

**“Eugenics is Euphemism”:  
The American Eugenics Movement, the Cultural Law of Progress,  
and Its International Connections & Consequences<sup>1</sup>**

By: Bess Blackburn

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<sup>1</sup> G.K. Chesterton, *Eugenics and Other Evils: An Argument Against the Scientifically Organized Society, With Additional Articles by His Eugenic and Birth Control Opponents*, ed. Michael W. Perry (Seattle, Washington: Inkling Books, 2000), 19. Chesterton’s original monograph was published in 1922. “Eugenics is Euphemism” is a play on words introduced by G.K. Chesterton. Not only is it a great summation of the movement but is also a play on words in Greek. See the original here (italics added): *εὐγενής εὐφημισμός είναι*

“EUGENICS IS EUPHEMISM”:  
THE AMERICAN EUGENICS MOVEMENT,  
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## Acknowledgements

Hope that looks hopeful is no *hope* at all  
 For what does one gain if he *knows* he won't fall?  
 It's always *darkest* before the dawn  
 Silence deafens before every *magnificent* song.

Gratitude is an understatement for the way I feel upon completion of this, my first sizable work. While it is a work investigating a dark movement and moment in history, this project has brought me hope that we may yet rid ourselves of any trace of eugenical mindsets and look longingly towards the idea that all are created in the image of God Himself.

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**Introduction: The “Astounding Eugenics Program”**

“What is the astounding eugenics program upon which Chancellor Hitler has launched the German people?”<sup>2</sup>

This question appeared in *Hobbies*, a museum-based magazine targeting American youth in 1935. In the same year, a museum display from Germany showing the Nazi developments of eugenics was on display in Salem, Oregon and in Buffalo, New York.<sup>3</sup> While often hidden under the guise of race betterment in both a scientific and even moral sense, eugenics was a bioethical movement that captivated many at the turn of the 19<sup>th</sup> century and through the Progressive Era—which was defined by a crisis of identity in the American mind. This thesis examines the Eugenics Movement and explores many events which manifested this ideology, including international eugenics congresses, American legislation, and American eugenic research facilities. However, eugenics was not limited to culture. It also found its way into American courtrooms.

American culture at the inception of the American Progressive Era—roughly defined by 1890-1920—was one saturated by the ideas introduced in Charles Darwin’s *The Origin of Species by means of Natural Selection or the Preservation of Favoured Races in the Struggle for Life*, published in 1859. Progressivism, then, was this notion that a group of people could strive towards a better, more fit reality—in order to have society “progress.”<sup>4</sup> This mindset overtook the masses in several ways—including both in culture and the courtroom.

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<sup>2</sup> “Museum News,” *Hobbies* 16, no. I (October 1935): 14-15.

<sup>3</sup> Robert Rydell, Christina Cogdell, and Mark Largent, “The Nazi Eugenics Exhibit in the United States, 1934-43” in Susan Currell and Christina Cogdell, eds., *Popular Eugenics: National Efficiency and American Mass Culture in the 1930s* (Athens, OH: Ohio University Press, 2006), 373, 378. The exhibit was housed at the Salem Young Men’s Christian Association (YMCA) in February 1935. By March 1935, arrangements were made to ship 9 cases of the exhibit material from Portland to Buffalo, New York to the Buffalo Museum of Science.

<sup>4</sup> Michael McGerr, *A Fierce Discontent: The Rise and Fall of the Progressive Movement in America, 1870-1920* (Oxford: Oxford University Press, 2003), XV.

Culture—"the collection of beliefs, values, assumptions, commitments, and ideals expressed in a society through popular literary and artistic forms and embodied in its political, educational, and other institutions"—often informs the decisions of the courtroom, and the American Eugenics Movement was no exception.<sup>5</sup> Indeed, the Progressive Era was a time when the question of origin, and subsequently the purpose of human personhood, was put on trial both culturally and legally. These ideals manifested themselves well in the pseudoscience of eugenics. While eugenics was not brought about by the Progressive Era, the time period provided fertile soil for the movement to grow. As G.K. Chesterton wrote, "...the modern [Progressive] mind is set in an attitude which would enable it to advance, not only towards Eugenic legislation, but towards any conceivable or inconceivable extravagances of Eugenics."<sup>6</sup> Christine Rosen, years later, echoed this sentiment: "If Darwinian evolutionary theory made the science of eugenics conceivable, it also made the ethos of progressivism viable."<sup>7</sup> As a result, eugenics became a popular pseudoscience which dominated American culture in the Progressive Era and set legal precedents, which led to unforeseen consequences.

Several secondary sources have contributed thoughtfully to this discussion of eugenics in the Progressive Era and beyond. Some of the most important works include Edwin Black's *War Against the Weak: Eugenics and America's Campaign to Create a Master Race* (2003), Christine Rosen's *Preaching Eugenics: Religious Leaders and the American Eugenics Movement* (2004), Richard Weikart's *From Darwin to Hitler: Evolutionary Ethics, Eugenics, and Racism in Germany* (2004), Paul A. Lombardo's *Three Generations, No Imbeciles: Eugenics, the Supreme*

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<sup>5</sup> George M. Marsden, *Fundamentalism and American Culture: The Shaping of Twentieth-Century Evangelicalism, 1870-1925* (New York: Oxford University Press, 1980), ix.

<sup>6</sup> Chesterton, *Eugenics and Other Evils*, 100.

<sup>7</sup> Christine Rosen, *Preaching Eugenics: Religious Leaders and the American Eugenics Movement* (Oxford: Oxford University Press, 2004), 12.

*Court, and Buck v. Bell* (2008), Richard Weikart's *Hitler's Ethic: The Nazi Pursuit of Evolutionary Progress* (2009), Adam Cohen's *Imbeciles: The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck*, and Thomas C. Leonard's *Illiberal Reformers: Race, Eugenics & American Economics in the Progressive Era* (2016). Throughout these works, the historical significance is always looking towards the issues of the current day—questions of right and wrong, bioethics, legal precedent, and the future of the human genome.

In his landmark work, *War Against the Weak: Eugenics and America's Campaign to Create a Master Race*, Edwin Black provides traces the American Eugenics Movement, and its subsequent global impact including its influence in the Nazi regime. Black notes how the movement was funded by many business icons like John Rockefeller and Andrew Carnegie, and their philanthropic institutions, and that these funds mingled with the Progressive Era and its ideals—which was the perfect storm.<sup>8</sup> He details laws enacted in twenty-seven states that dealt with racial inferiority, as well as pillars of the movement, which included Woodrow Wilson, Margaret Sanger, and Supreme Court Chief Justice Oliver Wendell Holmes. Black does a nice job of including how this movement not only affected poor white women, such as in the case of Carrie Buck, but also immigrants and people of color during the early 20<sup>th</sup> century.<sup>9</sup>

This work is a valuable contribution to the conversation of the American Eugenics Movement. Black is an investigative journalist for the *New York Times* who has done similar work with other ethical issues such as his work, *IBM and the Holocaust*.<sup>10</sup> For this specific book project on eugenics, Black led a team of fifty researchers in dozens of archives in four countries.

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<sup>8</sup> Edwin Black, *War Against the Weak: Eugenics and America's Campaign to Create a Master Race* (Washington, D.C.: Dialog Press, 2012), xv-xxv.

<sup>9</sup> Ibid.

<sup>10</sup> Edwin Black, *IBM and the Holocaust: The Strategic Alliance Between Nazi Germany and America's Most Powerful Corporation* (Washington, D.C.: Dialog Press, 2001).



The result is a powerful work that references a host of wonderful primary sources—some 50,000 documents. Black’s work is invaluable not only because of his masterful command of thousands of primary sources, but also his personal connection to his topic. The son of Polish Jews who survived the Holocaust, Black writes with passion and conviction about issues that so radically affected his family. Thus, this work is a great contribution to the discussion of American Eugenics and its implications around the world.

In her ground-breaking work, *Preaching Eugenics: Religious Leaders and the American Eugenics Movement*, Christine Rosen outlines how Protestant, Catholics, and Jewish leaders both confronted, but also embraced the American Eugenics Movement. Rosen asserts that the eugenics movement took America by storm in the 1920s and 1930s, and the movement itself was rooted in the questions about the origins of the natural world and human beings brought about by Charles Darwin’s *The Origin of Species*. This resulted, therefore, in a routine challenge to the previously accepted Judeo-Christian answer found in Genesis to the purpose and meaning of mankind. She argues that the Progressive Era provided fertile ground for the movement to grow, and faith leaders began to adopt these ideas as well. Within the respective faiths, there were different reactions to eugenics, Rosen argues.<sup>11</sup> For example, those of a more liberal persuasion were generally more receptive to eugenic thought—whether they were Protestant, Catholic or Jewish. This story of eugenics in the religious context is an important monograph because it shows how science and religion interacted during this critical period.

Rosen’s description of how many eugenic ideals were not only tolerated but embraced by faith leaders across America remains an important contribution to the body of research on the

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<sup>11</sup> Rosen, *Preaching Eugenics*, 14-5.

American Eugenics Movement. Rosen's ability to fuse both the religious and scientific context in terms of policy and ethical dilemma makes her work invaluable. She draws on several unexplored archival materials including the records of the American Eugenics Society, religious and scientific books and periodicals of the day, the personal papers of religious leaders and scientific leaders that were influential to the American Eugenics Movement.

In *From Darwin to Hitler: Evolutionary Ethics, Eugenics, and Racism in Germany*, Richard Weikart explains the impact that Darwinism had on ethics and morality. Focusing on the German Eugenics Movement which preceded the Nazis, Weikart identifies that the ethic of progress, as outlined by Charles Darwin, fundamentally refocused traditional Judeo-Christian and enlightenment ethics towards progress. Weikart outlines the resulting German Moral Relativism Movement which paved the way for later ideas outlined in Adolf Hitler's *Mein Kampf* to be accepted by the German people.<sup>12</sup> Not limiting this shift in ethics to just eugenics alone, Weikart concludes that Darwin's ideology also played a role in the rise of several ethical dilemmas, including euthanasia, infanticide, abortion, and racial extermination—all utilized by the Nazis.<sup>13</sup> Weikart effectively asserts that Hitler's arguments did not originate from a Nihilistic viewpoint, but rather from a Darwinian one.

This monograph is an important contribution to the field because Weikart contributes the notion that Hitler was not devoid of ethics—but rather followed a different ethic than had been traditionally held in a Judeo-Christian or Enlightenment context. Weikart draws on several

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<sup>12</sup> Richard Weikart, *From Darwin to Hitler: Evolutionary Ethics, Eugenics, and Racism in Germany* (New York: Palgrave MacMillan, 2004) 3-4.

<sup>13</sup> *Ibid.*, 16-7.

German sources that are readable in English for the first time, providing a nuanced, detailed, and thoughtful approach to the German Eugenics Movement, and its impact on the Nazi regime.

In *Hitler's Ethic: the Nazi Pursuit of Evolutionary Progress*, Weikart builds upon his themes in *From Darwin to Hitler: Evolutionary Ethics, Eugenics and Racism in Germany*, and further argues that Hitler had an ethic that was founded upon evolutionary progress to better the human race. In a difference from monograph, Weikart focuses on the German Eugenics Movement, this work is dedicated largely to the thought of Adolf Hitler himself. Weikart effectively argues that through the overarching ethic of evolution, Hitler did not commit his heinous acts in spite of an ethic, but because of one.<sup>14</sup> Thus, Hitler's ethic shows that evil can be accomplished under the disguise of the good. This ethic, according to Weikart, was rooted in Hitler's evaluation of human value, and human progress displayed in Hitler's writings, and speeches.<sup>15</sup> This work is invaluable to the field because it further traces the atrocities of the Nazis to their evolutionary ethic in a readable, nuanced way.

Paul A. Lombardo's *Three Generations, No Imbeciles*, outlines the case of *Buck v. Bell*, highlighting Carrie Buck, a white, socio-economically challenged girl, who was at the mercy of others because her mother, Emma, was sent away to the Virginia State Colony of the Feeble-minded and Epileptic. After Carrie Buck became pregnant by an unknown father, she was deemed feeble-minded. After her daughter, Vivian, was born, Carrie was sent away from her current caregivers and her own child to the Virginia Colony as well, joining her mother. Once she arrived at the Colony, the administration wanted to sterilize Buck to make sure she would never again reproduce another of "her kind." Buck protested the sterilization, but in both a trial

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<sup>14</sup> Richard Weikart, *Hitler's Ethic: The Nazi Pursuit of Evolutionary Process* (New York: Palgrave Macmillan, 2009), 3.

<sup>15</sup> *Ibid.*, 5-7.

in Virginia, in which Buck's defense attorney actually worked for the Virginia Colony, as well as in the Supreme Court decision of 1927, sterilization was deemed constitutionally viable for those deemed "unfit." As Justice Oliver Wendell Holmes proclaimed, "Three generations of Imbeciles are enough," citing not only Carrie Buck, but Emma and Vivian Buck's feeble-mindedness as well. This had implications not only for American legal precedents, Lombardo argues, but international ethical law, as it was the case *Buck v. Bell* that the Nazis cited in their defense for crimes against humanity at Nuremberg.<sup>16</sup>

Published in 2008, Lombardo's work is the first extensive outline of the *Buck* case. In addition, Lombardo as a professor of law, Lombardo addresses not only the historicity and underlying philosophical issues with the *Buck* case, but also to address the case as a lawyer, noting the flaws of the case itself from a legal perspective. Thus, his viewpoint is an invaluable asset and a worthy contribution to the study of the American Eugenics Movement and its implications.

Cohen's *Imbeciles* is another landmark work detailing the *Buck* case. In the same vein as Lombardo, Cohen goes through the history of the trial and the subsequent horrific ruling that "Three generations of Imbeciles are enough." However, Cohen's argument is different. Taking a holistic approach, Cohen takes care to look not only at the case but at the context surrounding the case. Cohen argues that in order for such an injustice to take place, it took the failure of not one discipline, but four—medicine, academia, law, and the judiciary.<sup>17</sup> He further argues that the one most to blame is the judiciary, asserting that law's most fundamental task is to protect the weak

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<sup>16</sup> Paul Lombardo, *Three Generations, No Imbeciles: Eugenics, the Supreme Court, and Buck v. Bell* (Baltimore: The Johns Hopkins University Press, 2008), xii-xiii.

<sup>17</sup> Adam Cohen, *Imbeciles: The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck* (New York, NY: Penguin Press, 2016), 7.

from the strong.<sup>18</sup> *Buck*, Cohen argues, was not only a reversal of this principle, but a mockery of it. The worldview of the judiciary in the Progressive Era was indeed a world in which many would not survive.

What makes Cohen's work even more interesting and noteworthy is the fact that he writes from a perspective that this case was incorrect based on the Code of Hammurabi and its assertion that the strong must protect the weak. Cohen arrives at the ethical disillusion this case would hold for a person of faith. Indeed, he sees the *Buck* trial with disdain because of his belief that those who have power will continually and timelessly weaponize it against those who do not. With this Hegelian, and even somewhat Marxist, viewpoint Cohen still condemns the actions of the *Buck* trial—thus, his contribution to this discussion is sizable because he arrives at the same conclusion while using an unexpected argument. This different perspective brings clarity and broadness to the issue as a whole.

In his *Illiberal Reformers: Race, Eugenics & American Economic in the Progressive Era*, Thomas C. Leonard reexamines the economic progressives and their supposed reform agenda—dismantling the laissez-fair capitalist mindset and creating a regulatory welfare state. Asserting that while many conservatives and socialists also contributed to this issue, the progressives of this period are important because they won the argument. In the work, he argues that while intentions were supposedly good, the influence of Darwinism, racial science, and eugenics kept progressive economic reform from helping the poor of the American Progressive Era.<sup>19</sup> While some of the poor were helped by these Progressive economic policies, many more, including

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<sup>18</sup> Cohen, *Imbeciles*, 12-3.

<sup>19</sup> Thomas C. Leonard, *Illiberal Reformers: Race, Eugenics & American Economics in the Progressive Era* (Princeton: Princeton University Press, 2016), ix-xi.

immigrants, African Americans, women, and “mental defectives” were denied assistance because of their threats to both the American working class and Anglo-Saxon racial integrity.

This monograph is invaluable to the topic of eugenics because of its unique approach to the Darwinian influence on progressive economics. Additionally, Leonard ties economics into the complexities and nuance of other disciplines of the day including religion, eugenics, and evolution theory. Well-sourced and well-nuanced, Leonard brings an insightful, new look at gender, race, class, and economics infused with Darwinian theory during the Progressive Era which is a significant achievement.

This thesis could not have been written without the several scholarly works preceding it. Indeed, this thesis is meant to contribute further to this ongoing discussion by examining the specific relationship between American culture and courtroom, and how this relationship translated onto the international stage. While these works are important and contribute much to the discussion, not much work has been done linking *Buck* (1927) case to other cases of the day that were influential. Therefore, my thesis will be focusing on linking *Buck* with *Scopes v. States* (1926), or the Scopes Monkey Trial. Though certainly not every evolutionist is a eugenicist, every eugenicist is an evolutionist. This work examines the forces of Naturalism, Social Darwinism, Fundamentalism, the global eugenics movement influence, and legal precedent that made the American Eugenics Movement so potent and poignant to the Progressive Era. By examining the *Scopes* and *Buck* together, this work will contribute to the excellent scholarship preceding it.

As chapter one will demonstrate, this link of culture to courtroom was foreshadowed by one of the foremost minds in the study of eugenics: Sir Francis Galton. Galton, Charles Darwin’s cousin, coined the term “eugenics,” transliterating from the Greek, εὖ (a prefix meaning “good,

or well”) γενής (a noun which means “born”), meaning “well-born.” This movement, at its time, was seen as “inevitable,” led by “right-minded” people which was only reprimanded by those on the “wrong side of history.”<sup>20</sup> Its spread was undeniable, and its mark on American history would be indelible. This dissemination pattern is no more clearly manifested than in the Progressive Era jurisprudence which was showcased well in both *Scopes v. States* and *Buck v. Bell*. Both cases were influenced by leading academicians of the day who espoused eugenics, and both outcomes led to a shift in the national, and later international, conscience.

Galton prophetically outlined the process by which this ideology would be disseminated. He wrote that persistence was key in making Eugenics paramount in the nation, and that this persistence would go through three stages: “*Firstly* it [eugenics] must be made familiar as an academic question, until its exact importance has been understood and accepted as fact; *Secondly* it must be recognized as a subject whose practical development deserves serious consideration; and *Thirdly* it must be introduced into the national conscience, like a new religion.”<sup>21</sup> Galton would not be disappointed. By first making its way into the academic community as a movement, as manifest in *Scopes v. States*, and then seeping through the court system by way of “practical development,” in *Buck v. Bell*, eugenics took a hold not only in the national, but international conscience with a promise of becoming “an orthodox religious tenet of the future,” manifest in the horrors of the German Nazis.<sup>22</sup> While *Scopes* illuminated the cultural zeitgeist and debated the nature of science itself in society, *Buck* brought a new perspective of what the dignity of a human person looked like in the Progressive Era. Indeed, Galton was among the

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<sup>20</sup> Robert P. George, *Conscience and Its Enemies: Confronting the Dogmas of Liberal Secularism* (Wilmington, DE: ISI Books, 2013), 151-2.

<sup>21</sup> Francis Galton, *Essays in Eugenics* (Washington, D.C.: Scott-Townsend Publishers, 1996), 42. This work was first published in 1909.

<sup>22</sup> *Ibid.*

first, but certainly not the last, to believe that eugenics was a way for man to do “providently, quickly, and kindly,” what Nature could only do “blindly, slowly, and ruthlessly.”<sup>23</sup>

This is seen clearly in both *Scopes v. States* and *Buck v. Bell*, products of Progressive jurisprudence. Chapter two shows how in *Scopes*, questions of academic freedom and separation of church and state famously were debated. However, not as well known, but arguably as prominent, were the connections many involved in the trial had to the American Eugenics Movement. *Scopes* is famous for its bizarre nature—the publicity, both at home and abroad it received, as well as the lack of legal implication it yielded. *Scopes* was more than a court decision. It was a trial of American culture itself. Throughout the debate, the question of origin—where human beings originated from—was debated. The case set not only a legal precedent, but also a cultural one on the ambivalence of the American people on Progressive ideals like progress, science, and the fit.

Indeed, no event in American history better encapsulates the American eugenic movement better than the trial of Carrie Buck and her consequential forced sterilization. Chapter three reveals that in the midst of the movement, forced sterilization was perceived by many as a way to positively contribute to society by ensuring that the unfit did not reproduce. Buck served as an excellent test case because of both her personal perceived “feeble-mindedness” as well as her family history. Her trial was never about protecting the weak, and her conviction of “feeble-mindedness” was delivered without reproach. The sterilization law that her trial produced was monumental to the movement both at home and abroad. This trial is monumental not only to

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<sup>23</sup> Galton, *Essays in Eugenics*, 42.



understanding American eugenic policy, but also international reactions and Nazi Germany's chilling use of this pseudoscience in its rise to power and in the Holocaust.

While the Americans helped lead the charge in this pseudoscientific endeavor, the American Eugenics Movement was but one part of an international whole. Several international conferences and congresses routinely met and discussed what good could come from rewarding the fit and punishing the unfit. Beginning in the late 1800s, and continuing well into the 1930s, the international community crossed party, nation, and allied lines to join arms in the creation of a better race. Chapter four details how the international embrace of this ideology is no better seen than in the creation, adaptation, and implementation of the German Eugenics Movement, and later, the Nazi Regime. During this period, the eugenic mindset was followed to its logical end. The fit were allowed to live and procreate. The unfit were destined to die and used for medical experimentation while they awaited death.

The German Eugenics Movement was utilized by the Nazis to help fuel the fire of Hitler's ethic. The "fit" Aryans were destined to procreate, while the "unfit" others were subject to segregation, ghettoization, hunger, torture, medical experimentation, hard labor, and death. Eugenics was a key component of the Holocaust. Indeed, the eugenic mindset was necessary for the Holocaust to take place as it did. After the Holocaust, at Nuremberg, several Nazi doctors were put on trial for crimes against humanity. They claimed these crimes were but continuations of the eugenics mindset which had intoxicated several on the international stage, and to a point, they were not incorrect. Not surprisingly, after the end of World War II, eugenics became much more controversial. Since this topic is oft overlooked, this research has attempted to bridge this gap in scholarship and synthesize the American Eugenics Movement in both cultural and

jurisprudential contexts, its international influence, and the implications of this ideology in Nazi policy.

**Chapter 1:**  
**The Good, The True, and The Not So Beautiful:**  
**A Short History and Philosophy of**  
**Personhood, Naturalism, and the Eugenics Movement**

“It’s a beautiful thing, the destruction of words.

Of course the great wastage is in the verbs and adjectives, but there are hundreds of nouns that can be got rid of as well. It isn’t only the synonyms; there are also the antonyms.

After all, what justification is there for a word which is simply the opposite of some other words?...

Take ‘good’ for instance.

If you have a word like ‘good,’ what need is there for a word like ‘bad’?”

-George Orwell, *1984*, p. 45-6

“What comes into our minds when we think about God is the most important thing about us.”<sup>24</sup> American Christian writer, A.W. Tozer, hit upon something so profound, so simple, and so timeless. While this truth came from a Christian’s pen, it is not distinctly a Christian observation, nor is it a specific observation for the individual. What any society believes or does not believe about a God, or gods, or no god at all—in other words, what a society values above all else—profoundly influences what the society becomes. Some societies, like the ancient Greek ones, believed that civic virtue was the highest form of societal integration, and true friendship was its handmaiden.<sup>25</sup> Other societies, like the Italian ones of the early 1500s, influenced by their Humanism, valued autonomy highly and this value showed in their style of governance.<sup>26</sup> Still other societies, like Weimar (and later Nazi) Germany held high the idea that Germany needed to be morally reinvigorated to once again return to international prominence, and that Adolf Hitler was not only Germany’s prophet, but new king.<sup>27</sup> In any case, societies value what they perceive as good.

The Progressive Era of the early 20<sup>th</sup> century was no different in this respect. It was marked by a belief that progress was paramount, and science was the magic key.<sup>28</sup> Because of the explosion of science and modern life, as well as World War I, the Progressive Era was marked by an insecurity, strife, and overall uncertainty, which casted “its heavy and black shadow over all aspects of [that] present.”<sup>29</sup> This uncertainty led to a new way of thinking about

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<sup>24</sup> A.W. Tozer, *The Knowledge of the Holy* (New York: HarperCollins, 1961), 1.

<sup>25</sup> C.S. Lewis, *The Four Loves* (New York: Harvest/HBJ, 1960), 87.

<sup>26</sup> Leonard Krieger, *The German Idea of Freedom: A History of Political Tradition* (Boston: Beacon Press, 1957), 6.

<sup>27</sup> Weikart, *Hitler’s Ethic*, 17.

<sup>28</sup> Marsden, *Fundamentalism and American Culture*, 7.

<sup>29</sup> John Dewey, *Reconstruction in Philosophy* (Boston, MA: Beacon Press, 1957), vi. This was first published in 1920.

the world—not one based in fixation, but one based in movement. As American philosopher and educator John Dewey surmised:

Into this state of affairs in natural science as well as in moral standards and principles, there recently entered the discovery that natural science is forced by its own development to abandon the assumption of fixity and to recognize that what for it is actually ‘universal’ is process; but this fact of recent science still remains in philosophy, as in popular opinion up to the present time, a technical matter rather than what it is: namely, the most revolutionary discovery yet made.<sup>30</sup>

Science was the lamp unto the feet of progress. And though many wished progress to be a grand idea, it was rather “the belief that human history is a simple unilinear movement from worse to better.”<sup>31</sup> Progress was seen as the schema of a grand narrative though not a grand idea itself, not only in science, but in history, too.

How a one views history is important because it reflect one’s current view of society.<sup>32</sup>

This principle held true in the Progressive Era. While history had historically been viewed as teleologically driven due to Judeo-Christian influences with historians like Augustine, by the late 1890s, history was viewed as “a progressive science.”<sup>33</sup> By 1910, one historian remarked, “future ages will see no limit to the growth of man’s power over the resources of nature and of his intelligent use of them for the welfare of his race.”<sup>34</sup> The “Darwinian Revolution” insisted that nature and history were both progressive, drawing on the Hegelian Dialectic as well as the Marxist focus on the creation of new regimes.<sup>35</sup> As the idea that “every civilized society impose[d] sacrifices on the living generation for the sake of the generations yet unborn,”

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<sup>30</sup> Dewey, *Reconstruction in Philosophy*, xiii.

<sup>31</sup> C.S. Lewis, *The Weight of Glory* (New York: HarperCollins, 2001), 81. This was first published in 1949.

<sup>32</sup> Edward Hallett Carr, *What is History?*, (New York: Vintage Books, 1961), 176.

<sup>33</sup> *Ibid.*, 146-7.

<sup>34</sup> *The Cambridge Modern History: Its Origin, Authorship, and Production* (Cambridge: Cambridge University Press, 2011) 13; A.W. Ward, G.W. Prothero, and Stanley Leathes, ed., *The Cambridge Modern History I* (New York: MacMillan Company, 1902), 4; and A.W. Ward, G.W. Prothero, and Stanley Leathes, ed., *The Cambridge Modern History XII* (New York: MacMillan Company, 1910), 791. *The Cambridge Modern History: Its Origin, Authorship, and Production* was originally published in 1907.

<sup>35</sup> Carr, *What is History?*, 150, 153, 158, 168.

matriculated from theory to the philosophy of history, progress became not only purpose, but the connection between the past and the present.<sup>36</sup>

Further, progress was manifest in the people of the Era, not simply an abstract ideal. C. S. Lewis wrote of scathingly this futuristic progress personified, “A race of demigods now rules the planet—and perhaps more than the planet—for eugenics have made certain that only demigods will be born...Man has ascended his throne...Such a world drama appeals to every part of us.”<sup>37</sup> This drama appealed to those of the progressive era in an unprecedented way through the American Eugenics Movement, and its accompanying philosophies—namely, Naturalism and Social Darwinism.<sup>38</sup>

### **The Historic Search for the Good**

The origins of eugenic ideology begin with the idea of personhood. As Supreme Court Justice Oliver Wendell Holmes rightly noted “that theory is the most practical thing, for good or for evil, in the world.”<sup>39</sup> Progress is right and good, but if it has no manifestation, it is no more than yet another contemplation upon the meaning of life with no real implication. This theory of progress’ most essential and pragmatic conduit is of course, the human person. During the Progressive Era, progress was the ultimate good—this begs the question, then, “how was a good person defined?”

Defining a good person is no new phenomenon; and it begins with defining what is good. Indeed, it began with at least Plato. For the ancients, personhood was wound tightly around the

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<sup>36</sup> Carr, *What is History?*, 158, 173.

<sup>37</sup> Lewis, *The Weight of Glory*, 124-5.

<sup>38</sup> Weikart, *Hitler's Ethic*, 11. This is not to suggest that Naturalism and Social Darwinism were the only accompanying philosophies. Several others—including Prussian militarism, German nationalism, Christian anti-Semitism, Arthur de Gobineau’s racism, Arthur Schopenhauer’s philosophy, anti-parliamentarian attitudes, and World War I all played a part. However, these philosophies are arguably the most relevant to this discussion.

<sup>39</sup> Dewey, *Reconstruction in Philosophy*, xli.

idea of virtue—or goodness. Plato believed that virtue was one singular concept that had multiple facets and was integral to personhood itself. In *Protagoras*, Plato writes:

Socrates: Will you then explain precisely whether virtue is one thing, and justice and temperance and piety parts of it, or whether all of these that I've just mentioned are different names of one and the same thing?

Protagoras: Virtue is a single thing, and the things you ask about are parts of it.

Socrates: Do you mean in the way that the parts of a face, mouth, nose, eyes, and ears, are parts of the whole, or like parts of gold, none of which differs from any of the others or from the whole, except in size?<sup>40</sup>

Thus, virtue by definition is a *pure* substance. It is made up of multiple components, but these components are fused together. Plato discusses that it is the fusion of good qualities that create the “gold” that is virtue itself.<sup>41</sup> Further, the soul gives the human the opportunity and capability to pursue the “good, the true, and the beautiful.”<sup>42</sup> Plato argues that there is a dichotomy in the human soul—both a material (or carnal) portion and an immaterial (or otherworldly) side.<sup>43</sup> It is no surprise, then, that Plato sees virtue as a fused gold—unified, and solidified—an ideal that is above and transcends the human soul or *ψυχή*.

Aristotle, Plato's pupil, built upon Plato making the purpose deeper—to “achieve the Good.”<sup>44</sup> Aristotle is first known for his “golden mean” idea of virtue.<sup>45</sup> In *Nicomachean Ethics*, Aristotle writes that “human good turns out to be activity of soul in accordance with virtue, and if there are more than one virtue, in accordance with the best and most complete.”<sup>46</sup> Thus, virtue from a philosophical standpoint, is a “good” that is in the soul and contributes to the

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<sup>40</sup> A.W. Price, *Virtue and Reason in Plato and Aristotle* (Oxford: Oxford University Press, 2011), 2-3.

<sup>41</sup> *Ibid.*, 3-4.

<sup>42</sup> *Ibid.*, 85.

<sup>43</sup> *Ibid.*, 86.

<sup>44</sup> W. Von Leyden, *Aristotle on Equality and Justice: His Political Argument* (New York: St. Martin's Press, 1985), 17.

<sup>45</sup> Joshua B. Stein, *Commentary on the Constitution from Plato to Rousseau* (Plymouth, United Kingdom: Lexington Books, 2011), 19.

<sup>46</sup> Aristotle, *Nicomachean Ethics*, trans., W.D. Ross (Internet Classics Archive, 2009), <http://classics.mit.edu/Aristotle/nicomachaen.1.i.html>, book I, section 7, line 30.

“completeness” of Man. Further, Aristotle divides virtues into two categories: both “intellectual and others moral, philosophic wisdom and understanding and practical wisdom being intellectual, liberality and temperance moral.”<sup>47</sup> He also denotes the nature of virtue itself, saying that it is a “mean” of two superfluous ends. He writes:

Now the exercise of the virtues is concerned with means. Therefore virtue also is in our own power, and so too vice. For where it is in our power to act it is also in our power not to act, and vice versa; so that, if to act, where this is noble, is in our power, not to act, which will be base, will also be in our power, and if not to act, where this is noble, is in our power, to act, which will be base, will also be in our power.<sup>48</sup>

Thus, this “golden mean” Aristotle develops is essential to the development to virtue itself.

While Plato simply established that there was such a thing as virtue, and noted it as an ideal, Aristotle was the first to bring that ideal into practicality. Plato identified the ideal of virtue manifest in temperance, justice, courage and wisdom; but Aristotle explored it from a practical, more usable perspective.

With this background, one can begin to delve into what one of the next major thinkers, Augustine, believed specifically about virtue—or the good. Augustine coined the idea of a “Christian virtue,” using classical thought. He cites that the “Symbol” (or Apostle’s Creed) and the Lord’s Prayer display the Christian virtues which are faith, hope, and love.<sup>49</sup> In essence, while Plato’s cardinal virtues are mainly concerned with the bettering of society and of the individual, Augustine’s Christian virtues find their origin in simply knowing God better. While Plato was concerned that the just live by wisdom, temperance, and courage, Augustine was concerned with faith, hope, and love. Further, he asserted that these three would bring about any other desirable virtues. Augustine gets his outline from 1 Corinthians 13, where Paul speaks of

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<sup>47</sup> Aristotle, *Nicomachean Ethics*, book I, section 13, lines 30-31.

<sup>48</sup> *Ibid.*, book III, section 5, lines 1-3.

<sup>49</sup> Augustine, *Handbook on Faith, Hope, and Love*, trans., Albert C. Outler, Christian Classics Ethereal Library, <http://www.ccel.org/ccel/augustine/enchiridion.html>, 5.



“see[ing] through a glass, darkly; but then face to face: now I know in part; but then shall I know even as also I am known.”<sup>50</sup>

Almost a thousand years after Augustine, Thomas Aquinas applied much Aristotelian logic to his thoughts on God and the world around him. A monk of the Dominican order, some attribute to Aquinas the beginning of the study of ethics as a gateway to the study of theology.<sup>51</sup> While Augustine helped lead the way in first Christianizing the pagan idea of virtue, it was Aquinas that took many ideal virtues and began to find virtue ethics as his search for the Good took a pragmatic approach. Aquinas discussed virtue in detail and in a deeply teleological fashion.<sup>52</sup>

In several small treatises, Aquinas examines both what he calls “moral virtues” which seem to take their cues largely from Augustine’s developments of Faith, Hope, and Charity (or love), and the aforementioned Cardinal Virtues that Plato examines in great detail. When examining prudence as a potential virtue, he defines virtue in aspect to both the Good and the practical exemplification of this Good. Aquinas wrote, “...of virtues in general, ‘virtue is that which makes its possessor good, and his work good likewise.’ Now good may be understood in a twofold sense: first, materially, for the thing that is good, secondly, formally, under the aspect of good...”<sup>53</sup> Goodness was now considered both a subject upon which to dwell in isolation as well as an aspect of the subject itself.

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<sup>50</sup> 1 Corinthians 13:12.

<sup>51</sup> David A. Lines and Sabrina Ebbersmeyer, ed., *Rethinking Virtue, Reforming Society: New Directions in Renaissance Ethics, c. 1350-c. 1650* (Turnhout, Belgium: Brepols Publishers, 2013), 66.

<sup>52</sup> Ralph McInerny, *Aquinas on Human Action: A Theory of Practice* (Washington, D.C.: The Catholic University of America Press, 2012), 195.

<sup>53</sup> Thomas Aquinas, *Summa Theologica* (Christian Classical Ethereal Library), Question 47, Answer 4 [http://www.ccel.org/ccel/aquinas/summa.SS\\_Q47\\_A4.html](http://www.ccel.org/ccel/aquinas/summa.SS_Q47_A4.html).

### A Note on Natural Law

Out of this view of goodness came a respect for one's fellow man, and a belief that there was a "natural law" that could not be assuaged by mere human laws. Cicero, living in the Roman Republic in between the time of Aristotle and Augustine, pioneered this idea in several respects. He wrote that reason is the evidence of the "divine" in the natural, and therefore reason shows the transcendent natural law.<sup>54</sup> Cicero used the tale of Rome's beginnings and specifically, the rape of Lucretia by Sextus Tarquinius to prove his point.<sup>55</sup> He noted that while this event happened before the Roman laws were in place, it was contrary to everlasting natural law, and therefore wrong.<sup>56</sup>

Cicero wrote, "It [the rape as a transgression] did not begin to be a law precisely when it was written, but when it arose. And it arose together with the divine mind. Therefore, the true and chief law, suitable for ordering and forbidding, is the correct reason of Jupiter the Highest."<sup>57</sup> Cicero was inspired perhaps by the Stoic phenomenon of the divinity of Nature and concept of divine providence.<sup>58</sup> However, for Cicero, natural law was even more encompassing than the Stoics would have advocated. Indeed, Cicero saw natural law as the inherent, transcendent gift of the everlasting heavenly law. It was perceived as the evidence of the mortal mingling with the mind of the divine; therefore, Cicero argued, natural law was higher than civic law.

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<sup>54</sup> Aquinas, *Summa Theologica*, Book III, Section IX.

<sup>55</sup> Marcus Tullius Cicero, *De Legibus*, trans., David Fott (Ithaca, New York: Cornell University Press, 2014), Book III, Section IX.

<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.*

<sup>58</sup> J.G.F. Powell, ed., *Cicero: The Philosopher* (New York: Oxford University Press, 2002), 24.

The rule of reason is no new phenomenon, neither is the idea that there is a greater divine entity. Indeed, Plato established this.<sup>59</sup> However, what is unique is that while Plato focused on the order of “goods” that natural law regulates—such as the body, the temporal things, etc.—Cicero focused on the nature of the law itself.<sup>60</sup> Cicero believed that natural law was beyond a civic or positive law, indeed, it was of a “universal, eternal and immutable nature.”<sup>61</sup> Therefore, there is a dichotomic tension between civic law and natural law, with natural law being considered the higher authority.<sup>62</sup> Indeed, some scholars have suggested that Cicero created this bridge between the two using Stoic philosophy.<sup>63</sup> However, when speaking of just natural law, Cicero believed it was a supreme dictation from a supreme being, which advocated the righted reason and thus justice for all.

### Personhood and the Good

Natural law is part of a larger argument surrounding not only what makes a person good, but more centrally, what makes a person.<sup>64</sup> The idea of personhood naturally flows from what a culture believes to be good and natural. This is described beautifully in the discipline of philosophical anthropology. Max Scheler, a German philosopher writing at the turn of the 20<sup>th</sup> century, was one of the first to coherently argue for the idea of personalism, or the idea of viewing historical events through how a person is viewed.<sup>65</sup> Around the time of the Middle Ages, roughly from the 5<sup>th</sup> to 15<sup>th</sup> centuries, and specifically when Aquinas was writing (around

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<sup>59</sup> Bradley V. Lewis, “Platonic Philosophy and Natural Law,” *The Witherspoon Institute*, <https://www.nlnrac.org/classical/plato>, 2.

<sup>60</sup> Lewis, “Platonic Philosophy and Natural Law,” 2.

<sup>61</sup> José Contreras Fransisco, ed., *The Threads of Natural Law: Unravelling a Philosophical Tradition* (New York: Springer, 2013), 30.

<sup>62</sup> Elizabeth Asmis, “Cicero on Natural Law and the Laws of the State,” *Classical Antiquity*, 27, no. 1 (2008): 2.

<sup>63</sup> *Ibid.*, 2.

<sup>64</sup> George, *Conscience and Its Enemies*, 82.

<sup>65</sup> Max Scheler, *Philosophical Perspectives*, trans., Oscar A. Haac (Boston, MA: Beacon Press, 1958), 93.

1250 A.D. or so), the idea of a man emerged as a largely Judeo-Christian undertaking. Mankind was seen as a creation of a personal God, following the redemptive storyline outlined in the Bible. From this view flowed not only a belief in a human soul, but also a purpose for that soul to exist.<sup>66</sup>

As the Middle Ages gave way to the Enlightenment (taking place roughly around 1600 to 1820 A.D.), the view of mankind shifted. Because the culture now valued knowledge for knowledge's sake, the seemingly mythical views of God in the Middle Ages waned. Man was now viewed as a “homo-sapien”—a rational being, who was distinct from animals and held reason in highest regard.<sup>67</sup> This view was not only held by those of the Enlightenment period, but also returned to classical roots of those such as Plato and Aristotle. It emphasized a hierarchy in which humans were paramount but did not properly assuage any inquiries as to the spiritual aspect of man, instead focusing on man's purpose in relation to his reasonable mind.<sup>68</sup>

As the Enlightenment gave way to higher philosophy (from around 1850 to 1890 A.D.), the German philosophers like Karl Marx and Sigmund Freud came into view.<sup>69</sup> With this philosophy came the “homo-faber” view of man, which was one of positivistic, pragmatic naturalistic belief that man was essentially good when he was essentially practical. An economical view of history not only drove history, but also drove the current spirit of the times.<sup>70</sup> Truth was measured by success and profitable reactions, and faith was no longer in the transcendent, but in the evolution of the transcendent—a true oxymoron.<sup>71</sup> Indeed, a

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<sup>66</sup> Scheler, *Philosophical Perspectives*, 66.

<sup>67</sup> *Ibid.*, 71.

<sup>68</sup> *Ibid.*, 73.

<sup>69</sup> *Ibid.*, 89.

<sup>70</sup> Palme R. Dutt, *The Life and Teachings of V.I. Lenin* (New York, NY: International Publishers, 1934), 11.

<sup>71</sup> Margarita Mooney, “Session 5 of Rediscovering Integral Humanism Summer Seminar,” Lecture Presentation, Portsmouth Abbey, Portsmouth, Rhode Island, June 25, 2019.

transcendent—a higher truth—that is subject to earthly evolution is no longer a transcendent reality. This sentiment was openly touted by Sir Francis Galton in 1909, when he wrote:

There are a vast number of conflicting ideals of alternative characters, of incompatible civilisations [*sic*]; but all are wanted to give fulness [*sic*] and interest to life. Society would be very dull if every man resembled the highly estimable Marcus Aurelius or Adam Bede. The aim of Eugenics is to represent each class or sect by its best specimens; that done, to leave them to work out their common civilisation [*sic*] in their own way.<sup>72</sup>

The view of the “homo-faber” man transitioned easily into the views that would later come, however, it is “homo-faber” that predominate the Progressive Era, and this view was most clearly manifested in the pervading ideology of Naturalism—the essential belief that there is no transcendent quality to the natural world, including humanity—and Natural Selection—the process by which nature separates the fit from the unfit through procreation of the fit, and death of the unfit.<sup>73</sup>

### **Historic Naturalism & Natural Selection**

While Plato was the first to suggest some form of controlled human breeding in the 4<sup>th</sup> century B.C., it was Aristotle who developed natural selection.<sup>74</sup> Aristotle, in his work, *The*

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<sup>72</sup> Galton, *Essays in Eugenics*, 36-7.

<sup>73</sup> Charles Darwin, *The Origin of Species* (New York, NY: Fine Creative Media, 2004), 380-1. Darwin was very excited about the prospect of viewing natural history in terms of natural selection. He wrote, “The other and more general departments of natural history will rise greatly in interest. The terms used by naturalists of affinity, relationship, community of type, paternity, morphology, adaptive characters, rudimentary and aborted organs &c., will cease to be metaphorical, and will have a plain signification. When we no longer look at an organic being as a savage looks at as a ship, as at something wholly beyond his comprehension; when we regard every production of nature as one which has had a history; when we contemplate every complex structure and instinct as the summing up of the labour [*sic*] the experience, the reason, and event he blunders of numerous workmen; when we thus view each organic being, how far more interesting, I speak from experience, will the study of natural history become!”

<sup>74</sup> Chesterton, *Eugenics and Other Evils*, 17, 123. Chesterton’s original monograph was published in 1922. Chesterton noted, “Before slavery sank slowly out of sight under the new climate of Christianity, it may or may not be true that slaves were in some sense bred like cattle, valued as a promising stock for labour [*sic*]. If it was so it was in a much looser and vaguer sense than the breeding of the Eugenists; and such modern philosophers read into the old paganism a fantastic pride and cruelty which are wholly modern. It may be, however, that pagan slaves had some shadow of the blessings of the Eugenist’s care. It is quite certain that the pagan freemen would have killed the first man that suggested it. I mean suggested it seriously; for Plato was only a Bernard Shaw who unfortunately made his jokes in Greek.” While considered in the ancient world, eugenics was not considered seriously like it would be in later years.

*History of Animals*, outlines how life physically works and the subsequent purpose of that life.<sup>75</sup> In it, he discusses how life works—biologically, parts of living things are homogeneous (such as skin, eyes, etc.).<sup>76</sup> However, figuratively, what gives substance life is the heterogeneous mixture of these homogeneous elements (a good eye or a good ear by itself does not necessitate seeing or hearing.<sup>77</sup> Aristotle espoused a holistic purpose of man—in both the biological and teleological sense, and this was seen in his views on the idea of not only naturalism but natural selection.

Aristotle also wrote, regarding natural selection, “Accordingly, if the only choice is to assign these occurrences either to coincidence or to purpose, and if in these cases chance coincidence is out of the question, then it must be purpose. But, as our opponents themselves would admit, these occurrences are all natural. There is purpose, then, in what is, and what happens, in Nature.”<sup>78</sup> Thus, Aristotle promoted this holistic view of life that culminated in its τέλος, or ultimate purpose for living; therefore, the ultimate reason for existence (not only for Aristotle, but also Plato, Plotinus, Augustine, and others) was in itself a purpose—the final end of man was in “contemplation and love of the truth.”<sup>79</sup>

The Aristotelian form of Naturalism ultimately did not win the day. Although several thinkers, including classical thinkers like Empedocles, Lucretius (first century B.C.), Christian thinkers Maximus of Tyre (latter half of the second century A.D.), Galen, Lactantius (260-340 A.D.), St. Albertus Magnus (1206-1280 A.D.), and the modern thinkers John Ray (1694) and William Derham (1712), espoused that teleology Aristotle espoused provided a satisfactory

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<sup>75</sup> Etienne Gilson, *From Aristotle to Darwin and Back Again: A Journey in Final Causality, Species, and Evolution*, trans. John Lyon (Notre Dame: University of Notre Dame Press, 1984), 1.

<sup>76</sup> Gilson, *From Aristotle to Darwin and Back Again*, 2.

<sup>77</sup> Ibid.

<sup>78</sup> Conway Zirkle, “Natural Selection before the ‘Origin of Species,’” *Proceedings of the American Philosophical Society*, 84, no. 1 (Apr. 25, 1941): 76.

<sup>79</sup> Gilson, *From Aristotle to Darwin and Back Again*, 2-3, 7, 18.

answer for the natural world, (and thus natural selection was an unwanted response), the nature of naturalism itself was changing in the modern era.<sup>80</sup>

Philosophers such as Rene Descartes and Francis Bacon caught onto this shift away from Aristotle in the late 1500s-early 1600s, and further advocated not specifically for a Naturalism that provided happiness, but for a different form of life, a life that was a reduction of complexity. This reduction of complexity complemented Naturalism well. Descartes advocated for a reduction of thought—he separated traditionally holistic traditions like theology, philosophy, and the like into small, bite-size portions. Bacon invented the scientific method—a method largely focused on description, with a lack of prescription. Thus, Purpose was not found within life itself, therefore, but in the usefulness of those systems that had once been viewed in a more Greek and even Christian context as wholly purposeful.<sup>81</sup> It is this reductionist, Naturalist understanding of life that dominated the modern era. In the words of Chesterton, “Our first forgotten ancestors left this tradition behind them; and our own latest fathers and mothers would have, thought us lunatics to be discussing [eugenics].”<sup>82</sup>

### **Modern Naturalism and Natural Selection**

In 1807, Georges-Louis Leclerc Comte de Buffon, a Frenchman noted as the father of modern Naturalism, wrote several volumes in his *Histoire Naturelle*, a magnum opus on the state of nature. In it, he contends for the power of Nature itself. He wrote,

In searching for pleasure, we create ourselves pain; and seeking to be more happy, we increase our misery; the less we desire, the more we possess... whatever we wish beyond what Nature has given is pain; and nothing is pleasure but what she offers of herself.

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<sup>80</sup> Zirkle, “Natural Selection before the ‘Origin of Species,’” 74-84.

<sup>81</sup> Zirkle, “Natural Selection before the ‘Origin of Species,’” 5, 18.

<sup>82</sup> Chesterton, *Eugenics and Other Evils*, 18.

Nature presents to us pleasures without number; she has provided for our wants, and fortified us against pain. In the physical world, there is infinitely more good than evil;<sup>83</sup>

Indeed, Nature had become the benevolent good and natural selection therefore was good because it came from Her.

Buffon did not only think that Nature was benevolent, but that Nature was most glorified when Man was most satisfied in himself. Buffon went on to write, “take a view of the man of wisdom, who alone is worthy of our notice. Contented with his situation, he who is entitled to this character wishes not to live but as he has always lived: happy within himself, he stands in little need of other resources... A man like this is undoubtedly the happiest being in Nature.”<sup>84</sup> In two steps, Buffon moved forever the plane of Naturalism—which shifted from a sloppy excuse for purpose to Nature as the source of happiness.

Buffon was not the only Naturalist. Jean-Baptiste Lamarck was another scientist around the time of Darwin, who, in 1809, published *Philosophie Zoologique*, a magnum opus that contained his own theory of evolution; additionally in 1815, he published a seven volume work called *Histoire Naturelle Des Animaux* which argued for the inheritance of acquired characteristics.<sup>85</sup> A creative naturalist, Lamarck advocated for a much more flexible and pliable view of genetics and inheritance than Darwin, suggesting that environment, not genes, could dictate who a person could become.<sup>86</sup> This form of naturalism appealed to Karl Marx and Friedrich Engels as a way to marry socialism and with popular science of the day. As a later Russian poet would explain in the 1930s, “Who fenced to defend nature’s honor?/ It was

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<sup>83</sup> Georges Louis Leclerc de Buffon, *Containing a Theory of the Earth, a General History of Man, of the Brute Creation, and of Vegetables, Minerals, &c. &c. Natural History, Volume V*, ed., James Smith Barr (London: T. Gillet, Printer, Wild-Court, 1807) <http://www.gutenberg.org/files/45730/45730-h/45730-h.htm>, paragraph 33.

<sup>84</sup> Buffon, *Containing a Theory of the Earth*, paragraph 36.

<sup>85</sup> Loren Graham, *Lysenko’s Ghost: Epigenetics and Russia* (Cambridge, MA: Harvard University Press, 2016), 17-19.

<sup>86</sup> Ilya Gadjev, “Nature and Nurture: Lamarck’s Legacy,” *Biological Journal of the Linnean Society*, 114, no. 1 (January 2015): 242.



certainly fiery Lamarck./If all living nature is but an error/Of a short nightmarish day,/I will take the lowest stair/On Lamark's flexible scale."<sup>87</sup> While Charles Darwin himself initially denounced "Lamarck's nonsense," he accepted Lamarck's views in 1868 and tried to find a mechanism in which acquired characteristics could be transmitted.<sup>88</sup>

Natural selection had to have influential converts. Charles Darwin, famed naturalist, was not at first sold on the idea of natural selection. After reading Thomas Malthus' *Essay on the Principles of Populations* in 1838, Darwin was convinced that Nature was not only paramount, but a guiding force through natural selection.<sup>89</sup> Malthus wrote of two certainties, both the need for humankind to eat and to procreate. With these in mind, he postulated there was a "natural inequality" between these forces and that the "great law of our nature...keep[s] their effect equal."<sup>90</sup> He argued therefore that in order for society to thrive, population control on some level was not only necessary, but natural.<sup>91</sup> Because of Darwin's reading, natural selection became a "respectable hypothesis" that many more scientists would adopt over the concept of teleology by the nineteenth century.<sup>92</sup>

Additionally, Pierre Trémaux was a French scientist (1818–1895), whose work *Origin Et Transformations De L'homme Et Des Autres Êtres (The Origin And Evolution Of Man And Other Beings)*, which was published in 1865, and advocated that climate and environment would

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<sup>87</sup> Ian Probst, trans., "Lamarck," May 7-9, 1932, <https://nourjahad.livejournal.com/28671.html>.

<sup>88</sup> Conway Zirkle, ed., *Death of a Science in Russia: The Fate of Genetics as Described in Pravda and Elsewhere* (Philadelphia: University of Pennsylvania Press, 1949), 12. American eugenicists were also quite taken with Lamarck. In Horatio Hackett Newman's *Evolution, Genetics, and Eugenics*, Lamarck was described as "the greatest of French evolutionists, looked upon as 'the founder of the complete modern Theory of Descent.'" Further, Newman writes that Henry Fairfield Osborn, a eugenicist very involved in the Scopes Monkey Trial, referred to him as "the most prominent figure between Aristotle and Darwin." Newman served as one of the expert witnesses for the Scopes trial. See Horatio Hackett Newman, *Evolution, Genetics and Eugenics* (Chicago: The University of Chicago Press, 1932), 18.

<sup>89</sup> Zirkle, "Natural Selection before the 'Origin of Species,'" 72.

<sup>90</sup> Thomas Malthus, *An Essay on the Principle of Population*, ed. Antony Flew (Middlesex, England: Penguin Books Ltd., 1970), 72.

<sup>91</sup> Ibid.

<sup>92</sup> Zirkle, "Natural Selection before the 'Origin of Species,'" 84.

determine racial and species characteristics purely through adaptation.<sup>93</sup> This equilibrium was thus maintained, he argued, by interbreeding, or “crossing” (*croisement*).<sup>94</sup> Partly because his work was self-published, and because of Marx’s own endorsement and Engel’s subsequent rejection of him, Trémaux was never seen as a serious scientist.<sup>95</sup> This negativity surrounding Trémaux did not sway Marx’s admiration of his theory, and this episode foretold future instances where the communist worldview would infiltrate scientific inquiry itself. However, for naturalism, Trémaux’s findings proved to be beneficial for future naturalists. Nature, an inanimate ideal, had become the god of science with one brushstroke: natural selection now was considered the animation of Nature itself.

This is no clearer seen than in English biologist Herbert Spencer’s *First Principles*, written in 1862. A disciple of Darwin, Spencer was the first to coin the term “natural selection.”<sup>96</sup> He believed that since Creation’s origin was inconceivable, it was better to rely on scientific theory for answers than it was to simply believe in an “inconceivable Creator” of sorts. He said this concerning the roots of naturalism and the animation of nature to promote natural selection:

There remains the commonly -- received or theistic hypothesis -- creation by external agency. Alike in the rudest creeds and in the cosmogony long current among ourselves, it is assumed that the Heavens and the Earth were made somewhat after the manner in which a workman makes a piece of furniture. And this is the assumption not only of theologians but of most philosophers. Equally in the writings of Plato and in those of not a few living men of science, we find it assumed that there is an analogy between the process of creation and the process of manufacture...The artizan [*sic*] does not make the iron, wood, or stone, he uses, but merely fashions and combines them....Did there exist nothing but an immeasurable void, explanation would be needed as much as it is now. There would still arise the question -- how came it so?...Those who cannot conceive a

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<sup>93</sup> John S. Wilkins, *Species: The Evolution of the Idea*, 2<sup>nd</sup> ed. (Boca Raton, FL: CRC Press, 2018), 182.

<sup>94</sup> Wilkins, *Species*, 182.

<sup>95</sup> *Ibid.*; and Richard Weikart, *Socialist Darwinism: Evolution in German Socialist Thought from Marx to Bernstein* (San Francisco: International Scholars Publications, 1999), 29-31.

<sup>96</sup> George John Romanes, “Mr. Herbert Spencer on ‘Natural Selection,’” *The Contemporary Review* 63 (April 1893): 499.

self-existent Universe, and therefore assume a creator as the source of the Universe, take for granted that they can conceive a self-existent Creator.<sup>97</sup>

The idea here, then, is that naturalism becomes a soft form of agnosticism. Because the naturalist cannot prove anything outside of the natural, it makes him at best unknowing of anything outside of the physical world. The question of origin thus becomes a question of physical versus concrete, instead of chaos versus order. Chance is never the arbiter of truth, only the revealer of it. Indeed, when one distills the argument of origin to simply physical versus nonphysical, or chance in the positive or negative sense, the argument is no longer valid because certain knowledge of anything non-physical (or sensed in some way) has been excluded.

Darwin echoed these sentiments in his *On the Origin of Species by Means of Natural Selection, or the Preservation of Favoured Races in the Struggle for Life* (1859). He presented himself as a naturalist who was previously “erroneous” in believing that each creature on earth has been independently created.<sup>98</sup> Instead, creatures are not immutable, Darwin argued, and further, natural selection would be the means by which this mutation takes place to produce modification.<sup>99</sup> Further along in the work, Darwin sized up nature’s intentions, saying, “man can act only on external and visible characters: nature cares nothing for appearances, except in so far as they may be useful to any being...Man selects for his own good; Nature only for that of the being which she tends.”<sup>100</sup> Thus, Nature itself is supposedly not looking at beauty, but at utility. Darwin further wrote on the intent of Nature, “Natural selection will never produce in a being anything injurious to itself, for natural selection acts solely by and for the good of each.”<sup>101</sup>

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<sup>97</sup> Herbert Spencer, *First Principles*, 1862, <https://socialsciences.mcmaster.ca/~econ/ugcm/3ll3/spencer/firprin.html>, paragraph 11.

<sup>98</sup> Darwin, *The Origin of Species*, 15.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid., 76.

<sup>101</sup> Ibid., 168.

Naturalism is pretentious because it not only presupposes boundaries on knowable knowledge, but it also presupposes the intent of nature itself through natural selection. Naturalism gives an inanimate being, namely nature, not only animation; but naturalism also presupposes an altruistic intent.

### **The Shift in Science that Naturalism Brought About**

Science had always been the discipline of knowing, but naturalism limited the scope of science. St. Thomas Aquinas took up this issue of knowledge of being and the modes of existing long before Darwin entered the world stage. He wrote,

There are some things whose nature cannot exist except in individual matter; things like this are all corporeal. There are others whose nature cannot exist except in individual matter; things like this are corporeal. There are others whose nature are subsistent in themselves and not in any matter...Now, for God alone is that mode of being proper in which He is His own subsisting act of existing [*esse*].<sup>102</sup>

Thus, Aquinas argued from a position that all things outside of the Unmoved Mover, God, are not subsistent, or existing, by themselves alone. It was this line of thought that was specifically rejected in Naturalism.

Instead of the Mover, according to Naturalism, science relied on natural selection to animate itself. Without natural selection, Naturalism itself was simply a philosophical principle without empirical evidence to support it.<sup>103</sup> Therefore, in the case of Naturalism, inanimate animation brought about a theoretically valueless world. That is to say, trying to find the value neutral language of only the physical, Naturalism itself imposed an entirely different set of ethics implicitly. Because naturalism did not recognize anything outside of the physical world, ethics became infused with functionalism, and ultimately digressed into a form of utilitarianism. Albeit

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<sup>102</sup> Thomas Aquinas, *The Pocket Aquinas*, ed. and trans., Vernon J. Bourke (New York, NY: Washington Square Press, 1960), 26.

<sup>103</sup> Philip E. Johnson, *Darwin on Trial* (Downers Grove, IL: InterVarsity Press, 1991), 28.

unwittingly, naturalism paved the way for utilitarianism to be the ultimate purpose of life itself. Thus, it is this lack of belief in a greater being, cause, or *telos* and a reductionist understanding of life that dominated knowledge itself.

### Social Darwinism

The aforementioned Charles Darwin was a Naturalist's Naturalist. His work *On the Origin of Species* fundamentally re-defined the study of science in the Progressive Era. In it, Darwin remarked that: "New and improved varieties will inevitably supplant and exterminate the older, less improved intermediate varieties; and thus species are rendered to a large extent defined and distinct objects."<sup>104</sup> Further, he noted that "dominant species" tend to give birth to more dominant specimens, and that subsequently the dominant species must be preserved.<sup>105</sup> The scientific basis for eugenic practice, later taking the name "Social Darwinism," was thus born.

Darwin, even if unwittingly, laid the groundwork for the pseudoscience of eugenics, and this was one of the most harrowing legacies he would leave. Darwin even predicted these moral conundrums his theory left in its wake, saying that despite the civilized doing their "utmost to check the process of the elimination" through asylums, and poor laws, "weak members of civilized societies propagate their kind." He suggested that allowing this propagation by the weak, would lead to a "deterioration in the noblest part of our nature."<sup>106</sup> Darwin's cousin Galton would disagree that eugenics was an assimilation of humanity's noble nature, writing, "In brief, eugenics is a virile creed, full of hopefulness, and *appealing to many of the noblest feelings of our nature.*"<sup>107</sup> Galton's sentiments would prevail with the help of others besides Darwin.

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<sup>104</sup> Darwin, *The Origin of Species*, 292.

<sup>105</sup> Ibid.

<sup>106</sup> Charles Darwin, *The Descent of Man, and Selection in Relation to Sex* (Princeton: Princeton University Press, 1981), 168-9. This was originally published in 1871.

<sup>107</sup> Italics Added. Galton, *Essays in Eugenics*, 70.

Indeed, while it was Darwin that promoted this racial tension, it was French novelist Arthur de Gobineau who was the first to promote the Aryan race as superior.<sup>108</sup> It was this synthesis of Darwin and Gobineau, as well as Gregor Mendel's work in heredity and antisemitism, that eventually gave way to the social Darwinist science of eugenics; however, eugenics had yet to materialize in the public square.<sup>109</sup>

### **The American Eugenics Movement**

Eugenics was born out of the idea of social Darwinism, and social Darwinism was nothing more than an implication of Naturalism. In the United States, the American Race Betterment Foundation was established in 1906, and *The American Breeders Magazine*, later renamed the *Journal of Heredity*, began publication in 1910.<sup>110</sup> The fears created by World War I only contributed to social Darwinist tendencies and "eugenic fears."<sup>111</sup> Irving Fisher, American eugenicist and economist, told *The New York Times* in 1915 that the greatest cost of WWI was not lives lost or wealth destroyed, but in the "waste of superior heredity."<sup>112</sup> This social Darwinist ideal manifested itself in many ways in American culture in both positive and negative measures. Positive eugenics mainly dealt with bettering the procreation of the fit, while negative eugenics focused on the extermination of the unfit.

As far as positive ways to employ social Darwinism, several examples took hold in American society. These included events such as the "Better Babies" Contests at state fairs

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<sup>108</sup> Richard Weikart, "The Role of Darwinism in Nazi Racial Thought," *German Studies Review* 36, no. 3 (October 2013): 540.

<sup>109</sup> Ibid., 540; Martin Luther, *The Jews and Their Lies* (York, SC: Liberty Bell Publications, 2004), 10; and Pope Benedict XIV, "A Quo Primum: On Jews and Christians Living in the Same Place," presented at Castelgandolfo on June 14, 1751 in the Eleventh Year of the Pontificate, <https://www.papalencyclicals.net/Ben14/b14aquo.htm>.

<sup>110</sup> Leonard, *Illiberal Reformers*, 110.

<sup>111</sup> Ibid.

<sup>112</sup> Edward Marshall, "Empty Cradles Worst War Horror: Professor Irving Fisher Says They Will Overshadow Every Other Tragedy of the Conflict," *New York Times*, July 25, 1915, section 4, page 6.

(widely popular amongst American housewives) and race betterment conferences in which the best and brightest doctors, geneticists, and eugenicists would gather and disseminate their findings to the general public who could attend.<sup>113</sup> Further, popular culture complemented the ideology of the movement by producing works such as Edgar Rich Burrough's *Tarzan of the Apes* (1914), a film which indulged white movie-goers by creating a fantasy in which the Caucasian man (though the "most civilized" and therefore most weak of people) had been exempted "From the consequences of natural selection and its 'law of compensation.'"<sup>114</sup>

In addition, many research institutes such as the Eugenics Record Office (ERO) founded in 1910 by Charles Davenport began to further promote not only respected research, but eugenic ideologies.<sup>115</sup> Funded by many of America's prominent families at the time, including the Carnegies, Harrimans, and Rockefellers, the idea was that the ERO would be "the premier scientific enterprise" where "scientists applied rudimentary genetics to singling out supposedly superior races and degrading minorities."<sup>116</sup>

Negative ways to employ social Darwinism were also seen in the American culture. As early as the 1850s, the Texas Memorial bill written by physician and naturalist Gideon Lincecum in the 1850s, called for criminal punishment to not only be limited to the death penalty, but also suggested substituting castration as the punishment for certain crimes.<sup>117</sup> Interestingly, Lincecum

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<sup>113</sup> "Better Babies," *Woman's Home Companion*, November, 1916: 32–36; Reem Gerai, "Better Babies Contests in the United States (1908–1916)," *The Embryo Project Encyclopedia*, June 19, 2017, <http://embryo.asu.edu/handle/10776/2090>; and Harry Bruinius, *Better for All the World: The Secret History of Forced Sterilization and America's Quest for Racial Purity* (New York: Vintage Books, 2007), 209.

<sup>114</sup> John M. Hoberman, *Mortal Engines: The Science of Performance and the Dehumanization of Sport* (New York, NY: The Free Press, 1992), 46.

<sup>115</sup> Jonathan Peter Spiro, *Defending the Master Race: Conservation, Eugenics, and the Legacy of Madison Grant* (Burlington, Vermont: University of Vermont Press, 2009), 128.

<sup>116</sup> *Ibid.*, 128; and Joshua A. Krisch, "When Racism Was a Science," *New York Times*, October 13, 2014, Section D, 6.

<sup>117</sup> Mark A. Largent, *Breeding Contempt: The History Of Coerced Sterilization In The United States* (New Brunswick, NJ: Rutgers University Press, 2008), 11-2.

wrote to Charles Darwin, praising Darwin for his natural selection theory—but Lincecum was not the only scientist who would do so.<sup>118</sup> Originally, the idea of mass sterilization in America as a way to deter crime circulated well into the 1890s (along with the establishment of the American Breeders Association, a eugenic society, ten years later).<sup>119</sup> As soon as 1901, for example, further legislation was introduced on the Colorado Senate floor, calling for forced castration of certain criminals.<sup>120</sup> But these ideas were not limited to the criminal justice sector for long.<sup>121</sup> This idea of cutting down social ills such as crime or later, feeble-mindedness, served as moral justification for eugenic practice well after the ideology's inception in the 1850s. In 1911, Governor Woodrow Wilson signed New Jersey's forcible sterilization legislation, targeting those deemed unfit—including criminal and “hopelessly defective classes.”<sup>122</sup> The state of Wisconsin followed suit in 1913, passing their own forcible sterilization law as well.<sup>123</sup> This idea continued into more mainstream culture with not only the aforementioned advent of the Eugenics Record Office in 1910, and sterilization laws, but also several institutions popping up such as the Virginia State Colony for Epileptics and Feeble-minded which housed those deemed “unfit” for society.<sup>124</sup> A messy world and a confused culture was ascending to prominence, indeed.

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<sup>118</sup> “Letter no. 3035: From Gideon Lincecum to Charles Darwin, 29 December 1860,” Darwin Correspondence Project, <https://www.darwinproject.ac.uk/letter/DCP-LETT-3035.xml>.

<sup>119</sup> Largent, *Breeding Contempt*, 17.

<sup>120</sup> “The Legislature: Several Bills Introduced in the Senate,” *Aspen Daily Times*, January 5, 1901, <https://www.coloradohistoricnewspapers.org/?a=d&d=ADT19010105&e=-----en-20--1--img-txIN%7ctxCO%7ctxTA-%22castration%22----1901---2-->.

<sup>121</sup> Largent, *Breeding Contempt*, 17.

<sup>122</sup> Paul Lombardo, “Taking Eugenics Seriously: Three Generations of ??? Are Enough?” *Florida State University Law Review* 30 no. 2 (January 2003): 209.

<sup>123</sup> Leonard, *Illiberal Reformers*, 110.

<sup>124</sup> Lombardo, *Three Generations, No Imbeciles*, 53-6, 91; and Harry H. Laughlin, “Report of the Committee to Study and to Report on the Best Practical Means of Cutting Off the Defective Germ-Plasm in the American Population: Legal, Legislative, and Administrative Aspects of Sterilization,” *Eugenics Record Office Bulletin*, 10b (Cold Spring Harbor: NY: Eugenics Record Office, 1914), 117; and Elizabeth Wong, “A Shameful History: Eugenics in Virginia,” *American Civil Liberties Union, Virginia*, January 11, 2013, <https://acluva.org/en/news/shameful-history-eugenics-virginia>; and Virginia Sterilization Act of 3/20/1924, DNA Learning Center, Courtesy of Paul Lombardo, J.D., Ph.D., <https://dnalc.cshl.edu/view/11213-Virginia-Sterilization-Act-of-3-20-1924.html>.



Eugenics was more deadly in light of a negative social Darwinism. The aforementioned Sir Francis Galton promoted this way of thinking emphatically. At first more of a creationist, after reading *Origin of Species*, he wrote his cousin Charles Darwin, exclaiming that “Your book drove away the constraint of my old superstition [‘arguments from design’] as if it had been a nightmare and was the first to give me freedom of thought.”<sup>125</sup> It was Galton that coined the term “eugenics” which comes etymologically from the Greek, εὖ (a prefix meaning “good, or well”) γενής (a noun which means “born”)—literally, then, eugenics means “well-born.”<sup>126</sup> Galton originally envisioned eugenics as only applying within race, and not across racial groups, as both Darwin as well as German evolutionist Ernst Haeckel had advocated; however, the idea would become more broad in its reach.<sup>127</sup> Quickly, this idea of eugenics was divided into both positive and negative approaches. A positive approach in eugenics focused on race betterment, while a negative approach included keeping “weak and incapable” people from breeding, and segregated as needed—and it was the latter that Galton advocated for.<sup>128</sup> Galton also established The Eugenics Society of Great Britain which would become a force on the international eugenics stage.<sup>129</sup>

The fusion of Enlightened nationalism with science proved to result, at first, in positive eugenics.<sup>130</sup> Other eugenicists were from places across Europe with reputable names, including August Weismann, Karl Pearson, W.F.R. Weldon, William Bateson Hugo de Vries, and an

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<sup>125</sup> “Francis Galton to Charles Darwin, 24 December 1869,” in *The Life, Letters, and Labours of Francis Galton*, ed. Karl Pearson (Cambridge: Cambridge University Press, 1914), vol. I, 2, cited in Denis R. Alexander and Ronald L. Numbers, ed. *Biology and Ideology from Descartes to Dawkins* (Chicago: The University of Chicago Press, 2010), 166.

<sup>126</sup> Alexander and Numbers, *Biology and Ideology from Descartes to Dawkins*, 169.

<sup>127</sup> *Ibid.*, 171.

<sup>128</sup> *Ibid.*, 170.

<sup>129</sup> *A Decade Of Progress In Eugenics; Scientific Papers Of The Third International Congress Of Eugenics, Held At American Museum Of Natural History, New York, August 21-23, 1932 ... Committee On Publication, Harry F. Perkins, Chairman ... Harry H. Laughlin, Secretary* (Baltimore: The Williams & Wilkins Company, 1934), 1.

<sup>130</sup> C.M. Vasey, *Nazi Ideology* (Lanham, Maryland: Hamilton Books, 2006), 29.

American—Thomas Hunt Morgan.<sup>131</sup> Morgan published several works, including *The Mechanism of Mendelian Heredity* which discussed embryology and selection. In the work, Morgan addresses the major drawback of eugenics, and discusses the recent findings of Mendel, as well as defends his fellow eugenicist Weismann: “The objection states that the organism is a whole—that the whole determines the nature of the parts. Such a statement, in so far as it has any meaning at all, rests on a confusion of ideas.”<sup>132</sup> Here, Morgan points out the crucial difference in the approach to biology as one of mechanism and technological, rather than teleological, importance. For generations, personhood had been viewed holistically; however, this had changed to viewing a person as a mere mechanism, to either be efficient or useless in the quest for racial purity.

### **Conclusion**

The American Eugenics Movement was not born in a vacuum. Indeed, for thousands of years the questions that it raised had been answered. While some like Plato and Aristotle longed for reasonable assertions, Christian philosophers like Augustine and Aquinas wholeheartedly believed in the good of the transcendent. However, the view of goodness and of mankind itself as a result, was changing, evolving, progressing. The Progressive Era—with its emphasis on progress and science—helped usher in a new wave of thought—a new way of looking at life itself. Aided by the forces of naturalism and natural selection, the American Eugenics Movement created a culture that valued the efficient over the vulnerable, and the good-looking over the good.

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<sup>131</sup> Alexander and Numbers, *Biology and Ideology from Descartes to Dawkins*, 168-9.

<sup>132</sup> T. H. Morgan, A.H. Sturtevant, H.J. Muller, and C. B. Bridges, *The Mechanism of Mendelian Heredity* (New York: Henry Holt and Company, 1915), 211.

**Chapter 2:**  
**The “Age of Rock” versus the “Rock of Ages”:**  
**Naturalism, Social Darwinism, and Fundamentalism**  
**in the Scopes Monkey Trial**

“This is well, wholly well, but it seems to me that nowhere  
can we find more solid ground for daring anticipations  
of human development during the next  
one thousand years, than by ‘Looking Backward’  
upon the progress of the last one hundred.”

-Edward Bellamy, Preface, *Looking Backward*, p. 2

The Progressive Era was a time of an identity crisis for Americans. Having overcome the horrors of the American Civil War and plunged headfirst into the industrial revolution, America looked different. In the process of creating inventions, she began to reinvent herself in many respects. Skyscrapers crowded the once bare skylines. Temperance, birth control, and child labor were some of the moral issues of the day. American culture was shifting; and perhaps no better case study of this shift can be found than in the Scopes Monkey Trial of 1925, which highlighted three ideologies at the heart of the Progressive Era: Naturalism, social Darwinism, and Fundamentalism.

*Scopes* influenced the culture around it due to the movers and shakers behind the trial itself. Henry Fairfield Osborn, the president of the American Museum of Natural History, a Senior Geologist at the U.S. Geologist Survey, Research Professor at Columbia University, and famed eugenicist, dedicated his monograph *The Earth Speaks to Bryan* to John Thomas Scopes. He wrote: “To John Thomas Scopes, Courageous Teacher who elected to face squarely the issue that the youth of the state of Tennessee should be freely taught the truths of nature and the fact that these truths are consistent with the highest ideals of religion and conduct. The Truth shall make you free.”<sup>133</sup> Scopes has often been remembered in this heroic light because of the Naturalist legacy won in quiet, now infamous, Dayton, Tennessee.<sup>134</sup>

Scopes was twenty-four years old at the time of the Scopes Monkey Trial.<sup>135</sup> A young teacher with no real reputation to protect, he had nothing to lose and everything to gain from the trial that would forever bear his name.<sup>136</sup> Scopes was a perfect choice precisely because of his

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<sup>133</sup> Henry Fairfield Osborn, *The Earth Speaks to Bryan* (New York: Charles Scribner’s Sons, 1925), v.

<sup>134</sup> See more on Naturalism in Chapter 1.

<sup>135</sup> Jeffrey P. Moran, *The Scopes Trial: A Brief History with Documents* (Boston, MA: Bedford/St. Martin’s, 2002), 25.

<sup>136</sup> *Ibid.*, 25.

willingness and obscurity. Provoked by the passing of the Butler Bill which ensured the teaching of creationism, *Scopes v. States* had always been larger than one man, as the question of origin—where people came from and why they were on earth—was openly debated.<sup>137</sup>

Was the Scopes Monkey Trial a trial of law or of culture? Indeed, the infamous case remains a hallmark of a turn in culture for opposing partisans. While many conservative groups see *Scopes* as the beginning of the end of American culture as they knew it, liberal groups revere *Scopes* as the beginning of free thought throughout the American experiment, free from religion and focused on fact.<sup>138</sup> Either way, *Scopes* left an indelible mark not just on law, but more importantly, on American culture, and further set the course for the American Eugenics Movement to prosper. In a democratic republic, it is no surprise that the culture of the people often dictates the rulings of the courtrooms. In the case of *Scopes*, the courtroom mirrored the prominent overtones of Progressive ideology, the elevation of scientific theory over religious truth, and the concept of the survival of the fittest. Scopes himself was merely a pawn on the chessboard in the debates of the origin of life itself. Thus, this investigation aims not at recounting the trial itself, but at analyzing the influences of it. A culture at war raged with Naturalism, social Darwinism, and Fundamentalism colliding in the show that was the Scopes Monkey Trial.

### **Naturalism, Natural Selection & Fundamentalism**

Greek mythology once predominated the highest forms of culture known to man. Myths of how fire came to be in the hands of humans, or how the peacock got its spotted feathers were

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<sup>137</sup> Moran, *The Scopes Trial*, 20.

<sup>138</sup> Marsden, *Fundamentalism and American Culture*, 212-3.

beloved cultural tales of origins.<sup>139</sup> With the decline of the ancient cultures, new ones blossomed in their place. However, the question of origin has remained a pertinent, central question of each culture, no matter how modern. The question of origin dictates who a person believes himself to be, where he believes himself to be going, and what he believes himself to be doing. The question of origin is perhaps the most important question of culture itself because it is the question of *τελος* itself.<sup>140</sup> Naturalism attempted to answer this question and provided the foundation for social Darwinism.

Naturalism was not new to the scene in the American Progressive Era. Indeed, as discussed in the previous chapter, the study of nature itself is as old as nature itself. The origins of Naturalism begin in the different conceptions of human personhood. Naturalism is the essential belief that there is no transcendent quality to the natural world, including humanity. It suggests, therefore, that there is nothing outside the of natural existence worth living for—no purpose, no ultimate goal, no reason to live outside one’s own self. Thus, natural selection—the process by which nature separates the fit from the unfit through procreation of the fit, and death of the unfit—is the “invisible hand” of naturalism. If there is indeed no transcendent purpose, no reason for living outside of one’s self, then Nature can take it upon herself to select the best and the brightest to live, and the weak to die off.<sup>141</sup>

Naturalism, then, is not just a scientific ideology, but a worldview; and the idea of natural selection is its handmaiden. Naturalism is the established framework, and natural selection is its method. As historian Conway Zirkle rightly surmises, “Natural selection thus provided an

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<sup>139</sup> Thomas R. Martin, *Ancient Greece: From Prehistoric to Hellenistic Times*, Second Edition (New Haven, CT: Yale University Press, 2013), 7, 28, 119.

<sup>140</sup> *Τελος*, or “telos” transliterated in English, refers to the idea of purpose or end. It most often implies an overarching purpose or reason for living, doing, or being.

<sup>141</sup> Adam Smith, *Wealth of Nations* (Amherst, NY: Prometheus Books, 1991), 351-2.

alternate explanation for the facts generally cited as evidences of teleology.”<sup>142</sup> As William Jennings Bryan put it, natural selection was indeed the “the law of hate-the merciless law by which the strong crowd out and kill off the weak...”<sup>143</sup> The lack of purpose created by belief in a lack of transcendence contributes to the idea of personhood.

This dawn of Naturalism had no greater cultural outflow than the idea of social Darwinism, as mentioned in chapter one. Taking the United States (and many parts of the world) by storm in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, social Darwinism represented the idea that the human race could become better in the here and now. The promise of Sir Francis Galton, the man who coined the term “eugenics,” rang true to many in the early 1900s, that “if the twentieth part of the cost and pains were spent in measures for the improvement of the human race that is spent on the improvement of the breed of horses and cattle, what a *galaxy of genius* might we not create!”<sup>144</sup> The genius of galaxy was a promise many could not pass up.

It was into this world that the catalyst for the *Scopes* trial, the Butler Bill, was born. In 1922, Tennessee passed a law asserting that evolution should be taught in schools.<sup>145</sup> However, many opposed this and in March 1925, the Butler Bill was passed with the goal of “prohibiting the teaching of the Evolution Theory in all the Universities, Normals and all other public schools of Tennessee, which are supported in whole or in part by the public school funds of the State, and to provide penalties for the violations thereof.”<sup>146</sup> This bill was but one of several examples

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<sup>142</sup> Zirkle, “Natural Selection before the ‘Origin of Species,’” 74.

<sup>143</sup> Edward B. Davis, “Science and Religious Fundamentalism in the 1920s,” *American Scientist Research Triangle Park* 93, no. 3, (May/June 2005): 254.

<sup>144</sup> Italics added. Chesterton, *Eugenics and Other Evils*, 18.

<sup>145</sup> House Bill No. 185, *State Of Tennessee, Sixty - Fourth General Assembly*, March 13, 1925, <http://law2.umkc.edu/faculty/projects/ftrials/scopes/tennstat.htm>.

<sup>146</sup> *Ibid.*

of the Fundamentalist pushback against not only Naturalism, but social and scientific Darwinism.<sup>147</sup>

Fundamentalism, a third and equally important movement as Naturalism and social Darwinism, has become an amorphous term even in the modern understanding. Though it was a movement seen around the world, because of the regional, ethnic, and denominational diversity in America, it was a distinct movement in the states.<sup>148</sup> As George Marsden surmised when writing of the American experience, “fundamentalism” refers to a “militantly antimodernist Protestant evangelicalism,” which was generally more popular in rural, Southern areas.<sup>149</sup> Marsden goes on to say that Fundamentalism had four unifying tenants: the theology of premillennial dispensationalism, the Holiness revival, the perception that traditional beliefs had been lost in the culture, and the blending of various views of how Christianity should be interacting with the culture around it.<sup>150</sup> Though united in its militarism, Fundamentalism was often varied in its manifestations. As Marsden further notes, “Fundamentalism was a mosaic of divergent and sometimes contradictory traditions and tendencies that could never be totally integrated.”<sup>151</sup> While several disagreements about dispensationalism, millennialism, and premillennialism ran rampant, Fundamentalism was anchored by faith-inspired beliefs about cultural phenomena.<sup>152</sup>

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<sup>147</sup> Adam Laats, *Fundamentalism and Education in the Scopes Era: God, Darwin, and the Roots of America's Culture Wars* (New York: Palgrave MacMillan, 2010), 64-5.

<sup>148</sup> Marsden, *Fundamentalism and American Culture*, 222-3.

<sup>149</sup> *Ibid.*, 4. See also Laats, *Fundamentalism and Education in the Scopes*, 12, 186.

<sup>150</sup> Daniel T. Rodgers, *Contested Truths: Keywords in American Politics Since Independence* (New York: Basic Books, 1987), 11.

<sup>151</sup> Marsden, *Fundamentalism and American Culture*, 43.

<sup>152</sup> *Ibid.*, 49, 56, 141.



Indeed, it was arguably during the 1920s that Fundamentalism harnessed its trademark unified militancy out of necessity, both real and imagined.<sup>153</sup> The movement itself gained traction by both popular anger against Germany, which was seen as the home of modernist religion, and the Red Scare, linking atheism with communism (and Russia).<sup>154</sup> Fundamentalist saw Charles Darwin's work was the beginning of the end in many ways. Conventional truths accepted by both brandishers of the Bible and those who had never stepped foot in the door of a church were now questioned.<sup>155</sup> "Inerrancy" became the "code word" which "had a scientific quality" without necessitating scientific factual backing.<sup>156</sup> Fundamentalists of every hue began to see themselves in a cosmic battle between good and evil.<sup>157</sup> Indeed, the question of origin was openly debated. To Fundamentalists, it was as if Pandora's Box had been opened, and therefore, militant action—aggressively "protecting" truth, as they saw it—was not only a viable option, but a necessary one.

Darwin was not the only enemy of Fundamentalism. Theological modernism, higher criticism, and theological evolution had become the norm at not only secular institutions, but many Christian ones—including seminaries such as the Divinity School at the University of Chicago.<sup>158</sup> Authors like Shirley Jackson who analyzed the book of Revelation as a political allegory about the declining of the Roman Empire, and Dean Shailer Matthews, who defended theological modernism, were on the rise in the 1920s.<sup>159</sup> Modernism only grew in acceptance due

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<sup>153</sup> Marsden, *Fundamentalism and American Culture*, 56.

<sup>154</sup> William E. Leuchtenburg, *The Perils of Prosperity 1914-1932* (Chicago: The University of Chicago Press, 1958), 218.

<sup>155</sup> Marsden, *Fundamentalism and American Culture*, 56.

<sup>156</sup> *Ibid.*, 56-7.

<sup>157</sup> *Ibid.*, 63; Augustine, *Confessions*, trans. R. S. Pine-Coffin (London: Penguin Books, 1961), 85.

<sup>158</sup> Laats, *Fundamentalism and Education in the Scopes Era*, 13-14.

<sup>159</sup> *Ibid.*, 14.

to the explosion of college attendance numbers from 1870 to 1930.<sup>160</sup> College attendance was up, but faithfulness to Scriptures in both secular and Christian institutions was down. This is not to suggest that morality was not a care during this period, but rather, the very nature of morality was debated.<sup>161</sup>

To further murky the Fundamentalist waters, two views of curing social ills on the societal level were present. These included Revivalism—evoking the idea of spiritual awakening as was seen in the early years of America—pitted against the Social Gospel—a pragmatic approach to fix society with the tenants, and without the Spirit, of Christianity.<sup>162</sup> Before World War I, the Social Gospel was simply an economic idea, but as the United States moved toward intervention, the Social Gospel, under the leadership of Walter Rauschenbusch, transitioned into “demands and social righteousness and fraternity on the largest scale.”<sup>163</sup> The Social Gospel’s influence on good works over Christian repentance haunted Fundamentalists as a half-truth, and it continued to gain a prominent place in the Progressive Era culture.<sup>164</sup> Fundamentalism, then, was a reaction to a sense of an impending loss of Christian influence in the culture.

Schools were a battleground where Fundamentals decided to fight. Even before *Scopes* was actualized, this was true. At the founding meeting of the World’s Christian Fundamentals Association in 1919, for example, Fundamentalist leader William Bell Riley cautioned against schools that “use text books or employ teachers that undermine the faith in the Bible as the Word of God and in Jesus Christ as God manifest in the flesh.”<sup>165</sup> Charles A. Blanchard also warned

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<sup>160</sup> Laats, *Fundamentalism and Education in the Scopes Era*, 14.

<sup>161</sup> Marsden, *Fundamentalism and American Culture*, 91-3.

<sup>162</sup> *Ibid.*, 11, 90-1.

<sup>163</sup> Samuel Goldman, *God’s Country: Christian Zionism in America* (Philadelphia, Pennsylvania: University of Pennsylvania Press, 2018), 100.

<sup>164</sup> Marsden, *Fundamentalism and American Culture*, 91.

<sup>165</sup> Laats, *Fundamentalism and Education in the Scopes Era*, 18.

against this kind of teaching, saying not only was it “unscientific, but... a distinct denial of the Bible account.”<sup>166</sup> Evangelist Billy Sunday joined the fight against the teaching of evolution in schools, and even travelled to Memphis, Tennessee, while the Butler Bill was being drafted.<sup>167</sup>

But perhaps the greatest Fundamental prophet turned warrior was William Jennings Bryan.

Bryan harnessed both a biblical worldview and a populist mindset to argue against evolution throughout the early 1900s. Bryan traveled the country beginning in 1904 with his speech, “The Prince of Peace” and came out of semiretirement in 1921 delivering one of two speeches: one called “The Menace of Darwinism,” and the other “The Bible and Its Enemies.”<sup>168</sup> He warned of the teaching of Darwinism in the former, saying that it undermined faith first in the inspiration of Scripture, second in the miracles described in Scripture, third in the virgin birth of Christ, fourth in Christ as Son of God and Savior of the world, and fifth in the existence of a personal God.<sup>169</sup> In essence, then, Bryan challenged his listeners to ask the question: how much of the Bible can one not believe and still claim to be a Christian?

In addition to his claims about the inerrancy of Scripture and the essential domino effect that would take place once one did not believe it, Bryan also employed populist language to make his case. Indeed, as historian Kristy Maddux writes, Bryan made “value claims” about the good, true and beautiful and further vowed to “guard the interests of the common people” against the elite evolutionists.<sup>170</sup> Thus, as Bryan was a fundamentalist, Bryan employed several methods to defend his position leading up to the *Scopes* trial. He had no idea how much he would need to keep his defenses in practice.

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<sup>166</sup> Laats, *Fundamentalism and Education in the Scopes Era*, 18-9.

<sup>167</sup> *Ibid.*, 19.

<sup>168</sup> Kristy Maddux, “Fundamentalist Fool or Populist Paragon?: William Jennings Bryan and the Campaign Against Evolutionary Theory,” *Rhetoric & Public Affairs*, 16, no. 3 (Fall 2013): 491.

<sup>169</sup> William Jennings Bryan, *The Menace of Darwin* (London: Fleming H. Revell Company, 1922), 4.

<sup>170</sup> Maddux, “Fundamentalist Fool or Populist Paragon?,” 491.

Defenses of fundamentalism came not only from proponents like Bryan, but also from laws that were passed in several states. The Butler Bill was hardly the only one of its kind. Indeed, Kentucky was the first to consider fundamentalist-inspired legislation in 1922, followed by a similar bill in South Carolina in the same year.<sup>171</sup> In 1923, several states followed suit including Georgia and Texas.<sup>172</sup> In that same year, West Virginia, Alabama, Iowa, and Tennessee all took steps toward Fundamentalist principles in education. Oklahoma, California, and North Carolina soon followed up with committees, bills and warnings of their own against teaching that defied the Scripture.<sup>173</sup> In 1924 the U.S. Congress passed legislation which prohibited Washington, D.C. teachers from teaching something that caused “disrespect of the Holy Bible.”<sup>174</sup> Indeed, between 1920 and 1925, Fundamentalism “took shape and “flourished” in both major battles between denominations who denied Fundamentalist teaching, and legislation.<sup>175</sup> This victory would continue with the Butler Bill.

Tennessee passed the Butler Bill on March 23, 1925.<sup>176</sup> The bill stipulated that evolution had to be banned from schools, and that further, no theory that presented a challenge to the creation story of Genesis could be taught.<sup>177</sup> This idea was in keeping with New Testament scholar and personal friend of Bryan, J. Gresham Machen, who believed that if Christianity was indeed subordinated to culture, then the solution must be the “consecration of culture” itself.<sup>178</sup> Machen was an unlikely friend of Bryan for many reasons, not the least of which included his

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<sup>171</sup> Laats, *Fundamentalism and Education in the Scopes Era*, 64.

<sup>172</sup> Ibid.

<sup>173</sup> Ibid., 64-5.

<sup>174</sup> Ibid., 65.

<sup>175</sup> Marsden, *Fundamentalism and American Culture*, 164.

<sup>176</sup> Laats, *Fundamentalism and Education in the Scopes Era*, 65.

<sup>177</sup> Ibid.

<sup>178</sup> Marsden, *Fundamentalism and American Culture*, 137-8.

superior education to Bryan (and several other prominent Fundamentalists) as well as his allegiance to liberal politics.<sup>179</sup> However, even Machen identified that there was an issue with the Progressive mindset. He said in a statement to the Testimony before the House & Senate Committees on the Proposed Department of Education in 1926, “A great many educators, I think, have this notion that it is important to be doing something, to be going somewhere. They are interested in progress, and they do not seem to care very much in what direction the progress is being made.”<sup>180</sup> The Butler Bill was drafted partially due fears like these. In addition to the Butler Bill, Tennessee passed an expanded Bible law that put control of Bible class curricula into the hands of a board of Judeo-Christian educators.<sup>181</sup>

The Butler Bill stood alone among the rest because it was the first to explicitly ban the teaching of evolution in public schools.<sup>182</sup> Tennessean Governor Austin Peay had believed that the bill would be a good way to support “the church bill,” and was overall a “symbolic” gesture, not an “active statute.”<sup>183</sup> While some support was offered of the bill from native Tennesseans, the Butler Bill was nationally seen as an embarrassment. The *Chicago Tribune* published an editorial which derided the law and compared it other laws, such as mandates to teach flat earth theory and that pi was a value of three, which were creating an “illiteracy belt.”<sup>184</sup>

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<sup>179</sup> D.G. Hart, “When Is a Fundamentalist a Modernist? J. Gresham Machen, Cultural Modernism, and Conservative Protestantism,” *Journal of the American Academy of Religion*, vol. 65, no. 3 (Autumn, 1997), 606.

<sup>180</sup> Gresham J. Machen, “Testimony before the House & Senate Committees on the Proposed Department of Education,” Washington, D.C. February 25, 1926.  
<https://web.archive.org/web/20030502161945/http://homepage.mac.com/shanerosenthal/reformationink/jgmcongress.htm>

<sup>181</sup> Laats, *Fundamentalism and Education in the Scopes Era*, 139.

<sup>182</sup> *Ibid.*, 75.

<sup>183</sup> Moran, *The Scopes Trial*, 22-3.

<sup>184</sup> *Ibid.*, 24.

## Scopes v. States

*Scopes* did not happen by chance in any respect. The American Civil Liberties Union placed advertisements in newspapers across Tennessee which offered to pay the expenses of any teacher willing to challenge the law.<sup>185</sup> Others like George Rappleya, who managed the Cumberland Coal and Iron Company located in Dayton, saw this as an opportunity to get financially suffering Dayton back on the map. It was Rappleya who gathered a local group of men, which included school superintendent William White, to meet in Robinson's Drugstore which was owned by Rhea County School Board president Frank Earl Robinson, in Dayton.<sup>186</sup> Soon after, the group recruited Rhea County High School football coach and math and science teacher, John Thomas Scopes, to deliberately defy the Butler Bill.<sup>187</sup> On May 5, 1925, Scopes was placed under arrest for teaching evolution to his class.<sup>188</sup> The ACLU now had a challenger standing up to the Butler Bill.

The Scopes trial centered upon a textbook, *A Civic Biology*, that was truly a reflection of the times. This textbook was being used by approximately 4,000 students in the ninth and tenth grade who were taking high school biology in Tennessee and by 1924–25, over 90% of them used *A Civic Biology*.<sup>189</sup> The textbook was the first of its kind to be restructured to fit not only biology, but also botany, zoology and human physiology into one narrative.<sup>190</sup> Not only did the

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<sup>185</sup> James C. Foster, "Scopes Monkey Trial," *The First Amendment Encyclopedia*. <https://mtsu.edu/first-amendment/article/1100/scopes-monkey-trial>.

<sup>186</sup> Moran, *The Scopes Trial*, 25; and Foster, "Scopes Monkey Trial." George Rappleya's surname also has the alternate spelling: "Rappalyea."

<sup>187</sup> Foster, "Scopes Monkey Trial."

<sup>188</sup> Moran, *The Scopes Trial*, 216.

<sup>189</sup> Adam R. Shapiro, "Civic Biology and the Origin of the School Antievolution Movement," *Journal of the History of Biology* 41 no. 3, (Fall, 2008): 413.

<sup>190</sup> *Ibid.*, 416.

book represent a pushback against the growing populism that those like William Jennings Bryan touted, but also supported eugenics.<sup>191</sup>

Identifying the biological conundrum of “parasitism,” author George William Hunter argued that eugenic measures, which he defined as “the science of being well born,” could keep this problem defined thus in check.<sup>192</sup> He explained that “Humanity will not allow this [kill “unfit” people to prevent them from procreating], but we do have the remedy of separating the sexes in asylums or other places and in various ways preventing intermarriage and the possibilities of perpetuating such a degenerate race. Remedies of this sort have been tried successfully in Europe and are now meeting with success in this country.”<sup>193</sup> Hunter went on to cite Director of the Eugenics Record Office Charles Davenport’s recent study entitled, *Heredity in Relation to Eugenics*.<sup>194</sup> Additionally, Hunter explicitly referenced and endorsed “eugenics” seven times, “unfit” five times, and “feebleminded” twice.<sup>195</sup> Indeed, because of the nature of the theory of evolution, not all evolutionists were eugenicists, but almost by definition, all eugenicists were evolutionists.<sup>196</sup> The trial was not simply about backwoods fundamentalists and knowledgeable scientists. It was about the education of American youth, and the state of American culture itself.

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<sup>191</sup> Leonard, *Illiberal Reformers*, 111. *Civic Biology* was not the only eugenically minded textbook of the time. William E. Castle’s 1916 *Genetics and Eugenics* was a widely used college text, and went into four editions over the span of fifteen years.

<sup>192</sup> George William Hunter, *A Civic Biology: Presented in Problems* (New York: American Book Company, 1914), 261, 263.

<sup>193</sup> Hunter, *A Civic Biology*, 263.

<sup>194</sup> *Ibid.*

<sup>195</sup> *Ibid.* The term “Eugenics” can be found on pages: 249, 261, 263, 265, 409, 413, and 423. The term “Unfit” can be found on pages: 134, 148, 288, 380, and 382. The term “Feebleminded” can be found on pages: 262, and 263. Other terms of note include “Civilized White Inhabitants” on page 163, and “Degenerate” on pages 9, 263, and 346.

<sup>196</sup> Weikart, *Hitler’s Ethic*, 3-6. This ethic was something that Adolf Hitler also held—because he fully believed in evolution as the “law of nature,” anything to do with “evolutionary advancement” was not “taboo.”

The trial lasted eight days. It was the first American trial of its kind to be broadcast over national radio and the presiding judge, John T. Raulston, proposed holding the trial in a tent that could accommodate 20,000 people because the anticipation of the event was so great.<sup>197</sup> Not only was the trial broadcast nationally, but reporters assembled to record the case from far off places like London and Hong Kong.<sup>198</sup> William Jennings Bryan, the prosecutor, was pitted against Clarence Darrow, the lead defense attorney. Darrow was known for his desire to not only engage Bryan in a public debate, but also his success with defending two child-murders in *People of the State of Illinois v. Nathan F. Leopold, Jr. and Richard Loeb* in 1924. In that case, he argued that the two murders in question were influenced by Friedrich Nietzsche's ideas of superman to the point that the accused were no longer culpable for their own crimes.<sup>199</sup> Needless to say, Darrow was a proponent of not only nature influencing a person, but also environmental nurture.<sup>200</sup>

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<sup>197</sup> Foster, "Scopes Monkey Trial."

<sup>198</sup> Ibid.

<sup>199</sup> "Clarence Darrow," Public Broadcasting Station, <https://www.pbs.org/wgbh/americanexperience/features/monkeytrial-clarence-darrow/>; Illinois Supreme Court, "45 Ill. 2d 434, 259 N.E. 2d 250 (1970) NATHAN F. LEOPOLD, Jr., Appellant, v. MEYER LEVIN et al., Appellees. No. 41498.," *Attorney Clarence Darrow's Plea for Mercy and Prosecutor Robert E. Crowe's Demand for the Death Penalty in the Loeb-Leopold Case: The Crime of a Century* (Chicago, IL: Wilson Publishing Company, 1923), 59. Darrow pleaded for mercy for the two murderers, saying, firstly that, "If there is responsibility anywhere, it is back of him [Nathan Leopold], somewhere in the infinite number of his ancestors, or in his surroundings, or in both. And I submit, your honor, that under every principle of natural justice, under every principle of conscience, of right, and of law, he should not be made responsible for the acts of somebody else, whether wise or unwise." (55). Darrow further stated, "He believed in a superman. He [Nathan Leopold] and Dickie Loeb were the supermen. There might have been others, but they were two, and two chums. The ordinary commands of society were not for him. Many of us read it, but know that it has no actual application to life, but not he. It became a part of his being. It was his philosophy. He lived it and practiced it; he thought it applied to him, and he could not have believed it excepting [*sic*] that it either caused a diseased mind or was the result of a diseased mind."

<sup>200</sup> Clarence Darrow, "The Edwardses and the Jukeses," *American Mercury* 8 (June 1926): 147-57; and Clarence Darrow, "The Eugenics Cult," *American Mercury* 8 (June 1926): 129-37, quotations at 134, 135, 137. It is worth noting that, even with these tendencies, Darrow was one of the most severe critics of the American Eugenics Movement and wrote several articles in the *American Mercury* magazine during the months that *Buck v. Bell* was in the courts. He attacked prominent eugenicists like Arthur Estabrook and wrote that he was "alarmed at the conceit and sureness of the advocates of this new dream. I shudder at their ruthlessness in meddling with life. I resent their egotistic and stern righteousness." Further, he denounced eugenic plans to remake society as "the most senseless and impudent that has ever been put forward by irresponsible fanatics."



Darrow had a host of helpers from the American Association for the Advancement of Science's committee on evolution. The committee consisted of Edwin Grant Conklin, embryologist of Princeton University and committee chair, Henry Fairfield Osborn, director of the Museum of Natural History in New York City as well as co-founder of the American Eugenics Society, and Charles Davenport.<sup>201</sup> Founded in April 1922, the committee's specific purpose was to counter the Fundamentalist inspired anti-evolution movement.<sup>202</sup> While not on the committee specifically, David Starr Jordan and Vernon L. Kellogg, both at Stanford University, assisted with Scopes' defense.<sup>203</sup>

For example, in that same year, Davenport used his powers on this very committee to endorse Harry Laughlin as a "special agent" of the Education Bureau to combat anti-evolution ideology.<sup>204</sup> In addition, Osborn along with Davenport helped aid and advise Madison Grant, one of America's most esteemed eugenicists, with the well-known pro-eugenic volume, *The Passing*

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<sup>201</sup> Alexander Pavuk, "The American Association for the Advancement of Science Committee on Evolution and the Scopes Trial: Race, Eugenics and Public Science in the U.S.A.," *Historical Research* 91, no. 251 (February 2018):138; and "Carnegie Institution of Washington," Archives Cold Spring Harbor Laboratory, <http://library.cshl.edu/special-collections/carnegie-institution-of-washington>; and Rebecca Messall, "The Long Road of Eugenics: From Rockefeller to Roe v. Wade" *Human Life Review* 30, no. 4 (Fall 2004): 43; and Rosen, *Preaching Eugenics*, 9, 111-112; and Richard Soloway, *Demography and Degeneration: Eugenics and the Declining Birthrate in Twentieth-Century Britain* (Chapel Hill: University of North Carolina Press, 1990), 82-3; and American Eugenics Society, *A Eugenics Catechism*, 1926, AES Papers, APS, cited in Rosen, *Preaching Eugenics*, 112-3. The American Eugenics Society was founded by Osborn, Harry Laughlin, and Madison Grant. Unlike the Eugenics Record Office, its primary concern was to educate and promote propaganda detailing eugenics in the public square. For example, the Society created Eugenics Catechisms for the public to memorize and recite. One such catechism read: "Q: What is the most precious thing in the world? A: The human germplasm." During the trial, the AES had a large standing committee called the "Committee on Cooperation with Clergymen," which was founded out of the belief that both pastors and eugenicists should work together in a common goal to improve the quality of life for their fellow man. Another read: "Q: How may one's germplasm become immortal? A: Only through perpetuation of children." A final question read: "Q: Is vasectomy a serious operation? A: No, very slight, about like pulling a tooth."

<sup>202</sup> Pavuk, "The American Association for the Advancement of Science Committee on Evolution and the Scopes Trial," 140.

<sup>203</sup> Leonard, *Illiberal Reformers*, 111.

<sup>204</sup> *Ibid.*, 147.

of the *Great Race*, in 1921.<sup>205</sup> All of these men remained pertinent to the American Eugenics Movement, but Davenport and Laughlin were especially involved later in the infamous *Buck v. Bell* case.<sup>206</sup> Historian Alexander Pavuk writes, “Davenport told the education department that Laughlin’s work on eugenic sterilization and immigration restriction particularly suited him to co-ordinate government efforts to quash challenges to evolution.”<sup>207</sup> This committee would continue on long after *Scopes*, and between 1925 and 1960, many of its presidents were active members of Christian churches, some of the most accomplished were also remarkably liberal theologically.<sup>208</sup>

In 1925, Clarence Darrow, along with the American Civil Liberties Union, both sought and received the committee’s help with the defense’s argument in *Scopes*.<sup>209</sup> Pavuk surmises, “The trial’s build-up was a window of opportunity whereby evolution could be explained and endorsed even as their other views on race and eugenics were advanced as both scientific and as having important social implications.”<sup>210</sup> During the trial, Darrow and his team used evidence such as the recent ruling in *Pierce v. Society of Sisters* (1925) which proclaimed that school choice was necessary so that children were not “mere creatures of the State.” Based on such arguments, the trial was about much more than the first amendment, or even about freedom in academia.<sup>211</sup>

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<sup>205</sup> Garland E. Allen, “‘Culling the Herd’: Eugenics and the Conservation Movement in the United States, 1900–1940,” *Journal of the History of Biology* 46 (2013): 43–44.

<sup>206</sup> For more on the *Buck v. Bell* trial, see Chapter 3.

<sup>207</sup> Pavuk, “The American Association for the Advancement of Science Committee on Evolution and the *Scopes* Trial,” 147.

<sup>208</sup> Edward B. Davis, “Altruism and the Administration of the Universe: Kirtley Fletcher Mather on Science and Values,” *Zygon* 46, no. 3 (September 2011): 532.

<sup>209</sup> Pavuk, “The American Association for the Advancement of Science Committee on Evolution and the *Scopes* Trial,” 140.

<sup>210</sup> *Ibid.*

<sup>211</sup> United States Supreme Court. “*PIERCE, Governor of Oregon, et al. v. Society of The Sisters of The Holy Names of Jesus And Mary. Same v. Hill Military Academy.*” 268 U.S. 510, 45 S.Ct. 571, 69 L. Ed. 1070.

Darrow not only used eugenic theory to support his position but also expert witnesses. One witness who testified in person was Dr. Maynard M. Metcalf, who was a research professor from The Johns Hopkins University. He was a valuable asset to the defense because he was both an evolutionist and a Christian.<sup>212</sup> Metcalf had also spent some considerable time at Napoli Station, a veritable haven for similar naturalists such as Russian eugenicists Nikolai Kol'stov and Iurii Filipchenko.<sup>213</sup> Further, Metcalf was a well-published author and speaker who advocated for eugenics.

In his "Lectures upon Evolution and Animal Distribution," Metcalf described the notable problem of feeble-mindedness with an emphasis on feeble-minded parents raising their young. He concluded, "In connection with these and other sorts of undesirable characteristics, physical, mental, and moral, eugenics may well be practiced to a considerable degree, in part voluntarily, but in some cases under compulsion."<sup>214</sup> Metcalf served as the Chief of the Biology and Agriculture of the National Research Committee under President Woodrow Wilson and as the president of Section F, a zoological section of the American Association for the Advancement of Science (A.A.A.S.).<sup>215</sup> This was the same A.A.A.S. which housed an evolution committee composed of prominent American eugenicists.<sup>216</sup>

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Argued March 16 and 17, 1925. Decided June 1, 1925. *Legal Information Institute*.  
<https://www.law.cornell.edu/supremecourt/text/268/510>.

<sup>212</sup> Douglas O. Linder, "Maynard Metcalf," *Famous Trials*, UMKC School of Law, <https://famous-trials.com/scopesmonkey/2095-metcalf>.

<sup>213</sup> Mark B. Adams, ed. *The Wellborn Science: Eugenics in Germany, France, Brazil, and Russia* (Oxford: Oxford University Press, 1990), 159-160; Graham, *Lysenko's Ghost*, 52; "Our History," *Stazione Zoologica Anton Dohrn Napoli – Italy*, 2015, <http://www.szn.it/index.php/en/who-we-are/our-history>.

<sup>214</sup> Maynard Metcalf, "Lectures Upon Evolution and Animal Distribution," *University of Buffalo Studies II*, no. 4 (December 1922): 149. <https://babel.hathitrust.org/cgi/pt?id=hvd.tz1mah&view=1up&seq=47&q1=eugenics>.

<sup>215</sup> "Days Three & Four: Transcript of Scopes Trial, Tuesday July 14 & Wednesday July 15, 1925." *Scopes v. States*. <http://moses.law.umn.edu/darrow/documents/Scopes%203rd%20&%204th%20day.pdf>, 135-6. Dr. Metcalf was also the secretary-treasurer of the Zoological Society of the American Society of Naturalists as well as the executive committee of the division of biology and agriculture of the National Research council.

<sup>216</sup> Despite a plea from Darrow himself, Conklin, Osborn and Davenport did not make the trip to see the trial themselves. See telegram from Darrow to Conklin on July 9, 1925: "Can you come and help us [at the Scopes

### *Scopes Amicus Curiae*

Several expert witnesses such as Metcalf would work together to bring the trial to the desired end.<sup>217</sup> These experts did not travel to the courtroom, but instead submitted their remarks through written statements.<sup>218</sup> Several *amicus curiae* briefs were written on behalf of Darrow's argument and submitted to the court. The briefs came from Dr. Winterton C. Curtis (Zoologist, University of Missouri), Wilbur A. Nelson (State Geologist of Tennessee), Kirtley F. Mather (Chair of the Department of Geology at Harvard University), Horatio Hackett Newman (Zoologist, University of Chicago), and Dr. Fay-Cooper Cole (Anthropologist, University of Chicago).

In his testimony, Cole focused on the anthropological aspect of evolution. A.A.A.S. fellow Cole believed that anthropology was a large proof for evolution. He wrote of evolution as "the most satisfactory explanation of the observed facts relating to the universe, to our world and all life in it."<sup>219</sup> By observing skeletons and body structures, he argued that one could determine

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trial?] . . . As I learned most of the biology I know from you I feel we must have you'," in Princeton University, Rare Books and Special Collections, Edwin Grant Conklin papers, Carton 1, 'Scopes' folder, Clarence Darrow to Edwin Grant Conklin (telegram, 6:15a.m., 9 July 1925, from Dayton, Tenn.), cited in Pavuk, "The American Association for the Advancement of Science Committee on Evolution and the Scopes Trial," 137.

<sup>217</sup> Davis, "Science and Religious Fundamentalism in the 1920s," 257. It has been suggested that Osborn and Conklin refused testifying in part perhaps because of Clarence Darrow's supposed opposition to eugenics. Though Osborn did not attend the trial, he did publish a small volume entitled, *The Earth Speaks to Bryan*. The book was widely distributed throughout Tennessee. For more information, see Pavuk, "The American Association for the Advancement of Science Committee on Evolution and the Scopes Trial," 158.

<sup>218</sup> "Days Three & Four: Transcript of Scopes Trial," 137; and Linder, "Maynard Metcalf." Metcalf was the only expert to provide in-person testimony. Darrow asked Metcalf: "What would you say, practically all scientific men were or were not evolutionists?" Metcalf answered by stating: "I am acquainted with practically all of the zoologists, botanists, and geologists of this country who have done any work; that is, any material contribution to knowledge in those fields, and I am absolutely convinced from personal knowledge that any one of these men feel and believe, as a matter of course, that evolution is a fact, but I doubt very much if any two of them agree as to the exact method by which evolution has been brought about, but I think there is—I know there is not a single among them who has the least doubt of the fact of evolution." Attorney General Thomas Stewart viewed this question as unfair (perhaps because the answer concerning the fact of evolution was not definitive enough), and it was not included in the press report of the trial. Metcalf's answer was good, but it was not good enough. It did not provide a staunchly unified front for the theory of evolution.

<sup>219</sup> Fay-Cooper Cole, "Statement by Dr. Fay-Cooper Cole, Anthropologist, University of Chicago," *Scopes v. States*, July 21, 1925, 1.

the “average of a group or tribe or race,” and that indeed, without evolution, teaching anthropology would be “impossible.”<sup>220</sup> Nelson focused on the geological aspects of evolution in his brief. Also an A.A.A.S. fellow, Nelson heralded “the remarkable story of evolution” told through rocks.<sup>221</sup> Measuring time through sediments of rocks, Nelson believed that it would be “impossible to study or teach geology in Tennessee, or elsewhere, without using the theory of evolution.”<sup>222</sup>

Dr. Winterton C. Curtis approached evolution theory from a zoological standpoint. Also a fellow of the A.A.A.S., Curtis divided evolution into three different types: cosmic, “theologic,” and organic.<sup>223</sup> He argued that in terms of astronomy and geology, “the Age of the Rock is of no particular consequence in so far as the Rock of Ages is concerned.”<sup>224</sup> Not only did he tackle geology and astronomy in brief, but he also touched on genetics in light of evolution theory. Curtis surmised, “The modern science of genetics is beginning to solve the problem of how evolution takes place, although this is a question of extreme difficulty.”<sup>225</sup> This theory, Curtis argued, was very important to the question of origin, too.

Curtis argued that ultimately, the story of creation was myth used to explain scientific facts of human origin. Citing eugenicists like William Bateson, and T.H. Huxley, and naturalists such as Georges-Louis Leclerc Comte de Buffon, Charles Darwin, and Herbert Spencer, Curtis believed that “all the multitudinous facts of biology hang together in a consistent fashion when viewed in terms of evolution, while they are meaningless when considered as the arbitrary acts of

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<sup>220</sup> Cole, “Statement,” 2,5,8.

<sup>221</sup> Wilbur A. Nelson, “Statement by Wilbur A Nelson,” *Scopes v. States*, July 21, 1925, 1.

<sup>222</sup> *Ibid.*, 6,7.

<sup>223</sup> Winterton C. Curtis, “Statement by Dr. Winterton C. Curtis,” *Scopes v. States*, July 21, 1925, 2.

<sup>224</sup> *Ibid.*, 5.

<sup>225</sup> *Ibid.*, 8-9.

a Creator who brought them into existence all at once a few thousand years in the past.”<sup>226</sup> Curtis went so far as to argue that the Bible itself followed an evolutionary pattern with a change in God’s character from the Old to the New Testaments. While in the Old Testament God was vengeful and judgmental, Curtis argued, in the New Testament, God became loving and merciful.<sup>227</sup> President Woodrow Wilson’s approval of both Curtis and the theory of evolution was also included in Curtis’ testimony.<sup>228</sup>

Kirtley F. Mather was a Sunday school teacher, as well as a descendant of both famous ministers Increase and Cotton. An acclaimed scientist, Mather focused on how evolution and faith could work together. After describing the several eras of evolutionary theory in his testimony, Mather conceded that the facts of natural science were “incomplete” in trying to tell the story of Man.<sup>229</sup> The theory of evolution, he further explained, did not explain the knowledge of moral law, the sense of rightness, the confidence in reasoning and a rational universe, or the hope in a spiritual aspiration or world outside of the natural world.<sup>230</sup> He argued, therefore, that “life as we know it is but one manifestation of the mysterious spiritual powers which permeate the universe.”<sup>231</sup> Thus, science was the tool to unveil the mystery.

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<sup>226</sup> Curtis, “Statement,” 9-12, and 16-7.

<sup>227</sup> Ibid., 19.

<sup>228</sup> Ibid; and Leonard, *Illiberal Reformers*, 101; and Woodrow Wilson, *The New Freedom* (New York: Doubleday, Page & Co., 1918), 47-8. President Woodrow Wilson wrote Curtis from Washington, D.C. on August 29, 1922, and said: “My dear Professor Curtis: May it not suffice for me to say, in reply to your letter of August twenty-fifth, that of course like every other man of intelligence and education I do believe in Organic Evolution. It surprises me that at this late date such questions should be raised. Sincerely yours, Woodrow Wilson.” It is also worth noting that when Wilson was on the presidential campaign trail in 1912, he stated that government was “not a machine, but a living thing” and that further, government “falls under not the theory of a universe, but under the theory of organic life. It is accountable to Darwin, not to Newton. It is modified by its environment, necessitated by its tasks, shaped to its functions by the sheer pressure of life. No living thing can have its organs offset against each other, as checks, and live...Living political constitutions must be Darwinian in structure and practice.”

<sup>229</sup> Kirtley F. Mather, “Statement by Kirtley F. Mather,” *Scopes v. States*, July 21, 1925, 15.

<sup>230</sup> Ibid., 1-14.

<sup>231</sup> Ibid., 15.

Mather continued by describing science as having “no beginning and no ending,” with creation being an invalid theory within the scientific context.<sup>232</sup> Thus, Mather urged the court along with his fellow Christians to separate moral law and spiritual realities from the study of natural science, physical laws, and material realities, saying that ultimately Biblical interpretations were matters that should be left to the individual.<sup>233</sup> He argued that a correct knowledge of both evolution and Christianity was “essential to success—both individual and racial—in life,” saying that while the “law of progress” had “apparently been opposed to the love of Christ,” his “knowing the ages of rocks ha[d] led to better knowledge of the Rock of Ages.”<sup>234</sup> Ultimately, he believed that because of the unifying nature of evolutionary theory, it was essential to not only one’s faith, but also the elimination of chaos in the world.<sup>235</sup> While Mather never outright defended the idea of eugenics, he did synthesize Christian and Naturalist thought and argued both disciplines were essential to individual and racial success.

Horatio Hackett Newman was the final expert witness who provided a brief for *Scopes*. Also an A.A.A.S. fellow, Newman focused on evidence from different branches of science to contend that evolution was unifying, including comparative anatomy or morphology (the science of structure), taxonomy (the science of classification), serology (the science of blood testing),

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<sup>232</sup> Mather, “Statement,” 16.

<sup>233</sup> *Ibid.*, 16-7.

<sup>234</sup> *Ibid.*, 20-22. It is important to note Mather’s conception of the image of God, and how this line of reasoning relates to the question of the beginning of life itself, a question that remains hotly contested by some and vehemently defended by others in the abortion debate. He wrote, “In the image of God cannot refer to hands or feet, heart, stomach, lungs. That may have been the conception of Moses, it certainly was not the conception of Christ who said that God is spirit, and proclaimed that man must worship Him in truth. It is man’s soul, his spirit, which is patterned after God the Spirit. It is the business of the theologian not the scientist to state just when and how man gained a soul. The man of science is keenly interested in the matter, but he should not be blamed if he cannot answer questions here. The theologian must tell when the individual gets his soul, whether at the moment of conception, or when the unborn babe first stirs within the womb, or at the moment of birth, or at the first gleam of intelligent appraisal of his environment and how he knows this....Already many of them are marching shoulder to shoulder in their endeavor to combine a trained and reasoning mind with a faithful and loving heart in every human individual and thus to develop more perfectly in mankind and the image of God.”

<sup>235</sup> *Ibid.*, 23.

embryology (the science of development), paleontology (the science of extinct life), geographic distribution (the study of horizontal distribution of species on earth's surface), and genetics ("the analytic and experimental study of evolutionary processes going on to-day").<sup>236</sup> He argued that the principles of evolution was much like the Law of Gravity, because just like gravity, evolution could also "acquire its validity through its ability to explain, unify, and rationalize many observed facts of physical nature."<sup>237</sup> Arguing that creationists were "biological isolationists" who wanted to promote human beings as a "creature without affinities to the animal world," Newman promoted the idea that different races betwixt mankind, as well as the study of embryology itself, were evidences of rapid evolution.<sup>238</sup>

Further along in his testimony, Newman defined genetics as "the experimental and analytical study of Variation and Heredity," two concepts which he pinned as the "primary causal factors of organic evolution."<sup>239</sup> He advocated for eugenics as the present day, real-time version of evolution, saying that "when man takes a hand in controlling evolutionary processes and actually observes new hereditary types taking origin from old, he is observing at first hand the actual processes of evolution."<sup>240</sup> He went on to write, "the geneticist is an eye-witness of present-day evolution and is able to offer the most direct evidence that evolution is a fact."<sup>241</sup> Evolutionary theory was necessary for the eugenicist.

This mirrored Newman's work first published in 1921, *Evolution, Genetics and Eugenics*, in which he lays out how evolution can be seen and improved upon through the use and teaching

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<sup>236</sup> Horatio Hackett Newman, "Statement by Professor Horatio Hackett Newman," *Scopes v. States*, July 21, 1925, 6, 44.

<sup>237</sup> *Ibid.*, 3.

<sup>238</sup> *Ibid.*, 19, 21, 29.

<sup>239</sup> *Ibid.*, 43.

<sup>240</sup> *Ibid.*

<sup>241</sup> *Ibid.*



of eugenics. Not only does Newman offer an extensive history of naturalism from ancient history onward, but also a positive recounting of the American Eugenics Movement up until that point.<sup>242</sup> He defines eugenics as “the application of genetics to man with the hope that man might control his own evolution and save himself from racial degeneration.”<sup>243</sup> Detailing and quoting large portions of various eugenics congresses, Newman contends that the pedigree, statistical, and twin methods were most useful to eugenic research.<sup>244</sup> After outlining his own research, he concluded that, “A rightly directed environment, not by brute death-selection but by the happier method of birth selection, will improve man’s heredity...[and] the social heritage...Education,” he argued, “will be doubly effective when it learns this great lesson.”<sup>245</sup> Thus, Newman was not only a researcher of eugenics, but a teacher of it. His was a perfect witness for Scopes.

### **The Trial**

On Friday, July 10, 1925, at 10:00 in the morning, the Scopes trial began with a prayer led by Rev. Cartwright: “Hear us in our prayers, our Father, this morning, for the cause of truth and righteousness, throughout the length and breadth of the earth, and Oh, God, grant that from the President of the United States down to the most insignificant officer thereof, that the affairs of church and state may be so administered that God may beget unto Himself the greatest degree of honor and glory.”<sup>246</sup> It is recorded that there were so many onlookers present that immediately after the prayer, people were told to go stand at the wall in the back to listen in.<sup>247</sup> Though the

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<sup>242</sup> Newman, *Evolution, Genetics and Eugenics*, 3-46, 441.

<sup>243</sup> *Ibid.*, 441.

<sup>244</sup> *Ibid.*, 442-5.

<sup>245</sup> *Ibid.*, 506.

<sup>246</sup> *State of Tennessee vs. John Thomas Scopes*, Nos. 5231 and 5232, in the Circuit Court of Rhea County, Tennessee. Four volumes, 939 pages, (Official Stenographic Transcript), 32-33.

<sup>247</sup> *Ibid.*, 33.

trial had begun with a prayer, much of its discussion was not kind to a worldview of faith. On the second day of the trial, Darrow noted that the Bible, not one book, but sixty-six, was:

...a book primarily of religion and morals. It is not a book of science. Never was and was never meant to be. Under it there is nothing prescribed that would tell you how to build a railroad or a steamboat or to make anything that would advance civilization. It is not a textbook or a text on chemistry. It is not big enough to be. It is not a book on geology; they knew nothing about it. It is not a work on evolution; that is a mystery. It is not a work on astronomy....we know better than that.<sup>248</sup>

By attacking the Bible, and framing evolution as the great “mystery” Darrow refocused the conversation on religious freedom and the separation of church and state, conveniently leaving out the eugenic underpinnings of evolutionary theory. In fact, the term “eugenics” did not appear in the trial proceedings one time.

On the fifth day, Bryan rebutted many of the claims that had been made in Darrow’s speech on the second day in the trial. He argued:

This doctrine [evolution] that they want taught; this doctrine that they would force upon the schools, where they will not let the Bible be read... These lawyers who are trying to force Darwinism and evolution on your children do not go back to protect the children...in their right to even have religion taught to them outside of the schoolroom, and *they want to bring their experts in here...* . . . And it is true today; never have they traced one single species to any other, and that is why it was that this so-called expert stated that while the fact of evolution, they think, is established, that the various theories of how it came about, that every theory has failed.<sup>249</sup>

Bryan argued not against the inerrancy of the Bible, or even in favor of religious freedom for Christian children; but rather attacked Darwinism on the point that a “missing link” had not been discovered, and therefore, evolutionary theory, he claimed, could not be true. Indeed, both men were grasping at the chance to dismantle not only the other’s argument, but the other’s worldview.

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<sup>248</sup> *State of Tennessee vs. John Thomas Scopes*, 194

<sup>249</sup> Italics added. *Ibid.*, 445, 449-50.

The jury found John Thomas Scopes guilty of violating the Butler Bill in nine minutes.<sup>250</sup> Scopes resented the decision, saying: “Your Honor, I feel that I have been convicted of violating an unjust statute. I will continue in the future, as I have in the past, to oppose this law in any way I can. Any other action would be in violation of my ideal of academic freedom - that is, to teach the truth as guaranteed in our constitution, of personal and religious freedom. I think the fine is unjust.”<sup>251</sup> Scopes was fined \$100, but because of a procedural error the decision was appealed to Tennessee Supreme Court in Nashville, which overturned his conviction.<sup>252</sup> There, a three-to-one vote upheld the antievolution law, the Butler Bill.<sup>253</sup> In its decision from the appeal, Tennessee’s Supreme Court made the determination that there was “nothing to be gained by prolonging the life of this bizarre case.”<sup>254</sup> *Scopes* had been a bizarre case indeed. It was bizarre because unlike most court cases, the implication was not in the legal ramifications that it held, or even the conviction of the Scopes. Indeed, the case lacked a significant legal implication.

### **The *Scopes* Cultural Implication**

While the concrete legal implication was lacking, the concrete cultural implication was realized. In a sense, though, perhaps this cultural implication over a legal one in *Scopes* was not as bizarre as it might first appear. Because Fundamentalism was perceived first and foremost a cultural—not a legal phenomenon—it was defeated as such. After Bryan’s shameful ignorance about miraculous happenings in the Bible such as how Eve was created, where Cain got his wife,

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<sup>250</sup> Foster, “Scopes Monkey Trial.”

<sup>251</sup> *State of Tennessee vs. John Thomas Scopes*, 815.

<sup>252</sup> Foster, “Scopes Monkey Trial.”

<sup>253</sup> Charles A. Bleckmann, “Evolutionism and Creationism in *Science*: 1880-2000,” *BioScience* 56 no. 2 (February 2006): 154.

<sup>254</sup> Foster, “Scopes Monkey Trial.”

or how the great fish had swallowed Jonah, in addition to his lack of knowledge about ancient religions, Bryan had to admit that he did not know much about any other side of the argument.<sup>255</sup>

This disappointed, embarrassed attitude towards Bryan extended to all Fundamentalists, as now “Fundamentalism” was blindly applied to small-town, rural, Protestantism and further, that “Fundamentalism” was now seen as an “obscurantist label” for the foreseeable future.<sup>256</sup>

Despite its clear faults, the degradation of Fundamentalism only bolstered those with Naturalist and Darwinist leanings. “Righting” the wrongs of Fundamentalism still left the wrongs of Naturalism and Darwinism in its wake. Ironically, it was the both the Fundamentalists who insisted on proof of scientific theory (thus rejecting *prima facie* Darwin’s theory of evolution), and yet simultaneously struggled to find scientific—or factual—proofs for Christianity itself.<sup>257</sup>

A similar conundrum was found in the public reaction to the trial itself—the reviews were mixed. For example, while many disagreed on the question of origin (and ultimately public opinion generally sided with evolution), references in such magazines like *Science* and *The Scientific Monthly* to the arguments of creation versus evolution peaked in the 1920s in a way that did not occur again until the 1990s with the dawn of the “intelligent design” argument.<sup>258</sup> Further, largely speaking, African Americans used the trial not only as an opportunity to promote educational freedom, but also racial equality, arguing that if all humans shared a common ancestry in Darwin’s theory, then both *de facto* and *de jure* forms of segregation, lynchings, Jim Crow laws, and other injustices could perhaps finally be put to rest.<sup>259</sup> In an effort to side with

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<sup>255</sup> Marsden, *Fundamentalism and American Culture*, 186-7.

<sup>256</sup> *Ibid.*, 188.

<sup>257</sup> *Ibid.*, 214, 217.

<sup>258</sup> Bleckmann, “Evolutionism and Creationism in *Science*,” 151-2.

<sup>259</sup> Shantá R. Robinson, “A Crusader and an Advocate: The Black Press, the Scopes Trial, and Educational Progress,” *The Journal of Negro Education*, 87 no. 1, (2018): 14-5.

evolution generally speaking, society as a whole still grappled with this debate well into the twentieth century.<sup>260</sup>

Even at the time of *Scopes*, the audience and participants knew the implications would outweigh the Butler Bill. Perhaps Darrow himself said it best in his closing statement. Darrow concluded:

Of course, there is much that Mr. Bryan has said that is true. And nature—nature, I refer to, does not choose any special setting for mere events. I fancy that the place where the Magna Charta was wrested from the barons in England was a very small place, probably not as big as Dayton. But events come along as they come along. I think this case will be remembered because it is the first case of this sort since we stopped trying people in America for witchcraft, because here we have done our best to turn back the tide that has sought to force itself upon this—upon this modern world, of testing every fact in science by a religious dictum. That is all I care to say.<sup>261</sup>

Darrow was right to believe this case would have major implications, but not in the way those like Darrow had envisioned.

*Scopes* was barely a trial in the traditional sense. It was more of a rigged debate with a large national audience listening.<sup>262</sup> In the years leading up to *Scopes*, the debate of evolution had been a favorite pastime of American public intellectuals who took to newspapers to publicize their ideas and often create diagrams that explained evolution in an accessible manner.<sup>263</sup> While many scientists did agree that Darwinist evolutionary theory was correct, few agreed upon how that theory became tangible in science. Indeed, as seen in the public debates between Osborn and Reverend John Roach Straton, a notable Baptist minister, many scientists were not only Christians themselves, but also held to a worldview which demanded a purpose for living which

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<sup>260</sup> Bleckmann, “Evolutionism and Creationism in *Science*,” 158.

<sup>261</sup> Moran, *The Scopes Trial*, 167.

<sup>262</sup> *Ibid.*, 25; and Foster, “Scopes Monkey Trial.”

<sup>263</sup> Constance Areson Clark, “Evolution for John Doe: Pictures, the Public, and the Scopes Trial Debate,” *The Journal of American History* 87, no. 4 (March 2001): 1280.

Darwinism did not provide.<sup>264</sup> This created an awkward atmosphere for American on-lookers. In a fresh way, journalism was supposed to not only inform the American public; but teach the American public.<sup>265</sup> Even *The New York Times* heralded the trial as giving “scientific men a better opportunity than they have ever had to bring their teaching home to millions.”<sup>266</sup>

More reactions poured in from both secular and religious media, both at home and abroad. *The Baptist Monthly* heralded evolutionists everywhere as ‘agnostic, infidel[s] and atheist[s] who were “purveyors of bruteology” in the same camp as Darwin, Haeckel, Huxley, and Spencer.’<sup>267</sup> Further, it noted that the “Civil Liberties Society [American Civil Liberties Union], a diminutive aggregation of aesthetic asses, not only endorsed the Christless Scopes, but assisted in financing this crusade of atheism.”<sup>268</sup> *The Christian Century* noted that it was a “curious trial,” highlighting the “forensic contest of two well-known verbal pugilists.”<sup>269</sup> Reverend Thomas H. Nelson wagered that “Jews and Unitarians had joined forces to push this antichristian conflict,” and the real issue lay in Haeckel’s view of the “anti-Genesis origin of life and matter.”<sup>270</sup> *The Atlanta Constitution* noted that the trial was “one of the strangest in the history of American jurisprudence.”<sup>271</sup> Across the Atlantic, the French marveled at the “heroic quarrels” between Darrow and Bryan.<sup>272</sup> The Britons concluded that “the high jinks of the monkey trial could scarcely have been maintained much longer...”<sup>273</sup>

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<sup>264</sup> Clark, “Evolution for John Doe,” 1280-1.

<sup>265</sup> Perry Parks, “Summer for the Scientists? The Scopes Trial and the Pedagogy of Journalism,” *Journalism & Mass Communication Quarterly* 92, no. 2, (2015): 445.

<sup>266</sup> “One Compensation,” *New York Times*, July 12, 1925, E6.

<sup>267</sup> “The Scopes Trial,” *The Baptist Monthly Magazine*, Louisville, August, 1925, 10.

<sup>268</sup> *Ibid.*, 11.

<sup>269</sup> “Amateur Dramatics at Dayton,” *The Christian Century*, July 30, 1925, 969.

<sup>270</sup> “The Real Issue in Tennessee,” *Moody Bible Institute Monthly*, Chicago, September, 1925, 11.

<sup>271</sup> “The Scopes Trial,” *The Atlanta Constitution*, July 22, 1925, 6.

<sup>272</sup> “Darwin Contre La Bible,” *L’Illustration*, August 1, 1925, 120.

<sup>273</sup> “Dayton Relapses,” *The Manchester Guardian Weekly*, July 24, 1925, 61.

This trial affected how the American faith community viewed not only evolution but eugenics as well. While the Protestants carved out a middle-of-the-road approach, and the Jews saw eugenics as ushering God's kingdom to earth, most people of faith were embarrassed by the fundamentalist rejection of modern science.<sup>274</sup> Thus, eugenics was understood in many American minds as not the ultimate societal solvent, but rather, "a tool for achieving a better moral and spiritual consciousness for mankind, a means, in other words, of achieving God's will on earth."<sup>275</sup> The bizarre case had yielded even more bizarre results.

As the public at large searched for answers, the knowledgeable scientists who had been debating this topic for years did not have any to give. This case was bizarre because first, it was seen as a case which would end public debates over an ideological issue, and second, it did not conclusively answer the questions it had advertised that it would. Perhaps Bryan was the most astute when he concluded at the end of the trial that: "*Here has been fought out a little case of little consequence as a case, but the world is interested because it raises an issue, and that issue will someday be settled right, whether it is settled on our side or the other side. It is going to be settled right.*"<sup>276</sup>

### Conclusion

The question, regardless of the implications, remains: Was the Scopes Monkey Trial a trial of law or of culture? There is a strong case to be made that it was a trial of culture that manifested itself in a legal context. This trial was not pursued to simply find John Thomas Scopes guilty or innocent of a violation of the Butler Bill. This trial was not created to even find fault with the small country school or less than adequate textbook in question. This trial was not

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<sup>274</sup> Rosen, *Preaching Eugenics*, 122.

<sup>275</sup> Ibid.

<sup>276</sup> Italics added. *State of Tennessee vs. John Thomas Scopes*, 824.

simply about first amendment rights or academic freedom. This trial was about American culture during the 1920s, and how Naturalism, social Darwinism, and Fundamentalism interacted. *Scopes* was designed to create a spectacle and to serve as a commentary on the pervading ideology of the times—to hail science as lord and to postulate the importance of eugenic remedies for the society that were on the horizon.

This is certainly not to suggest that *Scopes* was not influential. Indeed, arguably it was more influential because Scopes' conviction was of little to no consequence. Because it was bizarre, it was noteworthy. Because it was a spectacle, it was remembered. *Scopes*, if nothing else, is a case study in how culture influences the courtrooms. In this case specifically, *Scopes* serves as a marker in which Fundamentalism and Christianity could not sufficiently answer the accusations Naturalism and social Darwinism posed; this left the door open to the logical conclusion of both Naturalism and social Darwinism: eugenics.

After Scopes was convicted, Hunter revised his textbook, *A Civic Biology*, and offered to delete the references to Darwinian evolution; however, he simultaneously kept and expanded the eugenics sections.<sup>277</sup> Indeed, not every evolutionist was a eugenicist, but every eugenicist had to be an evolutionist at some level. The eugenicists of the Progressive Era knew that. As Julian Huxley would later write in the 1940s, “Man is the heir of evolution: but he is also its martyr. All living species provide their evolutionary sacrifice: only man knows that he is a victim.”<sup>278</sup> This trial was not definitive, rather the basis for many more open-ended questions.<sup>279</sup> *Scopes* further set the course for the American Eugenics Movement to prosper—and its prosperity was no greater seen than in the case of Carrie Buck.

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<sup>277</sup>Leonard, *Illiberal Reformers*, 111.

<sup>278</sup> T.H. and Julian Huxley, *Touchstone for Ethics* (New York: Harper & Brothers Publishers, 1947), 155.

<sup>279</sup> Marvin Olasky and John Perry, *Monkey Business: The True Story of the Scopes Trial* (Nashville, TN: Broadman & Holman Publishers, 2005), 2.



**Chapter 3:**  
**Three Generations and One Courtroom:**  
**The American Eugenics Movement, its Influence Abroad,**  
**the *Buck v. Bell* Decision, and Progressive Era Culture**

“‘Civilization’s going to pieces,’ broke out Tom violently. ‘I’ve gotten to be a terrible pessimist about things. Have you read *The Rise of the Colored Empires* by this man Goddard?...’

‘...everybody ought to read it. The idea is that if we don’t look out the white race will be—will be utterly submerged. It’s all scientific stuff; it’s been proved...’

It was all very careless and confused. They were careless people, Tom and Daisy—they smashed up things and creatures and then retreated back into their money or their vast carelessness, or whatever it was that kept them together, and let other people clean up the mess they had made.”

-F. Scott Fitzgerald, *The Great Gatsby*, p. 17, 157-8

The December of 1865 ushered in the dawning of a new era in American freedom.<sup>280</sup> Indeed, the 1860s was a tumultuous time in American history. Brother fought against brother for the right of another, and the tides once bound to slavery were shifting. The effects of the Civil War were seen no more clearly than in the verbiage of the Fourteenth Amendment. Section I reads:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.<sup>281</sup>

This same Amendment that would not only be significant in the 1860s, but also in the 1920s and beyond.

While often hidden under the guise of race betterment in both a scientific and even moral sense, eugenics was a bioethical movement that captivated many Americans in the early twentieth century. After *Scopes*, this only became more apparent and less insidious. The American Eugenics Movement continued to grow through international eugenics congresses (many of which were led by American thinkers and hosted in America), congressional legislation, and American eugenic research facilities. However, no event in American history better encapsulates the American Eugenics Movement than the trial of Carrie Buck and her consequential forced sterilization. In the case of eugenics, the Fourteenth Amendment would be disregarded as compulsory sterilization laws flooded the nation.<sup>282</sup>

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<sup>280</sup> Illman Wurman, *The Second Founding: An Introduction to the Fourteenth Amendment* (Cambridge: Cambridge University Press, 2020), 93.

<sup>281</sup> "Fourteenth Amendment," *Legal Information Institute*, <https://www.law.cornell.edu/constitution/amendmentxiv>.

<sup>282</sup> Nathalie Antonios and Christina Raup, "Buck v. Bell (1927)," *Embryo Project Encyclopedia*, January 1, 2012, <https://embryo.asu.edu/pages/buck-v-bell-1927>.

The zeitgeist, or spirit of the times, was changing. As seen in the *Scopes* trial, society was at war with itself in many ways. Darwinism was becoming the pervading scientific theory. Social Darwinism was an up-and-coming cultural phenomenon. Eugenics was becoming well-established. Thus, *Buck* was the logical, pragmatic next step of critical jurisprudence. This trial is monumental not only to understanding American eugenic policy, but also American Progressive Era culture as well as international reactions. In order to best understand the case of Carrie Buck, one must first look at the context of the eugenics movement in America and internationally from 1850 onwards, second, at her trial, and third, the resulting cultural shift.

### **The Eugenics Movement At Home & Abroad**

The American based Eugenics Record Office (ERO), which was founded by Charles Davenport and located in Cold Spring Harbor, New York, was funded by many high society families, including the Carnegies, Harrimans, and Rockefellers.<sup>283</sup> Davenport enjoyed a personal relationship with John D. Rockefeller, Jr., who wrote to Davenport about his plan to incarcerate “feble-minded criminal women” longer than their sentence so that they “would...be kept from perpetuating [their] kind.”<sup>284</sup> Thus, it is no surprise that the ERO was “the premier scientific enterprise” where “scientists applied rudimentary genetics to singling out supposedly superior races and degrading minorities.”<sup>285</sup> In addition to these research associations, eugenics was quite popular in high society with events such as the “Better Babies” Contests at state fairs and race betterment conferences in which the best and brightest doctors, geneticists, and eugenicists

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<sup>283</sup> Spiro, *Defending the Master Race*, 128.

<sup>284</sup> Black, *War Against the Weak*, 93; “Rockefeller to Davenport, 27 January 1912,” *Charles B. Davenport Papers* (Philadelphia: American Philosophical Society Library), cited in Black, *War Against the Weak*, 456.

<sup>285</sup> Krisch, “When Racism Was a Science,” Section D, 6.

would gather and disseminate their findings to the general public who could attend.<sup>286</sup> While there were a few famed American critics of the eugenics movement, including photographer Jacob Riis, social thinker Booker T. Washington, professor Herbert Adolphus Miller, and itinerant evangelist Billy Sunday, it still became very popular in American academia and society.<sup>287</sup>

Sterilization was not the only way of preventing the undesirable from being born. Despite Congress' repeated attempts to regulate prostitution or attempts to censor sensual materials in movies in 1915 with the establishment of the Board of Review, the Progressive Era ushered in a "culture of pleasure."<sup>288</sup> This was no more clearly seen than in the birth control movement, led by Margaret Sanger. Among the arguments for birth control such as the demand for women to have more control of their bodies, there was a new justification: birth control allowed for recreational, fun sexual activity without the consequence of a child.<sup>289</sup> What was considered "good" in society was becoming a relative concept as many sought to morally justify pleasure.

Sanger clearly adopted Darwin's views of survival of the fittest and believed that birth control was simply a more sterile, humane way of what "Nature's way" of population control involved.<sup>290</sup> She believed the moral thing to be the responsible one. By responsibility, she was implying the responsibility of the potential parents to absolve themselves of potential consequences before engaging in sexual activity.<sup>291</sup> However, birth control was not just to help

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<sup>286</sup> "Better Babies," 32–36; and Geraiis, "Better Babies Contests in the United States (1908–1916)"; and Bruinius, *Better for All the World*, 209.

<sup>287</sup> Bruinius, *Better for All the World*, 212-3, 229; Chesterton, *Eugenics and Other Evils*, 12.

<sup>288</sup> McGerr, *A Fierce Discontent*, 269-271.

<sup>289</sup> *Ibid.*, 262.

<sup>290</sup> Madeline 4, *Margaret Sanger: A Biography of the Champion of Birth Control* (New York: Richard Marek Publishers, 1979), 174.

<sup>291</sup> *Ibid.*, 174.

couples be more responsible for Sanger. She believed this technology could help the nation. She wrote:

In the early history of the race, so-called “natural law” [i.e., natural selection] reigned undisturbed. Under its pitiless and unsympathetic iron rule, only the strongest, most courageous could live and become progenitors of the race. The weak died early or were killed. Today, however, civilization has brought sympathy, pity, tenderness and other lofty and worthy sentiments, which interfere with the law of natural selection. We are now in a state where our charities, our compensation acts, our pensions, hospitals, and even our drainage and sanitary equipment all tend to keep alive the sickly and the weak, who are allowed to propagate and in turn produce a race of degenerates.<sup>292</sup>

Sanger was not just a proponent of sex for pleasure’s sake, but for a better society. Sanger suggested that every “feeble-minded” woman of child-bearing age should be segregated from the rest of society until she was no longer able to reproduce.<sup>293</sup> She further argued that while eugenic sterilization was good and helpful, it could not be done on a scale large enough to fit the demand. Interestingly, several eugenicists did not endorse birth control at the time, including Henry Fairfield Osborn, who noted “In fact, on eugenic as well as on evolutionary lines I am strongly opposed to many directions which the birth control movement is taking.”<sup>294</sup> Similarly, Charles Davenport surmised that he was “not convinced that, despite their high motives, the movement will not do more harm than good.”<sup>295</sup> They believed that eugenic measures such as sterilization were for the good of society, while birth control was only for the selfish good of the individual.<sup>296</sup>

Sanger vehemently disagreed. She argued, “Birth Control, on the other hand, not only opens the way to the eugenicist, *but it preserves his work*. Furthermore, it not only prepares the

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<sup>292</sup> Margaret Sanger, “Birth Control and Women’s Health,” *Birth Control Review* 1, no. 12 (1917): 7.

<sup>293</sup> Margaret Sanger, *The Pivot of Civilization* (New York: Maxwell, 1969), 25. This work was first published in 1922.

<sup>294</sup> Henry Fairfield Osborn, “Birth Selection vs. Birth Control,” *Forum* 88 (August 1932): 79.

<sup>295</sup> “Charles Davenport to John J. Burke, 21 January 1926,” Correspondence, Davenport Papers, APS, cited in Rosen, *Preaching Eugenics*, 155.

<sup>296</sup> Rosen, *Preaching Eugenics*, 155.

ground in a natural fashion for the development of a higher standard of motherhood and of family life, but enables the child to be better born, better cared for in infancy and better educated.”<sup>297</sup> While often heralded as a champion of feminism, perhaps it is more accurate to claim Sanger as a champion for feminism pertaining to “worthy women,” or, put more plainly, “women who were not feeble-minded, illegitimate, or poor.” Her eugenic tendencies regularly took precedent over her care for the female sex.<sup>298</sup>

Eugenics was not *strictly* an American affair or birth control argument, however. Englishmen also espoused eugenics, including Winston Churchill, who wrote his friend, H.H. Asquith, the British Prime Minister in 1910, that: “I am convinced that the multiplication of the Feeble-Minded, which is proceeding now at an artificial rate, unchecked by any of the old constraints of nature, and actually fostered by civilised [*sic*] conditions, is a very terrible danger to the race.”<sup>299</sup> Because the sentiments expressed by Churchill were so widespread, an International Federation of Eugenic Organizations was formed.<sup>300</sup> This federation held conferences, congresses, and exhibits in the name of “advancement of eugenics.”<sup>301</sup> In addition to the main congress events, it sponsored many smaller conferences from 1913 to the late 1930s in places such as Paris, London, Brussels, Lund, Milan, Rome, Amsterdam, and Munich.<sup>302</sup>

In addition, there were three international eugenics congresses—one in each decade leading up to 1940—which benefitted from substantial American influence. These congresses

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<sup>297</sup> Italics added. Margaret Sanger, “Birth Control and Racial Betterment,” *Birth Control Review*, (Feb 1919), <https://www.nyu.edu/projects/sanger/webedition/app/documents/show.php?sangerDoc=143449.xml>.

<sup>298</sup> Angela Franks, *Margaret Sanger’s Eugenic Legacy: The Control of Female Fertility* (Jefferson, North Carolina and London: McFarland & Company, Inc., Publishers, 2005), 187.

<sup>299</sup> Winston Churchill, “Letter from Churchill to Asquith, Dec. 1910,” in *The Asquith Papers*, MSS Asquith 12, cited in Desmond King, *In the Name of Liberalism: Illiberal Social Policy in the United States and Britain* (Oxford: Oxford University Press, 1999), 69.

<sup>300</sup> *A Decade Of Progress In Eugenics*, 2.

<sup>301</sup> *Ibid.*

<sup>302</sup> *Ibid.*, 1-8.

were much like a state department ministerial or academic conference of the modern day, with dignitaries and experts on the subject attending and presenting. The first was held in London in July of 1912, with the proceedings being opened by the President of the International Eugenics Congress, Major Leonard Darwin, an English politician and the son of Charles and Emma Darwin.<sup>303</sup> A *New York Times* article entitled “WANT MORE BABIES IN BEST FAMILIES: Major Darwin Sees it Patriotic Duty to Better Classes to Increase their Offspring,” details the first day of the meeting, where participants discussed sterilization of “feeble-minded” and habitual criminals by X-ray, promoting larger families from “good stock” and limiting other stocks, amongst other topics.<sup>304</sup> In his address to the participants, Darwin admonished his fellow eugenicists, including English, French, Italian, and Danish scientists, that “They should hope that the twentieth century would be known in future as *the century when the eugenic ideal was accepted as part of the creed of civilization.*”<sup>305</sup> His hope came close to true in Nazi Germany.

The second International Eugenics Congress was held at the American Museum of Natural History in New York City, in September of 1921.<sup>306</sup> Alexander Graham Bell, the American of telephone fame, was the honorary president and Professor Henry Fairfield Osborn was the actual president for this event, in which the pedigree of the Caesars, the old Americans and the tribe of Ishmael, as well as the issue of the American descendants from the Mayflower approaching extinction, were discussed.<sup>307</sup>

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<sup>303</sup> “First International Eugenics Congress,” *The British Medical Journal* (August 3, 1912): 253.

<sup>304</sup> “Want More Babies in Best Families.” *The New York Times*, September 25, 1921.

<sup>305</sup> Italics Added. “First International Eugenics Congress,” 253; and *A Decade Of Progress In Eugenics*, 2; and Bent Sigurd Hansen, “Something Rotten in the State of Denmark: Eugenics and the Ascent of the Welfare State,” *Opiskelijakirjaston verkkojulkaisu* (1996): 20.

<sup>306</sup> *Scientific Papers Of The Second International Congress Of Eugenics: Held At American Museum Of Natural History, New York, September 22-28, 1921*. Vol. 1. (Baltimore: Williams & Williams, 1923), ix.

<sup>307</sup> *Scientific Papers*, vii; and *A Decade Of Progress In Eugenics*, 3.

While eugenics was truly an international endeavor, historian Daniel Kelves accurately surmises: “the center of this trend was the American eugenics movement.”<sup>308</sup> Henry Fairfield Osborn, Charles Davenport, as well as Madison Grant and Harry Laughlin, are often cited as the “Big Four” of American eugenic thought.<sup>309</sup> The fourth edition of Grant’s classic 1916 work, *The Passing of the Great Race; or, The Racial Basis of European History*, was published in 1925, was even a part of Adolf Hitler’s private collection.<sup>310</sup> In it, Grant advocates that:

...indiscriminate efforts to preserve babies among the lower classes often result in serious injury to the race...Mistaken regard for what are believed to be divine laws and sentimental belief in the sanctity of life tend to prevent the elimination of defective infants and the sterilization of such adults as are themselves no value to the community.<sup>311</sup>

Until Grant’s research, eugenicists had been concerned with “unfit individuals, not inferior races.”<sup>312</sup>

Additionally, Osborn, Grant, and Laughlin in 1922 founded the American Eugenics Society (AES), which grew out of the meeting of the Second Eugenics Congress. Its express purpose was to promote propaganda and public education on the topic of eugenics.<sup>313</sup> By February 1923, the society had one hundred members—within seven years, by 1930, it had more than twelve hundred.<sup>314</sup> It was the AES which sponsored “Fitter Families for Future Firesides”

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<sup>308</sup> Kenneth Ludmerer, “History of Eugenics,” *Encyclopedia of Bioethics*, vol. 1 (New York: Free Press, 1978), 460.

<sup>309</sup> Spiro, *Defending the Master Race*, 127-9. Henry Fairfield Osborn was intimately involved in the Scopes Monkey Trial outlined in Chapter 2.

<sup>310</sup> Timothy W. Ryback, *Hitler’s Private Library: The Books that Shaped His Life* (New York: Alfred A. Kopf, 2008), 110.

<sup>311</sup> Katharine O’Keefe, “Social History and the Eugenics Societies,” *Social Justice Review* (Jan./Feb., 1998): 5.

<sup>312</sup> Spiro, *Defending the Master Race*, 138. An example of this eugenic thought being geared towards the individual is the Kallikak case.

<sup>313</sup> Rosen, *Preaching Eugenics*, 111.

<sup>314</sup> Barry Alan Mehler, “A History of the American Eugenics Society, 1921-1940,” Doctoral Dissertation, 67.



contests at state fairs to determine the best American families by looking at medical records and examining family members.<sup>315</sup>

Aside from the AES, Laughlin was also the ERO's Assistant Director, the Expert Eugenics Agent of the Committee on Immigration and Naturalization of the House of Representatives, the organizer for the Second International Congress of Eugenics, and the Secretary for the Third International Congress.<sup>316</sup> Laughlin also wrote a Model Sterilization Law which would be the blueprint for the Eugenic Sterilization Act of 1924 in which the sterilization of those deemed unfit to reproduce by the superintendent "of the Western State Hospital, or of the Eastern State Hospital, or of the Southwestern State Hospital, or of the Central State Hospital, or the State Colony for Epileptics and Feeble-Minded" would be permitted.<sup>317</sup>

In part because his original model law was not put into practice right away, he wrote a book with the help of Chicago Judge Harry Olson, *Eugenical Sterilization in the United States: A Report of the Psychopathic Laboratory of the Municipal Court of Chicago* which outlined the medical intricacies of sterilization and eugenic promise the procedure held.<sup>318</sup> However, the procedure he had outlined as the Model Law in 1914, was not nationally recognized before—as only twelve states had eugenically-minded sterilization laws in place.<sup>319</sup> Thus, to disseminate these ideas, he sent his book to hospitals all across the country, including one addressed to Albert

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<sup>315</sup> "Human Stock at the Kansas Free Fair," *Eugenical News* 7 (October 1922): 111.

<sup>316</sup> Harry Laughlin, *Eugenical Sterilization in the United States: A Report of the Psychopathic Laboratory of the Municipal Court of Chicago* (Psychopathic Laboratory of the Municipal Court of Chicago: Chicago, 1922), v.

<sup>316</sup> *A Decade Of Progress In Eugenics*, i.

<sup>317</sup> Lombardo, *Three Generations, No Imbeciles*, 53-6, 91; and Laughlin, "Report of the Committee to Study and to Report on the Best Practical Means of Cutting Off the Defective Germ-Plasm in the American Population," 117; and Wong, "A Shameful History: Eugenics in Virginia.," and Virginia Sterilization Act of 3/20/1924.

<sup>318</sup> Lombardo, *Three Generations, No Imbeciles*, 85-7.

<sup>319</sup> *Ibid.*, 91.

Priddy at the Virginia Colony for Epileptics and Feeble-minded, the same hospital where Carrie Buck would soon reside.<sup>320</sup>

### Carrie Buck

Carrie Buck's story formally begins with Emma Buck, her mother. Emma was from Charlottesville, Virginia, and a poor and widowed woman.<sup>321</sup> After World War I, Virginia very consciously tried to put away the marginalized in society into homes based on supposed "feeble-mindedness."<sup>322</sup> A widow with two children, Emma Buck was described as "well-nourished" in appearance, generally in poor health with scarred arms suggesting illicit drug use, and overall "untidy."<sup>323</sup> She was allegedly arrested for prostitution and was known for being "notoriously untruthful."<sup>324</sup> Thus, Emma was placed before a Commission on Feeble-mindedness on April 1, 1920, and as Justice of the Peace C.D. Shackleford presided, Physician J.S. Davis examined her.<sup>325</sup> During this "inquisition," they asked of sixty questions; question number two inquired whether or not she had ever been convicted of her crime, and Emma Buck's answer was yes—prostitution. Further, she had contracted syphilis. Davis quickly deemed Emma "feeble-minded," and within a week, she was driven to the Colony for Epileptics and Feeble-minded, in Madison Heights, Virginia, where she would remain for the rest of her life.<sup>326</sup>

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<sup>320</sup> Lombardo, *Three Generations, No Imbeciles*, 89-90. For more information on the *Mallory v. Priddy* Case, see *Three Generations, No Imbeciles*, 58-77.

<sup>321</sup> Black, *War Against the Weak*, 108.

<sup>322</sup> *Ibid.*

<sup>323</sup> Lombardo, *Three Generations, No Imbeciles*, 106.

<sup>324</sup> *Ibid.*

<sup>325</sup> Departments of the Central State Hospital for Epileptic and Feeble Minded at Petersburg, Virginia, "Official Interrogatories and Papers of Commitment": Emma Buck files, Central Virginia Training Center Archives, cited in Black, *War Against the Weak*, 108.

<sup>326</sup> Black, *War against the Weak*, 108.

The Virginia State Epileptic Colony was established originally as a place for patients with epilepsy in 1910.<sup>327</sup> At its establishment, it housed one hundred patients from three nearby hospitals, Western, Eastern, and Southwestern.<sup>328</sup> One of the biggest structures, the Drewry-Gilliam building, was constructed at a cost of \$24,420 and contained amenities for large numbers of patients including two 40-bed wards, additional dormitories, attendants' rooms, and a basement.<sup>329</sup> In 1913, the colony began to accept patients not only with epilepsy, but also those who were deemed "feebleminded," and housed them in the Mastin-Minor building.<sup>330</sup> The Colony's rural location and lack of transportation to and from it indicates its desire to limit visitation.<sup>331</sup>

It is important to note that this colony was not the only one of its kind. Indeed, the disabled or mentally ill had been dismissed regularly during the American Revolutionary and Jacksonian periods, due to the widespread belief that disability (be that of mind or of body) was a product of individual sin.<sup>332</sup> However, this attitude began to shift in the mid-19<sup>th</sup> century, as scientists and citizens alike began to believe that the disabled could be bettered and become "functional" members of society.<sup>333</sup> In 1879, feeblemindedness became a "scientific study" as The Association of Medical Officers of American Institutions for Idiotic and Feeble-Minded Persons was established during a meeting at the Pennsylvania Training School for Feeble-Minded Children in 1879.<sup>334</sup>

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<sup>327</sup> "History," Central Virginia Training Center, last modified January 13, 2014, <http://www.cvtc.dbhds.virginia.gov/feedback.htm>.

<sup>328</sup> Ibid.

<sup>329</sup> Ibid.

<sup>330</sup> Ibid.

<sup>331</sup> Ibid. For pictures of the colony, please see the Appendix.

<sup>332</sup> Nathan R. Stenberg, "Disqualifying Disability: Law, Performance & the Institutionalized Disabled Subject at the Pennhurst State School & Hospital," Lecture Presentation, Zoom, May 22, 2020, 5.

<sup>333</sup> Ibid., 6.

<sup>334</sup> Ibid.

An exemplary example of this science can be seen in Pennsylvania. Pennhurst, a similar entity to the Virginia Colony, was established in 1903 with a devotion “to the reception, detention, care, and training of epileptics and idiotic and feebleminded persons.”<sup>335</sup> State funds covered residents’ cost of stay during the week. However, residents were not treated with standard dignities afforded to hospital patients. For example, little luxuries such as cleaning help for those who could not clean themselves was not offered on the weekends, and admittance was rarely, if ever, voluntary.<sup>336</sup> Pennhurst was only emboldened by Pennsylvania’s Mental Health Act of 1923, which allowed for disabled persons to be “exempt” from the law and to be placed into the care of the state.<sup>337</sup> This Mental Health Act was in many ways a reiteration of Laughlin’s Eugenical Sterilization Law, which was intimately attached to Carrie Buck’s case.

Because Emma was housed at the colony, her daughter, Carrie (born in 1906), was put into foster care at age three and lived with the Dobbs family, who had a biological child roughly the same age as Carrie.<sup>338</sup> A natural at school assignments and housework, Carrie was a valued member of the ménage; however, the Dobbsses pulled her out of school in her sixth grade year so that she could focus on completing other chores and helping the family, as well as being “loaned” to other neighbors to do similar housework.<sup>339</sup> While these actions beg their own ethical questions of child labor and taking advantage of the voiceless, these issues were not the legal focus of Carrie’s plight.

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<sup>335</sup> Stenberg, “Disqualifying Disability,” 8-9.

<sup>336</sup> “About Pennhurst State School and Hospital,” *Pennhurst Memorial & Preservation Alliance*, 2015, <http://www.preservepennhurst.org/default.aspx?pg=36>.

<sup>337</sup> Stenberg, “Disqualifying Disability,” 9-10.

<sup>338</sup> Black, *War against the Weak*, 109.

<sup>339</sup> *Ibid.*, 109.

In the summer of 1923, Carrie became pregnant. She asserted that she had been raped, saying “He forced himself on me...he was a boyfriend of mine and he promised to marry me.”<sup>340</sup> Years later, Carrie would accuse the Dobbs’ nephew as the man who raped her.<sup>341</sup> However, at the time of these events, the Dobbs were not pleased with the answer Carrie gave, which was simply that her unnamed boyfriend had impregnated her. Thus, the Dobbses had to deal with the embarrassment of an illegitimate pregnancy in their household.

Immediately, the Dobbses turned Carrie over to Justice Shackelford, the local law enforcement officer.<sup>342</sup> On January 23, 1924, a brief hearing was conducted, and both J.T. Dobbs and his wife testified against Carrie, saying that she experienced among other things “hallucinations,” “outbreaks of temper,” and was subject to “peculiar actions.”<sup>343</sup> The court deemed Carrie feeble-minded, but because she was pregnant, she did not report to the Colony until two months later, after her child, Vivian Buck, had been born in Charlottesville.<sup>344</sup> Interestingly, the Dobbses, who were also dealing with their biological daughter’s simultaneous pregnancy, agreed to keep Vivian.<sup>345</sup> However, if Vivian, who had already been deemed feeble-minded, never outgrew her supposed genetic condition, she too could be sent to the Colony and join her mother and grandmother.<sup>346</sup>

### ***Buck v. Bell***

Partially because the *Mallory v. Priddy* case—a court case where Mallory had been wrongly institutionalized for feeble-mindedness—had given Virginia Colony Superintendent

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<sup>340</sup> “They Told Me I had to Have An Operation,” *Charlottesville (VA) Daily Progress*, February 26, 1980, Section A, 1-8.

<sup>341</sup> *Ibid.*

<sup>342</sup> Black, *War against the Weak*, 109.

<sup>343</sup> *Ibid.*

<sup>344</sup> Lombardo, *Three Generations, No Imbeciles*, 104-5.

<sup>345</sup> *Ibid.*

<sup>346</sup> *Ibid.*

Priddy bad press, and partially because the Virginia Compulsory Sterilization law of 1924 had taken effect, Priddy examined Carrie Buck with the intention to sterilize her.<sup>347</sup> He found her to have the mental age of a nine-year-old, and thus petitioned for her sterilization.<sup>348</sup> He also asked Carrie's guardian—now R.G. Shelton— “to challenge the sterilization order so that the law on which it was based could be sanctified by the courts.”<sup>349</sup> Further, Priddy, in front of the Colony Board, detailed Carrie's condition as “feeble-minded of the lowest grade Moron class” and that Vivian, her daughter, was by proxy “one illegitimate mentally defective child” who was “a moral delinquent.”<sup>350</sup> The trial, therefore, was inevitable, as Priddy could lawfully in Virginia sterilize Carrie. Further, this case for sterilization would be appealed to court, with the opportunity of the law in Virginia being vindicated by the higher courts.

At this juncture, an introduction of a few other important characters of the trial is necessary. Aubrey Strode was the man who had drafted Virginia's sterilization law.<sup>351</sup> He also argued in favor of the law in the Buck case. Indeed, Harry Laughlin advised Strode and helped him build the case, including alerting him about a similar case in Michigan, congratulating Strode on finding Carrie as the case's subject since feeble-mindedness in three immediate generations was so rare, and offering to analyze data on Carrie's other relatives.<sup>352</sup> Laughlin saw this case as a chance for his Model Law, which had at best been partially adopted, to be fully

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<sup>347</sup> Largent, *Breeding Contempt*, 100; and Virginia Sterilization Act of 3/20/1924; and Lutz Kaelber, “Virginia,” *Eugenics: Compulsory Sterilization in 50 American States*, <https://www.uvm.edu/~lkaelber/eugenics/VA/VA.html>.

<sup>348</sup> Largent, *Breeding Contempt*, 100; Lombardo, *Three Generations, No Imbeciles*, 106.

<sup>349</sup> Lombardo, *Three Generations, No Imbeciles*, 106.

<sup>350</sup> *Ibid.*, 106-7.

<sup>351</sup> “Buck v. Bell: The Test Case for Virginia's Eugenical Sterilization Act”; and Lombardo, *Three Generations, No Imbeciles*, 109.

<sup>352</sup> Lombardo, *Three Generations, No Imbeciles*, 108.; and “Laughlin to Strode, October 3, 1924,” Colony Record no. 1692, cited in Lombardo, *Three Generations, No Imbeciles*, 108. According to Lombardo, Laughlin included a “Family Tree Folder” and “Single Trait Sheets” for Strode's use.

ingratiated into the American legal system.<sup>353</sup> Priddy also heavily advised Strode, even gifting him with his personal copy of Laughlin's *Eugenical Sterilization In the United States*—to help him research.<sup>354</sup>

Strode also got support from a seemingly unlikely source, Irving P. Whitehead, who was Carrie's defense lawyer. While he was supposedly representing her, he was also on the Colony's board of directors.<sup>355</sup> Thus, from the start, this trial was very much for show. In the cursory medical examination that would be primary evidence in her commitment hearing, and her "mental age of nine years" necessitated the conclusion that she was a "Middle Grade Moron," incrementally worse than her mother Emma, who at one point had been deemed at the mental age of ten as a "Low Grade Moron."<sup>356</sup> This further proved that not only was "feeble-mindedness" was genetic, but as the genetic line continued, the "feeble-mindedness" supposedly worsened. The idea of being "feeble-minded" had a history wrapped in social Darwinism. In Italy, criminologist Cesare Lombroso had developed a theory of "criminal stigmata," which classified criminals as fundamentally different creatures, dubbed *homo deliquens*, whose face and body "bore signs, or stigmata, of his disorder."<sup>357</sup> Lombroso was also the first to use the term "epileptic," and along with such words as "feeble-minded," "moron," and so on, these classifications began to not only have a mental deficiency attached to them, but a moral one, too.<sup>358</sup>

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<sup>353</sup> Lombardo, *Three Generations, No Imbeciles*, 108.

<sup>354</sup> *Ibid.*, 109.

<sup>355</sup> "Buck v. Bell: The Test Case for Virginia's Eugenical Sterilization Act."

<sup>356</sup> Bruinius, *Better for all the World*, 44, 59.

<sup>357</sup> Hoberman, *Mortal Engines*, 56-7. Lombroso lived from 1835 to 1909.

<sup>358</sup> Stephen Jay Gould, *The Mismeasure of Man* (New York: W.W. Norton & Company, 1981), 134.

Before 1925, American courts in seven cases (five state and two federal) had stricken down forced sterilization laws, and only one upheld a penal forced sterilization law.<sup>359</sup> In the 1913 case, *Alice Smith v. Board of Examiners*, the New Jersey Supreme Court established the precedent that forced sterilization could not take place for only those in colonies, because to do so would be to classify those in colonies as fundamentally different than those outside of the colony with the same condition. In other words, to force a sterilization for an epileptic inmate would mean that the government would also have to procure all epileptics not in the care of the state and also sterilize them.<sup>360</sup> This set a dangerous precedent that was used by the Michigan Supreme Court in 1913, which reviewed a law that authorized “the sterilization of mentally defective persons” who lived in these colonies completely legitimate if the classification was “germane to the object of the enactment.”<sup>361</sup> The court simultaneously warned against any type of “clearly class legislation without substantial distinction.”<sup>362</sup>

However, the tide of Progressive jurisprudence shifted with Carrie, because the argument for her sterilization hung not on the fact that she was “feeble-minded,” but rather she was one of three generations which were so.<sup>363</sup> This claim, which was the key difference in her case, “was made plausible by the inept, and probably collusive, performance” of Whitehead.<sup>364</sup> Thus, Carrie did not have any legal help as these men took up her case. To them, she was not a whole person

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<sup>359</sup> Daniel Frost, “Protection against Eugenics: A Comparison of Two Jurisprudences,” *Journal of Supreme Court History* (November 2017): 282.

<sup>360</sup> *Ibid.*, 275, 278, 282, 289. This enhances the tension seen between “Police Powers” jurisprudence and Progressive jurisprudence. While “Police Powers” jurisprudence was much more intertwined with this jurisprudence has roots in the structure and theory of the U.S. Constitution (and had been used to strike down previously), and Progressive jurisprudence “was much more amenable to government regulation of social and economic matters, even against claims of individual right that might limit such regulation.” See “Smith v. Board of Examiners of Feeble-Minded, 85 N.J.L. 46 (1913),” *Caselaw Access Project*, Harvard Law School, <https://cite.case.law/njl/85/46/>.

<sup>361</sup> Frost, “Protection against Eugenics,” 283-4. Also see “Haynes v. Lapeer Circuit Judge, 201 Mich. 138, 166 N.W. 938 (Mich. 1918),” *State Bar of Michigan*, <http://www.michbar.org/file/programs/milestone/pdf/protectingimpaired.pdf>.

<sup>362</sup> Frost, “Protection against Eugenics,” 283.

<sup>363</sup> *Ibid.*, 286.

<sup>364</sup> *Ibid.*



with a valued life; she was simply a piece, a mechanism, that they could use to advance Progressive Era jurisprudence—no longer focused the inherent dignity of the person found in natural law theory, but on the supposed moral good of progress.

It was abnormally snowy as the trial participants gathered in the Supreme Court of Appeals in Virginia on that fateful November morning in 1925 to discuss the “sterilization of hereditary defectives, [and] the limits of the power of the state over the propagation of the unfit.”<sup>365</sup> The questioning began with witnesses from Charlottesville and the surrounding area testifying against Carrie’s character, and was followed by the testimonies of respected eugenicists afterwards. The witnesses included Mrs. Anne Harris, a Charlottesville nurse; John W. Hopkins, the superintendent of an Albemarle County orphanage; Samuel Dudley, the apparent brother-in-law-to Emma Buck’s father; Caroline Wilhelm, a Red Cross nurse new to Charlottesville (the one who had escorted Carrie to the Colony); and Mary Duke, the temporary head of the welfare office in Charlottesville (before Caroline Wilhelm had taken the position).<sup>366</sup> After Strode questioned these witnesses, Whitehead, Carrie’s defense attorney, briefly questioned them—but did not challenge the veracity of their testimonies.<sup>367</sup> The only slightly positive remarks about Carrie were given by Caroline Wilhelm, who testified that Carrie’s daughter, Vivian whom she regarded as “not quite normal, but just what it is, I can’t tell.”<sup>368</sup> The Charlottesville witnesses either had very few qualifications (such as the supposed distant relative John W. Hopkins) or were very complicit in the ideology of eugenics that was being pushed.

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<sup>365</sup> Lombardo, *Three Generations, No Imbeciles*, 112; and “Buck v. Bell, Supreme Court of Appeals of Virginia, Brief for Appellee, September 1925,” *Document Bank of Virginia*, <http://edu.lva.virginia.gov/dbva/items/show/227>.

<sup>366</sup> Lombardo, *Three Generations, No Imbeciles*, 112-120.

<sup>367</sup> *Ibid.*, 117, 120.

<sup>368</sup> *Ibid.*

The second part of the trial was left to the eugenics experts. Strode had many prominent figures, including Dr. Joseph S. DeJarnette, nicknamed “Dr. Joseph Sterilization DeJarnette” for his support of the Virginia sterilization law; Arthur H. Estabrook, a field worker at the ERO; and the aforementioned Dr. Priddy.<sup>369</sup> Additionally, Laughlin also sent in a written statement analyzing the Buck family “in light of his eugenical expertise.”<sup>370</sup> DeJarnette was a strong proponent of Darwinism, in earlier writings arguing reproduction of the “unfit” would be nothing other than “a crime against their offspring and a burden to their state.”<sup>371</sup> It is easy to see, therefore, why he was a favored witness of Strode. Whitehead’s questioning supposedly in favor of Carrie yielded no advantageous results. Whitehead asked DeJarnette if the cutting of the fallopian tubes, the standard procedure of sterilization, would destroy the reproductive system. This was an important point of contention, especially given the scientific bent to mechanism at the time in which efficiency depended not on the human flourishing aspect or even the working order of an entire biological system, but rather the efficiency of each part in isolation. Human beings, under the eugenic mindset, were being seen by those in authority as simple machines to be valued for their efficiency and devalued for the lack thereof. DeJarnette answered that cutting the fallopian tubes did not destroy the organ of the body, but “merely prevent [ed] reproduction.”<sup>372</sup> Thus, the idea of life itself was being reinvented under a eugenic banner. Life was only valuable if it was not a burden on society. A mechanistic view of life itself was being not only applied, but being used *advantageously*, by the eugenics movement.

Estabrook, who had examined four generations of the Buck family in one day, was the next witness and passed genetic judgements on family members who he had met, not talked to,

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<sup>369</sup> Lombardo, *Three Generations, No Imbeciles*, 120-135.

<sup>370</sup> *Ibid.*, 133.

<sup>371</sup> *Ibid.*, 121.

<sup>372</sup> *Ibid.*, 126.

and some who were already dead.<sup>373</sup> This means that not only was he passing unfair, cursory judgments about the minds of those he had just met, but also on those he had never met—simply because they were of the same genetic line. To Estabrook, feeble-mindedness was indeed genetic—and this was a eugenic concept at its core. He was the one who had assigned Carrie her mental age, and thus Strode asked him if he would classify Carrie as both a feeble-minded and socially inadequate person. He answered in the affirmative.<sup>374</sup> Additionally, Strode used Estabrook's book *The Jukes in 1915* to argue that the environment of a person might affect someone's behavior, but not their genetic makeup—thus this feeble-mindedness was inherent.<sup>375</sup> Whitehead only supplemented this reasoning by asking Estabrook questions that reinforced the findings of Strode.<sup>376</sup> The case was almost determined, but not before the most potent witness took the stand.

Dr. Priddy, the third witness, argued that Carrie's living outside of the colony, provided she be sterilized, would actually *improve* her life because it would increase her personal liberties. Basically, he argued, because Carrie would not be able to reproduce, she would be able to live without further children or dependence on an institution such as the Colony, therefore getting "some pleasure out of life, which would be denied her in having to spend her life in custodial care in an institution."<sup>377</sup> Further, he asserted that this operation on Carrie would be a "blessing" to both her and society at large.<sup>378</sup> Priddy also detailed that many feeble-minded, such as Carrie, had "clamor[ed]" for this procedure in the past because "they know it means the enjoyment of life and the peaceful pursuance of happiness," and that further, the women who had been

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<sup>373</sup> Lombardo, *Three Generations, No Imbeciles*, 130.

<sup>374</sup> *Ibid.*

<sup>375</sup> *Ibid.*, 128.

<sup>376</sup> *Ibid.*, 130.

<sup>377</sup> "Buck v. Bell, Supreme Court of Appeals of Virginia, Brief for Appellee, September 1925," 9.

<sup>378</sup> *Ibid.*, 10.

sterilized from 1916 to the winter of 1917—“eighty-odd” of them—had had a decent life afterwards, with “about sixty of them” being placed into “good homes.”<sup>379</sup> Again, Whitehead offered no significant pushback to Priddy’s claims.

The prosecution ended with a reading of Laughlin’s deposition for the court, Whitehead’s last semblance of defending Carrie was asking that the deposition be struck from the court records.<sup>380</sup> The court rejected his claim. At that point, it was Whitehead’s responsibility to put forward a defense; instead, he brought no witnesses or other evidence in support of Carrie.<sup>381</sup> The trial was over in less than five hours.<sup>382</sup> Unlike previous sterilization cases, Carrie was recognized as feeble-minded and eligible for forced sterilization because she was already denied the ability of procreation as a sequestered inmate.<sup>383</sup> Her rights had shifted because of her locale, and her supposed position (or lack thereof) in society.

Indeed, this trial had made a mockery of justice, a joke of natural law, and an embarrassment of decency. As British eugenics opposer G.K. Chesterton had written in his *Eugenics and Other Evils* in 1922, “Most Eugenicists are Euphemists,” and he was proven correct.<sup>384</sup> Unfortunately, this verdict impacted many more than just Carrie and the Buck family. In 1927, it reached the Supreme Court of the United States at the recommendation of both Strode and Whitehead, “their advice being that this particular case was in admirable shape to go to the court of last resort, and that we [the Virginia Colony Board] could not hope to have a more

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<sup>379</sup> “Buck v. Bell, Supreme Court of Appeals of Virginia, Brief for Appellee, September 1925,” 10.

<sup>380</sup> Lombardo, *Three Generations, No Imbeciles*, 134.

<sup>381</sup> *Ibid.*, 135.

<sup>382</sup> *Ibid.*, 134-5.

<sup>383</sup> Frost, “Protection against Eugenics,” 287.

<sup>384</sup> Chesterton, *Eugenics and Other Evils*, 12.

favorable situation than this one.”<sup>385</sup> The case was accepted for review in September of 1926.<sup>386</sup> Many of the justices viewed eugenics positively, including Chief Justice William Howard Taft, Irving Fisher, and Oliver Wendell Holmes, decided the case.<sup>387</sup> Strode and Whitehead appeared before the Court, and the Court ruled 8-1 in favor of the state.

Holmes was an especially interesting character. Known for his love of eugenics, he delivered a series of lectures entitled *The Common Law* in 1881.<sup>388</sup> He wagered that “the notion of possessing a right as such was intrinsically absurd. All rights are consequences attached to filling some situation of fact.”<sup>389</sup> In other words, Holmes did not believe that rights were inherent; but rather were dependent on an external reality, not an internal truth. Later on in 1918 he wrote concerning natural law: “The most fundamental of the supposed preexisting rights—the right to life—is sacrificed without a scruple not only in war, but whenever the interest of society, that is, of the predominant power in the community, is thought to demand it.”<sup>390</sup> In other words, Holmes argued not ten years earlier than the *Buck* decision that the right to life was not absolute but that it was something determined by society—by the majority—by the *powerful*. It is no wonder, therefore, that Holmes was able to pen his famous court 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. The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes... Three generations of imbeciles are enough.”<sup>391</sup>

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<sup>385</sup> *Minutes of the Meeting of the Special Board of Directors of the State Colony for Epileptics and Feeble-minded*, December 7, 195.  
<https://ead.lib.virginia.edu/vivaxtf/view?query=Minutes+of+the+Meeting+of+the+Special+Board+of+Directors+of+the+State+Colony+for+Epileptics+and+Feeble-minded+December+7&docId=lva%2Fvi00947.xml&chunk.id=>

<sup>386</sup> Lombardo, *Three Generations, No Imbeciles*, 157

<sup>387</sup> *Ibid.*, 158-166. William Howard Taft had severe eugenic tendencies. Irving Fisher was an original director of the ERO. Oliver Wendell Holmes was a student of Thomas Malthus.

<sup>388</sup> Black, *War Against the Weak*, 119.

<sup>389</sup> Oliver Wendell Holmes, *The Common Law*, edited by Paulo J. S. Pereira & Diego M. Beltran (Toronto: University of Toronto Law School, 2011), 300. This work was originally published in 1881.

<sup>390</sup> Oliver Wendell Holmes, “Natural Law,” *Harvard Law Review*, 32 (November 1, 1918): 42.

<sup>391</sup> Virginia Supreme Court, “274 U.S. 200, *Buck v. Bell* (No. 292), Argued April 22, 1927, Decided: May 2, 1927, 143 Va. 310, Affirmed,” in *United States Reports: Cases Adjudged in the Supreme Court At October Term*

Justice Pierce Butler was the only dissenter, although without writing a dissenting opinion.<sup>392</sup> It is speculated that Butler dissented because of his Roman Catholic background, as well as his personal situation involving a disenfranchised, illegitimately born niece of his whom he had paid a large settlement to, due to his sympathetic response to her situation.<sup>393</sup> It is thought that perhaps Justice Butler saw Carrie's plight as similar to his niece's.<sup>394</sup> Although a plea had been made by the National Council of Catholic Men to repeal the decision, and a "watered down" version of that petition had been signed and filed by Whitehead, the petition was denied in October 1927.<sup>395</sup> The decision in *Buck* was final.

*The New York Times* covered the *Buck* decision, saying that Holmes' decision had given states the "right to protect society," and both *The Los Angeles Times* and the *Chicago Tribune* repeated the story.<sup>396</sup> *The Baltimore Evening Sun* reported that Carrie had a mental age of a nine-year-old, and *The Baltimore Sun* mentioned the "vigorous opinion" of Holmes.<sup>397</sup> *The Boston Daily Globe* mentioned that after *Buck*, already "fifteen other states have similar laws."<sup>398</sup> *Time Magazine* noted that while "eugenicists cheered," the "sentimentalists were vexed" by the decision.<sup>399</sup> *The Charlottesville Daily Progress* ran an editorial which hailed Holmes' opinion as "a genuine classic" which was "in sympathy with the most progressive tendencies in our social

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1926 *From April 11, 1927 (in Part) to and Including June 6, 1927*, Ernest Knaebel, 200-208 (Washington, D.C.: Government Printing Office, 1928), 200-8.

<sup>392</sup> Virginia Supreme Court, "274 U.S. 200, *Buck v. Bell* (No. 292),"172.

<sup>393</sup> *Ibid.*

<sup>394</sup> *Ibid.*

<sup>395</sup> *Ibid.*, 179-181.

<sup>396</sup> "Upholds Operating on Feeble-Minded," *New York Times*, May 3, 1927, 19; "Supreme Court Upholds Sterilization of Unfit," *Los Angeles Times*, May 3, 1927, 1; and "Sterilization of Defectives is Held Illegal," *Chicago Daily Tribune*, May 3, 1927, 1.

<sup>397</sup> "Sterilization Law of Virginia Upheld," *Baltimore Evening Sun*, May 2, 1927, 1; and "Va. Sterilization Act is Sustained," *Baltimore Sun*, May 3, 1927, 12.

<sup>398</sup> "Supreme Court Upholds Sterilization Laws," *Boston Daily Globe*, May 2, 1927, 23.

<sup>399</sup> "Sterilization," *Time*, May 16, 1927.

machine.”<sup>400</sup> Sanger was aware of the Buck case, and during the interim period of the case from the Virginia Supreme Court to the United States Supreme Court, she gave a lecture proposing that the government should offer a payment to “obviously unfit parents” who got sterilized, and praised sterilization as the “remedy” to the onus of upkeeping “an increasing rate of morons.”<sup>401</sup> Just weeks later, Dr. John Bell operated on Carrie on October 19, 1927.<sup>402</sup> Carrie was sterilized for her “feeble-mindedness” in the name of eugenics.

A contemporary of Holmes and American philosopher who read this Holmes’ work, Boyd H. Bode, wrote that Holmes “maintains a position which is of fundamental and indeed crucial importance for ethical theory. It is a philosophy of revolution based on the biological law of Natural Selection.”<sup>403</sup> Thus, even before the *Buck* decision, the understanding of natural law was already twisted by some into Darwinian selection. *Buck* was only a tangible expression of the eugenic mindset that had not only infiltrated American culture, but also American legal thinking—it is this infiltration that enabled it to become American legal *precedent*.

Sterilization of the unfit was not only now legal precedent, but also a cultural phenomenon. Folks like Sanger remained no stranger to the American Eugenics Movement. Indeed, Laughlin frequently published in Sanger’s *Birth Control Review*.<sup>404</sup> After the Buck case, Laughlin published a précis to be in *Birth Control Review*.<sup>405</sup> Further, Sanger went on to promote “immediate sterilization” of the “feeble-minded,” as well as touted her birth control as “really the greatest and most truly eugenic method...” which had “been accepted by the most clear thinking

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<sup>400</sup> “Safely through the Gamut,” *Charlottesville (VA) Daily Progress*, May 3, 1927, 4.

<sup>401</sup> Margaret Sanger, “The Function of Sterilization,” *Birth Control Review*, October 1926: 299. This was taken from an address given at Vassar College, August 5, 1926.

<sup>402</sup> Lombardo, *Three Generations, No Imbeciles*, 185.

<sup>403</sup> Boyd H. Bode, “Justice Holmes on Natural Law and the Moral Idea,” *International Journal of Ethics*, 29 (July 1919): 397.

<sup>404</sup> Franks, *Margaret Sanger’s Eugenic Legacy*, 182.

<sup>405</sup> Lombardo, *Three Generations, No Imbeciles*, 195-6.

and far seeing of the Eugenicists themselves as the most constructive and necessary of the means to racial health.”<sup>406</sup>

For Holmes, along with several others during this time, natural law had become Darwin’s idea of natural selection. The previously historically held views of natural law (as outlined in chapter one) were gone. Natural law implies natural right. Natural right implies natural law. Holmes seemed to believe that only the best and brightest had worth. This led to not only an issue in jurisprudence with cases like *Buck*, but also an overflow issue in the American culture through new technologies like birth control for the rich, and segregation for the “feeble-minded.”

The Supreme Court’s decision became the law of the land, and *Buck* has never been overturned.<sup>407</sup> The numbers of sterilizations between 1907 and 1940 speak for themselves: in North Carolina, 1,017, in Michigan, 2,145, in Virginia, 3,924, in California, 14,568 people.<sup>408</sup> By the end of 1940, at least 35,878 men and women had been sterilized, with 30,000 of these being after the infamous *Buck* case. Holmes had written in 1922 to his friend Harold J. Laski, “As I have said, no doubt, often, it seems to me that all society resets on the death of men. If you don’t kill ‘em one way you kill ‘em another-or prevent their being born...is not the present time an illustration of Malthus?”<sup>409</sup> Society to Justice Holmes, and to many others in the Progressive Era, was built on a culture of death of the vulnerable, and the protection of life of the fittest.

Darwinist thinking had become a way to heal the ills of society, and a way to justify the

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<sup>406</sup> Sanger, *The Pivot of Civilization*, 101-2, 189; and “The Lasker Awards,” *Albert and Mary Lasker Foundation*, 2021, <http://www.laskerfoundation.org/awards/>; and Franks, *Margaret Sanger’s Eugenic Legacy*, 188. Sanger maintained this position throughout her life. Sanger’s views were not a mere flirtation with eugenics, but an ideology that defined her life’s work. In 1950, she received the Lasker Award, which is geared towards rewarding research that has benefited the scientific community. She sent her son, Grant, to deliver her acceptance speech, and in her speech, called for pensions to be given to “dysgenic” people who would agree to sterilization.

<sup>407</sup> Black, *War Against the Weak*, 122.

<sup>408</sup> *Ibid.*, 123.

<sup>409</sup> Black, *War Against the Weak*, 120; Felix Frankfurter, foreword to *Holmes-Laski Letters Abridged*, Vol. I, ed. by Mark DeWolfe Howe (Clinton: MA, Atheneum, 1963), xvi; Letter, Oliver Wendell Holmes, Jr. to Harold J. Laski, 14 June 1922, *Holmes-Laski Letters*, Vol. I, 330.



atrocities of it. Natural right was determined by the powerful as a result. *Buck* was only the beginning.

### **Conclusion**

Carrie Buck's case was but a symptom, albeit a glaring one, of a much larger societal drift into Progressive ideology. Simultaneously focused on both the good of the individual, yet also the common eugenic good, American society heavily grappled with purpose, pleasure, and pain both in culture and in law. In the end, it was not the truth of human dignity, but rather the powerful narrative of a good society, that prevailed. Indeed, the eugenics movement in America was at best a poorly beguiled attempt at an inherently insidious ideology.

The Fourteenth Amendment, which had been passed at the dawn of abolition in America and designed to protect and renew the lives of those who had been enslaved for several hundred years, was no match for the American Eugenics Movement. To the prominent thinkers, movers, and shakers of the day, not every person was intrinsically entitled to the protection “of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”—only the powerful and efficient were.<sup>410</sup> Because the Progressive Era ushered in a new natural law based on Darwinian selection, and a subsequent natural right that was merit-based, it is no wonder that Carrie Buck suffered as she did. Unfortunately, she was but one of many. Value was no longer found in the person themselves, but in what that person could (or could not) contribute to society.

As the famed philosopher Hannah Arendt wrote in her opus, “Ideologies are known for their scientific character: they combine the scientific approach with results of philosophical relevance and pretend to be scientific philosophy.”<sup>411</sup> So it was with International and American

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<sup>410</sup> “Fourteenth Amendment.”

<sup>411</sup> Hannah Arendt, *The Origins of Totalitarianism* (Harcourt: New York, 1976), 468.

eugenics. Most tangibly displayed by the *Buck v. Bell* case, the eugenic movement was paradoxical in that it sought to better society by eliminating the individual, and to promote biological science through the killing of life itself. Thus, the justification of heinous acts under the promise of something “better for all the world” became a justification not only for Americans of the Progressive Era, but many who would follow in this eugenic vein.<sup>412</sup>

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<sup>412</sup> *Trials Of War Criminals Before The Nuernberg [Sic] Military Tribunals Under Control Council Law No. 10, “The Einsatzgruppen Case, The RusHa Case,”* Volume IV (Nuremberg: October 1946—April 1949), [http://www.loc.gov/rr/frd/Military\\_Law/pdf/NT\\_war-criminals\\_Vol-IV.pdf](http://www.loc.gov/rr/frd/Military_Law/pdf/NT_war-criminals_Vol-IV.pdf), 1159.

**Chapter 4:**

**“The Foundation for the Bloodiest War in History”:**

**Marxism, Moral Relativism,  
Communism, Nazism, and Eugenics**

“I would be pleased to teach him Italian....The canto of Ulysses...Who is Dante? What is the Comedy? That curious sensation of novelty which one feels if one tries to explain briefly what is the *Divine Comedy*.

How the Inferno is divided up, what are its punishments. Virgil is Reason, Beatrice is Theology...and I begin slowly and accurately... ‘Threw out a voice and answered: When I came...’

Here I stop...and after ‘When I came?’ Nothing. A hole in my memory...For a moment I forget who I am and where I am.”

-Primo Levi, *Survival in Auschwitz*, p. 112-114

On Saturday, March 17, 1883, Karl Marx was buried in Highgate Cemetery in London, England, in the same grave where his wife was already interred.<sup>413</sup> Friedrich Engels, perhaps the man who knew Marx best, rose quietly to deliver his remarks. There were several notable attendees, including Karl Marx's sons-in-law, Paul Lafargue and Friedrich Lessner, and G. Lochner, who was an old member of the Communist League.<sup>414</sup> In addition, the natural sciences were represented by what Engels called “two celebrities of the first magnitude”: Professor Ray Lankester (known as T.H. Huxley’s bulldog) and Professor Carl Schorlemmer, both of whom were members of the London Academy of Sciences (Royal Society).<sup>415</sup> Amidst distinguished company, Engels gave his speech, making this bold claim: “Just as Darwin discovered the law of development of organic nature, so Marx discovered the law of development of human history...”<sup>416</sup> Engels was not only commenting upon Marx’s legacy, but upon the communist view of science which would long outlive Marx. Attendee and German politician Karl Liebknecht followed Engels and further surmised:

Science is the liberator of humanity. The natural sciences free us from God. But God in heaven still lives on although science has killed him. The science of *society* that Marx revealed to the people kills capitalism, and with it the idols and masters of the *earth* who will not let God die as long as they live. Science is not *German*. It knows no barriers, and least of all the barriers of nationality... The basis of science, which we owe to Marx, puts

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<sup>413</sup> “Karl Marx’s Funeral.” *Der Sozialdemokrat*, March 22, 1883.  
<https://www.marxists.org/archive/marx/works/1883/death/dersoz1.htm>.

<sup>414</sup> Ibid.

<sup>415</sup> Ibid.; Richard Milner, “Huxley’s Bulldog: The Battles of E. Ray Lankester (1846-1929).” *The Anatomical Record (New Anat.)* 257 (1999): 90. Charles Darwin’s popularity was increasing, and as he wrote, T. H. Huxley, a British scientist and grandfather to famed dystopian author Aldous Huxley, was dubbed as “Darwin’s bulldog” for the way Huxley defended Darwin to the world, including noted naysayers like Bishop William Wilberforce. In addition, T. H. Huxley was one of the few Darwinists that did not outright denounce socialism, saying in his essay “On the Natural Inequality of Men” that political and economic equality are rooted in natural equality, contra Jean Jacques Rousseau’s claim. In time, Huxley had his own dogged supporter, Professor Ray Lankester, also a British scientist. Professor Carl Schorlemmer was a famed Chemist, and his death was noted in both *Scientific American* and *The British Medical Journal*. See “Professor Carl Schorlemmer.” *Scientific American* 67, no. 12 (September 17, 1892): 181; and “Professor Carl Schorlemmer, Manchester.” *The British Medical Journal* (July 9, 1892): 107; Weikart, *Socialist Darwinism*, 121.

<sup>416</sup> “Karl Marx’s Funeral.”

us in a position to resist all attacks of the enemy and to continue with ever-increasing strength the fight which we have undertaken.<sup>417</sup>

Liebknacht was astute in his observation at Marx's funeral. Both the sciences and pseudoscience have never known a nationality. As Jewish historian Steven Aschheim wrote, "The path from Darwinism...and even racism and anti-Semitism to Nazis, it is clear, was never simple or direct. Different roads did, of course, lead in different directions. Nevertheless, twisted thought it may have been, one did, in point of fact, lead to Auschwitz."<sup>418</sup>

Though the road to Auschwitz was winding, it was not long. The Eugenics Movement in America and around the world encouraged Nazi proclivities towards engineering race, killing the unfit, and dreaming of an Aryan utopia. Indeed, the Nazi engineer of the RuSHA—the SS Race and Settlement Main Office—General Otto Hofmann, did not cite American jurisprudence without cause at the Nuremberg Trials. The Nazi mastermind of T-4, Karl Brandt, did not climb up thirteen steps to the gallows one rainy June day in 1948 in isolation. Eugenics was an international phenomenon that gained consistent inspiration from America. However, while the American Eugenics Movement was certainly an important event, it was not the only influence that led to the Nazi regime.

In true transatlantic fashion, it is important to detail both the Russian and German Eugenics Movements which influenced not only the Americans, but the Nazis. Indeed, the German and Russian Eugenics Movements mimicked each other in several respects. This is evident in the rise of moral relativism in Germany, the rise of Marxism in Russia, and the rise of Nazism in Germany. This relationship displayed, just as in America, the codependent relationship between eugenics and philosophy. Arguably, this movement culminated in the

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<sup>417</sup> "Karl Marx's Funeral."

<sup>418</sup> Steven E. Aschheim, *In Times of Crisis* (Madison: The University of Wisconsin Press, 2001), 111.

Holocaust, and the subsequent trial at Nuremberg, where the American jurisprudential decision of *Buck v. Bell* was cited in defense of the Nazis.

### **Moral Relativism and Marxism in Germany**

Progress—not stagnation—in all disciplines, including history and ethics, was up and coming on the international stage by the late 1800s. Indeed, this is no more clearly seen than in Germany’s moral relativism—the idea that morality was in flux—was on the rise, and so was Historicism—the “idea that everything is in flux and phenomena can only be understood as part of the historical process—” which was most manifest first in Fredrich Hegel’s dialectic, and then perfected in Marxism.<sup>419</sup> Moral relativism in Germany was developed by several German contemporaries of Darwin. Both of these theories complemented Darwinism, because they advocated for a progressive, ever-evolving trajectory for both morality and history.

For example, Ernst Haeckel argued in 1827 that evolutionary theory’s task was “not to find new [moral] principles, but rather to lead the ancient command of duty back to its natural-scientific basis”—in other words, science should become the bedrock of morality so that morality could evolve.<sup>420</sup> Haeckel would continue to be crucial to other nations’ perception of Darwin as well, including pre-Bolshevik Russia.<sup>421</sup> Following Haeckel, Bartholomäus von Caneri was the first thinker to contemplate Darwinism in professional ethics. He was influential in relativizing morality for the Germans, and used Darwin to his advantage. He wrote, “An *ethic* consistent with Darwin’s theory knows no natural or innate rights, and can therefore only speak

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<sup>419</sup> Weikart, *From Darwin to Hitler*, 42.

<sup>420</sup> Ernst Haeckel, “Ueber die heutige Entwicklungslehre im Verhältnisse zur Gesamtwissenschaft,” in *Amtlicher Bericht der 50* (Munich, 1877), 19-20.

<sup>421</sup> Eduard Kolchinsky and Georgy S. Levity, “The Reception of Haeckel in Pre-Revolutionary Russia and His Impact on Evolutionary Theory,” *Theory in Biosciences* 138 (2019): 75.

of acquired rights, even in relation to tribes and people.”<sup>422</sup> However, Caneri was more interested in using the Darwinian ethic to destroy a Judeo-Christian or Kantian ethic, rather than create a new one.<sup>423</sup> A contemporary of Caneri, economist Albert E. F. Schäffle, believed that Darwinism was integral to a new ethic—that progress was integral to morality. He wrote, “Law and morals necessarily arise in and through the selective struggle for existence, since they themselves are essential components of the power of collective self-preservation.”<sup>424</sup>

Another German, physician and scientist Max Nordau, was also very interested in the relationship between science and morality. Specifically, he attempted to scientifically explain why humans became social.<sup>425</sup> He wrote, “Morality must be regarded as a support and a weapon in the struggle for existence in so far as, given present climactic conditions on earth and the civilization arising therefrom, man can only exist in societies, and society cannot exist without Morality.”<sup>426</sup> Indeed, morality was becoming the purpose of society. While this sounds pleasant, it is far from true. Society cannot make men moral. It can only promote morality.<sup>427</sup> He also wrote in the same vein, “We, who stand on the ground of the scientific world view, recognize in the inequality of living things the impetus for all evolution and perfection...the least perfect individuals will be destroyed in the struggle for first place and will disappear...Inequality is therefore natural law.”<sup>428</sup> This was a shift towards eugenic thinking in Germany.

Perhaps there was not a more influential German philosopher who admired Darwin’s theory than Karl Marx. Marx read Darwin’s *Origin of Species* for the first time in December

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<sup>422</sup> Bartholomäus von Caneri, *Sittlichkeit und Darwinismus* (Vienna, 1871), 308.

<sup>423</sup> Weikart, *From Darwin to Hitler*, 27.

<sup>424</sup> Albert E. F. Schäffle, *Bau und Leben des Socialen Körpers*, 4 vols. (Tübingen, 1881), 2: 494-5.

<sup>425</sup> Weikart, *From Darwin to Hitler*, 29.

<sup>426</sup> Max Nordau, *Morals and the Evolution of Man* (London, 1922), 59. This is a translation of *Biologie und Ethik*.

<sup>427</sup> Weikart, *From Darwin to Hitler*, 29.

<sup>428</sup> Max Nordau, *Die Konventionellen Lügen* (Leipzig, 1909), 112-16.

1860, and noted, “Although developed in a coarse English manner, this is the book that contains the foundation in natural history for our view.”<sup>429</sup> Marx desired that the “good life” be a “scientific one.”<sup>430</sup> However, upon further reading, Marx believed that Darwin’s theories aligned too closely with Thomas Malthus, and his population theory, which Marx abhorred. Darwin unashamedly aligned himself with Malthus, writing, “...I happened to read for amusement Malthus on *Population*, and being well prepared to appreciate the struggle for existences which everywhere goes on....Here, then, I had at last got a theory by which to work.”<sup>431</sup> Because of communism’s ideals of brotherhood and comradeship, the idea of competition was not well-received. Engels, Marx’s compatriot, took a similar view to Marx:

It is remarkable how among beasts and plants Darwin rediscovers his English society with its division of labor, competition, opening up of new markets, ‘discoveries’ and Malthusian ‘struggle for existence.’ It is Hobbes’ *bellum omnium contra omnes*, and it is reminiscent of Hegel in the Phenomenology, where civil (bürgerlich) society figures as ‘spiritual animal kingdom’ while with Darwin the animal kingdom figures as civil (bürgerlich) society.<sup>432</sup>

Both Marx and Engels were aware of the effect Malthus had on Darwin, no doubt.

As Darwinist theories spread throughout Europe, Marx furthered his education in science by attending scientific lectures. In June 1862, Marx attended a series of lectures given by T. H. Huxley (known as “Darwin’s bulldog”), as well as followed prominent scientists like John Tyndall and August Wilhelm von Hofmann in England and Germany.<sup>433</sup> However, none were so

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<sup>429</sup> Weikart, *Socialist Darwinism*, 15.

<sup>430</sup> Henry L. Plaine, ed., *Darwin, Marx, and Wagner; A Symposium* (Columbus, OH: Ohio State University Press, 1962), 95.

<sup>431</sup> Daniel P. Todes, *Darwin Without Malthus: The Struggle for Existence in Russian Evolutionary Thought* (New York: Oxford University Press, 1989), 16.

<sup>432</sup> Weikart, *Socialist Darwinism*, 15; Friedrich Engels, *Dialectics of Nature*, trans., Clemens Dutt, Preface and Notes by J.B.S. Hadlane, F.R.S. (New York, NY: International Publishers, 1940), 208.

<sup>433</sup> Weikart, *Socialist Darwinism*, 18-9.



successful in capturing Marx's attention quite like Jean-Baptiste Lamarck, who advocated for a much more flexible and pliable view of genetics and inheritance<sup>434</sup>

While Marx ultimately endorsed Darwin's theory, Engels was all too happy to accept Darwinism with Lamarckism from the outset. Soviet agronomist T. D. Lysenko would later write, "In his time Darwin was unable to free himself from the theoretical mistakes which he committed. These errors were discovered and pointed out by Marxist classicists."<sup>435</sup> Thus, Marxists believed they were not just Darwinists—but *complete Darwinists*. Russian scientists like Ivan Pavlov and K.F. Rul'e did not see a conflict between the two sets of evolutionary thought; believing that since Darwin had adopted Lamarckism later in life, that they must be consistent.<sup>436</sup>

Engels thought the concept of labor played into Darwinism. Believing Malthusianism to not be a part of Darwinism, Engels noted that a superior version of Darwin's theory would be that those which adapted also survived and developed into a new species; thus, the weak ultimately died out, without the need for Malthusian regulated population control.<sup>437</sup> Darwin, according to Engels, had simply been the man in 1859 who "victoriously carried through" the scientific theories of Lamarck and others in a coherent worldview.<sup>438</sup> Engels further identified that though he agreed with Darwinism, "the most materialistic natural scientists of the Darwinian school are still unable to form any clear idea of the origin of man, because under this ideological influence they do not recognise [*sic*] the part that has been played therein by labour [*sic*]."<sup>439</sup> Indeed, Engels would go on to say, "First labour [*sic*], after it and then with it speech" were the

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<sup>434</sup> Gadjev, "Nature and Nurture: Lamarck's Legacy," 242.

<sup>435</sup> Zirkle, *Death of a Science in Russia*, 22.

<sup>436</sup> Graham, *Lysenko's Ghost*, 22, 28; Vucinich, *Darwin in Russian Thought*, 309.

<sup>437</sup> Engels, *Dialectics of Nature*, 235.

<sup>438</sup> *Ibid.*, 13.

<sup>439</sup> *Ibid.*, 289.

“the two most essential stimuli” that allowed for an ape to become a man.<sup>440</sup> However, even if the ultimate cause of labor was in question, it was assumed that Marx and Darwin had the same view of mankind: “not passive” and “infinitely malleable.”<sup>441</sup>

However, not all were content with the connection between Socialism and Darwinism.<sup>442</sup> Some scientists, like famed eugenicist T.H. Huxley, asserted that the chief problem with socialism was that it ignored population pressure ideals.<sup>443</sup> Some, like German politician August Bebel and leader of the Social Democratic Workers' Party of Germany in 1869, took a Lamarckian-Darwinist approach, saying that the natural laws in Darwinism “requires correspondingly other social conditions and leads therefore to the Marxian theory—to socialism.”<sup>444</sup> Still others, such as American and English scientists of the time were not sympathetic to Lamarck though they remained sympathetic to Darwin. Both Thomas Hunt Morgan and William Bateson, two geneticists and eugenicists, vehemently opposed Lamarckism having any place in Darwinism.<sup>445</sup> However, as the 20<sup>th</sup> century dawned, America, England, and Russia began to propagate the same pseudoscience arguably born out of core tenants of Darwinism: eugenics.

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<sup>440</sup> Friedrich Engels, “The Part played by Labour in the Transition from Ape to Man,” *Die Neue Zeit 1895-06* (May-June 1876) trans., Clemens Dutt, (Progress Publishers: Moscow, 1934) <https://www.marxists.org/archive/marx/works/1876/part-played-labour/index.htm>; Engels believed (not shockingly) that the most important part of the body was the part the labored most often: the metabolism.; see also Raissa L. Berg, “On the History of Genetics in the Soviet Union: Science and Politics; The Insight of a Witness,” National Council for Soviet and East European Research, (August 1, 1983): 5.

<sup>441</sup> Paul Heyer, *Nature, Human Nature, and the Human Sciences: Marx, Darwin, Biology, and the Human Sciences* (Westport, CT: Greenwood Press, 1982), 220.

<sup>442</sup> Weikart, *Socialist Darwinism*, 109.

<sup>443</sup> *Ibid.*, 121.

<sup>444</sup> *Ibid.*, 147.

<sup>445</sup> Graham, *Lysenko's Ghost*, 26.

## The German Eugenics Movement

The German Eugenics Movement simultaneously “paralleled” the one happening in the United States.<sup>446</sup> The rise of Social Darwinism and eugenics in early twentieth-century Germany was evident from several organizations forming with the goal of infiltrating Darwinism into ethics and society. These societies included the Monist League founded in 1906 under the direction of Haeckel, the International Order for Ethics and Culture, founded by August Forel in 1908, the League for the Protection of Mothers founded in 1905 in part by Helene Stöcker, the Alfred Ploetz’s Society for Race hygiene founded in 1905, and the German Renewal Community, founded by Theodor Fritsch in 1908.<sup>447</sup>

While all of these societies in one way or another promoted eugenics as a way to progress to a more moral lifestyle, many did not survive the Nazi takeover of the German government. Though Ploetz, the chief organizer of the German Eugenics Movement and coiner of the term “racial hygiene”, originally did not care for the Nazi regime, he was won over by their eugenics program, and as a result, his Society for Race Hygiene thrived under Nazi rule.<sup>448</sup> Additionally, Ploetz was unique in the German Eugenics Movement for his strong emphasis not on class difference, but on racial difference as key—and further, he ardently advocated for the superiority of the Aryan race.<sup>449</sup> His term, “racial hygiene,” was also adopted quickly in the Russian Eugenics Movement, “*rasovai gigiena*.”<sup>450</sup> In 1911, Ploetz presided as president over the

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<sup>446</sup> Henry Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution* (Chapel Hill: The University of North Carolina Press, 1995), 9.

<sup>447</sup> Weikart, *From Darwin to Hitler*, 65-70.

<sup>448</sup> Peter Hayes, *Why? Explaining the Holocaust* (New York: W.W. Norton & Company, 2017), 19.

<sup>449</sup> Friedlander, *The Origins of Nazi Genocide*, 10. The “other founder” as he has been called, of the German Eugenics Movement, Wilhelm Schallmayer did not share the same enthusiasm for the superiority of the Aryan race.

<sup>450</sup> Loren Graham, “Science and Values: The Eugenics Movement in Germany and Russia in the 1920s,” *The American Historical Review* 82 no. 5 (1977): 1147.

International Society for Race Hygiene which held its first conference in the same year, titled, the “International Congress and Exhibit of Race Hygiene.”<sup>451</sup> Many of these same presentations were given a year later during the aforementioned First International Congress of Eugenics in London in 1912.<sup>452</sup>

Not surprisingly, Ploetz’s own political stance was most committed to the ideal of a “genetic future man.”<sup>453</sup> After citing thinkers like Marx and others, he believed that both capitalism and socialism were wanting because they did not “put the good of the future above the comforts of the present” like a eugenic society, he believed, would.<sup>454</sup> Though there were differing concerns not related to eugenics that kept these other societies at bay under the Nazi regime, these societies laid crucial groundwork for the German rethinking of the value of human life.<sup>455</sup>

Eugenics was not only imbedded in the German culture, but in German anthropology. Indeed, some of the leading German anthropologists converted to Darwinism, shifting their field from a place of “racial egalitarianism to inegalitarianism” and replacing classical liberal ethics of the Enlightenment, which still largely pervaded Europe, with evolutionary ethics.<sup>456</sup> With this polygenist—the idea that people have several different origins—taking hold in the anthropological community, racial inferiority tensions began to mount as well.<sup>457</sup> Antisemitism,

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<sup>451</sup> *A Decade Of Progress In Eugenics*, 11-12.

<sup>452</sup> *Ibid.*, 12.

<sup>453</sup> Graham, “Science and Values,” 1136.

<sup>454</sup> *Ibid.*, 1136-7.

<sup>455</sup> Weikart, *From Darwin to Hitler*, 70, 117. While many of these eugenic-leaning societies would have supported Hitler on some issues, they generally differed from him when it came to matters of free speech or matters of social conservatism (i.e. vies on homosexuality, feminism, and pacifism).

<sup>456</sup> *Ibid.*, 116.

<sup>457</sup> *Ibid.*, 117.

while it was indeed congruent with these ideas, had long preceded Charles Darwin. However, antisemitism was arguably elevated in status as a result of this German anthropological stance.<sup>458</sup>

Antisemitism was not the only ideology on the rise as a result of Darwinism in Germany. Bioethical issues like involuntary euthanasia, abortion, and birth control also became topics of significance. Haeckel was the earliest significant German to advocate for killing the “unfit.”<sup>459</sup> Leading expert on euthanasia pre-WWI, Hans-Walther Schmul, summarized his position this way, “By giving up the conception of the divine image of humans under the influence of the Darwinian theory, human life became a piece of property, which—in contrast to the idea of a natural right to life—could be weighed against other pieces of property.”<sup>460</sup> Haeckel continued to be the leader in this line of thinking, as he rightly estimated the cheapening of life to be the logical outcome of Darwinism. This led to later discussion in Germany of infanticide in concert with issues like suicide and the legitimacy of the death penalty.<sup>461</sup> While not every Darwinist was an advocate of these outcomes, every advocate of the devaluation of human life in some form was a staunch Darwinist.<sup>462</sup> It was only a matter of time until these ideas would take on an even darker form.

### **Marxism, Eugenics, and the German Connection in Russia**

At the turn of the twentieth century, science had become increasingly political and therefore social. This was due in a large part because the tsars were open to science and technology. After Russia’s great humiliation in the Russo-Japanese War of 1904-1905, many young Russians had an increasing interest in science, believing that through science, they could

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<sup>458</sup> Weikart, *From Darwin to Hitler*, 123.

<sup>459</sup> *Ibid.*, 146.

<sup>460</sup> Hans-Walter Schmul, *Rassenhygiene, Nationalsozialismus, Euthanasie* (Göttingen, 1987), 106.

<sup>461</sup> Weikart, *From Darwin to Hitler*, 156-161

<sup>462</sup> *Ibid.*, 160-1.

better their world.<sup>463</sup> Indeed, eugenics proved to be a profitable field post- Revolution because it harped on “undermining religion and improving the human condition.”<sup>464</sup> As Russian geneticist Raissa L'vovna Berg recalled, genetics in Russia “came into being after the Revolution, but it was not a child of the Revolution. Many, not to say most, of the postrevolutionary achievements are the result of the simultaneous flowering of all branches of Russian culture.”<sup>465</sup> As the burgeoning flowers of genetics grew in Russia, so too did the choking weed of eugenics grow.

In the early years of the movement, between 1859 and 1864, there were about seventy publications on the Darwinian theory in Russia, one-third of which had translations and paraphrases of foreign publications, most of which were in German.<sup>466</sup> By 1905-1917 especially, translations of several Western scientific works became available in Russia, including Sir Francis Galton’s *Hereditary Genius* in 1875, T. H. Morgan’s *Experimental Zoology* in 1909, Reginald Punnett’s *Mendelism* in 1912, and works by Charles Davenport in 1913.<sup>467</sup> In 1902, the Russian term meaning eugenics, “*evgenika*,” appeared in an anthropology textbook, written by Ludwik Krzywicki and entitled *Psychical Races*; and by 1915, both *evgenika* and the alternate *evgenetika* were more commonplace occurrences in Russian writing and research.<sup>468</sup> Bolshevik eugenics—socialist eugenics—was beginning to grow with non-Russian supporters like H.J. Muller and J.B.S. Haldane, who wrote of the inability for religion to properly guide science.<sup>469</sup> He noted, “There is no great invention, from fire to flying, which has not been hailed as an insult to some god. But if every physical and chemical invention is a blasphemy, every biological

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<sup>463</sup> Adams, *The Wellborn Science*, 157.

<sup>464</sup> Adams, *The Wellborn Science*, 162.

<sup>465</sup> Berg, “On the History of Genetics in the Soviet Union,” 4.

<sup>466</sup> Kolchinsky and Levity, “The Reception of Haeckel in Pre-Revolutionary Russia,” 76.

<sup>467</sup> Adams, *The Wellborn Science*, 158-9; and Vucinich, *Darwin in Russian Thought*, 295.

<sup>468</sup> Adams, *The Wellborn Science*, 159; and Nikolai Kremontsov, “The Strength of a Loosely Defined Movement: Eugenics and Medicine in Imperial Russia,” *Medical History* 59, no. 1 (2015): 8.

<sup>469</sup> Adams, *The Wellborn Science*, 171

invention is a perversion.”<sup>470</sup> Socialist Darwinism provided a telos for the “perversion” of evolution that religion refused to concede.

The Soviet Union preferred to think of eugenic as a branch of social science, rather than a natural science, because of their devotion to the idea of the state informing opinions rather than biological findings determining facts.<sup>471</sup> Within this context fertile for eugenic philosophy, two Russians rose to the occasion: Nikolai Konstantinovich Kol’stov (1892-1940) primarily based in Moscow, and Iurii Aleksandrovich Filipchenko (1882-1930) primarily based in St. Petersburg.<sup>472</sup> Just as in several other countries, once Darwinism had taken hold, eugenics had too.

A teacher heavily involved in liberal politics and a zoologist who considered eugenics to be a subdiscipline of “zootechnics,” Nikolai Kol’stov had traveled to Europe, specifically Naples Station, to study in invertebrate morphology in the 1890s.<sup>473</sup> After returning to Russia and teaching full time at the Beztuzhev Courses for Women and at Shaniavsky University, Kol’stov began working with L.A. Tarasevich, a leading bacteriologist in 1914.<sup>474</sup> In his capacity not only as a researcher but an editor of the popular-science journal *Prioroda*, Kol’stov reviewed western developments in experimental biology, including detailing the emerging Kaiser Wilhelm Institute in Germany as well as the efforts of the Carnegie and Rockefeller foundations in the United States which were all pushing for eugenic research.<sup>475</sup> Following suit,

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<sup>470</sup> J.B.S. Haldane, “Daedalus, or, Science and the Future,” A paper read to the Heretics, Cambridge, on February 4th, 1923, <https://www.marxists.org/archive/haldane/works/1920s/daedalus.htm>; As Chris Renwick notes, J.B.S. Haldane assigned “value-laden assumptions about the biological origins of social behaviour.” In Chris Renwick, “Eugenics, Population Research, And Social Mobility Studies In Early And Mid-Twentieth-Century Britain,” *The Historical Journal*, 59, no. 3 (September 2016): 847.

<sup>471</sup> Renwick, “Eugenics, Population Research And Social Mobility”: 846.

<sup>472</sup> Adams, *The Wellborn Science*, 159-160; and Berg, “On the History of Genetics in the Soviet Union,” 8.

<sup>473</sup> Adams, *The Wellborn Science*, 159; and Graham, *Lysenko’s Ghost*, 52.

<sup>474</sup> Adams, *The Wellborn Science*, 159.

<sup>475</sup> Ibid.

Kol'tsov created the Institute of Experimental Biology, which was funded by the Moscow Scientific Research Institute Society.<sup>476</sup>

Iurii Filipchenko also worked in Naples Station from 1911-1912, where he became aware of Mendelism.<sup>477</sup> In 1913, Filipchenko became involved in the zootomical cabinet at St. Petersburg University, was appointed to the same university's faculty as a *privat-dozent* and opened Russia's first genetics course, "The Study of Evolution and Heredity."<sup>478</sup> His professorship led to interactions with eugenics work in both the United States and Europe, and by 1917 he gave his first popular lecture on eugenics, followed by his first article on the subject in 1918.<sup>479</sup> Between 1921 and 1925, Filipchenko published at least four books on eugenics, including a comparative look at Galton and Mendel.<sup>480</sup> Both men took their cue from Sir Francis Galton, believing that eugenics was the new religion—the new opioid of the masses. Kol'tsov concluded:

The ideas of socialism are bound up with our earthly life: but the dream of creating a perfect order in the relations between people is also a religious idea, for which people will go to their deaths. Eugenics has before it a high ideal which also gives meaning to life and is worthy of sacrifices: the creation, through conscious work by many generations, of a human being of a higher type, a powerful ruler of nature and creator of life. Eugenics is the religion of the future and it awaits its prophets.<sup>481</sup>

Eugenics continued into the 1920s as Soviet Russia took several cues from the German Eugenics Movement and wanted to find ways to harness its effectiveness. Both Germany and Russia, due to their respective strained relations with the West after World War I, had not been

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<sup>476</sup> Adams, *The Wellborn Science*, 160.

<sup>477</sup> Ibid.

<sup>478</sup> Ibid.

<sup>479</sup> Ibid., 160-1.

<sup>480</sup> Ibid., 161.

<sup>481</sup> Ibid., 162.



invited to the second International Congress of Eugenics in New York City (1921).<sup>482</sup> Though Russia had a history of not integrating itself internationally, it was keenly interested in the global eugenics movement. Soviet eugenicists established contacts with the Eugenic Education Society in England, the Eugenic Record Office in the United States, and the German Society for Race and Social Biology.<sup>483</sup> However, the German Eugenics Movement was of particular importance to the Soviets, and this was evident in several ways. Indeed, in the *Russian Eugenics Journal*, the *German Archive for Race and Social Biology* received the greatest attention.<sup>484</sup> The first issue contained fourteen reviews of German books on human heredity and no others.<sup>485</sup> Additionally, the Russian Eugenics Society established a special commission for the study of the “Jewish Race” following a major interest in the German movement.<sup>486</sup> This Russian fascination with the German movement culminated in 1921 after the isolation of both Weimar Germany and Soviet Russia post-WWI, in which the Germans and Russians co-founded the German Russian Racial Research Institute, which not only dealt with medical, cultural, and scientific inquiries, but also acted as a “counterbalance” to the French and British eugenics movements.<sup>487</sup> However, German eugenicists continued to work especially hard to reintegrate themselves back into the international eugenics community by reaching out to personal friends in the United States such as Charles Davenport and Harry Laughlin.<sup>488</sup> In addition to Laughlin having testified to the

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<sup>482</sup> Graham, *Lysenko's Ghost*, 54-5; and Graham, “Science and Values,” 1148.

<sup>483</sup> Graham, “Science and Values,” 1148.

<sup>484</sup> *Ibid.*

<sup>485</sup> *Ibid.*, 1147.

<sup>486</sup> *Ibid.*; and also see Per Anders Rudling, “Eugenics and Racial Biology in Sweden and the USSR: Contacts Across the Baltic Sea,” *Canadian Bulletin of Medical History* 31, no. 1 (2014): 49. This in-depth inquiry into the Jewish race, for the Russians, was embedded in studying different blood samples. For example, Russians were thought to have reddish blood, while Jews had blue-greenish blood. The mixing of blood was deemed “racial alchemy”—especially when it came to Russian and German people. Russian biochemist E.O. Manoilov recorded that such a “racial mixing” would be “bordering on the ridiculous if not insane.” His work attracted international attention and was published in leading American journals such as the *American Journal of Physical Anthropology*.

<sup>487</sup> Rudling, “Eugenics and Racial Biology in Sweden and the USSR,” 51.

<sup>488</sup> Egbert Klautke, “The Germans are Beating Us at Our Own Game: American Eugenics and the German Sterilization Law of 1933,” *History of the Human Sciences* 29 no. 3 (2016): 28. By 1925, German eugenicists were

American Congress regarding the importance of eugenics when considering immigration policy, he also had been consulted by Germany in the 1920s for his standard eugenic practices.<sup>489</sup>

Because of the rise of Hitler and the encroaching Stalinization, the Communist party held that Mendelian genetics was “suspicious” because it allowed a person to be defined in some way by biology instead of the state.<sup>490</sup> Further, Hitler did not help the cause of Russian science. As British evolutionist C.D. Darlington remarked, “The rise of Hitler to power gave new life to the forces working against western science [in Russia] in general and against genetics in particular...The easy retort was obviously to repudiate genetics and put in its place a genuine Russian, proletarian, and if possible Marxist, science.”<sup>491</sup> Russian eugenics was on its way out as the Great Break (1929-1932) began and Stalin took power.<sup>492</sup> By 1931, the Great Soviet Encyclopedia condemned eugenics as a “bourgeois doctrine.”<sup>493</sup> It is important to note that eugenics in Soviet Russia was denounced from a Marxist viewpoint, not a scientific or moral one. Indeed, the Soviets were intent on finding ways that their science could align with their philosophy.<sup>494</sup>

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reingratiated into the International Federation of Eugenic Organizations (IFEEO). From 1927 to 1933, the IFEEO was headed by American Charles Davenport, and its German members included Alfred Ploetz, who later influenced Hitler.

<sup>489</sup> “Charles B. Davenport to Dr. H. H. Laughlin, December 21, 1920, *Harry H. Laughlin Papers*, Special Collections Department (Kirksville, Missouri: Truman State University), cited in Lombardo, *Three Generations, No Imbeciles*, 313; “Biological Aspects of Immigration,” statement of Harry H. Laughlin, *Hearings before the Committee on Immigration and Naturalization, House of Representatives, Sixty-Eighth Congress*, April 16, 1920 (Washington, DC: Government Printing Office, 1921), cited in Lombardo, *Three Generations, No Imbeciles*, 313.

<sup>490</sup> Graham, *Lysenko's Ghost*, 67.

<sup>491</sup> Zirkle, *Death of a Science in Russia*, 29.

<sup>492</sup> Adams, *The Wellborn Science*, 183.

<sup>493</sup> Rudling, “Eugenics and Racial Biology in Sweden and the USSR,” 54.

<sup>494</sup> William deJong-Lambert, *The Cold War Politics of Genetic Research: An Introduction to the Lysenko Affair* (New York, NY: Springer Publishing, 2012), 2.

## American and German Eugenic Connections

While Russia was key to the international eugenics movement, it was not the only eugenics movement of consequence. Germany's eugenics movement paralleled the American one until World War I.<sup>495</sup> After Germany's defeat in World War I, the German Eugenics Movement slowly shifted to more negative eugenics, and the divergence in the two movements began.<sup>496</sup> That being said, the ideological driving forces in both the American and German eugenics movements remained quite similar when regarding the question of race, science, and eugenics. These movements may have differed in form but did not as much in substance.

Although generally university scientists in Germany enjoyed a greater status in the movement, in America, psychologists were more prominent. However, in both cases, the movement was quite similar and involved eugenic advocacy from those in the fields of biology, genetics, and anthropology.<sup>497</sup> In addition, the Germans were quick to divide populations into "hochwertig" (superior) and "minderwertig" (inferior) groups, hoping to preserve the "erbgut" (genetic heritage) because they viewed "entartung" (degeneration) as a threat.<sup>498</sup> This racial separation was no more distinct than in the way both movements viewed the Jewish people.

In a lecture on immigration, Charles Davenport drew a parallel between the Jewish people in Europe and the African Americans in the United States. He said: "For centuries the peoples of Europe...have established Ghettoes where Jews were segregated, partly by their own

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<sup>495</sup> Friedlander, *The Origins of Nazi Genocide*, 9; and Rosen, *Preaching Eugenics*, 95-6. Some Americans who had been pro-German eugenics movement began to change their tune at the outset of World War I. Instead of praising German science, they criticized German militarism. Some of the American eugenicists were hopeful that the horrors of war would wipe out the German race so that the world could be rid of this militaristic mindset.

<sup>496</sup> Selia Faith Weiss, "The Race Hygiene Movement in Germany," *Osiris*, 2 no 3 (1987): 212.

<sup>497</sup> Friedlander, *The Origins of Nazi Genocide*, 9.

<sup>498</sup> Weiss, "The Race Hygiene Movement in Germany," 210; and Graham, "Science and Values," 1136; and Benno Müller-Hill, "Selektion: Die Wissenschaft von der biologischen QAuslese des Menschen durch Menschen," in *Medizin und Gesundheitspolitik in der NS-Zeit*, ed., Norbert Frei (Munich: R. Oldenbourg Verlag, 1991), 137-55.

preference, much as the negroes are segregated in many Southern states.” He went on, “Isolated by their instincts and their greed, [and] by their Yiddish language,” the Jewish people created “an alien people in their country where they dwelt and reproduced so unrestrictedly.”<sup>499</sup> Hitler wrote similarly that the Jewish people were “bacillus,” “parasites,” and “blood suckers.”<sup>500</sup> Indeed, both movements were interested in family genealogies, degeneration, and dividing people into superior and inferior classes while hoping to protect the national heredity—and both were specifically concerned about the issue Jewish blood would pose to the “pure race.”

The Fifth International Congress for Genetics was held in Germany in September, 1927—the first of its kind to be held after the war.<sup>501</sup> This conference is of particular interest to the World War II era because it was run by the Kaiser Wilhelm Institute for Human Anthropology, Human Heredity, and Eugenics (KWI-A) in Berlin-Dahlem, which after its founding in 1927 received much support from the Rockefeller Foundation.<sup>502</sup> The foundation existed to keep anthropology, heredity, and eugenics under one roof for the German people, but also had international influence.<sup>503</sup> It was founded by Eugen Fischer, and the board of directors included Alfred Grotjahn and Erwin Baur. American Eugenicist Charles Davenport reportedly offered a congratulations to the institute at the conference in 1927 for their great work.<sup>504</sup> In addition to this Institute, Plötz and Fischer were both German representatives of the International Federation of Eugenic Organizations.<sup>505</sup> From 1927 to 1933, Davenport served as the director.<sup>506</sup>

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<sup>499</sup> Davenport, “Immigration in Relation to the Physical, Mental, and Moral Condition of the Population,” n.d., *Lectures Davenport Papers*, APS, cited in Rosen, *Preaching Eugenics*, 102.

<sup>500</sup> David M. Pressel, “Nuremberg and Tuskegee: Lessons for Contemporary American Medicine,” *Journal of the National Medical Association* 95, no. 12 (December 2003): 1217.

<sup>501</sup> Hans-Walter Schmul, *The Kaiser Wilhelm Institute For Anthropology, Human Heredity, And Eugenics, 1927–1945* (New York: Springer, 2008), 37-8.

<sup>502</sup> *Ibid.*, 1.

<sup>503</sup> *Ibid.*

<sup>504</sup> *Ibid.*, 37-8.

<sup>505</sup> Klautke, “The Germans are Beating Us at Our Own Game,” 28.

<sup>506</sup> *Ibid.*

It was these relationships between Davenport and similar American eugenicists that kept the Germans part of the international eugenics conversation.<sup>507</sup>

Both Fischer Baur, along with Fritz Lenz, had been authors for a two-part volume, *Grundriß der menschlichen Erblehre und Rassenhygiene* (“Outline of Human Genetics and Racial Hygiene”).<sup>508</sup> The publisher, Julius Friedrich Lehmann, gave a copy of the 1923 second edition to an imprisoned Hitler. Indeed, Hitler used this work to write *Mein Kampf*, and later had the authors produce official commentaries on the Nazi racial laws quoted the work as their scientific basis.<sup>509</sup> According to a letter written by a Rockefeller Foundation official in 1933, they were optimistic about funding such projects, saying “There seems to be no reason to believe at the moment that the scientific character of the studies will be influenced by the doctrines of the [Nazi] regime.”<sup>510</sup>

The German eugenics movement did not stop at the Kaiser Wilhelm Institute. In addition to supporting institutes such as the Kaiser Wilhelm Institute and attending conferences such as the international eugenics conferences, German scientists published *Die Freigabe der Vernichtung lebensunwerten Lebens*, or *Authorization for Destruction of Life Unworthy of Life*.<sup>511</sup> Karl Binding, one of the authors of this work with a legal background, argued for the “human right” of suicide. Further, he noted that human lives that were deemed unworthy based on their

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<sup>507</sup> Klautke, “The Germans are Beating Us at Our Own Game,” 28.

<sup>508</sup> Friedlander, *The Origins of Nazi Genocide*, 13.

<sup>509</sup> Erwin Baur, Eugen Fischer, and Fritz Lenz *Grundriß der menschlichen Erblehre und Rassenkunde* (Munich, 1921); and Friedlander, *The Origins of Nazi Genocide*, 13. The ensuing several revised editions were reworded slightly. An English edition of volume I appeared as *Human Heredity*, trans. Eden Paul and Cedar Paul (New York, 1931).

<sup>510</sup> Gretchen E. Schaft, *From Racism to Genocide: Anthropology in the Third Reich* (Urbana: University of Illinois Press, 2004), 79.

<sup>511</sup> *Ibid.*, 14.

usefulness to society who suffered with “incurable feeble-mindedness,” which was very similar to Justice Holmes’ opinion in the *Buck* decision.<sup>512</sup>

Because the first two were great successes, the third International Eugenics Congress was held at the American Museum of Natural History in New York City—in August 1932.<sup>513</sup> The volume detailing this congress was dedicated to Mrs. E.H. Harriman, the founder of the ERO, and special thanks was given to the Carnegie Institution of Washington for their gift of \$1,100 check to help publish the proceedings.<sup>514</sup> The congress covered topics such as pathology, sterilization, and the importance of propaganda in promoting these ideas to the general public with an eye towards a day in the future where eugenics would be more widely accepted so that the “feeble-minded” would stop producing, the birth-rate would be less about quantity and more about “quality,” and migrations would be tempered so that America could “pursue the ideal of race homogeneity.”<sup>515</sup>

The Kaiser Wilhelm Institute had a good showing at the conference, presenting two exhibits. One was called: “Three Charts on Nature and Nurture,” while the other was called, “Fertility and Population Studies.”<sup>516</sup> Eugenics was further suggested as a way to curb recent high unemployment rates in both Germany and England.<sup>517</sup> The Presidential Address was given by Charles Davenport, who remarked that he was glad to have such a wonderful international showing, but saddened that there were some familiar faces not present. He remarked, “We miss particularly Ploetz, *that grand old leader of eugenics, in Germany*, Fritz Lenz, his associate... Time fails to tell of all whom we miss here tonight. We hope they will come to the

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<sup>512</sup> Friedlander, *The Origins of Nazi Genocide*, 14-5.

<sup>513</sup> *A Decade Of Progress In Eugenics*, i.

<sup>514</sup> *Ibid*, iii, xii.

<sup>515</sup> *Ibid.*, 17-22.

<sup>516</sup> *Ibid.*, x-xi.

<sup>517</sup> *Ibid.*, 34-5.

next Congress in America.”<sup>518</sup> Davenport went on to praise the textbook that Germans Fischer, Baur, and Lenz had written—the same one that Hitler had read in his jail cell a mere five years earlier.<sup>519</sup>

### The Nazis and the Holocaust

Indeed, the United States had friendly relations with the proponents of German eugenics.<sup>520</sup> However, once the Nazi party began to take power, there was a key difference: while America and Germany generally embraced positive eugenics, the Nazis quickly embraced negative eugenics. In the words of American Eugenics Society secretary, Leon Whitney: “While we were pussy-footing around...the Germans were calling a spade a spade.”<sup>521</sup> Not only did the Nazis want to sterilize unwanted persons, but to eliminate Jews, gypsies, the handicapped, and people deemed “other” from the German “Volksgemeinschaft” after 1933 in the battle betwixt “racial souls.”<sup>522</sup> The Nazis believed that there were three “manifestations of racial decline” which included a lower birth rate, degenerate hereditary lines, and mixing of the race.<sup>523</sup> Thus, the Nazis had an obsession with “race, myth, and above all, death.”<sup>524</sup> Many Nazi thinkers such as Eugen Fischer, Karl Astel, Ludwig Schemann, and Ludwig Woltmann were all primarily inspired by Gobineau’s *Essay on the Inequality of the Human Races* (1853-1855) and further,

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<sup>518</sup> Italics added. *A Decade Of Progress In Eugenics*, 41.

<sup>519</sup> Ibid., 18, 511. Ploetz served as a Vice President of the Third International Congress of Eugenics.

<sup>520</sup> James Q. Whitman, *Hitler’s American Model: The United States and the Making of Nazi Race Law*, Paperback Edition (Princeton: Princeton University Press, 2018), 138.

<sup>521</sup> Edwin Black, “The Horrifying American Roots of Nazi Eugenics,” *History News Network*, George Washington University, September 2003. <https://historynewsnetwork.org/article/1796>. This article was originally printed in the *San Francisco Chronicle*.

<sup>522</sup> Vasey, *Nazi Ideology* 45; and Alfred Rosenberg, “Rosenberg,” Unknown Interviewer, The US Holocaust Memorial Museum, courtesy of Bundesarchiv. Germany, 1942, <https://collections.ushmm.org/search/catalog/irn1000236>.

<sup>523</sup> Weikart, *Hitler’s Ethic*, 137.

<sup>524</sup> Ulf Schmidt, *Karl Brandt, the Nazi Doctor: Medicine and Power in the Third Reich* (London: Hambledon Continuum, 2007), 7.

mixed the primary sentiment of Gobineau's bias towards the Aryan race with the Darwinian struggle to survive.<sup>525</sup>

Hitler rooted his idea of race “in the authority of creation” of his own god which operated on racial value a struggle (or *kampf*) against the racially inferior (especially the “devil[ish]” Jewish race) within a modern, Darwinian context.<sup>526</sup> Of course, Hitler took several of his ideas from Friedrich Nietzsche, who had not only pioneered the idea of *ubermensch* or “superman,” but also had espoused Darwinian theory and eugenic ideals precisely because they “implied inequality, since the strong suppress[ed] the weak” and brought “about their demise.”<sup>527</sup>

Nazis such as Heinrich Himmler even alluded to this struggle as being an evangelistic undertaking as “knowledge of the race in the life of the *Volk*” was spread throughout Germany.<sup>528</sup> This evangelization took hold early with films being produced in Berlin and other parts of Germany as early as the 1920s called “Needs & Cares of Cripples,” (which showed proper ways to test children for good eugenic hygiene) and into the 1930s and 40s, with films such as “Hereditarily Diseased,” (which showed the societal cost of the “inferior”) and “The

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<sup>525</sup> Weikart, *Hitler's Ethic*, 141-3.

<sup>526</sup> Rainer Bucher, *Hitler's Theology: A Study in Political Religion*, trans. Rebecca Pohl, ed. Michael Hoelzl (New York: Continuum, 2011), 32, 60-1; Jerry Bergman, *Hitler and the Nazi Darwinian Worldview: How the Nazi Eugenic Crusade for a Superior Race Caused the Greatest Holocaust in World History* (Ontario: Joshua Press, 2014), 18-9; George L. Mosse, *The Crisis of German Ideology: Intellectual Origins of the Third Reich* (New York: The Universal Library, 1971), 95-6.

<sup>527</sup> Weikart, *From Darwin to Hitler*, 46-7, 48; Friedrich Nietzsche, *The Will to Power*, trans., Walter Kaufmann (New York: Vintage Books, 1967) section 734. In Nietzsche's *The Will to Power*, he wrote: “There are cases in which a child would be a crime: in the case of chronic invalids and neurasthenics of the third degree... Society, as the great trustee of life, is responsible to life itself for every miscarried life—it also has to pay for such lives: consequently it ought to prevent them. In numerous cases, society ought to prevent procreation: to this end, it may hold in readiness, without regard to descent, rank, or spirit, the most rigorous means of constraint, deprivation of freedom, in certain circumstances castration.—The Biblical prohibition ‘thou shall not kill!’ is a piece of naïvete compared with the seriousness of the prohibition of life to decadents: ‘thou shalt not procreate!’—Life itself recognizes no solidarity, no ‘equal rights,’ between the healthy and degenerate parts of an organism [this refers to Roux's evolutionary theory]: one must exercise the latter—or the whole will perish.—Sympathy for the decadents, equal rights for the ill-constituted—that would be the profoundest immorality, that would be antinature itself as morality!”

<sup>528</sup> Richard Seigmann-Gall, *The Holy Reich: Nazi Conceptions of Christianity, 1919-1945* (Cambridge: Cambridge University Press, 2003), 129.



Rothschilds: Shares in Waterloo,” (which described the British as racially inferior), and the “Jews Among the Aryans.”<sup>529</sup> Additionally, posters hung around Nazi Germany advocating that sterilization was “not punishment—but liberation,” as Dr. Priddy had argued in the *Buck* case.<sup>530</sup>

As Hitler began his ascent to power, his message was loaded with a “synthesis of pseudoreligion and pseudoscience.”<sup>531</sup> Hitler claimed to be the premier eugenicist of the German race—the savior “tough enough to purge the German people of defective and degenerate elements” and capitalize on both purity and strength through eugenic measures such as selective breeding.<sup>532</sup> Historian Konrad Heiden reported that Hitler advocated openly during his speeches for such eugenic measures. At one rally, Hitler said that in Berlin, “There you would see Jewish youths and more Jewish youths with German girls in their arms. Bear in mind that thousands and thousands of our blood are destroyed in this way every night, and children and children’s children are lost to us.”<sup>533</sup>

Hitler promised to achieve a breakthrough for this racial problem through what some have dubbed a “bastardized Marxism” or “biological materialism” that substituted race for class.<sup>534</sup> While Marx had been primarily concerned with class as the governing force in history w Hitler crowned race king of history, the governing entity to which every knee must bow.<sup>535</sup> By claiming to be on the cutting edge of science and history with the elevation of eugenics, Hitler

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<sup>529</sup> UFA, “Krüppelnot u. Krüppelhilfe [Needs & Cares of Cripples],” filmed in Berlin, Germany, <https://collections.ushmm.org/search/catalog/irn1003118>; “Erbkrank [Hereditarily Diseased],” 1937, <https://collections.ushmm.org/search/catalog/irn1004798>; *Die Rothschilds, Aktien auf Waterloo [The Rothschilds: Shares in Waterloo]*, directed by Erich Waschneck. 1941, <https://collections.ushmm.org/search/catalog/irn1001972>.

<sup>530</sup> Weikart, *Hitler’s Ethic*, 153.

<sup>531</sup> Hayes, *Why? Explaining the Holocaust*, 61.

<sup>532</sup> *Ibid.*, 61.

<sup>533</sup> Konrad Heiden, *Der Fuehrer: Hitler’s Rise to Power*, trans., Ralph Manheim, (New York: Kingsport Press, 1944), 259.

<sup>534</sup> Hayes, *Why? Explaining the Holocaust*, 61-2.

<sup>535</sup> *Ibid.*, 61.

had instead ushered an era of “primitivism” preoccupied with race onto the German nation.<sup>536</sup> With this racial overtone firmly implanted in German culture, Nazi priorities of fertility (pertaining to good, German genes of course), military strength, and racial purity could now take root and blossom.<sup>537</sup>

The German National Socialist took power in Germany in 1933. That same year, they introduced their Sterilization Law in 1933, which took its cues from Laughlin’s Model Law.<sup>538</sup> The law first said that a hereditarily diseased person could be sterilized if the offspring could suffer harm and proposed that the decision of sterilization lay with “hereditary Health Courts,” established on the local level with a eugenics expert sitting on the board.<sup>539</sup> Conversely, Laughlin had argued in the United States for a State Eugenics Board that would regularly advise each American court on the question of sterilization.<sup>540</sup> This suggestion was not adopted. However, this did not deter American support for the German law. On December 21, 1933, a *New York Times* article declared that an estimated 400,000 Germans were to be sterilized under this new law and praised Germany as the “first of the great nations to make direct practical use of eugenics.”<sup>541</sup> Further, in 1934, the *American Journal of Public Health* published an article which lauded Germany as “the first modern nation to have reached a goal [lack of parenthood by those unfit] which other nations are just looking, or approaching at a snail’s pace.”<sup>542</sup>

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<sup>536</sup> Hayes, *Why? Explaining the Holocaust*, 330.

<sup>537</sup> *Ibid.*, 62.

<sup>538</sup> Klautke, “The Germans are Beating Us at Our Own Game,” 32.

<sup>539</sup> *Ibid.*

<sup>540</sup> *Ibid.*

<sup>541</sup> Jean-Jacques Amy and Sam Rowlands, “Legalized Non-Consensual Sterilisation – Eugenics Put into Practice Before 1945, and the Aftermath. Part 2: Europe,” *The European Journal of Contraception & Reproductive Health Care* 23 no. 3 (2018): 196.

<sup>542</sup> W.W. Peter, “Germany’s Sterilization Program,” *American Journal of Public Health* 24 (1934): 187-191.

*Eugenical News*, a well-respected American journal under the Galton Society, regularly praised German eugenics beginning in the 1920s and claimed credit for the German sterilization law, noting how similar it was to American jurisprudence.<sup>543</sup> Further, the journal noted: “It is probable that the sterilization statues of several American states and the national sterilization statue of Germany will, in legal history, constitute a milestone which marks the control by the most advanced nations of the world of a major aspect of controlling human reproduction, comparable in importance only with the states’ legal control of marriage.”<sup>544</sup> This publication’s support of Nazi Germany continued even after the introduction of the Nuremberg laws in 1935.<sup>545</sup>

In fact, states like Oregon with a mature sterilization program were actively taking “tips” from Nazi Germany. The *Oregon Journal* noted that the state was: “Taking a tip from Nazi Germany, Oregon today considered embarking on a far-reaching program of sterilization of the unfit.”<sup>546</sup> Another source in Montana proclaimed that although Hitler’s policies were abominable, his campaign for sterilization of the unfit would “do more for the uplift of [German] society in the next 50 years, through sterilization, than we have done in 85 years through public education.”<sup>547</sup> Additionally, Laughlin continued to support the German eugenics program, and in 1937, he organized the production of an American version of the Nazi propaganda film *Erkbank*, offering the film under the English title, “Applied Eugenics in Present-Day Germany.”<sup>548</sup> He

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<sup>543</sup> Klautke, “The Germans are Beating Us at Our Own Game,” 32-3; “Eugenical Sterilization in Germany,” *Eugenical News* 18, no. 5 (1933): 89-93.

<sup>544</sup> “Eugenical Sterilization in Germany,” 90.

<sup>545</sup> Klautke, “The Germans are Beating Us at Our Own Game,” 34.

<sup>546</sup> “Far-Reaching Sterilization Plan Studied,” *Oregon Journal*, (August 9, 1935).

<sup>547</sup> “Montana Man Lauds One of Hitler’s Moves,” *Great Falls Leader*, (August 17, 1935).

<sup>548</sup> Klautke, “The Germans are Beating Us at Our Own Game,” 34.

offered the film free of charge to 3,000 American high schools, but only 28 schools accepted the material.<sup>549</sup>

In 1935, the Nazis established the Race and Resettlement Office to ensure that SS officers would not pollute the racial hygiene and placed it under the direction of General Otto Hofmann.<sup>550</sup> In addition, the office was charged with evicting racially inferior people, such as Jews and Poles, from their landholdings, and continually sought to “Germanize” those who were not German.<sup>551</sup> As early 1938, Hitler began to grant parental petitions he received to kill mentally handicapped children.<sup>552</sup> By August 1939, Hitler ordered that babies born in Germany with any deformations, paralysis, or mental deficiencies be reported to Berlin.<sup>553</sup>

Additionally, Hitler planned to make a euthanasia plan available to German adults, should the need arise throughout the course of the impending war for more hospital beds for German soldiers.<sup>554</sup> However, instead of issuing some law advocating for euthanasia which would have served internationally as propaganda against the Third Reich, Hitler instead instituted the T-4 Program.<sup>555</sup> Known more openly as the “Euthanasia Action” program, Hitler backdated his authorization of this initiative to the opening day of World War II and placed Karl Brandt in charge of expanding the “mercy death” to those he believed were unfit to live.<sup>556</sup> In addition, the T-4 program served as a mechanism to continue “biological” research internationally. For example, the Institute for Brain Research employed Hermann J. Muller, a

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<sup>549</sup> Klautke, “The Germans are Beating Us at Our Own Game,” 34.

<sup>550</sup> “Race and Resettlement Main Office,” *Shoah Resource Center*, The International School for Holocaust Studies.

<sup>551</sup> Ibid.

<sup>552</sup> Hayes, *Why? Explaining the Holocaust*, 117.

<sup>553</sup> Ibid.

<sup>554</sup> Ibid., 117.

<sup>555</sup> Ibid.

<sup>556</sup> Ibid.

Rockefeller-funded American geneticist, who received “brains in batched of 150-250” from T-4 euthanasia victims.<sup>557</sup>

The full-fledged T-4 Program, under Karl Brandt’s watch, was instated by 1939. Additionally, the concentration camps which had been primarily concerned with the incarceration of political opponents changed focus due to *Reichskristallnacht* that November of 1938.<sup>558</sup> However, while the programs altered, the motive of the Third Reich, inspired partially by the American Eugenic Movement in both word and deed, did not. According to historian Hans-Walter Schmul, the Nazis adopted a “racial paradigm [that] constituted an ethic of a new type,” in which they “by giving up the conception of humans as the image of God through the Darwinian theory,” now viewed human life as “a piece of property”—a Cartesian fragment of the human societal puzzle.<sup>559</sup> Just as in America, and now in Nazi Germany, the goal of policies promoting forced sterilization and euthanasia was the same: to make the Aryan race “stronger and healthier.”<sup>560</sup> However, in this quest, just as the Americans had done with the Buck family, the Nazis “lost sight of the individual,” as the inferior or “unwanted elements” were seen as sacrifices for the moral benefit of society—which was to improve science and medicine.<sup>561</sup> The misnomer of “science” for evil would indeed prove deadly for the eleven to twelve million deemed unfit during the course of the Holocaust.

There were several bioethical violations that took place at the Nazi death and concentration camps during the war. Due to the nature of the Nazi regime, it is perhaps

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<sup>557</sup> Black, *War Against the Weak*, 369. The Institute for Brain Research was an offshoot of the Kaiser Wilhelm Institute.

<sup>558</sup> Schmidt, *Karl Brandt, the Nazi Doctor*, 117.

<sup>559</sup> Weikart, *Hitler’s Ethic*, 180.

<sup>560</sup> *Ibid.*, 181; Schafft, *From Racism to Genocide*, 164.

<sup>561</sup> Schmidt, *Karl Brandt, the Nazi Doctor*, 7; Jacques J. Rozenberg, ed., *Bioethical and Ethical Issues Surround the Trials and Code of Nuremberg: Nuremberg Revisited*, Symposium Series, Vol. 74 (Lewiston: The Edwin Mellen Press, 2003), 115.

impossible to know each heinous crime that was committed. However, one of the most horrid forms of torture in the camps were the medical experiments—done in the name of science, directly contradicting the Hippocratic Oath. There were several experiments, which all had a eugenic root—subjecting human beings to inhumane conditions to better the Aryan Race—that were recognized at the trials of Nuremberg.

Some experiments dealt with placing subjects in bad conditions and observing their reactions. These included things such as high-altitude experiments—in which victims were subjugated to low pressure chambers in which the atmospheric pressures simulated a high altitude.<sup>562</sup> In addition, freezing experiments were utilized, where victims were placed in a tank of ice water or kept naked outdoors for prolonged periods of time.<sup>563</sup> Sea water experiments were used by the Nazis to observe the reaction of victims who were deprived of food and only given chemically processed sea water.<sup>564</sup>

Other tests were focused on injecting subjects with a lethal substance. These included experiments such as lost or mustard gas experiments and sulfanilamide experiments, which both involved deliberately inflicting wounds onto a victim, and then infecting the wound with either poisonous mustard gas or sulfanilamide.<sup>565</sup> The Nazis also conducted epidemic jaundice and spotted fever (typhus) experiments, where victims were intentionally inflicted with either epidemic jaundice or typhus.<sup>566</sup> Further, on several occasions the Nazis would administer poison secretly into subject' food or shoot bullets of poison directly into other victims.<sup>567</sup> In addition,

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<sup>562</sup> Vivien Spitz, *Doctors from Hell: The Horrific Account of Nazi Experiments on Humans* (Boulder, CO: Sentient Publications, 2005), 43-4.

<sup>563</sup> *Ibid.*, 44.

<sup>564</sup> *Ibid.*, 45.

<sup>565</sup> *Ibid.*, 44.

<sup>566</sup> *Ibid.*, 45.

<sup>567</sup> *Ibid.*

malaria experiments were also administered—during which the Nazis infected over one thousand involuntary subjects with malaria to watch how the disease affected the body.<sup>568</sup>

Still other tests focused on the effects of mutilation in victims. Bone, muscle, and nerve regeneration and bone transplantation experiments involved the mutilation of several victims.<sup>569</sup> Incendiary bomb experiments involved the Nazis inflicting burns onto victims with phosphorous taken from bombs.<sup>570</sup> The Nazis also experimented heavily with sterilization, sterilizing thousands of victims by x-ray, surgery, and drugs.<sup>571</sup>

The eugenic mindset of the Nazi regime was the same mindset that allowed many of the Nazi doctors who committed these heinous acts to feel free from guilt and shame. They believed they were acting for the good of Germany and for the good of humanity. This searing of the conscience is noted in the extracts of several of the doctors' final statements. Viktor Brack noted that not only did he trust Hitler's character, but also that he "...also believed in the legality of the euthanasia decree as it emanated directly from the state. The state officials and doctors, competent for me at that time, told me *that euthanasia had always been an endeavor of mankind and morally as well as medically justified.*"<sup>572</sup> Gerhard Rose added that the malaria and typhus experiments he had been involved with "...*have nothing to do with politics or with ideology, but they serve the good of humanity,* and the same problems and necessities can be seen

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<sup>568</sup> Spitz, *Doctors from Hell*, 44; and Pressel, "Nuremberg and Tuskegee," 1220. It is worth noting that beginning in 1932, through 1972, the American Public Health Service engaged in a "Tuskegee Syphilis Study." In 1932, the Public Health Service inoculated around 400 impoverished African American men with latent and tertiary syphilis to complete a "longitudinal study of the natural history of untreated syphilis." The men were enticed to the program by promises of burial stipends, free treatment, and hot meals on clinic days. Even after penicillin became available around 1942, these subjects were denied penicillin. For many, the study concluded with death and subsequent autopsy, while others were released from the experiment after a public outcry against the practice.

<sup>569</sup> Spitz, *Doctors from Hell*, 44-5.

<sup>570</sup> *Ibid.*, 45.

<sup>571</sup> *Ibid.*

<sup>572</sup> Italics added. Nuremberg Military Tribunals, *The Medical Case*, Vol. 1, US Government Printing Office, 130-170. This is the condensed transcript of the trial.

independently of any political ideology everywhere...”<sup>573</sup> Helmut Poppendick eerily referred to the eugenics movement’s effect on Nazi policy:

What I knew about medical experiments in the SS, was, in my opinion, was as little connected with criminal matters as those experiments of which I knew from my clinical experience before 1933...Moreover, *I was always convinced that anything which came to my knowledge about experiments on human beings in clinics of the state before 1933, and within the scope of the SS in later years, were conscientious efforts of serious scientists to the good of mankind.*<sup>574</sup>

### Nuremberg

When speaking of World War I, Fundamentalist William Jennings Bryan proclaimed that Darwinism helped “lay the foundation for the bloodiest war in history.”<sup>575</sup> Retrospectively, Bryan only got this observation half-right. He, along with several others, could not have imagined the horrors of World War II and the Holocaust. The T-4 Program alone had claimed between 120,000 and 275,000 euthanasia killings.<sup>576</sup> The Nazi death and concentration camps had claimed millions more. Those who survived the horrible medical experiments were never the same. It is no surprise, then, that the Nuremberg trials were seen as larger than life—not merely trials—but rather, an “historical nexus” of “strong emotions, troubling questions, and profound longings.”<sup>577</sup>

On December 11, 1946, as the United States was readying its own prosecution of German war criminals, the United Nations sanctioned the idea of “genocide” into international law.<sup>578</sup> The American and British governments were the key architects of the trials, but on occasion they

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<sup>573</sup> Italics added. Nuremberg Military Tribunals, *The Medical Case*, 130-170.

<sup>574</sup> Ibid.

<sup>575</sup> William Jennings Bryan, *In His Image* (Freeport, New York: Fleming H. Revell Company, 1922), 124-5. This work was reprinted in 1971.

<sup>576</sup> Amy and Rowlands, “Legalized Non-Consensual Sterilisation,” 196.

<sup>577</sup> Ann Tusa and John Tusa, *The Nuremberg Trial* (New York: Atheneum, 1984), 14.

<sup>578</sup> Black, *War Against the Weak*, 404.



worked with the Soviets and the French.<sup>579</sup> Overwhelmingly, the rights found in the American Constitution guided the discussion—but this was modified to fit the nature of the trial.<sup>580</sup> For example, the Fifth Amendment, the right to remain silent, could not be invoked by defendants.<sup>581</sup> The defendants at Nuremberg were indicted on four counts. Count One investigated the accused's participation and leadership in the conspiracy to commit Crimes Against Peace, War Crimes, and Crimes Against Humanity.<sup>582</sup> Count two was similar, indicting defendants for their supposed planning and initiation of subsequent acts of aggression.<sup>583</sup> Count three investigated the war crimes committed by the Nazis.<sup>584</sup> Count four dealt with Crimes Against Humanity, which dealt with crimes against civilians during the war.<sup>585</sup>

By early July 1947, the Allies indicted those Nazis in authority over specifically eugenically-minded authorities like the SS Race and Settlement Office. General Otto Hofmann, the SS Race and Settlement Office leader, argued that the arranged marriages, eugenics research, and records that he had forced upon the German people were for eugenic purposes of the state.<sup>586</sup> He also asserted in a report done by the Nazi Party's Race-Political Office years before, which he offered as evidence defending himself, that American involvement was crucial to German eugenic innovation long before his trial. The report noted that:

The United States...also provided an example for the racial legislation of the world in another respect. Although it is clearly established in the Declaration of Independence that everyone born in the United States is a citizen of the United States and so acquires all the rights which an American citizen can acquire, impassable lines are drawn between the

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<sup>579</sup> Robert Gellately, "Introduction," in Leon Goldensohn, *The Nuremberg Interviews: An American Psychiatrist's Conversations with the Defendants and Witnesses*, ed., Robert Gellately (New York: Alfred A. Knopf, 2004), xiv.

<sup>580</sup> *Ibid.*

<sup>581</sup> *Ibid.*

<sup>582</sup> *Ibid.*

<sup>583</sup> *Ibid.*, xiv- xvi. The first two counts caused controversy because the Soviet Union was not indicted for their collusion with the Nazi regime on September 1, 1939. It is speculated that without these first two counts, the trials may have been more fruitful for future dealings with crimes against humanity.

<sup>584</sup> *Ibid.*, xv.

<sup>585</sup> *Ibid.*

<sup>586</sup> Black, *War Against the Weak*, 404.

individual races, especially in the Southern States. Thus in certain States Japanese are excluded from the ownership of land or real estate and they are prevented from cultivating arable land. Marriages between colored persons and whites are forbidden in no less than thirty of the Federal States. Marriages contracted in spite of this ban are declared invalid.<sup>587</sup>

The report further stated: “Since 1907, sterilization laws have been passed in twenty-nine States of the United States of America.”<sup>588</sup> In the final blow, the report mentioned one last jurisprudential decision of note: “In a judgement of the [U.S.] Supreme Court...it says, among other things: ‘It is better for everybody if society, instead of waiting until it has to execute degenerate offspring or leave them to starve because of feeble-mindedness, can prevent obviously inferior individuals from propagating their kind.’”<sup>589</sup>

Hofman was sentenced to twenty-five years of imprisonment.<sup>590</sup> Hofman received a light punishment compared to his compatriot, Karl Brandt, in June of 1948. As part of his defense, Brandt had used American Madison Grant’s landmark work *The Passing of the Great Race* to defend himself.<sup>591</sup> Brandt knew all too well where many of Germany’s ideas had grown.

As Brandt stood on the gallows and refused religious aid moments before his execution. Instead, he issued his own indictment against the very nation that was killing him:

How can the nation which holds the lead in human experimentation in any conceivable form, how can that nation dare to accuse and punish other nations which only copied their experimental procedures? And even euthanasia! Only look at Germany, and the way her misery has been manipulated and artificially prolonged. It is, of course, not surprising that the nation which in the face of the history of humanity will forever have to bear the guilt for Hiroshima and Nagasaki, that this nation attempts to hide itself behind moral superlatives. She does not bend the law: Justice has never been there! Neither in the whole nor in the particular. What dictates is power. And this power wants victims. We are such victims. I am such a victim.<sup>592</sup>

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<sup>587</sup> Black, *War Against the Weak*, 404.

<sup>588</sup> Ibid.

<sup>589</sup> Ibid., 404-5. This is a quote from Justice Oliver Wendell Holmes which differs in wording slightly because of a translation discrepancy.

<sup>590</sup> Ibid., 409.

<sup>591</sup> Spiro, *Defending the Master Race*, xii; and Schmidt, *Karl Brandt, the Nazi Doctor*, 56. Karl Brandt was Adolf Hitler’s personal doctor throughout the reign of the Reich, and a believer in the progress of the human race, as well as the architect behind the famed Nazi T-4 euthanasia program.

<sup>592</sup> Schmidt, *Karl Brandt, the Nazi Doctor*, 396.

Brandt was hanged after his speech, and the world little remembered nor cared about what he had claimed. However, in his death, he left more questions than answers concerning where his sickening ideas of health and human progress had originated. Indeed, German politician Karl Liebknecht, an attendee at Karl Marx's funeral, had been chillingly correct when he noted, "Science is not *German*. It knows no barriers, and least of all the barriers of nationality..."<sup>593</sup>

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<sup>593</sup> Italics added. "Karl Marx's Funeral."

**Indifference—"The Most Insidious Danger of All":  
Concluding Thoughts**

The sparks flew as the fire crackled and snapped. The vibrant crimson flames cut into the darkness. The year was 1943. In the fire burned the remains of the German Nazi exhibit once held in high regard in Buffalo, New York. Carlos Cummings, a medical doctor and naturalist who had advocated for the exhibit's placement at the museum, was now the same man who had written to the insurance firm that had bonded the exhibit to and from U.S. Customs, requesting to incinerate the eugenics exhibit.<sup>594</sup> His request was granted. In the fire lay "certain German propaganda charts" that had been deemed "perfectly useless material," including "models of fertilization and maturation, made of celluloid, wood, etc.," which the museum had previously had on permanent display in their "Hall of Heredity."<sup>595</sup> The American Eugenics Movement, as it had existed in the Progressive Era, was no more.

While often hidden under the guise of race betterment in both a scientific and even moral sense, eugenics was a bioethical movement that captivated many in the first half of the 20<sup>th</sup> century century—which was defined by a crisis of identity in the American mind and contributed to a crisis in human dignity on the world stage. American culture at the inception of the American Progressive Era was one saturated by the ideas introduced in Charles Darwin's *The Origin of Species*. Indeed, the Progressive Era was a time when the question of origin, and subsequently the purpose human personhood, was put on trial both culturally and legally. These ideals manifested themselves well in the pseudoscience of eugenics. While eugenics was not brought about by the Progressive Era, the time period provided fertile soil for the movement to grow.

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<sup>594</sup> "Karl E. Wilhelm to Collector of Customs, May 3, 1947," Folder A-042 (3), F3 BMS cited in Rydell, Cogdell, and Largent, "The Nazi Eugenics Exhibit" in Currell and Cogdell, eds., *Popular Eugenics*, 379.

<sup>595</sup> *Ibid.*

This work further contributes to this ongoing discussion by examining the specific relationship between American culture and courtroom, and how this relationship translated onto the international stage. This research uniquely connects *Scopes v. States* (1926), or the Scopes Monkey Trial, with *Buck v. Bell* (1927). This work examines the forces of Naturalism, Social Darwinism, Fundamentalism, in both trials. It also details the global eugenics movement influence that made the American Eugenics Movement so potent and poignant to the Progressive Era.

By examining the *Scopes* and *Buck* together, this work contributes to the ongoing discussion of the American Eugenics Movement and its impact around the world. Galton had indeed proved prophetic when he wrote: “*Firstly* it [eugenics] must be made familiar as an academic question, until its exact importance has been understood and accepted as fact; *Secondly* it must be recognized as a subject whose practical development deserves serious consideration; and *Thirdly* it must be introduced into the national conscience, like a new religion.”<sup>596</sup> This was the pattern eugenics historically followed.

Interestingly, the promises of eugenics, Naturalism, and Social Darwinism, in their quest to stamp out the transcendent—the idea that there is something beyond the natural world—continually remind their followers contrarily. The need of eugenics was based in the need of perfection of the world and the biological promise to supply it. The pseudoscience of eugenics assumes imperfection and immorality in the world and suggests something highly immoral—the sterilization and killing of the “unfit”—as a misguided solution in order to gain an “immortal” human race. Eugenics is a science of opposites: it uses immorality to capitalize on supposed immortality. In his 1949 work, *The Weight of Glory*, C.S. Lewis observed:

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<sup>596</sup> Galton, *Essays in Eugenics*, 42

Almost our whole education has been directed to silencing this shy, persistent, inner voice; almost all our modern philosophies have been devised to convince us that the good of man is to be found on this earth. And yet it is a remarkable thing that such philosophies of Progress or Creative Evolution themselves bear reluctant witness to the truth that our real goal is elsewhere. When they want to convince you that earth is your home, notice how they set about it. They begin by trying to persuade you that earth can be made into heaven, thus giving a sop to your sense of exile in earth as it is.<sup>597</sup>

Progress is intent on the idea that there is something better. Naturalism is intent on the idea that there is something inherently good about Nature. Social Darwinism is intent on the idea that society can create a better society. Eugenics is intent on the idea that a perfect person can exist on earth. In the pursuit of progress, these ideologies, and their ardent defenders, have missed the mark. Their desire for perfection led them to some of the most imperfect acts— like deeming others “unfit” and forcibly sterilizing the “unfit.” The desire for perfection cannot be solved by a human creation. Perfection is not human, nor is it natural. Perfection can only be achieved by otherworldly means.

The remains of the American-German connection to the pseudoscience of eugenics may have quietly burned in New York in 1943, but the eugenic mindset has remained throughout the modern day. In the 1950s, the DNA code was cracked by Francis Crick.<sup>598</sup> This has re-opened the Pandora’s Box of bioethical questions once again. Now, eugenics can be employed on a larger, more innocuous scale. Instead of sterilizing men and women to prevent offspring that look like them, their babies can be designed in the womb. Instead of killing the disabled, the autistic baby in the womb can be aborted. Instead of employing euthanasia practices due to a low quality of life, DNA can be altered so that diseases in old age can be avoided.<sup>599</sup>

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<sup>597</sup> Lewis, *The Weight of Glory*, 31.

<sup>598</sup> Leslie E. Orgel, "Francis Crick (1916-2004)," *Science* 305, no. 5687 (2004): 1118.

<sup>599</sup> For more on these bioethical issues, see Alfonso Gómez-Lobo and John Keown, *Bioethics and the Human Goods: An Introduction to Natural Law Bioethics* (Washington, D.C.: Georgetown University Press, 2015); and John Glad, *Future Human Evolution: Eugenics in the Twenty-First Century* (Schuylkill Haven, PA: Hermitage

The eugenic mindset will always be with humanity, because it holds within it the enticing, yet deceptive promise that humanity “shall not surely die... and that our eyes shall be opened, and [we] shall be as gods, knowing good from evil.”<sup>600</sup> In the timeless words of Shakespeare’s *Hamlet*, humanity is consistently eluded by “knowing what we are” but not knowing “what we may be.”<sup>601</sup> The promise of Sir Francis Galton remains the promise of the eugenic mindset: the creation of a “*galaxy of genius*.”<sup>602</sup> Unfortunately, we humans are all too quick to forget that “In the beginning... *God created man in his own image, in the image of God created He him; male and female created He them.*”<sup>603</sup> Humanity bears the divine image, not the ability to become divine. The difference is subtle, yet incredibly poignant to issues of life and death.

When we humans believe we have the capacity to become divine, we also believe we have the power over life and death. The Nazis understood this well. In their ghettos, concentration camps, and medical experiments, they played god. They decided good and evil. They determined racially fit, and unfit—and acted upon those definitions in horrendous ways. Physical death of Jews, Gypsies, and several other “non-Aryan” groups was but one aspect of the Holocaust. Not only did these “unfit” people die, but their dignity was stripped from them. Not only did they suffer, but they were taught that no one heard their cries. Not only did they live in agony, but they were taught that their lives were not worth living. The eugenic mindset not only opened the door for the death of millions during the Holocaust, but also contributed to the loss of dignity each man and woman experienced during their sufferings.

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Publishers, 2006); and Richard Weikart, *The Death of Humanity and the Case for Life* (Washington, D.C.: Regnery Faith, 2016).

<sup>600</sup> Genesis 3:1-6.

<sup>601</sup> William Shakespeare, *The Tragedy of Hamlet, Prince of Denmark*, ed. Barbara A. Mowat and Paul Werstine (Washington, D.C. The Folger Shakespeare Library, 1992), Act 4, Scene 5, 207.

<sup>602</sup> Italics added. G.K. Chesterton, *Eugenics and Other Evils*, 18.

<sup>603</sup> Italics added. Genesis 1:1, 27.



Therefore, the eugenic mindset must be resisted in all its modern forms in both the cultural and courtroom contexts, just as it should have been resisted in historical ones. It led to the horrific happenings of the Holocaust. The mantra should remain: “Never again.” Perhaps Holocaust survivor and author, Elie Wiesel, articulated this sentiment best when he accepted the Nobel Peace Prize in 1986. Wiesel urged his listeners to never be silent in the face of suffering. Further, he insisted:

We must take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented. Sometimes we must interfere. When human lives are endangered, when human dignity is in jeopardy, national borders and sensitivities become irrelevant...But I have faith. Faith in the God of Abraham, Isaac, and Jacob, and even in His creation. Without it no action would be possible. And action is the only remedy to indifference, the most insidious danger of all.<sup>604</sup>

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<sup>604</sup> Elie Wiesel, “The Nobel Peace Prize Acceptance Speech Delivered by Elie Wiesel in Oslo on December 10, 1986,” in Elie Wiesel, *Night*, trans., Marion Wiesel (New York: Hill and Wang, 2006), 118, 120.

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