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Eugenics and Crime: Early American Positivism

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As defined by Patrick J. Ryan (2007, p. 254), eugenics is “the applied science of improving the hereditary characteristics of human beings.” The early American eugenics movement sought to use newly developed scientific concepts and technologies to improve the human race by promoting the reproduction of productive citizens and limiting it for unproductive citizens. The definition of [p. 305 ↓] unproductive was rather broad, encompassing epileptics, the mentally handicapped, alcoholics, drug addicts, and criminals. Eugenecists often used the term *feeble-minded* to refer to individuals carrying the propensity for social ills. Eugenics found its theoretical basis in the work of Sir Francis Galton. Several prominent Americans—including Charles Davenport, Richard Dugdale, and Henry Goddard—used Galton's writings in their attempts to further establish the eugenics movement in the United States. Various prescriptions were advocated by these eugenecists, such as sterilization and birth control. Public support for the eugenics movement eventually declined, in part because of a 1942 Supreme Court decision and the discovery of the Nazi eugenics program.

Feeble-mindedness as the Carrier of Social Ills

Feeble-mindedness was widely believed to be the underlying cause of criminal behavior in the late 1800s and early 1900s. This alleged social ill was held to condemn humanity to a rising tide of “dependency, delinquency, and mental deficiency” (Bruinius, 2006, p. 9). Sir Charles Trevelyan, a member of an English charity organization society, is believed to be the first to use the term *feeble-minded*. The distinction drawn by Trevelyan was that, whereas idiots could never learn, feeble-minded individuals could be taught to care for themselves and to learn basic tasks, enabling them to secure employment and support themselves outside of institutions.

The definition of feeble-minded was expanded to describe a class of people that was in a perpetual state of adolescence and appeared “normal” to the untrained eye. In France, Théodore Simon and Alfred Binet developed an intelligence test, which was later imported to the United States by Henry Goddard in 1908. These tests were purported to measure and identify feeble-mindedness. Goddard coined the term *moron* to describe

those individuals determined through intelligence testing to be adults with a mental age of 7 to 12 years. Goddard developed two main purposes for IQ testing while working at a school for feeble-minded children in Vineland, New Jersey: (1) classifying children and (2) segregating those who scored poorly, thus preventing reproduction and the propagation of their genes into future generations.

In addition to low functioning and intelligence, it was believed that feeble-minded individuals could not control their animalistic instincts. They were considered the source of a never-ending cycle of poverty and crime through their supposed high rates of sexual activity and large numbers of offspring. Goddard stated that “it is hereditary feeble-mindedness that is the basis of all [social] problems, and it is hereditary feeble-mindedness that we must attack” (Ryan, 2007, p. 256). Major works, such as *The Jukes* and *The Kallikak Family*, brought these issues to the forefront of the American conscience.

Eugenic Leaders

The eugenics movement was initiated in England by Galton, a cousin of Charles Darwin. Galton published *Hereditary Genius, an Inquiry Into Its Laws and Consequences* in 1869, which combined Darwin's evolutionary theory with Gregor Mendel's mechanism of heredity to explain how genius is transmitted through generations. Galton also incorporated the newly described Gaussian distribution (now referred to as a normal distribution or a bell curve) to understand how genius and its reverse, imbecility, was inherited through families. One tool developed by Galton in his search for the underlying genetic predisposition to intelligence was the family-study method, which used family pedigrees to trace inheritance of certain traits. Galton's work provided the theoretical basis for, and a measurement tool to, the American eugenics movement.

The growth in popularity of American eugenic thought and corresponding political support can be traced back to a book written by Richard Dugdale in 1885, *The Jukes: A Study in Crime, Pauperism, Disease, and Heredity*. Dugdale did not write *The Jukes* in hereditary terms, but rather focused on a detailed analysis of the economic costs created by this particular family. When the costs were added up for 709 descendants of

the six main progenitors of the Juke family, over the span of 75 years, it was estimated that the public had spent more than \$1.25 million on various forms of welfare as well as associated costs of their criminal activity.

A book written by Goddard in 1912 cemented the eugenics' hold on the American conscience. The volume, *The Kallikak Family: A Study in Hereditary Feeble-mindedness*, followed the offspring of one [p. 306 ↓] man, Martin Kallikak, and two women who bore him children. One woman, a "feeble-minded tavern girl," allegedly gave rise to generations of criminals, drunks, prostitutes, and other social undesirables, while the other, a Quaker whom Kallikak married, gave birth to "normal" citizens. *The Kallikak Family* was written for a broad audience, which only served to solidify the public's fears of "the menace of the feeble-minded" (Ryan, 2007).

Charles Davenport, a zoologist, also took Galton's ideas to heart. Davenport founded the Eugenics Record Office in 1910. His goal was to complete family records for individuals under the custody of state institutions and hopes of tracing a single Mendelian gene that led to feeble-mindedness and criminal behavior. These family studies, like those of the Jukes and the Kallikaks, would supposedly provide evidence of the hereditary nature of criminal behavior and justify restricting their reproduction. Davenport's work found support in Harry Laughlin, the individual responsible for crafting the Model Sterilization Law, an effort culminating in the Supreme Court case *Buck v. Bell*.

Social Controls

The eugenics movement did not restrict itself merely to describe a social phenomenon, but also pursued a policy agenda with the goal of producing a population with more desirable traits and with fewer undesirable traits. The birth control movement exemplifies positive eugenics, as its early stages were aimed at ensuring highly intelligent people reproduced and people with mental deficiencies used birth control methods. Negative eugenics focused on eliminating the least fit individuals through reduction or elimination of their reproductive abilities. Sterilization laws aimed at eliminating feeble-minded individuals from the population became popular (Ryan,

2007). The decision in the Supreme Court case *Buck v. Bell* upheld a statute instituting compulsory sterilization of the feeble-minded “for the protection and health of the state.”

Informal Social Controls: The Birth Control Movement

The Progressive era was a time of change and reform in the United States, which included the eugenics movement. During this time, the movement became known as the birth control movement, with hopes of returning human reproduction back to its purpose of propagating productive offspring. According to Donald Pickens, Margaret Sanger was a strong supporter of the birth control movement, whose philosophy was based on the idea that women and men should follow their “good instincts” and realize the good life without modern civilization’s corrupting influence. Sanger supported Davenport’s belief of “less children for the poor and more children for the rich” and the idea of stopping the multiplication of the unfit. If used correctly, said advocates, birth control provided natural social control by restoring women’s instincts to control her social and reproductive behavior. However, use of birth control was neither mandatory nor regulated by the state.

Formal Social Controls

The 19th century marked the beginning of new technological and medical advances. At the turn of the century, Edwin Kehrler in Heidelberg, Germany and A. J. Ochsner in Chicago perfected the art of “tying” the fallopian tubes in females and the operation of severing the vas deferens in males. These operations became the standard practices in sterilization. They were viewed as relatively minor surgeries with no long-term after-effects, given that the procedures did not completely remove the sexual aspect of individuals’ lives like castration did.

After World War I, several states introduced sterilization legislation for feeble-minded individuals. The sterilization movement was focused on economics and social order, holding states responsible for stopping the irresponsible reproduction of the mentally

inadequate. States such as Connecticut, Kansas, New Jersey, Ohio, Michigan, and Indiana passed legislation forbidding the marriage of the feeble-minded, insane, syphilitic, alcoholic, epileptic, and criminal.

In 1927, the U. S. Supreme Court issued a decision in the case of *Buck v. Bell*. The Court upheld a Virginia law permitting salpingotomy (cutting of the fallopian tubes) of an inmate of the Virginia State Colony for Epileptics and Feeble-minded, an 18-year-old “feeble-minded” patient named Carrie Buck. Carrie's 52-year-old mother had also been deemed feeble-minded by the colony, as well as [p. 307 ↓] Carrie's child (who later earned the honor roll before dying at a young age). Doctors at the Colony claimed that anyone labeled feeble-minded represented a genetic threat to society and should have their reproduction privileges removed. The Supreme Court agreed and ruled that the salpingotomy was not a violation of due process and equal protection of under the Fourteenth Amendment and, therefore, that the Virginia statute was reasonable. Supreme Court Justice Oliver Wendell Holmes presented the following in the majority opinion:

It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. ...
Three generations of imbeciles are enough. (p. 200)

Eugenicists continued to advocate sterilization following *Buck v. Bell*. Several new cases emerged in the courts dealing with the eugenic aspect of sterilization. Eugenics and sterilization would become a source of contention and controversy amongst U.S. citizens.

Eugenicists' interest in sterilization was positivist in nature. Substantial medical opinion in the 19th century, reflecting the influence of Cesar Lombroso, argued that criminals were born, not made. Ochsner, who developed the vasectomy, urged using this operation on criminals. As early as 1888 in the United States, an Ohio reformer advocated sterilization for punishment and to protect society from the “vicious, criminal and defective classes” (cited in Pickens, 1968, p. 92).

Conclusion

In 1942, a Supreme Court decision declaring an Oklahoma law unconstitutional severely undercut the punitive justification of sterilization. The statute, the Oklahoma Habitual Criminal Sterilization Act of 1935, was contested on the grounds of the Fourteenth Amendment. Within the provision of the law, crimes of moral turpitude were punishable by vasectomy. The Court ruled that the law violated the equal-protection clause of the Fourteenth Amendment, mostly because of inequitable distinctions as to what constituted a felony involving moral turpitude. After this point, public support for the eugenics movement began to wane, drastically diminishing after the discovery of the horrors of the Nazi regime. However, Matt Ridley notes that the American eugenics movement's highest aspiration was to improve society as a whole, thereby reducing the number of future criminal offenders and their victims. But the cost of this improvement was the sacrifice of individual rights and liberties, such as reproduction, which are considered fundamental to the human condition.

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See also

- [Dugdale, Richard L.: The Jukes](#)
- [Goddard, Henry H.: Feeble-mindedness and Delinquency](#)
- [Hooton, Earnest A.: The American Criminal](#)
- [Insanity and Crime: Early American Positivism](#)
- [Lombroso, Cesare: The Criminal Man](#)

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