

When eugenics became law

Victoria Nourse reviews a study on a historic US misuse of biology, the case of *Buck v. Bell*.

Eugenics is a well-known low point in the modern history of science. In the United States, from the late nineteenth century to the 1940s, credence was given to this pseudoscience focused on the notional ‘improvement’ of human populations by halting the reproduction of supposedly lesser genes. Less well known is the story of how US law rendered eugenics intellectually respectable across the world, supporting programmes from Canada to Sweden. Ultimately, this egregious failing led to the enforced sterilization of at least 60,000 US citizens, and was used by the Nazi regime to justify its own programme of sterilization and, later, extermination.

Adam Cohen’s *Imbeciles* relates a key chapter in this story, the 1927 US Supreme Court case known as *Buck v. Bell*. The case began in September 1924, when Albert Priddy, head of the Virginia State Colony for Epileptics and Feeble-minded, an asylum near Lynchburg, asserted that Carrie Buck, a teenage mother who had entered the asylum that June, was an “imbecile” — a term used at the time to signify intellectual disability. Priddy petitioned the asylum’s board of directors to sterilize Buck.

Priddy’s petition relied on a Virginia sterilization law that had become effective months earlier, and that Priddy himself had advocated for. At the time, almost half of US states had eugenics laws, but sterilization was considered dubious constitutionally. When Priddy died, his successor, John Hendren Bell, lent his name to the case. In 1927, the statute’s constitutionality was affirmed by the Supreme Court, effectively reviving laws that even eugenicists had believed were unenforceable. Justice Oliver Wendell Holmes, in writing the decision, penned the now-famous phrase “three generations of imbeciles are enough”, referring to Buck, her daughter and her mother. All three had been erroneously ‘diagnosed’ with mental disabilities; Buck’s mother was also in the asylum.

Imbeciles is lively, accessible and, inevitably, often heart-wrenching. To historians of eugenics, much of the background and some of the characters will be well known. Eugenics champion Harry Laughlin (author of a tome on US eugenics law) and his fellow researcher Arthur Estabrook, who testified at Buck’s trial, are two of them. Others include Priddy and Aubrey Strode, the lawyer and legislator who wrote the Virginia sterilization law.

Cohen is at his best when writing about Buck. Priddy claimed that she was a sexual



Carrie Buck (left) and her mother Emma in 1924.

‘degenerate’ and ‘feeble-minded’. In fact, she was in the asylum because she had been raped and made pregnant by a relative of her foster parents. Thanks to research by evolutionary biologist Stephen Jay Gould and historian Paul Lombardo, author of *Three Generations, No Imbeciles* (Johns Hopkins University Press, 2008), we know that she had no disability. She was a poor, isolated victim of a social system that branded unmarried mothers as dangerous, and a punitive legal system.

Cohen’s account of the Supreme Court trial is illuminating. The law had been written to require fair legal procedures for the person sterilized, but Buck’s hearing was entirely one-sided. Ludicrous testimony was admitted about Buck’s child, then less than a year old. Cohen shows how Buck’s lawyer, Irving Whitehead, was a fraud and imposter by today’s standards, failing to ask questions that would help his client or to call witnesses on her behalf.

Buck was no match for Holmes, one of the most famous members of the ‘Boston Brahmin’ elite of the day. His pithy legal opinion reflected his personal enthusiasm for eugenics as a science. Sterilization, he implied, was consistent with liberty. It freed asylum inhabitants; otherwise, they would be interned all their lives to prevent them from

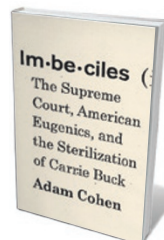
procreating. As the fallacious thinking went, a sexually active, disabled individual would (in Holmes’s words) sap the “strength of the state” by creating a lineage of disabled descendants.

Before *Buck v. Bell*, eugenic sterilization had been advocated for decades by US reformers and scientists, including prominent biologist Charles Davenport, but it had been used only sporadically because of fears that it was illegal. Eugenics itself was born in Britain in the late nineteenth century, nurtured by polymath Francis Galton, a half-cousin of Charles Darwin. The concept resonated with contemporary interpretations of ‘social Darwinism’, which hinged on engineering the ‘survival of the fittest’ — a gross caricature of Darwin’s idea.

By 1928, a total of 375 US universities and colleges were teaching eugenics, and 70% of high-school biology textbooks endorsed the pseudoscience in some form. Eugenics was also endorsed by presidents including Theodore Roosevelt, funded by philanthropic organizations including the Carnegie Institution, and touted by award-winning scientists such as biologist Edwin Grant Conklin and the Nobel laureate Hermann Muller, discoverer of X-ray mutagenesis, as well as prominent inventors such as Alexander Graham Bell. Eugenics came to be seen as the solution to everything from hearing loss to criminality. In Britain, advocates tended to focus on segregation and voluntary sterilization. Major British eugenicists included left-leaning scientists J. B. S. Haldane and Havelock Ellis, and supporters included the economist John Maynard Keynes, social reformers Sidney and Beatrice Webb, and writer H. G. Wells.

In 1927, a month after her sterilization, Buck was released from the asylum as hired help, on a kind of parole. Later, she married. Her sister Doris was also sterilized; interviews suggest that she thought the operation an appendectomy. *Imbeciles* traces their later life in detail, noting one of the most poignant aspects of the case — Buck’s letters to the asylum about her relatives and probationary status. These, Cohen notes, revealed Buck to be intelligent and diligent in trying to contact and protect her mother and child, who lived with a foster family: a testament to one of the most spectacular miscarriages of justice in US history. To this day, the Supreme Court has never officially overruled *Buck v. Bell*. ■

Victoria Nourse is professor of law at Georgetown University, Washington DC. e-mail: vfn@law.georgetown.edu



Im-be-ciles:
The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck
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