

APPENDIX B.

Sterilisation of the Unfit.

THE State Legislatures of California, Pennsylvania, Oregon, Indiana and Connecticut have already passed measures to secure this object. On February 10th, 1907, Indiana passed the following act:—

“An Act entitled an Act to prevent procreation of confirmed criminals, idiots, imbeciles, and rapists—providing that superintendents or boards of managers of institutions where such persons are confined shall have the authority, and are empowered to appoint a committee of experts, consisting of two physicians, to examine into the mental condition of such inmates.

“Whereas heredity plays an important part in the transmission of crime,

idiocy, and imbecility, therefore, be it enacted by the General Assembly of the State of Indiana, that on and after the passage of this act, it shall be compulsory for each and every institution in the State entrusted with the care of confirmed criminals, idiots, rapists, and imbeciles, to appoint upon its staff, in addition to the regular institution physician, two skilled surgeons of recognised ability, whose duty it shall be, in conjunction with the chief physician of the institution, to examine the mental and physical condition of such inmates as are recommended by the institutional physician and board of managers.

“If in the judgment of this committee procreation is inadvisable and there is no probability of improvement of the mental condition of the inmate, it shall be lawful for the surgeons to perform such operation for the prevention of procreation as shall be decided safest and most effective. But this operation shall not be performed except in cases

that have been pronounced unimprovable.”

In August, 1909, the Connecticut State Legislature enacted the following:—

“An Act concerning operations for the prevention of Procreation.—Be it enacted by the Senate and House of Representatives in General Assembly convened:

“Section 1.—The directors of the State prisons and the superintendents of State Hospitals for the insane at Middletown and Norwich are hereby authorised and directed to appoint for each of said institutions, respectively, two skilled surgeons, who, in conjunction with the physician or surgeon in charge at each of said institutions, shall examine such persons as are reported to them by the warden, superintendent, or the physician or surgeon in charge, to be persons by whom procreation would be inadvisable.

“Such board shall examine the physical and mental condition of such persons, and their record and family history so far as the same can be ascertained, and if in the judgment of the majority of said board, procreation by any such person would produce children with an inherited tendency to crime, insanity, feeble-mindedness, idiocy, or imbecility, and there is no probability that the condition of any such person so examined will improve to such an extent as to render procreation by such person advisable, or, if the physical or mental condition of any such person will be substantially improved thereby then the said board shall appoint one of its members to perform the operation of vasectomy or oöphorectomy, as the case may be, upon such person. Such operation shall be performed in a safe and humane manner, and the board making such examination, and the surgeon performing such operation, shall receive from the State such compensation, for services rendered, as the warden of the

State prison or the superintendent of either of such hospitals shall deem reasonable.

“Section 2.—Except as authorised by this act, every person who shall perform, encourage, assist in or otherwise promote the performance of either of the operations described in Section 1 of this Act, for the purpose of destroying the power to procreate the human species: or any person who shall knowingly permit either of such operations to be performed upon such person—unless the same be a medical necessity—shall be fined not more than one thousand dollars, or imprisoned in the State prison not more than five years, or both.”

In California, in 1909, the legislature passed a statute which provides that whenever in the opinion of the medical superintendent of any State hospital, or the superintendent of the California Home for the Care and Training of Feeble-minded Children, or of the resi-

dent physician in any State prison, it would be conducive to the benefit of the physical, mental or moral condition of any inmate of such home, hospital or state prison, to be asexualised, then such superintendent or resident physician shall call into consultation the General Superintendent of State Hospitals and the Secretary of the State Board of Health, and they shall jointly examine into all the particulars of the case, and if, in their opinion, or in the opinion of any two of them, asexualisation will be beneficial to such inmate, patient, or convict, they may perform the same.

The British Commissioners in Lunacy in their 63rd Report to the Lord Chancellor, 1909, briefly reviewing the Report of the Royal Commission on the care and Control of the Feeble-minded, say:

“The Royal Commission devoted much attention to the causation of men-

tal defect, and arrived at the conclusion that feeble-mindedness is largely inherited; that prevention of mentally defective persons from becoming parents would tend to diminish the numbers of such persons in the population; and that, consequently, there are the strongest grounds for placing mental defectives of each sex in institutions where they will be detained and kept under effectual supervision as long as may be necessary. Public opinion would not, the Royal Commission think, sanction legislation directed to the prevention of hereditary transmission of mental defect by surgical or other artificial measures, and they regard restrictions on the marriage of persons of unsound mind as inadvisable, in view of the fact that this form of mental disability is often of a limited or temporary character. As respects, however, congenital and incurable forms of mental defect, no such considerations apply, and the only remedy is to place persons so suffering under such

restrictions as to make procreation impossible. The Royal Commission were evidently much impressed by the evidence they received, which we can from our own experience amply corroborate, of the large number of weak-minded women and girls to be found in the work-houses throughout the country, who go there to be delivered of illegitimate children, and they invite your Lordship and the Secretary of State for the Home Department to consider whether the existing law provides adequate protection for mentally defective persons against sexual crime and immorality. . . .

Sterilisation of men can be effectively achieved by simple vasectomy or section of the vas deferens, and of women by the almost equally simple and harmless method of ligature of the Fallopian tubes (Kehrer's method as advocated by Kisch). It would appear that both these operations may be effected by skilled hands in a few minutes with a minimum of pain and inconvenience, and

they possess the immense advantage that the sexual glands are preserved, and no organ removed from the body.¹

(1) It is probable, also, that the method of sterilisation by X-rays may some day acquire practical importance. In this case there is no operation at all, though the effects do not last for more than a few years. This might be an advantage in some cases. See *British Medical Journal*, August 13th, 1904; ib. March 11th, 1905; ib. July 6th, 1907; ib. August 21st, 1909.

According to Dr. Havelock Ellis Swiss alienists are unanimously in favour of the sterilisation of the mentally degenerate classes and hold that this matter should be regulated by law. Switzerland is the first European State which has adopted sterilisation as an alternative to the "indeterminate sentence" in the case of confirmed abnormalities and prisoners convicted of serious sexual of-

¹ (Havelock Ellis in the "Eugenics Review," London, Eng.)

fences against children. At Wil in Berne, two women and two men were incarcerated in the cantonal asylum. All were defectives but not strictly speaking insane. Children had already been born in each case. To prevent further procreative degeneracy sterilisation was suggested and agreed to by the four persons who welcomed the operation as an alternative to detention. The result has justified the experiment. According to the *Eugenics Review* there has actually been a marked change in the characters of the individuals and there is certainly no danger of their weaknesses being reproduced at the expense of the coming generation.

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