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Eugenics, Then & Now: Liberal Religion & Illiberal Progressives

The Rev. Dr. J. Carl Gregg

26 March 2017

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Last week, we explored the life and legacy of one of our famous Unitarian ancestors, the Supreme Court Justice Oliver Wendell Holmes, Jr. When Holmes died in 1935, his obituary was featured on the front page of the *New York Times* under the headline, “Chief Liberal” (Cohen 317). But as we explored last week, **although Holmes did occasionally help lead the court to a strong defense of civil liberties and individual freedom, he was not as progressive as his admirers sometimes let themselves think.** And his most illiberal opinion, *Buck v. Bell*, was not even mentioned in his *New York Times* obituary (317).

In 1927—only ninety years ago —Justice Holmes wrote the majority opinion in the Supreme Court case *Buck v. Bell*. (If you are curious to learn more, I highly recommend the accessible book published last year from Penguin Press, Imbeciles: The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck by Adam Cohen.) The full case name was *Carrie Buck v. John Hendren Bell, Superintendent of State Colony for Epileptics and Feeble Minded*. In this infamous decision, our nation’s highest court upheld as Constitutional a state law allowing the compulsory sterilization of U.S. citizens deemed unfit to reproduce. In the annals of Supreme Court history, this case has been deemed perhaps **“the highest ratio of injustice per word ever signed on to by eight Supreme Court Justices”** (266-267).

The opinion is barely more than thousand words long, and worth reading in full, but here is a brief excerpt to give you a sense of its harsh tone:

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. **The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes....** Three generations of imbeciles are enough. (269-271)

Among the eight Justices signing in support of this decision were Holmes's fellow Unitarian, Chief Justice William Howard Taft, and the progressive Jewish Justice Louis Brandeis.

In reconstructing how this 8-1 decision was formed,

It was no great surprise that some of the justices signed Holmes's opinion.... Chief Justice Taft had already lent his name to promoting eugenic ideas. **The bigoted and mean-spirited Justice McReynolds, who would not sit next to Brandeis might have been expected to support eugenics**—and the same could be said for Justice Van Devanter, who reportedly would join McReynolds in asking the president not to “afflict the Court with another Jew.” Justices Sutherland's and Stone's exposure in college to intellectual mentors with strong social Darwinist beliefs could explain their votes. (277-278)

The sole “no” vote came from Justice Butler, the only Roman Catholic on the court at the time, but even he did not write a dissenting opinion (Cohen 278). And although there are some indications that Brandeis was troubled by his support of the decision, Holmes was not. He said, that *Buck v. Bell* was “one decision that I wrote that gave me pleasure” (Cohen 277).

For the most part, newspapers as well as major medical and legal publications supported the decision. “The *New York Times* reported it on page 19, alongside a story of Harvard's decision to build a new dining hall. The front page was filled with stories the editors considered more significant, including one on a 222-year-old tree being cut down in New Haven, Connecticut, to allow for street widening” (280-281). Not everyone was so cavalier. At the time, one of the more prominent voices to denounce the decision was the Governor of Pennsylvania, who said that involuntary sterilization was “**cruelty upon a helpless class in the community, which the State has undertaken to protect**” (278).

So why bring this topic up today? To be honest, there are **strong parallels between the**

language and logic used in some parts of the immigration and health care debates today and those that led to the 1927 Supreme Court decision of *Bell v. Buck*. That case is also a challenge to wrestle with the ways that well-intentioned liberals can sometimes become unintentionally *illiberal*. And exploring the ways we have erred in the past may help us avoid repeating those mistakes in the present and future.

The term “eugenics” derives from the Greek words of *εὖ*/eu (“good, well”) and *γένος*/genos (“race, stock, kin”), and refers to various approaches of controlling human breeding to favor so-called “desirable characteristics.” As with many ethical dilemmas, crucial questions to ask are “What’s fair?” and “Who decides?” **Who gets to choose what is desirable, what are their motivations, and to what end?** The short answer is that many eugenicists—either implicitly or explicitly—were motivated by white supremacy, classism, and related factors, including many liberals who understood themselves as “progressives.” The scary part is that many of these progressives perceived their support for eugenics as simply following the “objective” logic of science. But they were unable to see the ways that, in truth, their white privilege, economic privilege, and other related factors biased their understandings of science.

Confronting the history of *Buck v. Bell* is also a troubling reminder that the Nazis were not the only proponents of eugenics in the first half of the twentieth century. Rather, **the Nazi party “used America as a model for its own eugenic sterilization program...and at the Nuremberg trials that followed World War II, Nazis cited *Buck v. Bell* in defense of their actions (10-11).**

Consider that:

- **John D. Rockefeller** (1839-1937), the oil magnate and world’s wealthiest man, donated generously to scientific research into breeding out, in his words, the “defective human.”
- **Alexander Graham Bell** (1847-1922), inventor of the telephone, was also chairman of the Board of Scientific Directors of the Eugenics’ Record Office, “the leading organization advocating eugenic sterilization” (2).
- **Teddy Roosevelt** (1858-1919), former President of the United States, said publicly that the unfit must be “forbidden to leave offspring behind them” (3).
- “When **Connecticut** enacted the nation’s first eugenics law in 1895—a ban on certain

marriages—the **American Bar Association’s president** praised it as a necessary ‘practical deterrent’...that government must ‘prevent unhealthy progeny’ to protect ‘future generations from the evil operation of the laws of heredity.’”

- “At the **American Academy of Medicine’s** first meeting of the twentieth century in June 1900, its president...argued that medicine as was currently practiced was counterproductive. ‘We prolong the lives of weaklings, and make it possible for them to transmit their characteristics to future generations’ (56).
- “Eugenics was taught at **376 universities and colleges**, including Harvard, Columbia, Berkeley, and Cornell. Prominent professors were outspoken in support” (4).
- The feminist **Margaret Sanger** (1879-1966), rightly celebrated for opening the first birth control clinic in the U.S. in 1916, was also a prominent eugenicist (57).

There are many more examples.

However, I wanted us to explore this topic not only because of the history of progressives generally supporting eugenics, but also because the more I have researched the history of the eugenics movement in the U.S., the more I keep stumbling upon the names of Unitarians and Universalists beyond the aforementioned Unitarian Supreme Court Justices Oliver Wendell Holmes, Jr, and William Howard Taft.

As explored in Christine Rosen’s important book Preaching Eugenics: Religious Leaders and the American Eugenics Movement, one significant example includes the Unitarian minister **John Haynes Holmes**, who is rightly remembered by many for his progressive activism and his principled pacifism, but who also helped form a Eugenics Committee of the Liberal Ministers’ Association in New York. One of their goals was to encourage their fellow ministers to agree only to perform “health marriages”—unions which would lead to eugenically approved offspring (Rosen 58-59). Another example is **The Rev. Phillips Osgood**, who was an Episcopalian at the time that he won the 1926 American Eugenics Society’s “**Eugenics Sermon Contest.**” But he later became a Unitarian minister (Rosen 124-126). In addition to Unitarians and Universalists, many other progressive ministers were part of the eugenics movement, including notable numbers of rabbis within Reform Judaism.

The supporters of the eugenics movement were primarily “progressives,

intellectuals, and professionals” who strongly believed in both Darwinian Evolution and the power of modern science to reshape society for the better (Cohen 71). Without getting into all the intricacies of genetic engineering, one vital distinction is whether one is making this choice for oneself or whether someone else—such as the government—is imposing it on you. To consider a map of the U.S. in 1913, the twelve states that had passed eugenic sterilization laws were an interesting collection of states: Indiana, Washington, California, Connecticut, Nevada, Iowa, New Jersey, New York, North Dakota, Michigan, Kansas, and Wisconsin (70). **So-called “defective” traits that were potential targets for compulsory sterilization were “epilepsy, criminality, alcoholism, or dependency”—another word for poverty.” Their greatest target was the purportedly “feeble-minded”** (6). Some of those state laws began to be struck down on “equal protection” or “due process” grounds, which is one reason the Supreme Court’s 1927 decision of *Buck v. Bell* was so tragic; it reversed those trends (100, 121).

From his elite Boston Brahmin perspective, Oliver Wendell Holmes, Jr. looked down on Carrie Buck, her mother, and her daughter, and judged them with the infamous sentence that, **“Three generations of imbeciles are enough.”** The truth is that Carrie Buck’s family, on her father’s side, had owned both property and people who were enslaved before the Civil War, but their family had been on a downward economic trajectory since the war’s end (19-20).

The story Carrie’s foster parents told about her is that she became pregnant at seventeen because her alleged feeble-mindedness led to loose morals (16). **Carrie’s side of the story, which she was never given the chance to tell in court, was that her foster mother’s nephew forced himself on her.** By institutionalizing Carrie, it seems that the family sought to protect their nephew’s crime from being discovered (24). Both Carrie and her mother before her were **deemed to be feeble-minded by the Binet-Simon test, which it turns out was never intended for such a use** (30, 34). Carrie’s daughter Vivian was even more absurdly evaluated to be feeble-minded at only six months of age (95).

The truth is that Carrie did well academically and made it to the sixth grade before her foster parents forced her to quit, so that she could help more around the house (196-197). And although her daughter Vivian died tragically from a stomach infection following the measles at age eight, it turns out that **Vivian’s school records show her to have been a “quite average**

student” and “perfectly normal” (290-291). Carrie herself died in 1983 at age 76, but many letters that she wrote still exist. They are “Neatly written and well composed.” She read the newspaper daily and enjoyed crossword puzzles (297-298). **If Carrie Buck was “guilty” of anything it of being *female* in a sexist society, *poor* in a classist society, and *trusting of “experts”* in a system that was patriarchal, arrogant, and elitist** (96).

By 1931, four years after *Buck v. Bell*, “twenty-eight of our nation’s forty-eight states had laws authorizing eugenic sterilization” (300). It was not until two years later in 1933 that Nazi Germany passed its Law for the Prevention of Hereditary Diseased Offspring which would be enforced by the Hereditary Health Courts. Nor did the trend stop with the U.S. and Germany: “Denmark enacted...forced sterilization of ‘mental defectives’ in 1934. Sweden and Norway also enacted sterilization laws in 1934, followed by Finland in 1935, Estonia in 1936, and Iceland in 1938” (302). Seemingly, **it took the extremes of Naziism and the Holocaust to taint eugenics as unethical** (Rosen 181).

That being said, *Buck v. Bell* has never been overturned (Cohen 217). And it is more than one of those archaic laws that remains on the books without negative impact:

In **2001**, Margaret Vaughn, a young woman who had been labeled mildly mentally retarded, sued Columbia County, Missouri, for trying to force her to be sterilized.

In *Vaughn v. Ruoff*, the U.S. Court of Appeals for the Eighth Circuit explained that ‘involuntary sterilization is not always unconstitutional....’ As an authority...[they] cited *Buck v. Bell*. (318)

- More recently, the news broke in 2013 that **as recently as 2010, some officials in California had been coercing female prisons to get sterilizations.**
- In **2014**, a former state senator in Arizona “was forced to resign” the vice-chairmanship of his political party “after he publicly called for the sterilization of women on public assistance.”
- In **2015**, news broke that, “**Nashville prosecutors were making sterilization part of plea negotiations with female defendants**” (Cohen 320).
- And in **2016**, echoes of eugenic arguments have been strongly present in debates around immigration and health care.

These issues are still with us, and will be even more so in coming decades as the science of

genetic engineering continues to advance (Rosen 187).

With twenty-first century bioethics, there are legitimately messy and complex ethical quandaries. But **eugenics has often been based on pseudoscience**. Even before *Buck v. Bell*, geneticists had started to speak out (Cohen 252-253). During human reproduction, **“genes combine and are expressed in complex ways.”** And **“intelligence, indolence, dependency, and other human qualities are not ‘unit characters’—traits passed on in a single gene from parent to child.”** Said more simply, it is neither true that “brilliant parents produce brilliant children” or that “criminals produce criminals.” Rather, both genetics and reality are more complicated than that. In particular, eugenicists almost always failed to account for “demoralizing social conditions”—the ways that **poverty, lack of access to education and health care are more much likely to cause negative social outcomes than genetics** (Cohen 51-52).

As UUs, our **Fifth Source** includes **“guidance of reason and the results of science.”** And we do seek to balance the wisdom of the world’s religious with the insights of modern science. But **an equally important factor is our First Principle**, **“The inherent worth and dignity of every person”**—which comes from the preamble to the U.N.’s *Universal Declaration of Human Rights*, passed in the wake of World War II, when we witnessed some of the worst of what we humans can do to one another.

Unitarian Universalism is a liberal religion, from the Latin root *liber*, meaning “free.” And at the heart of classical liberalism is the equal right of every individual to choose how to think and how to act. And although there is the classic caveat that, **“My right to swing my fist ends when it hits your nose,”** involuntary sterilization is a serious invasion of an individual’s privacy and liberty. Such an act is a strong step toward totalitarianism, in which the state claims the right of total control over an individual’s body (Cohen 274). As detailed in Illiberal Reformers: Race, Eugenics, and American Economics in the Progressive Era by Thomas Leonard (Princeton University Press 2016), the challenge of eugenics in the early twentieth century is that it was **progressive reformers, who perceived themselves as acting for the best interests of society, who instead acted illiberally in the name of “efficiency,” “expertise,” and “science”** (Leonard 190).

Many of these illiberal progressives saw themselves as following in the footsteps of Charles Darwin's evolutionary biology. But a close reading of Darwin shows otherwise. In Chapter 5 of *The Descent of Man*, Darwin shows that he was well aware of the implications of his theory of natural selection for what later came to be called eugenics. He confesses that he can understand the temptation, but he cautions his readers that **we cannot:**

check our sympathy, even at the urging of hard reason, without deterioration in the noblest part of our nature. The surgeon may harden himself whilst performing an operation, for he knows that he is acting for the good of his patient; but **if we were intentionally to neglect the weak and helpless, it could only be for a contingent benefit, with an overwhelming present evil.** (Cohen 48, 323)