generations of imbeciles are enough,” (Antonios, Raup, 2012).

More than 60,000 institutionalized persons were sterilized in the United States in the decades leading up to World War II (Reilly, 2015). Implications of the eugenics movement can still be found all over the world and the widespread damage it did to future generations, specifically minority groups targeted by the eugenics movement. There is no doubt that the attempted elimination of certain minority groups affected the diversity of future populations. Natural selection by itself leads to a decrease in genetic diversity and an increasingly homogenous population, and coupled with eugenics, the process is sped up (Pekalski, 2000). The presence of eugenics is damaging to genetic diversity, and therefore, damaging to minority populations that were targeted by the eugenics movement. These government-facilitated

sterilizations were not only immoral and unjust, but will continue to have irreparable effects well into the future.

One of the main controversies when it comes to court mandated sterilizations is individual rights and the right to have control over what happens with your body. This debate is closely tied to abortion laws which remain much more relevant today than forced sterilizations. In the case of sterilizations and the eugenics movement, the government was forcibly committing an act upon unwilling women and rendering them unable to have children. However in the case of abortion, the government is restricting a woman's ability to terminate her pregnancy and preventing her from receiving certain medical care. In both instances, there's a concern of where the line is drawn and at what point the government is infringing upon individual rights. The 14th amendment guarantees fundamental rights under the due process clause, and fundamental rights are recognized as deserving a high level of protection from government encroachment. Because of this, the 14th amendment plays a crucial role in the debates surrounding abortion and sterilization. In favor of individual rights, it is argued that the 14th amendment requires the government to protect the constitutional and human right to reproductive autonomy (Kasdan, Kaufman, 2022). Contradicting arguments arise, however, appealing to the need to protect the future generation. Where the arguments against autonomy differ is whether they are trying to save the future generation in restricting abortions or eliminate the potentially tainted future generation with mandated sterilizations.

The right to an abortion is not expressly listed in the Constitution and is therefore left up to judicial interpretation, the same is also true for involuntary sterilizations. In the US Supreme Court case of *Buck v. Bell*, the court rejected the argument that involuntary sterilization violated the eighth or fourteenth amendments (Manas, 2020). This verdict has yet to be overturned and

still stands to this day. When it comes to issues of fundamental and implied rights, there is no black and white. There will forever be debates about what should and shouldn't be when considering reproductive autonomy. However, we cannot ignore the moral implications of these decisions and the potential to cross a line into infringing upon basic human rights.

The eugenics movement, although it gained much popularity in its time, was morally misguided and wrongly executed. The implication of creating a perfect race in itself raises an overwhelming amount of ethical questions. If we are to believe that a perfect race exists, there cannot be any morally correct way to achieve it. Sterilizing people against their will was completely unethical and fundamentally incorrect, especially when it was justified by arbitrary symptoms and an overwhelming amount of prejudice against minorities. The effect that eugenics had upon population diversity cannot be understated, as well as the reach it had far beyond those sterilized under government-sanctioned policies. It remains a national failure whose consequences will continue to affect generations to come. The long-standing debate over reproductive autonomy will also continue to affect generations to come just as it's affected generations in the past. In many ways, consent is considered a basic human right, and, in many ways, it has been taken away by government policies designed to restrict reproductive autonomy. In the case of court mandated sterilization and in present day abortion laws, control is being put in the hands of the government and is therefore stripping away the individual's right of choice. There needs to be an end to policies that stomp over the right to consent and that disregard a person's free will. Court mandated sterilizations were wrong in their time and are wrong today, however their implications continue to seep into present-day policies. Outdated laws that stand on vague research and unstable foundations need to be dismantled and replaced by policies that value consent and put the power of personal autonomy back into individuals hands.

References

- Antonios, N., & Raup, C. (2012, January 1). *Buck v. Bell (1927)*. Embryo Project Encyclopedia. <https://embryo.asu.edu/pages/buck-v-bell-1927#:~:text=On%2020%20March%201924%2C%20the,%2C%20epileptic%2C%20or%20an%20imbecile.>
- Farber, S. A. (2008, December). *U.S. scientists' role in the Eugenics Movement (1907–1939): A Contemporary Biologist's Perspective*. National Library of Medicine. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2757926/>
- Kasdan, D., & Kaufman, R. (2022, May 24). *The Right to Reproductive Autonomy: A 14th Amendment Guarantee*. Ms. Magazine. <https://msmagazine.com/2022/05/24/right-to-abortion-constitution-14th-amendment-free-dom/>
- Manas, K. (2020, October 15). *Could Forced Sterilization Still be Legal in the US?*. Syracuse Law Review. <https://lawreview.syr.edu/could-forced-sterilization-still-be-legal-in-the-us/>
- Pekalski, A. (2000, September). *Effect of eugenics on the evolution of populations - the European Physical Journal B*. SpringerLink. <https://link.springer.com/article/10.1007/s100510070148>
- Reilly, P. R. (2015, August). *Eugenics and involuntary sterilization: 1907–2015*. Annual Reviews. <https://www.annualreviews.org/doi/pdf/10.1146/annurev-genom-090314-024930>

Rutherford, A. (2021, September 23). *A cautionary history of eugenics*. Science.

<https://www.science.org/doi/10.1126/science.abm4415>