

EUGENIC FEMINISM: MENTAL HYGIENE, THE WOMEN'S MOVEMENT, AND THE CAMPAIGN FOR EUGENIC LEGAL REFORM, 1900-1935

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*It is well for every woman, however, to think this matter through and to realize that any women's movement that is correlated with sterility is doomed to fail and annihilation. What shall it profit us eugenically to have women delve in laboratories, or search the heavens, or rule the nations, if the world is to be peopled by scrub-women and peasants? – ANNA M. BLOUNT, *Eugenics, in WOMAN AND THE LARGER CITIZENSHIP*, 2847, 2904-05 (Shailer Mathews ed., 1913).*

I. INTRODUCTION

In the first four decades of the twentieth century, the eugenics movement assembled a powerful coalition of hereditarian theorists, social workers, scientists, judges, legislators, and feminist reformers¹ to advocate an agenda of eugenic legal reform.² This agenda centered on the belief that many undesirable traits are hereditary and that the law should be designed to remove those traits from the racial stock.³ Far from deferring to the formulation of eugenics prescribed by the coalition, feminists redefined the science to create a unique “eugenic feminism.” Despite this important contribution to the eugenics movement, however, historical accounts have failed to recognize the unique perspectives of feminist reformers and their influence on eugenic theory.

At the start of the twentieth century, the eugenics movement focused on which of several possible legal solutions would best address the problems

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¹ See Howard Horwitz, *Always With Us*, 10 AM. LITERARY HIST. 317, 319 (1998).

² See Michael Willrich, *The Two Percent Solution: Eugenic Jurisprudence and the Socialization of American Law, 1900–1930*, 16 LAW AND HIST. REV. 63 (1998) (offering an account of the use of eugenic theory in Chicago's Municipal Court). Many historians of Progressive-era legal reforms have emphasized the expansion of legal authority in that period. See, e.g., MORTON J. HORWITZ, *THE TRANSFORMATION OF AMERICAN LAW, 1870–1960* (1992). Progressive legal theorists embraced a more holistic approach to law, which invoked demography, genetics, statistics, and psychology. See generally JAMES T. KLOPPENBERG, *UNCERTAIN VICTORY: SOCIAL DEMOCRACY AND PROGRESSIVISM IN EUROPEAN AND AMERICAN THOUGHT, 1870–1920* (1986); MORTON WHITE, *SOCIAL THOUGHT IN AMERICA: THE REVOLT AGAINST FORMALISM* (1949).

³ The term “eugenics,” as used herein, connotes this belief. MERRIAM-WEBSTER COLLEGIATE DICTIONARY 399 (10th ed. 1996).

posed by the multiplication of the unfit.⁴ First, institutional confinement was imposed; by 1890, fourteen states had funded homes for the mentally retarded. However, many eugenicists shared the view of Dr. H. C. Sharp, later one of the chief advocates of a eugenic sterilization law, that institutional segregation was traumatizing and stigmatizing for “defectives.”⁵ In response to these concerns, laws restricting marriage licenses were enacted as a less alienating way than segregation to impede “defectives’” procreation.⁶ These laws were heavily criticized as ineffective, however, as “defectives” could simply resort to having children outside of wedlock.⁷ Eugenicists turned next to sterilization laws, which they viewed as a more practicable and humane approach to proscribing procreation.⁸ Between 1909 and 1930, thirty-three states enacted compulsory eugenic sterilization laws.⁹

Although not universal, many feminists supported these eugenic laws. The National Federation of Women’s Clubs, the Women’s Christian Temperance Union, the National League of Women Voters, and a variety of state and local feminist organizations at some point campaigned for eugenic legal reforms.¹⁰ Legal historian Michael Willrich claims that the involvement of feminist reformers in the eugenics movement was consistent with their support for a class-based program of social control.¹¹ By contrast, Linda Gordon, in her landmark work on the history of birth control, argues that some feminist reformers gradually abandoned their interests in promoting the social or economic status of women and instead promoted purely eugenic reforms.¹² Some scholars contend that individual feminists simply fell in

⁴ See, e.g., H.C. Sharp, *Discussion*, 4 EUGENICS REV. 204, 204–05 (1912). “Defectives” was the contemporary term used to describe persons with mental disabilities; I will use this term throughout. See, e.g., DANIEL KEVLES, IN THE NAME OF EUGENICS 149-50 (1985) (discussing different types of “defectives”).

⁵ Sharp, *supra* note 5.

⁶ See *id.*; see also Charles Davenport, *State Laws Limiting Marriage Selection Examined in the Light of Eugenics*, EUGENICS RECORD OFFICE, BULLETIN No. 9, 10-14 (1913).

⁷ See *id.* at 11-12.

⁸ Sharp, *supra* note 4, at 205.

⁹ See J.H. LANDMAN, HUMAN STERILIZATION 49 (1932).

¹⁰ See, e.g., Sidney Ford, *Women’s Work, Women’s Clubs*, L.A. TIMES, Mar. 30, 1913, at III2; ‘Legislature’ of Women Demands Eugenics Law, CHI. TRIB., Dec. 11, 1914, at 3 (recounting the first women’s legislature of Illinois advocating eugenic marriage statutes); Alma Whitaker, *W.C.T.U. Backs Eugenics Law*, L. A. TIMES, Mar. 15, 1917, at I4; *Mrs. Catt Demands Move for Peace*, N.Y. TIMES, Apr. 24, 1924, at 20 (recounting the National League of Women Voters advocating a constitutional amendment eugenically limiting the issuance of marriage licenses); *Business Women Hear Address on Eugenics*, L.A. TIMES, June 12, 1932, at 23; *Club Women Open Convention Today*, N.Y. TIMES, May 21, 1934, at 19 (recounting general board of the Federation of Women’s Clubs supporting eugenics); Kathleen McLaughlin, *National Council of Women Seen as Coordinator of Subsidiaries’ Objectives*, N.Y. TIMES, Sept. 20, 1936, at F6.

¹¹ See Willrich, *supra* note 2, at 97–100.

¹² See LINDA GORDON, THE MORAL PROPERTY OF WOMEN: A HISTORY OF BIRTH CONTROL POLITICS IN AMERICA 196–212 (2002).

line with a dominant and popular cultural trend, while other scholars attribute this involvement to personal racial biases.¹³

These accounts all suggest that there was nothing contradictory or distinctive about feminist support for eugenics.¹⁴ Feminists are portrayed as having signed onto a pre-existing legal reform agenda.¹⁵ These accounts, however, fail to explain why feminist articulations of eugenics were significantly different from the explanations of eugenic law and science offered by eugenicists themselves. In fact, the writings of feminists involved in the eugenics reform movement show that they did not defer to traditional eugenic science, but redefined it.¹⁶ In doing so, these feminists created a unique theory that this article will call “eugenic feminism.”

Several different visions of eugenic feminism were articulated between 1890 and 1930, but each found commonality in the argument that the eugenic decline of the race could be prevented only if women were granted greater political, social, sexual, and economic equality.¹⁷ This argument correlated gender equality with racial improvement: eugenic science and law had to guarantee some form of substantive gender equality in order to improve the race.¹⁸

Thus, in the years between 1915 and 1935, eugenic feminism existed distinct from, and in increasing tension with, mainstream eugenic science and policy.¹⁹ Eugenic feminists initially tried to mediate this tension by compromising their own positions and trying to convert mainstream eugenicists.²⁰ These efforts failed, however, and the tension between eugenic feminism and mainstream eugenics only worsened.²¹ An analysis of the application of eugenic sterilization laws makes apparent how reformers

¹³ Past biographers of Margaret Sanger have fallen into two camps. James Reed and Ellen Chesler have argued that Sanger’s involvement with eugenics was a minor part of her legal agenda and was an explainable part of a social trend. ELLEN CHESLER, *WOMAN OF VALOR: MARGARET SANGER AND THE BIRTH CONTROL MOVEMENT IN AMERICA* (1992); JAMES REED, *FROM PRIVATE VICE TO PUBLIC VIRTUE: THE BIRTH CONTROL MOVEMENT AND AMERICAN SOCIETY* (1984). In contrast, Angela Franks has argued that Sanger’s racial biases dominated her legal agenda. ANGELA FRANKS, *MARGARET SANGER’S EUGENIC LEGACY: THE CONTROL OF FEMALE FERTILITY* 40-46 (2005). A similar divide characterizes the scholarship on Charlotte Perkins Gilman. Mary Hill and Ann Lane have minimized Gilman’s association with eugenics. MARY HILL, *CHARLOTTE PERKINS GILMAN: THE MAKING OF A RADICAL FEMINIST, 1860–1996*, at 172–74 (1980); ANN LANE, *TO HERLAND AND BEYOND: THE LIFE AND WORK OF CHARLOTTE PERKINS GILMAN* 255–56 (1990). Conversely, Gary Scharnhorst and Denise Knight have attributed Gilman’s involvement to racial biases. Gary Scharnhorst, *Historicizing Gilman: A Bibliographer’s View*, in *THE MIXED LEGACY OF CHARLOTTE PERKINS GILMAN* 65, 67–68 (Catherine Golden & Joanna Schneider Zangrando eds., 2000); Denise D. Knight, *On Editing Gilman’s Diaries*, in *THE MIXED LEGACY OF CHARLOTTE PERKINS GILMAN*, *supra*, at 51, 61–63.

¹⁴ See *supra* text accompanying notes 11-13.

¹⁵ See *supra* text accompanying notes 11-13.

¹⁶ See, e.g., *infra* note 190.

¹⁷ See, e.g., *infra* notes 150, 180.

¹⁸ See, e.g., *infra* notes 88, 182.

¹⁹ *Id.*

²⁰ See, e.g., *infra* notes 101, 140.

²¹ See, e.g., *infra* notes 150, 201.

could not logically support both feminist reforms and mainstream eugenic efforts.²² These laws targeted not only people of “inferior” racial or ethnic stock but also women perceived to be “licentious,” neurotic, or otherwise deviant.²³ The laws sent a powerful message that the gender norms many feminists rejected were in fact scientific, objective, and enforceable by law.²⁴

Ultimately, leading eugenic feminists could neither change the minds of a majority of the eugenic coalition nor resolve the contradictions inherent in their own eugenic theories.²⁵ While they often argued that their reforms should be supported primarily as means to achieve a eugenic end, each leader held on to the very kinds of rights and equality-based arguments that mainstream eugenicists rejected.²⁶ This contradiction contributed significantly to the decline and disappearance of eugenic feminism in the early and mid-1930s.²⁷

Part I of this article examines the evolution of eugenic thought and policy in the United States between 1880 and 1935, and uses it to illustrate the increasing tension between eugenic theory and law and the arguments of eugenic feminists. Part II completes this illustration by considering three of the most important feminist reformers, Victoria Woodhull, Charlotte Perkins Gilman, and Margaret Sanger, and their treatment of eugenic science. Studying the work of these three feminists helps explain the creation, evolution, and decline of eugenic feminism. Finally, Part III concludes by considering the reasons for eugenic feminism’s decline and the contradictions inherent in the movement.

I. FEMININITY, MORALITY, AND RACE FITNESS

Marriage Licenses and Moral Traits: 1880-1915

In the 1880s and 1890s, several related developments in mainstream eugenics conflicted with feminist proposals. First, a number of influential theorists recognized moral defects as hereditary flaws and began studying which moral traits were inherited and how moral defects were produced.²⁸ Richard Dugdale, a prison reformer and author of the famous cacogenic study, *The Jukes*,²⁹ contributed a gendered element to this notion.³⁰ He iden-

²² See, e.g., *infra* notes 59-60.

²³ See, e.g., *infra* note 63.

²⁴ In particular, the laws often targeted unmarried or promiscuous women. See *infra* notes 59, 63.

²⁵ See, e.g., *infra* notes 196-197.

²⁶ See, e.g., *infra* notes 109, 201.

²⁷ See, e.g., *infra* notes 196-197.

²⁸ See *infra* note 35.

²⁹ Elof Axel Carlson, *Commentary: R.L. Dugdale and the Jukes Family: A Historical Injustice Corrected*, 30 *BIOSCIENCE* 535, 535 (1980).

³⁰ RICHARD DUGDALE, *THE JUKES: A STUDY IN CRIME, PAUPERISM, DISEASE AND HEREDITY* (3rd Ed. 1877); see also Scott Christianson, *Bad Seed or Bad Science*, N.Y.

tified “harlotry” as a moral defect³¹ and suggested that immoral sexual behavior could actually cause disease, which would be passed onto children and create eugenic flaws.³² The immoral traits and behaviors Dugdale identified reflected contemporary gender roles and moral norms. In *The Jukes*, a woman who was unchaste or uninterested in marriage and motherhood was labeled eugenically unfit.³³

Dugdale’s definition of moral defect was influential. Several hospitals began classifying female patients who exhibited immoral behavior but appeared to be of ordinary intelligence as moral or “high grade” imbeciles.³⁴ Dugdale also inspired later eugenicists, including H. H. Goddard, who drew on Dugdale’s gender-based definition of moral defect in writing his own cagogenic study, *The Kallikak Family*.³⁵

The same moral norms incorporated into mainstream eugenic science between 1880 and 1905 were openly criticized by feminists during that period. For example, Victoria Woodhull, a renowned advocate of free love and women’s suffrage, published several articles on eugenics in the 1880s and 1890s, while also arguing that marriage laws unnecessarily oppressed women.³⁶ She criticized the gender bias underlying moral norms of marriage and sexuality, especially the disapproval of women, but not men, who acted inconsistently with these norms.³⁷ In the 1890s, Charlotte Perkins Gilman, a prominent women’s rights advocate and author, also publicly opposed these norms, particularly their over-valuing of women’s chastity and physical attractiveness and under-valuing of women’s intelligence and accomplishments.³⁸

Although eugenic theory already stood in opposition to these women’s views of conventional moral norms, the state of eugenic legal reforms in this period did not reflect this tension. A so-called “eugenic marriage law,” passed in Connecticut in 1898, and in numerous other states before 1913, was the first significant eugenic legislation signed into law in the United

TIMES, Feb. 8, 2003, at B9 (describing Dugdale’s tracing of criminality and other eugenic defects to “licentiousness”).

³¹ DUGDALE, *supra* note 30, at 18; *see also* PHILIP R. REILLY, *The Surgical Solution: A History of Involuntary Sterilization in the United States* 9–10 (1991).

³² *See* DUGDALE, *supra* note 30, at 38; *see also*, *New Publications: The Jukes*, N.Y. TIMES July 29, 1877, at 10 (explaining Dugdale’s theories on the combined influence of heredity and environment in the creation of eugenic defects).

³³ *See New Publications: The Dukes*, *supra* note 32, at 10 (explaining how Dugdale described female promiscuity and extramarital sex as a form of eugenic defect).

³⁴ *See, e.g.*, *High Grade Imbeciles*, N.Y. TIMES, Jan. 18, 1912, at 12.

³⁵ *See* H. H. GODDARD, *THE KALLIKAK FAMILY* (1916); *accord* ARTHUR ESTABROOK & CHARLES B. DAVENPORT, *THE NAM FAMILY: A STUDY IN CACOGENIC GENETICS* (1912) (identifying several female members of the case study family as “harlots” and discussing the immoral “evils” of the family’s sexual practices).

³⁶ *See, e.g.*, Victoria Woodhull, *Letter to the Editor*, N.Y. TIMES, May 22, 1871, at 5.

³⁷ *See* Victoria Woodhull, *Letter to the Editor*, N.Y. TIMES, May 24, 1871, at 2; Victoria Woodhull, *Tried as by Fire; or the True and the False, Socially*, WOODHULL & CLAF-LIN’S WKLY., 1874 at 3, *reprinted in* THE VICTORIA WOODHULL READER pt. 1, § 5, at 43 (Madeleine B. Stern ed., 1974) [hereinafter Woodhull, *Tried as by Fire*].

³⁸ *See* CHARLOTTE PERKINS GILMAN, *WOMAN AND ECONOMICS* 117–21 (1898).

States.³⁹ This legislation, however, did not only target morally “defective” women of the kind Dugdale had identified; rather, it discriminated against men and women equally. These state statutes required varying degrees of proof that marriage applicants were eugenically fit, requiring sworn written statements in some cases and extensive blood tests in others.⁴⁰

The indiscriminate nature of these marriage statutes triggered a backlash within mainstream eugenics. Drawing on Dugdale’s definitions of moral defect, Charles Davenport, a noted biologist and promoter of eugenic projects, argued that eugenic marriage laws could not accomplish the purpose for which they had been designed because morally “defective” people were indifferent to marriage and would continue to reproduce outside of the institution.⁴¹ Davenport and other eugenicists argued that marriage (although not interracial marriage) was a social good and a monogamous marriage was an indicator of eugenic fitness.⁴² Those who engaged in illegitimate sexual pursuits, by contrast, were considered “defective.”⁴³

This reversal created a direct tension between mainstream eugenicists and feminists. The former supported restrictive divorce laws, while the latter criticized them and other social and legal pressures to marry.⁴⁴ The eugenic theory’s condemnation of sexually liberated women ultimately embodied moral norms to which feminists like Woodhull objected.

The Rise of Sterilization, 1910–1935

The tension between mainstream eugenics and feminist theory was exacerbated by the former’s belief that fit women should be barred from educational and occupational advancement, which was seen as an impediment to their reproductive role.⁴⁵ Eugenicists trumpeted reproduction as a means to preserve the Anglo-Saxon race, and, in turn, believed that the failure of eu-

³⁹ See *Eugenic Marriage Laws*, OUTLOOK, Oct. 18, 1913, at 342. Wisconsin, Illinois, and Michigan were among the states that introduced such laws. Note, *Constitutionality of Eugenic Marriage Laws*, 27 HARV. L. REV. 573, 574 n.4 (1914).

⁴⁰ Compare *People Met in Hotel Lobbies*, WASH. POST, Jan. 2, 1914, at 6 (explaining that local marriage applicants were asked if they had been in a poorhouse or asylum in the past several years) with *Peterson v. Widule*, 147 Nw. Rep. 966, 967 (Wis. 1914) (upholding law that required applicants to pass bacteriological and laboratory examinations).

⁴¹ See Charles Davenport, *State Laws Limiting Marriage Selection Examined in Light of Eugenics*, EUGENICS RECORD OFFICE, BULLETIN No. 9 (1913), at 10–14.

⁴² Eugenic science was routinely invoked by opponents of “race amalgamation.” See, e.g., Albert Earnest Jenks, *The Legal Status of Negro-White Amalgamation in the United States*, 21 AM. J. SOC. 666 (1915); *Shall We All Be Mullatoes?* 84 LITERARY DIG. 23, Mar. 7, 1925.

⁴³ See *infra* notes 59–63.

⁴⁴ See GORDON, *supra* note 12, at 84–85.

⁴⁵ Theodore Roosevelt, *Motherhood Is the Duty of Women*, N.Y. TIMES, Mar. 14, 1905, at 2 (arguing that women’s primary responsibility and function concerns childbirth and parenting).

genically fit women to reproduce would lead to the race's demise.⁴⁶ To connect intellectual development with reduced pregnancy, eugenicists drew on several studies suggesting that college-educated women married later and less frequently and had fewer children.⁴⁷

Eugenicists writing in the 1910s and 1920s marshaled a number of damning explanations to account for these phenomena. First, eugenicists argued that the most educated feminists had the wrong sort of education: a college education left a woman an ignorant mother.⁴⁸ These eugenicists devalued professional education—indeed, any education—pursued merely for its own sake.⁴⁹ A number of women's colleges accepted this position and developed "mothercraft" programs that emphasized hygiene, child health-care, cooking, and crafts.⁵⁰ Second, eugenicists argued that educated, economically independent women were not only unfeminine but also unfemale and unable to attract men or bear children.⁵¹ Third, and perhaps most damaging, was the argument that educated women chose not to have children because they were selfish.⁵² The choice to attend college or enter a profession was deemed treacherous to the race, for even if professional women did have children, they surely could have had more if they had dedicated their time and energy to childbearing.⁵³ These lines of argument were at odds with the writings of feminists who had long argued that both society and individual women would benefit if they received a college education and sought professional employment.⁵⁴

While eugenicists endorsed reproduction for fit women, they also sought to impede procreation for the morally defective through compulsory sterilization. Engagement in premarital and extramarital sexual activity was

⁴⁶ See, e.g., *id.*

⁴⁷ See, e.g., A. Laphorn Smith, *Higher Education of Women and Race Suicide*, POPULAR SCI. MONTHLY, May 1903, at 466–73; Charles Franklin Emerick, *College Women and Race Suicide*, POL. SCI. Q., June 1909, at 269–83; R. Manschke, *The Decline in Birth Rate*, in POPULATION AND BIRTH CONTROL 201 (Eden Paul & Cedar Paul eds., 1917).

⁴⁸ For a somewhat later version of this argument, see EDWARD M. EAST, MANKIND AT THE CROSSROADS 297 (Arno Press Inc. 1977) (1924).

⁴⁹ See *supra* note 47.

⁵⁰ See, e.g., *New Women's College Unlike All Others*, N.Y. TIMES, Apr. 20, 1924, at XX8; Rose C. Feld, *Vassar Girls to Study Home-Making as Career*, N.Y. TIMES, May 23, 1926, at XX8. The movement for eugenic "mothercraft" education was not limited to universities, see, e.g., Mary L. Read, *What is the Real Meaning and Use of Eugenics*, N.Y. TIMES, Nov. 3, 1912, at X8 (director of the School of Mothercraft arguing for eugenics); *Matrimony Class Opened by Y.M.C.A.*, N.Y. TIMES, Apr. 12, 1924, at 17.

⁵¹ See, e.g., Mr. and Mrs. John Martin, *Woman and the Fading of the Maternal Instinct*, N.Y. TIMES, Sept. 5, 1915, at SM9; W.W. Gregg, *The Third Sex*, N.Y. TIMES, Sep. 15, 1918, at X3.

⁵² See Martin, *supra* note 51, at SM9; Roosevelt, *supra* note 45, at 1.

⁵³ See Roosevelt, *supra* note 45, at 1. For a sample of feminist responses to Roosevelt's argument, see, e.g., *Takes Rap at "Race Suicide" Talk*, L.A. TIMES, May 7, 1910, at 14; *Ridicules Race Suicide Talk*, CHI. TRIB., May 2, 1910, at 5.

⁵⁴ See, e.g., CHARLOTTE PERKINS GILMAN, HIS RELIGION AND HERS 88-91 (1923); Charlotte Perkins Gilman, *Sex and Race Progress*, in SEX IN CIVILIZATION 109, 121-23 (V.F. Calverton and S.D. Schmalhausen eds., 1929).

a criterion used when determining whether to sterilize a woman.⁵⁵ In California, for instance, a study of sterilized women found that four-fifths had engaged in premarital sexual experience and forty had been pregnant at least once, with seventeen giving birth to one illegitimate child and three of them to two children out of wedlock.⁵⁶ Feminists were repelled by the moral norms of chastity, yet these norms proved a compelling motivation for eugenicist supporters of sterilization.⁵⁷ As such, sterilization drove an even larger wedge between mainstream eugenics and feminism.⁵⁸

Many sterilized women were also diagnosed as “feeble-minded.”⁵⁹ This label did not denote mental disability but, rather, a social status of irredeemable “immorality” or “unfemininity.”⁶⁰ In California, a lack of conformity to gender norms was conflated with mental insanity, and women with less severe disorders were officially diagnosed as “insane” on account of their failure to conform to standards of feminine behavior or sexual modesty.⁶¹ The sterilization of these women was largely determined by how morally accepted their eccentricities were.⁶² As indicated by Table 1, men sterilized for insanity, by contrast, tended to suffer from more serious mental disorders.⁶³

TABLE 1 – DIAGNOSIS OF “INSANE” PATIENTS CHOSEN FOR STERILIZATION⁶⁴

	Men	Women
Dementia Praecox	60%	29.23%
Manic-Depression	17.34%	47.59%
Constitutional/Psychotic Disorder	7.73%	11.28%
Alcohol or Drug Addiction	4.8%	.84%
Epilepsy	5.33%	3.55%
Miscellaneous (other neuroses)	4.80%	7.51%

⁵⁵ See *infra* notes 59-63.

⁵⁶ See PAUL POPENOE, *Marriage After Eugenic Sterilization*, in *COLLECTED PAPERS ON EUGENIC STERILIZATION IN CALIFORNIA* 3 (Human Betterment Foundation, 1930).

⁵⁷ See, e.g., *id.*

⁵⁸ For examples of feminist arguments in tension with the laws promoted by those like Popenoe, see, e.g., WOODHULL MARTIN, *infra* note 88, at 7, 11-12.

⁵⁹ See PAUL POPENOE, *The Feeble-minded*, in *COLLECTED PAPERS ON EUGENIC STERILIZATION IN CALIFORNIA*, *supra* note 56, at 322-23.

⁶⁰ See *id.*

⁶¹ LANDMAN, *supra* note 9, at 139-45.

⁶² *Id.*

⁶³ See PAUL POPENOE, *The Insane*, in *COLLECTED PAPERS ON EUGENIC STERILIZATION IN CALIFORNIA*, *supra* note 56, at 267. Men sterilized for insanity most often had been diagnosed with “dementia praecox” (today known as schizophrenia), considered at the time to be the most serious of mental illnesses. See, e.g., *The Insane and Their Treatment*, L.A. TIMES, Sept. 21, 1919, at III29 (explaining the severity and symptoms associated with dementia praecox in the period).

⁶⁴ See POPENOE, *supra* note 63, at 267.

Whether a sterilized woman conformed to gender norms and moral codes also substantially determined her release from institutional confinement.⁶⁵ For instance, entering a monogamous marriage was considered an indicator that a woman no longer needed to be institutionalized.⁶⁶ Conversely, women who engaged in premarital or extramarital sex while on parole from institutional confinement were deemed morally defective failures.⁶⁷

As Part II explains, eugenic feminists objected to the gendered moral codes underlying sterilization laws like California's. They recognized eugenic sterilization laws as a societal tool for controlling women's sexuality and consequently embraced an approach to eugenics that diverged from the traditional and predominant theorists of the time.

II. THE EUGENIC FEMINIST WORLD VIEW

The feminists this article considers did not simply endorse the existing eugenics reform project but instead created a new, distinctly feminist version of the movement. While they tried to reconcile the differences between their positions and those of mainstream eugenicists, some of the tensions were impossible to resolve. Ultimately, eugenic feminism proved to be inherently contradictory, both internally and with the predominant eugenic theory. Exploring the writings of Woodhull, Gilman, and Sanger demonstrates the evolution of eugenic feminism.

Victoria Woodhull

Victoria Woodhull (1838-1927) may have been the most controversial feminist at the turn-of-the-century.⁶⁸ Woodhull was best known for her unorthodox advocacy of "free love," an ideology that condemned traditional marriage in favor of more liberal sexual relations.⁶⁹ Woodhull's personal life mirrored her advocacy, as she "boldly live[d] the life of social freedom that she preached."⁷⁰

There is evidence that Woodhull believed in the logic of eugenics as early as the 1870s.⁷¹ In that period, Woodhull's financial alliance with the tycoon Cornelius Vanderbilt was partially based on shared views about the

⁶⁵ PAUL POPENOE, Marriage After Eugenic Sterilization, in COLLECTED PAPERS ON EUGENIC STERILIZATION IN CALIFORNIA, *supra* note 56, at 3-4.

⁶⁶ *Id.* at 8-9.

⁶⁷ PAUL POPENOE, Success on Parole After Sterilization, in Collected Papers on Eugenic Sterilization in California, *supra* note 56, at 7-8.

⁶⁸ See MARY GABRIEL, NOTORIOUS VICTORIA: THE LIFE OF VICTORIA WOODHULL, UNCENSORED 3 (1998) (discussing Woodhull's criticisms of Victorian sensibilities).

⁶⁹ *See id.*

⁷⁰ *Id.* at 3.

⁷¹ *See, e.g., infra* note 76.

causes of handicaps in children.⁷² Woodhull and Vanderbilt both had “defective” children: Vanderbilt, an epileptic son plagued by gambling debts and Woodhull, a mentally handicapped son, Byron.⁷³ Woodhull traced Byron’s defects back to the destructive behavior of her first husband, Canning Woodhull.⁷⁴ Unfaithful, mendacious, and addicted to alcohol, Canning had proved a nightmare husband.⁷⁵

In a series of articles and speeches given in the mid-1870s, Woodhull reached out to other women whose unborn children she thought to be in danger.⁷⁶ Woodhull repeatedly urged women to choose sexual partners on the basis of love and evidence of good character and heredity.⁷⁷ “Women cannot bear their best children,” she asserted, “except by the men they love best and for whom they have the keenest desire.”⁷⁸ Accordingly, Woodhull called on women to ignore the social and legal pressures to remain married to men like her first husband.⁷⁹ These pressures, she contended, had chained women to men whose bad heredity had produced children with defects reflective of their fathers’.⁸⁰ Instead, Woodhull advocated, marriage laws had to be reformed to permit women to exit and enter relationships at will, and women needed to be sexually liberated.⁸¹

Notably, Woodhull’s free love arguments were originally conceived out of concern for women’s lack of freedom and power, but eventually developed into arguments in support of stirpiculture, or eugenic rules preventing the unfit from reproducing. Woodhull characterized the married woman as a sexual slave who was pressured into marriage and unable to engage in self-development or make important life choices.⁸² However, while Woodhull’s fear of the hereditary damage resulting from bad marriages was initially a secondary motivation, she had fully embraced eugenic arguments by the late 1880s.⁸³ Several factors contributed to this change in focus. First, mainstream eugenic theory developed significantly and gained traction during this period.⁸⁴ Second, Woodhull had personal reasons to redefine herself and her theories when legal troubles relegated her to a period of relative ano-

⁷² GABRIEL, *supra* note 68, at 36.

⁷³ *See id.* at 14, 36.

⁷⁴ *See id.* at 13–14.

⁷⁵ *See id.* at 13.

⁷⁶ *See, e.g.*, Victoria Woodhull, *The Naked Truth, or the Situation Reviewed!*, WOODHULL & CLAFLIN’S WKLY., Jan. 25, 1873, at 3, *reprinted in* THE VICTORIA WOODHULL READER, *supra* note 37, at pt. 1, § 3; Victoria Woodhull, *To Women Who Have an Interest in Humanity, Present and Future—Personal Greeting*, WOODHULL & CLAFLIN’S WKLY., Oct. 31, 1874, at 9, *reprinted in* THE VICTORIA WOODHULL READER, *supra* note 37, at pt. 1, § 4.

⁷⁷ *See supra* note 76.

⁷⁸ Woodhull, *Tried as by Fire*, *supra* note 37, at 37.

⁷⁹ *See, e.g., id.*; *see also supra* note 76.

⁸⁰ *See* Woodhull, *Tried as by Fire*, *supra* note 37, at 43.

⁸¹ *Id.* at 37.

⁸² *See, e.g., id.*

⁸³ *See infra* notes 102, 106 and accompanying text.

⁸⁴ *See* GORDON, *supra* note 12, at 84–85.

nymity⁸⁵ and she looked to eugenics to help revive her career.⁸⁶ Finally, Woodhull's existing ideas about the relationship between rigid marriage laws and "defective" children served as a prime foundation on which to build a eugenic theory.⁸⁷

It was in *Stirpiculture*, Woodhull's 1888 essay, in which she first argued that the unfit should be prevented from reproducing.⁸⁸ *Stirpiculture* posited that there was a class of unfit persons: those who were poor, lacked the "moral . . . and physical [strength] to abstain" from sex, and did not have the time "to consider the terrible evil that they [were] daily making by this crime of reproducing in their offspring their own debilitated condition both of body and of mind."⁸⁹ In explaining her theory of eugenics, Woodhull drew on the theory of August Weismann,⁹⁰ a prominent eugenic theorist, noting that the germ plasm of an individual could be deformed, causing him to bear defective children.⁹¹ Yet, significant parts of the eugenic science described in *Stirpiculture* were distinct. Woodhull created, in effect, a "women's" eugenics, addressed to and depending on women for the liberation of the gender and the salvation of the race.⁹² According to Woodhull, women "should be made to feel . . . criminally responsible" for the "misery" of the human race caused by their "ignorance of the vital subject of proper generation."⁹³ To assume this responsibility, women had to educate themselves about sexuality and protect themselves from husbands who would deform their germ plasm.⁹⁴

Woodhull particularly blamed the abuse and inequality many women suffered in marriage for the rising increase in defective births. Woodhull argued that "hereditary diseases, hereditary brutish passions, and . . . hereditary criminal instincts" were attributable to the conditions to which married women were subjected.⁹⁵ "Can we expect anything else," she questioned, ". . . when we consider that the mother-architect during the period of gestation, was subject to . . . brutal treatment?"⁹⁶ Woodhull also argued that inequality of any kind was dysgenic for women: "[T]o oppress woman

⁸⁵ See GABRIEL, *supra* note 68, at 266–67.

⁸⁶ *Id.*

⁸⁷ As early as the 1870s, Woodhull stressed that rigid marriage laws had some negative effect on the offspring of married women. See Woodhull, *Tried as by Fire*, *supra* note 37, at 37.

⁸⁸ See VICTORIA WOODHULL MARTIN, *STIRPICULTURE; OR, THE SCIENTIFIC PROPAGATION OF THE HUMAN RACE* (1888), reprinted in *THE VICTORIA WOODHULL READER*, *supra* note 37, at pt. 1, § 6 at 12. "Stirpiculture" became a synonym for eugenics, a method for breeding desirable and fit persons. See *id.* at 5.

⁸⁹ *Id.* at 7.

⁹⁰ AUGUST WEISMANN, *THE GERM PLASM: A THEORY OF HEREDITY* 393–401, 405–06 (1893).

⁹¹ See *id.* at 10–11.

⁹² See *id.* at 12–13, 22.

⁹³ *Id.* at 11–12.

⁹⁴ See *id.* at 11–13.

⁹⁵ See *id.* at 22.

⁹⁶ *Id.*

involves the physical and moral degradation of man; . . . the assumption of superiority and tyranny of the master, which for ages man has assumed over woman, has almost extinguished that Divine spark in her which alone has the power to regenerate humanity."⁹⁷ Woodhull suggested that women could prevent the births of defective children only if they were willing to practice free love and avoid oppressive marriages.⁹⁸

In *Stirpiculture*, Woodhull's brand of eugenic feminism was problematic: she argued that women must be granted more reproductive freedom while allying herself with a movement that called for more regulation of female sexual behavior and reproduction.⁹⁹ Woodhull also failed to acknowledge the new direction of mainstream eugenic theory in the 1880s and 1890s. Contrary to what *Stirpiculture* suggested, to identify oneself with eugenics was, by 1890, almost always to oppose calls for racial or gender equality.¹⁰⁰

In her second major eugenic work, *The Rapid Multiplication of the Unfit*, Woodhull made some effort to resolve the tensions between her eugenic feminism and the emerging, contrary eugenic theory.¹⁰¹ Woodhull borrowed arguments from the mainstream eugenicists of the period, linking eugenic inferiority with moral defect.¹⁰² Furthermore, *The Rapid Multiplication of the Unfit* did not involve explicitly feminist arguments. Instead, Woodhull proposed that free love, the signature reform described in her feminist writings, was now necessary for purely eugenic reasons.¹⁰³

This alignment with mainstream eugenics was short-lived, however. A year after the publication of *The Rapid Multiplication of the Unfit*, Woodhull began work on *The Humanitarian*, a eugenics-oriented journal she published with the help of her daughter, Zulu Maud.¹⁰⁴ In the first edition of *The Humanitarian*, Woodhull explained that the journal's mission was primarily a eugenic one: "[t]he aim of this journal is to discuss all subjects pertaining to the well-being of humanity. We desire to have every hereditary law thoroughly threshed out, so that we may have scientific data to build upon."¹⁰⁵ Specifically, the primary eugenic task Woodhull defined for the journal was the education of women about the dysgenic effects of their unequal, oppressive marriages.¹⁰⁶ With the publication of *The Humanitarian*, Woodhull's

⁹⁷ *Id.* at 12.

⁹⁸ See Woodhull, *Tried as by Fire*, *supra* note 37, at 43 (arguing that the roles assigned women in marriage helped produce defective children).

⁹⁹ See GORDON, *THE MORAL PROPERTY OF WOMEN*, *supra* note 12, at 84-85 (arguing that the eugenics movement has become antifeminist by the late nineteenth century, especially in relation to birth control reforms).

¹⁰⁰ See *id.*

¹⁰¹ VICTORIA WOODHULL MARTIN, *THE RAPID MULTIPLICATION OF THE UNFIT* 18 (1891), reprinted in *THE VICTORIA WOODHULL READER* *supra* note 37, at pt. 1, § 7.

¹⁰² *Id.*

¹⁰³ See *id.* at 20-21, 33.

¹⁰⁴ See EMANIE SACHS, *THE TERRIBLE SIREN: VICTORIA WOODHULL* 347 (1928).

¹⁰⁵ Victoria Woodhull, *Introduction*, 1 *THE HUMANITARIAN* 1 (1892).

¹⁰⁶ *Id.*

eugenic vision was once again unmistakably feminist. She endorsed sexual liberation in place of legal marriage as necessary to preserve the livelihood of both individual women and the race.¹⁰⁷

It was with these ideas in mind that Woodhull mounted a presidential campaign (her second) in 1892.¹⁰⁸ Speaking to the press, Woodhull characterized her campaign as a *eugenic feminist* one:

It is becoming just as necessary to consider the important subject of breeding intelligence and physical culture in the human race as it is in inferior animals It is to women, therefore, that we look for the regeneration of mankind. Injury to woman through taxation without representation is only the beginning of a series of wrongs and persecutions to which [the] sex is subjected Women's vote is the only great weapon of reform.¹⁰⁹

The platform of Woodhull's Humanitarian Party included both eugenic planks, such as an "aristocracy of the blood" system requiring all Americans to register a eugenic pedigree with a central depository, and feminist planks, such as women's suffrage.¹¹⁰ Woodhull even identified herself as the candidate of the National Woman Suffrage Association.¹¹¹

Reflecting the feminist and eugenic ideals espoused by Woodhull's campaign, fifty women met in a Washington, D.C. hotel lobby to nominate Woodhull for the presidency.¹¹² There they adopted the following resolution:

Whereas, under the Fourteenth Amendment no citizen is deprived of the franchise through law, but by custom and habit; Therefore be it resolved that we, the representative women of America, ask the officers in charge of the election precincts through the United States in the coming campaign to give us the opportunity to cast our ballots Resolved, that by the united efforts of the women voters of this nation we will drive anarchy, crime, insanity and drunkenness from our midst¹¹³

Thus, Woodhull's platform called for both women's enfranchisement and reforms designed to "drive [out] anarchy, crime, insanity and drunkenness," arguing that women were best able to accomplish these tasks.¹¹⁴

However, most feminists did not support Woodhull's platform, finding her arguments to be out of step with their own preferred reforms and strate-

¹⁰⁷ See SACHS, *supra* note 104, at 352–53.

¹⁰⁸ See, e.g., *After Fifteen Years Absence, the Clafin Sisters Will Establish Headquarters in Chicago*, CHI. TRIB., May 2, 1892, at 3.

¹⁰⁹ See *A Fifth Party*, L.A. TIMES, Oct. 17, 1892, at 1.

¹¹⁰ See *id.*

¹¹¹ See SACHS, *supra* note 104, at 361.

¹¹² *Id.* at 360–61.

¹¹³ *Id.*

¹¹⁴ See *id.* at 361.

gies.¹¹⁵ Leaders of the National Woman Suffrage Association quickly informed the press that their party had not nominated Woodhull and had nothing to do with her campaign.¹¹⁶ Nor was Woodhull's campaign a success with the voters. In fact, she did not receive any votes.¹¹⁷

Woodhull's version of eugenic feminism was also in decline by the early 1890s, though she continued to publish eugenic writings in *The Humanitarian* until 1901.¹¹⁸ Part of this decline must be attributed to the inherent tensions between Woodhull's version of eugenic feminism and the influential writings of mainstream eugenicists. Increasingly, those eugenicists suggested that a woman's failure to conform to norms of sexual behavior indicated that she was hereditarily defective.¹¹⁹ By contrast, Woodhull argued that compliance with those same norms was responsible for causing eugenically defective offspring.¹²⁰

Charlotte Perkins Gilman

Charlotte Perkins Gilman (1860-1935) is as well known today for her feminist fiction as for her political essays. The author of the short story "The Yellow Wallpaper,"¹²¹ she attracted attention, in part, for her writings on women and work.¹²² Gilman's feminism was more moderate than Woodhull's: she was primarily concerned with improving the lot of white, middle-class women and her positions on issues of sexual freedom were considerably more conservative than were Woodhull's.¹²³ However, this moderation may have been due to changes in the eugenics movement itself, which was different in the 1920s and 1930s when Gilman wrote than it was when Woodhull published *Stirpiculture* or *The Rapid Multiplication of the Unfit*. By Gilman's time, mainstream eugenics was openly antagonistic toward female autonomy.¹²⁴ To an even greater extent than had been true in Woodhull's time, a majority of eugenicists opposed higher education or professional employment for women, and eugenic sterilization laws were

¹¹⁵ See *id.* at 361-62.

¹¹⁶ See *id.*

¹¹⁷ See *id.* at 362.

¹¹⁸ The last edition of *The Humanitarian* was published in 1901. See SACHS, *supra* note 104, at 347-48.

¹¹⁹ See *supra* text accompanying notes 30-31, 35.

¹²⁰ See, e.g., WOODHULL MARTIN, *STIRPICULTURE*, *supra* note 88, at 18, 22.

¹²¹ See Charlotte Perkins Gilman, *The Yellow Wallpaper*, in *THE YELLOW WALLPAPER AND OTHER WRITINGS* (2002).

¹²² See generally Hill, *supra* note 13.

¹²³ See also Charlotte Perkins Gilman, *Parasitism and Civilized Vice*, in *WOMEN'S COMING OF AGE: A SYMPOSIUM* (Samuel Schmalhausen & V.F. Calverton eds., 1931); Charlotte Perkins Gilman, *What Diantha Did* (ch. 1), *FORERUNNER*, 13 (Nov. 1910).

¹²⁴ See GORDON, *THE MORAL PROPERTY OF WOMEN*, *supra* note 12, at 84-85 (describing anti-feminist opposition to birth control reform within the eugenics movement by the late nineteenth century).

imposed to control women who did not conform to norms governing women's sexual and moral behavior.¹²⁵

Gilman herself rejected some of these norms. She decided to give up custody of her child to her husband—a decision that made her an “unnatural mother” in the eyes of her friends.¹²⁶ Gilman also reported such emotional disturbances as “forgetfulness,” “absentmindedness,” “no interest in anything,” “delusion,” “feeble-mindedness,” and “infantile irresponsibility” during the years of her courtship, marriage, and early motherhood, suggesting, in eugenic terms, her own moral deficiency.¹²⁷ In a letter to her doctor, she gave a detailed description of her heredity, including moral or character failings that may have reemerged as defects in Gilman herself.¹²⁸ She located these failings in the depression she felt during marriage and childbirth, two institutions central to the norms of womanhood.¹²⁹

The evolution of Gilman's eugenic theory was gradual. In 1898, when Gilman published her landmark work, *Woman and Economics*, she set forth an argument that androcentric culture, which had forced women to act only as men's servants, had injured both women and the Anglo-Saxon race.¹³⁰ Androcentric culture, she contended, had led to an increase in weak, unfit women.¹³¹ Because these unfit women made up a large proportion of mothers, the race was in danger.¹³² Gender differences, created and reinforced by culture, had changed women “to a degree that injures motherhood [and] wifehood,” she concluded, with negative consequence for the race itself.¹³³

In *Woman and Economics*, Gilman did not fully explain to what extent androcentric culture had rendered women or their children hereditarily defective. Instead, Gilman attacked the prevailing system of gender roles on the basis of the harm, hereditary and otherwise, that system did to offspring.¹³⁴ Gilman went on to develop a more fully eugenic theory between 1909 and 1916, in the years she published her personal journal, *The Forerunner*.¹³⁵

¹²⁵ See *id.*

¹²⁶ CHARLOTTE PERKINS GILMAN, *THE LIVING OF CHARLOTTE PERKINS GILMAN* 275 (1935).

¹²⁷ *Id.* at 101–04.

¹²⁸ Letter from Charlotte Perkins Gilman to Dr. Weir Mitchell (Apr. 19, 1887), in CHARLOTTE PERKINS GILMAN LETTERS, Schlesinger Library, Harvard University (originals in Zona Gale Papers, State Historical Society of Wisconsin).

¹²⁹ *Id.* at 12, 18.

¹³⁰ See CHARLOTTE PERKINS GILMAN, *WOMAN AND ECONOMICS* (Prometheus Books 1998) (1898).

¹³¹ *Id.* at 31, 182.

¹³² See *id.*

¹³³ *Id.* at 46.

¹³⁴ See, e.g., *infra* note 137.

¹³⁵ See, e.g., *infra* note 140.

In the first editions of *The Forerunner*, it was still unclear whether Gilman had adopted any eugenic positions.¹³⁶ A piece from the December 1909 edition is illustrative: “The abnormal restriction of women has necessarily injured motherhood,” she posited; “[t]he man-made family reacts unfavorably upon the child. We rob our children of half of their social heredity by keeping the mother in an inferior position.”¹³⁷ Social heredity, as Gilman understood it, had more than genetic consequences. She argued that women were uneducated, underdeveloped, and stunted by the prevailing system of gender roles and therefore could not be good mothers.¹³⁸ It was not until September of 1910 that Gilman causally linked the social restrictions placed on women to hereditary defects in women’s brains. These social restrictions had, according to Gilman, “crippled, stunted, atrophied the female mind” with “far reaching [results],” due to the brain’s function “[a]s . . . a race organ . . . transmitted indiscriminately, by heredity.”¹³⁹

By 1915, *The Forerunner* was explicitly publishing eugenic articles,¹⁴⁰ but these articles did not simply echo the arguments of mainstream eugenics. Instead, Gilman forged a new version of eugenics, one meant to reflect her own feminist beliefs.¹⁴¹ In a series of articles appearing between June and October of 1915, Gilman wrote that the eugenic salvation of the race required legal reforms allowing broader access to birth control and better opportunities for women in professional employment and higher education.¹⁴² She believed that having fewer children, a tendency more common among college-educated women, benefited the race.¹⁴³ Accordingly, Gilman championed education for women and blamed men for their dysgenic prejudices against educated women and refusal to marry them.¹⁴⁴ Gilman also supported women’s choices to forego marriage. Many more men than women were defective, she asserted, and so “some females must go unmarried – through no fault of their own” out of consideration for the race.¹⁴⁵

Over time, however, Gilman moderated her feminist positions in an effort to reconcile her vision of eugenics with that of the majority.¹⁴⁶ Thus, in 1916, *The Forerunner* began publishing mainstream articles on eugen-

¹³⁶ See *id.*

¹³⁷ See Charlotte Perkins Gilman, *Our Androcentric Culture* (pt. 2), FORERUNNER 22 (Dec. 1909).

¹³⁸ See *id.*

¹³⁹ Charlotte Perkins Gilman, *Our Brains and What Ails Them*, 3 FORERUNNER 245, 247 (1912).

¹⁴⁰ See, e.g., Charlotte Perkins Gilman, *Birth Control*, 6 FORERUNNER 177 (1915); Charlotte Perkins Gilman, *Feminism, College Education, and the Birth Rate*, 6 FORERUNNER 259 (1915); Charlotte Perkins Gilman, *The Sanctity of Human Life*, 7 FORERUNNER 128, 128 (1916).

¹⁴¹ See, e.g., *infra* notes 150, 159.

¹⁴² *Id.*

¹⁴³ See Gilman, *Feminism, College Education, and the Birth Rate*, *supra* note 140.

¹⁴⁴ See *id.*

¹⁴⁵ *Id.* at 260.

¹⁴⁶ See text accompanying *infra* notes 162, 164.

ics.¹⁴⁷ In one such article, Gilman rejected the traditional notion of the sanctity of life in favor of a negative eugenic vision:

How about idiots? They are no good to themselves or to anyone else, and they are, on the contrary, an injury We talk of “the sanctity of human life[,]” and we are right. Human life is sacred, far too sacred to be allowed to fall into hideous degeneracy. If we had proper regard for human life we should take instant measures to check supply of the feeble-minded and defective persons.¹⁴⁸

By the early 1920s, Gilman was routinely advocating for eugenic causes, particularly for laws against interracial mixing, in major American magazines.¹⁴⁹

Gilman’s mainstream eugenic writings, however, did not mark the end of her eugenic feminism. She later urged that birth control would help prevent the eugenic decline of the race and have an incidental benefit for women.¹⁵⁰ Eugenic science, she advocated, required the liberation of women through birth control: “An active sense of social motherhood is desperately needed among women of today, if we are to put a stop to war, to cease producing defectives, and to begin the conscious improvement of our stock.”¹⁵¹

Despite these feminist undercurrents, Gilman continued to attempt to reconcile her new positions with those of other eugenicists in the late 1920s. For instance, she acknowledged, as she had not in 1915, that fit women had a moral duty to have more than one child.¹⁵² She also admitted that birth control might be used by defectives who wanted to have sex without consequence.¹⁵³ But even though Gilman tried to reduce the tensions between mainstream eugenic science and her own positions, she resisted full endorsement of the majority eugenic viewpoint. She argued resolutely that voluntary birth control was necessary to improve the race and that its eugenic benefit outweighed the social costs of enabling “selfish[]” (childless) marriages and sexual indulgence.¹⁵⁴

In 1929, in an essay entitled “Sex and Race Progress,” Gilman made clear that she had not yet truly reconciled her positions with those of other contemporary eugenicists.¹⁵⁵ Gilman made an effort to do so, acknowledg-

¹⁴⁷ See, e.g., Gilman, *The Sanctity of Human Life*, *supra* note 140, at 128–29.

¹⁴⁸ *Id.*

¹⁴⁹ See, e.g., Charlotte Perkins Gilman, *A Suggestion on the Negro Problem*, 14 AM. J. SOC. 83 (1908); Charlotte Perkins Gilman, *Is America Too Hospitable?*, FORUM 1983 (Oct. 1923).

¹⁵⁰ Charlotte Perkins Gilman, *Progress Through Birth Control*, 224 N. AM. REV. 622, 627 (Dec. 1927) (“[S]ince birth is woman’s business it is right that she have some voice in discussing its control”).

¹⁵¹ *Id.* at 628.

¹⁵² *Id.* at 629.

¹⁵³ *Id.* at 628.

¹⁵⁴ *Id.*

¹⁵⁵ Gilman, *Sex and Race Progress*, *supra* note 54, at 122.

ing that some individuals were irredeemably unfit and that elimination of such persons was “necessary.”¹⁵⁶ Yet, she ultimately argued that a sexual double standard had produced many of the hereditary defects she identified in the article.¹⁵⁷ Male sexual indulgence damaged the race, she asserted, as did societal expectations of women to be virtuous, stupid, and weak.¹⁵⁸

After 1930, Gilman’s eugenics writings focused more exclusively on birth control, which she characterized as a distinctly feminist reform. While Gilman endorsed involuntary sterilization of “defective” persons, she noted that in light of public opposition to sterilization, birth control represented a better alternative because it benefited both women and the race as a whole.¹⁵⁹ Over time, Gilman became a key public figure in the effort to pass federal birth control legislation.¹⁶⁰ Gilman saw birth control as an ideal eugenic feminist reform: one not only designed to guarantee social equality for women but also able to prevent racial decline.¹⁶¹ By the time Gilman signed on to the birth control agenda, however, mainstream eugenics had already rejected birth control reforms.¹⁶² At the time of her death in 1935, Gilman still lacked significant support from eugenicists for any of her feminist positions¹⁶³ and, for Gilman, eugenic feminism remained a contradiction in terms.

Margaret Sanger

Margaret Sanger (1879-1966) was for five decades the main force behind the American birth control movement.¹⁶⁴ Although Sanger’s involvement with eugenics was extensive, she began seeking allies in eugenics circles only after growing disenchanted with the socialist and feminist organizations with which she had previously aligned.¹⁶⁵ Sanger ended her involvement with labor activists, for instance, because she felt that “[s]omething more was needed to assuage the very condition of the poor” and that she “was enough of a feminist to resent the fact that woman and her

¹⁵⁶ *Id.*

¹⁵⁷ *See id.* at 114–20.

¹⁵⁸ *See id.*

¹⁵⁹ Charlotte Perkins Gilman, *Birth Control, Religion, and the Unfit*, THE NATION 108 (Jan. 27, 1932).

¹⁶⁰ *Birth Control Bill Is Urged at Hearing*, WASH. POST, May 28, 1932, at 2 (indicating Gilman’s support for a pro-birth-control bill before the U.S. Congress); *Ask Roosevelt Aid for Birth Control*, N.Y. TIMES, Jan. 18, 1934, at 23 (describing Gilman’s efforts, with others, to convince President Roosevelt to support the decriminalization of birth control).

¹⁶¹ *See* Gilman, *Birth Control*, *supra* note 159, at 108.

¹⁶² *See* GORDON, THE MORAL PROPERTY OF WOMEN, *supra* note 12, at 84-85 (describing the general opposition among eugenic reformers to feminism and birth control that developed in the late nineteenth century).

¹⁶³ *See id.*

¹⁶⁴ *See* CHESLER, *supra* note 13, at 11.

¹⁶⁵ *See* GORDON, THE MORAL PROPERTY OF WOMEN, *supra* note 12, at 166-67 (describing the split between Sanger’s birth control program and socialist organizations).

requirements were not being taken into account.”¹⁶⁶ Sanger also found most mainstream feminists unreceptive to calls for the legalization of birth control. She expressed her frustration with these feminists in *The Autobiography*: “It seemed unbelievable to me,” she wrote, “that they could be serious in occupying themselves with what I regarded as trivialities when mothers a stone’s throw from their meetings were dying shocking deaths.”¹⁶⁷

In 1914, Sanger began work on *The Woman Rebel*, a radical feminist paper.¹⁶⁸ This paper, published only seven times before it was federally banned, did not focus on birth control and sometimes not even on women’s issues. Instead, it covered issues such as socialism and the labor movement.¹⁶⁹ Nor did Sanger take up eugenic arguments in *The Woman Rebel*.¹⁷⁰ In fact, she did not come into contact with the eugenics movement until after an indictment for obscenity in 1914.¹⁷¹ Instead of standing trial, Sanger fled to Europe, where she met prominent supporters of eugenics such as C. V. Drysdale and Havelock Ellis.¹⁷² When Sanger returned to America in October of 1915, she rededicated herself to the reform of birth control laws, founding the New York Birth Control League, *The Birth Control Review*, and the first of many birth control clinics in order to advance her cause.¹⁷³

When Sanger began writing on eugenic science, she did not do so simply to bolster her pre-existing theories. Rather, she set about to alter the requirements of that science. Writing in *The Birth Control Review* in 1918, Sanger considered a familiar eugenic subject: the interplay between morality and eugenics.¹⁷⁴ Sanger’s treatment of the topic, however, departed from that of mainstream eugenicists.¹⁷⁵ She dismissed the prevailing norms of female conduct that eugenicists championed as both immoral and dysgenic.¹⁷⁶ She believed the use of birth control to be both moral and eugenically beneficial:

All our problems are the result of overbreeding among the working class, and if morality is to mean anything at all to us, we must regard all changes which tend toward the uplift and survival of the human race as moral. Knowledge of birth control is essentially moral. Its general, though prudent, practice must lead to a higher individuality and ultimately to a cleaner race.¹⁷⁷

¹⁶⁶ MARGARET SANGER, *AN AUTOBIOGRAPHY* 85 (1938).

¹⁶⁷ *Id.* at 108.

¹⁶⁸ See, e.g., Margaret Sanger, *No Gods No Masters*, 1 *WOMAN REBEL* 1 (May 1914), in *THE MARGARET SANGER PAPERS*, Lamont Library, Harvard University.

¹⁶⁹ See GORDON, *THE MORAL PROPERTY OF WOMEN*, *supra* note 12, at 149–51.

¹⁷⁰ *Id.*

¹⁷¹ *Id.* at 150.

¹⁷² See *id.*

¹⁷³ *Id.* at 173–75.

¹⁷⁴ See Margaret Sanger, *Morality and Birth Control*, *BIRTH CONTROL REV.* 11, 14 (Feb.–Mar. 1918), reprinted in *THE MARGARET SANGER PAPERS*, *supra* note 168.

¹⁷⁵ See *id.* at 11, 14.

¹⁷⁶ *Id.*

¹⁷⁷ *Id.* at 14.

Birth control was also necessary to guarantee women's autonomy and equality and thus had feminist benefits.¹⁷⁸ "[A] woman can never call herself free until she is mistress of her own body;" she wrote, "Just so long as man dictates and controls the standards of sexual morality, just so long will man control the world."¹⁷⁹

By 1919, Sanger had developed a coherent theory as to why eugenicists should support birth control reforms. "Birth control," she wrote, "not only open[ed] the way to the eugenicist . . . it preserve[d] his work [because it prevented] unlimited reproduction" and, in turn, permitted a "higher standard of motherhood."¹⁸⁰ Women, freed from unchecked reproduction, would be able to better care for and educate the few children they had, thereby protecting them from lives of moral defect and improving future generations of the race.¹⁸¹

Between 1920 and 1925, Sanger created a true form of eugenic feminism. In *Woman and the New Race*, published in 1920, she argued that the origins of racial decline could be traced to women's sexual slavery and ignorance of birth control.¹⁸² *Woman and the New Race* called on all women concerned with making a better world to demand knowledge about sex and sexuality.¹⁸³ Sanger explained that women's ignorance about these subjects had created the racial decline observed by eugenic scientists: without birth control, she posited, women were "unknowingly laying the foundations of tyrannies and providing the human tinder for racial conflagrations."¹⁸⁴ They were, she claimed, "unknowingly creating slums, filling asylums with insane, and institutions with other defectives."¹⁸⁵ The laws prohibiting the distribution and dissemination of information about birth control were also dysgenic in Sanger's opinion.¹⁸⁶ For instance, she argued that immigrants could stop producing defective children if educated about birth control.¹⁸⁷ By arguing that ignorance about birth control and sexuality was the main cause of race decline, Sanger altered the premises of eugenic science.

In the March 1921 edition of *Physical Culture*, a popular magazine, Sanger further developed her conception of eugenic theory. She argued that the unwillingness of women who had been educated about birth control to share their knowledge with other women heightened the dysgenic influence

¹⁷⁸ See *id.* at 11.

¹⁷⁹ *Id.*

¹⁸⁰ Margaret Sanger, *Birth Control and Racial Betterment*, BIRTH CONTROL REV. 12 (Feb. 1991), reprinted in THE MARGARET SANGER PAPERS, *supra* note 168.

¹⁸¹ *Id.*

¹⁸² See MARGARET SANGER, WOMAN AND THE NEW RACE 4 (1920).

¹⁸³ See generally *id.* (stating that through improved knowledge women could improve the human race and therefore, the world).

¹⁸⁴ *Id.*

¹⁸⁵ *Id.* at 4.

¹⁸⁶ See, e.g., *id.* at 4, 212.

¹⁸⁷ See *id.* at 26.

caused by laws prohibiting official dissemination of information.¹⁸⁸ As a solution, Sanger called on the “co-operation of the awakened mothers of America, [to] counsel[] and help[] . . . less fortunate and unenlightened mothers” in order to “spread . . . intelligence to all mothers.”¹⁸⁹ In a well-publicized debate, Sanger refined the language she used to describe her version of eugenic feminism: birth control was on one hand a feminist reform in that it was necessary to allow women to “develop and advance in life,” while, on the other hand, it was a eugenic reform in that it represented “a pivot around which every movement must swing for race betterment.”¹⁹⁰

The idea that birth control was a “pivot of civilization,” as the title of one of Sanger’s eugenic works put it, gives a misleading impression of Sanger’s version of eugenic feminism in the early 1920s. Sanger did not argue only that the success of eugenic reforms turned on the success of birth control reforms. She also argued that education about, and dissemination of, birth control was the quintessential feminist project.¹⁹¹ Sexual autonomy for women and knowledge about birth control, she believed, were necessary for the preservation of the race. Sanger explained that “[e]ven as birth control is the means by which woman attains basic freedom, so it is the means by which she must and will uproot the [eugenic] evil she has wrought.”¹⁹² In explicitly recognizing this compatibility between female autonomy and eugenic theory, Sanger developed a feminist eugenics.

In 1921, Sanger redoubled her efforts to win support for her version of eugenics, forming the American Birth Control League to campaign for the reform of birth control laws, inviting mainstream eugenicists to publish in the *Birth Control Review*, and requesting their participation at birth control conferences.¹⁹³ Sanger also modified some of her own positions in order to reconcile her views with those of the eugenicists whom she courted. In the *Pivot of Civilization*, Sanger adopted several of the racialist statements still common in eugenic circles in the early 1920s.¹⁹⁴ Between 1920 and 1923, Sanger also published a variety of racialist and anti-immigrant pieces by authors on eugenics in *The Birth Control Review*.¹⁹⁵

By 1925, it was apparent that these efforts had failed to convince a majority of eugenicists. Charles Davenport, for instance, did not want the

¹⁸⁸ Margaret Sanger, *No Healthy Race Without Birth Control*, PHYSICAL CULTURE, Mar. 14, 1921, at 41, 126–27, reprinted in THE MARGARET SANGER PAPERS, *supra* note 168.

¹⁸⁹ *Id.* at 127.

¹⁹⁰ MARGARET SANGER, DEBATE ON BIRTH CONTROL 12, 45 (1921), available at the Michigan State University Digital and Multimedia Collections, http://archive.lib.msu.edu/AFS/dmc/radicalism/public/all/debatebirthcontrol/AFA.pdf?CFID=6458580&CF_TOKEN=97189454 (last visited Dec. 2, 2007).

¹⁹¹ See Margaret Sanger, *Woman’s Error and Her Debt*, BIRTH CONTROL REV., Aug. 1921 at 7–8, in THE MARGARET SANGER PAPERS, *supra* note 168.

¹⁹² *Id.* at 7.

¹⁹³ See GORDON, THE MORAL PROPERTY OF WOMEN, *supra* note 12, at 150–54.

¹⁹⁴ See MARGARET SANGER, THE PIVOT OF CIVILIZATION 177–78 (1922).

¹⁹⁵ See GORDON, THE MORAL PROPERTY OF WOMEN, *supra* note 12, at 210–12.

public to associate his eugenic theories with birth control reforms.¹⁹⁶ Edward East, a prominent eugenicist, responded to a letter from Sanger by arguing that birth control could simply not serve as an adequate eugenic legal reform.¹⁹⁷ By the conclusion of the 1925 International Malthusian Conference, a majority of eugenicists had rejected the birth control platform.¹⁹⁸

Even though Sanger continued her efforts to convince eugenicists of the desirability of her proposed legal reforms, her reforms themselves became more feminist and at odds with mainstream eugenic writings.¹⁹⁹ For example, Sanger argued that women did nothing immoral when they fulfilled their “psychic and spiritual desires” with partners whom they loved, even if these women had sex out of wedlock.²⁰⁰ Likewise, in 1929, Sanger continued to advocate that women’s release from sexual slavery was necessary to the “development of . . . the race,” but also openly attacked the moral norms underlying sterilization laws.²⁰¹ Writing about the supporters of such norms, Sanger stated, “What they consider morality, we consider moral imbecility . . . based upon an outdated medieval theology that even to-day experts say has an incalculably dysgenic effect on the race.”²⁰² As she had more than a decade before, Sanger called for the creation of a new morality, one not “concerned with melodramatic rewards and punishments, with absolute rights and wrongs, with unhealthy lingering interests in virginity and chastity.”²⁰³ In Sanger’s view, it was the enforcement of those norms that was dysgenic. Thus, even though Sanger continued making gestures to the racialist and racist theories of mainstream eugenics in the early 1930s,²⁰⁴ she was never able to convince a majority of eugenicists to support her legal agenda.

III. CONCLUSION

Past explanations of feminist involvement in eugenics have emphasized what feminists had in common with other members of the eugenic legal reform coalition. Such commonality is suggested by the demographics of

¹⁹⁶ Letter from Charles Davenport to Margaret Sanger (Oct. 10, 1921), in *THE MARGARET SANGER PAPERS*, *supra* note 168.

¹⁹⁷ Letter from Edward East to Margaret Sanger, (May 15, 1925) (on file in *AMERICAN BIRTH CONTROL LEAGUE PAPERS*, Houghton Library, Harvard University).

¹⁹⁸ See GORDON, *THE MORAL PROPERTY OF WOMEN*, *supra* note 12, at 210–12; Louis Dublin Israel, *The Excesses of Birth Control*, Address Before the Sixth International Neo-Malthusian Birth Control Conference (1925).

¹⁹⁹ See generally MARGARET SANGER, *HAPPINESS IN MARRIAGE* ’42 (1926).

²⁰⁰ See generally *id.*

²⁰¹ Margaret Sanger, *Birth Control and Civilization*, in *SEX IN CIVILIZATION*, *supra* note 54, at 525–37.

²⁰² *Id.* at 527.

²⁰³ *Id.* at 535.

²⁰⁴ See GORDON, *THE MORAL PROPERTY OF WOMEN*, *supra* note 12, at 196–98.

many feminist advocates – white and middle or upper class – and their support of the racist assumptions of eugenic science.²⁰⁵

However, feminists departed from eugenic law and theory's inclusion of women in the category of "defective" on the basis of their sexual behavior or lack of femininity. Moreover, mainstream eugenics rejected particular feminist positions on such issues as birth control, free love, and economic independence for women. Eugenic scientists and reformers were nonetheless influential to feminists, who felt strong incentives to make strategic alliances with supporters of eugenics and to associate themselves with eugenic science.

Feminists did not simply repeat the teachings of contemporary eugenic science when setting out their own eugenic theories. Instead, they created a distinctly eugenic feminism, combining feminist legal goals and eugenic reasoning. Because of tensions with mainstream eugenic science and law, eugenic feminism was contradictory in significant ways and the feminists considered in this article were never successful in their efforts to fully reduce the tensions between their theories and those of mainstream eugenicists.

Eugenic feminism declined gradually throughout the 1940s. Part of this decline can be explained by the contradictions inherent in eugenic feminism. Since many feminists supported policies at odds with mainstream eugenic positions, feminists tended to give up their eugenic views when such views became less widespread and influential, or less politically expedient. This is not to say that all feminists – or all women – abandoned eugenics. Marian S. Olden, the chair of the Princeton League of Women Voters, worked for the creation of a national sterilization organization, Birthright, Inc., founded in 1943.²⁰⁶ Additionally, many of the sterilization statutes were enforced with the help of female social workers.²⁰⁷ These examples proved, however, to be the exception rather than the rule. Those in feminist organizations discovered that the differences between the eugenic legal reform movement and various feminist legal reform movements were irreconcilable. The eugenics movement would not be made into a feminist movement.

A second cause of the decline of eugenic feminism was the association of American sterilization policies with widely condemned Nazi sterilization laws.²⁰⁸ Many major U.S. newspapers provided extensive, often scathing, criticism of these Nazi laws as totalitarian and questioned whether U.S. poli-

²⁰⁵ See, e.g., Willrich, *supra* note 2, at 98–101.

²⁰⁶ See MARIAN S. OLDEN, HUMAN BETTERMENT WAS OUR GOAL 190-96 (1970).

²⁰⁷ See, e.g., MOYA WOODSIDE, STERILIZATION IN NORTH CAROLINA 71 (1950). For an in-depth study of sterilization practice in North Carolina in the latter half of the twentieth century, see Johanna Schoen, *Between Choice and Coercion: Women and the Politics of Sterilization in North Carolina, 1929-1975*, 13 J. WOMEN'S HIST. 132 (2001); see also JOHANNA SCHOEN, CHOICE AND COERCION: BIRTH CONTROL, STERILIZATION, AND ABORTION IN PUBLIC HEALTH AND WELFARE (2005).

²⁰⁸ See, e.g., Harold Callenders, *Goebbels Tactics Hint at Nazi Woes*, N.Y. TIMES, Sept. 27, 1942, at 13; *Nazified Medicine*, N.Y. TIMES, Dec. 6, 1942, at E11.

cies were any different.²⁰⁹ Writing to the *Washington Post*, the Reverend F. J. Connell responded to a letter advocating for the sterilization of the unfit:

In his letter of January 10, Dr. H. Curtiss Wood recommends the sterilization of persons regarded as unfit for parenthood, particularly the mentally defective The argument of Dr. Wood is very similar to that [argument] presented to the Reichstag . . . in support of the sterilization policy which was put into operation in Nazi Germany on January 1, 1934 It would be interesting to know if Dr. Wood favors the entire Nazi program or just this feature.²¹⁰

Many American eugenicists had trouble responding to critiques like Connell's by arguing that their own sterilizations were, in fact, different. Both feminist and popular support for eugenics declined accordingly.²¹¹

A third cause of the decline of eugenic feminism was a change in the focus of genetic science away from its core principles, which were increasingly doubted.²¹² New genetic scientists questioned whether eugenics could accurately predict which parents would have a defective child.²¹³ Indeed, some scientists suggested that there had never been a scientific basis for believing that the unfit were more fertile than the fit.²¹⁴ As the expertise of eugenic scientists was undermined, feminists were likely less tempted to cast themselves as eugenicists.

Finally, eugenic feminism declined because sterilization laws surviving the end of World War II continued to conflict with feminist policies. For instance, North Carolina, which was one of the leading sterilization states into the 1950s,²¹⁵ continued to sterilize many more women than men, often on the basis of a woman's sexual behavior. A 1950 study of North Carolina's statute found that of 1,852 persons were sterilized between July 1, 1933 and June 30, 1947, 1,494 of them were women, including those diagnosed as suffering from "feeble mindedness," "epilepsy," "mental disease," "sexual psychopathy," and "neurotic symptomology."²¹⁶ A majority of those sterilized were chosen by North Carolina officials on the basis of their sexual behavior: those with a history of sexual misdemeanors at the Raleigh hospital,²¹⁷ those with abnormal reactions to pregnancy at the Mor-

²⁰⁹ See, e.g., *infra* note 213.

²¹⁰ Rev. F. J. Connell, *Sterilization*, WASH. POST, Jan. 17, 1947, at 6.

²¹¹ See Willrich, *supra* note 2, at 110.

²¹² See, e.g., *A Policy on Population?*, L.A. TIMES, Aug. 11, 1951, at B4.

²¹³ See Waldemar Kaempffert, *The Problem of Sterilization*, N.Y. TIMES, Nov. 29, 1936, at BR22 (analyzing a recent study published by the American Neurological Association and arguing that eugenic sterilization laws were without adequate scientific foundation).

²¹⁴ *Id.*

²¹⁵ See WOODSIDE, *supra* note 207, at 20–22.

²¹⁶ *Id.* at 26–47.

²¹⁷ *Id.* at 27.

gantown facility,²¹⁸ girls with a history of promiscuity or an inability to control sexual impulses at the Caswell Training School,²¹⁹ female sex offenders at the Samarcand Manor State Home,²²⁰ and sexual delinquents at the Dobbs Farm State Training School for Negro Girls.²²¹ The North Carolina sterilization experience illustrates the extent to which sterilization laws punished and stigmatized women who did not conform to traditional sexual norms. This reality was no more appealing to feminists in 1950 than it was in 1930.

* * *

Ultimately, eugenic feminism was a contradiction in terms. Even some contemporary observers recognized this inconsistency. C.W. Saleeby, a prominent eugenicist, argued that feminism could be eugenic only if feminism itself were transformed:

[T]hat the best women, those favoured by Nature in physique and intelligence, in character and their emotional nature, the women who are increasingly to be found enlisted in the ranks of Feminism [I]nstead of increasingly deserting the ranks of motherhood . . . shall on the contrary furnish an ever-increasing proportion of our wives and mothers.²²²

Because of the contradictions inherent in eugenic feminism, Saleeby argued, any form of eugenic feminism would have to repudiate its feminist goals in order to be acceptable to eugenicists. “In some of its forms to-day,” he wrote, “the Woman’s Cause is not man’s, nor the future’s, nor even . . . woman’s.”²²³

²¹⁸ *Id.* at 29.

²¹⁹ *Id.* at 33.

²²⁰ *Id.* at 35.

²²¹ *Id.* at 38.

²²² C.W. SALEEBY, *WOMAN AND WOMANHOOD* 14 (1911).

²²³ *Id.* at 14–15.

