

# **Objections to a permissive Bill to legalise the voluntary sterilization of certain mental defectives / [Westminster Catholic Federation].**

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OBJECTIONS TO A PERMISSIVE BILL  
TO LEGALISE THE  
VOLUNTARY STERILIZATION  
OF CERTAIN MENTAL DEFECTIVES.

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OBJECTIONS TO A PERMISSIVE BILL  
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The purpose of this statement is to express briefly the grounds of objection to the Bill. It would be a mistake to suppose that opposition to sterilization is one of the tenets peculiar to the Catholic Church. It is shared by people who owe no allegiance to any religious body, but who rely on certain elementary principles of the moral law, which are antecedent to any religious authority.

The Bill is opposed for the following reasons: I.—It sanctions an unjustifiable mutilation as an artificial measure for preventing procreation. II.—Under its provisions certain persons will be liable to mutilation in this way without their consent. III.—It is the inception of a practice which will inevitably be extended if the principle is once admitted. IV.—It is advocated by a few extremists for the sake of the alleged beneficial results expected, or elsewhere experienced; these results are intangible and the incidence of mental deficiency will not be diminished to any degree worth considering, by sterilization, unless it is resorted to on an extensive scale.

(I)

(a) Notwithstanding the simplicity of the operation, at least in the case of the male, the **loss of the power of reproduction** is a grave loss in a human being, and is so reckoned by all men whose instincts are not debased. Sterilization, which effects this loss by depriving the sexual faculty of its purpose, is **a grave mutilation**, and it is difficult to understand what the proponents of the Bill mean when they assert, on pages 4 & 9 of their Memorandum, that it leaves the sexual powers unchanged. They are changed as radically as the powers of speech would be changed by an operation which permitted the emission of sounds, but prevented a purposeful



utterance. An individual is not free to destroy his faculties or render their natural purpose impossible of attainment, unless the physical good of the whole body requires it. Mutilation is wrong for substantially the same reason that suicide is wrong, namely, because a man does not enjoy the absolute ownership of his body, in the sense that he can do exactly as he likes with it. He is the administrator and custodian of his body and, as such, it may sometimes be his right, and even his duty, to sacrifice a part for the good of the whole organism. Sterilization, like any other surgical operation, may be lawful for the physical health of the individual,<sup>1</sup> but for no other reason, except perhaps as a punishment legally inflicted upon guilty persons.

(b) This particular form of mutilation is also forbidden by the moral law because it is **an artificial method for preventing procreation**. The Memorandum on page 4 mentions the beneficial effects of sterilization in abolishing the fear of unwanted pregnancies, and refers to the social injustice existing at the moment, in that sterilization is obtainable by the rich but is difficult or impossible for the poor. An appeal of this kind to class prejudice rests on the assumption that contraception by means of sterilization is a benefit. The truth is that no breach of the moral law can ever be beneficial either to the rich or to the poor.

## (II)

(a) From Section 1, Sub-Section 1 (a) of the Bill the consent of the defective is necessary "if he is capable of expressing himself as willing or unwilling." The proponents of the Bill conclude that "if he is deemed incapable of so expressing himself, his consent can be dispensed with at the discretion of the judicial authority" (Memorandum page 13), and they express the hope that this

<sup>1</sup> The therapeutic sterilization mentioned at the top of page 4 of the Memorandum has no immediate and necessary relation to the physical health of the woman; it is a method of preventing future conception and is open to the same objections as sterilization in the meaning of the Bill.

arrangement will make it impossible for opponents to suggest that the parenthood of private citizens is being controlled by a bureaucracy. **This Sub-Section 1 (a) clearly negatives the purely "voluntary" character of the measure,** and it is difficult to see how the transference of the final decision from a Board of Control to a judicial authority preserves the rights of the individual in question. As far as he is concerned, it is a matter of purely academic interest whether his compulsory mutilation is inflicted by a Board or a judge.

(b) The Bill, if passed, may bring into being a new class of **conscientious objectors** in the medical and nursing professions. What would be the position of a doctor or nurse in an Institution, who declined to perform or assist at the mutilation of an inmate? A great many, perhaps the majority, would refuse, for it has been the constant and honourable tradition of the medical body to preserve rather than to destroy human life and faculties, a tradition with which the common law of England is in perfect accord.

### (III)

The proponents of the Bill, it is willingly admitted, have the welfare of posterity in mind, but its opponents may also be permitted to have some regard for future developments. It is incontestable that this guarded measure for legalising sterilization will open the door to further developments, whereby its scope will be extended and its operation made compulsory.

(a) Once the principle of eugenic sterilization is admitted, why should it not be applied to physical as well as to mental defectives? The recent Report of the *British Medical Association* is not enthusiastic concerning the sterilization of mental defectives, but it remarks: "sterilization is almost invariably discussed as though it had applicability only to mentally defective persons. This is not



the case. There are known to be a number of physical ailments—congenital cataract is an example—which are hereditarily transmitted in a relatively simple and straightforward fashion, and could be effectively prevented were sterilization a legalised surgical form of therapy." (*British Medical Journal, Supplement*, June 25th, 1932, n. 71). Extreme eugenists advocate wholesale sterilization. We are entitled to ask where it is going to stop, and **what check, if any, will be put upon its operation, once it is legalised?** It is inevitable that it will be extended to all sorts of persons who are considered, for one reason or another, unfit to propagate their kind.

(b) That the permissive character of the Bill is merely an *interim* concession is evident from the admission of the proponents of the measure who, on page 7 of the Memorandum, state that neither medical nor public opinion is sufficiently advanced to warrant sweeping proposals for compulsory eugenic sterilization. The Bill appears to be, in the minds of its proponents, just the beginnings of elementary education in the matter. **It is the beginnings of a process whereby it hoped to educate public opinion to accept the forced mutilation of citizens,** and the violation of their most elementary rights, for the supposed benefit of the community.

#### (IV)

(a) With regard to the **experience of other countries**, sterilization laws have not been in operation for a sufficiently long period to justify any certain conclusions. What appears to one set of legislators a social benefit may prove, in the long run, a gross folly. (i) In America considerably more than half the numbers sterilized are from one State, California; in some States, where the efforts of extremists have caused a sterilization law to be passed, it has remained practically a dead letter; in other States the law is of a



penal nature. (ii) The first clauses of the Danish law permit a person undergoing punishment for indecent assault to apply for the operation. Eugenists are not usually in favour of sterilization as a punishment, because it exhibits a sterilized person (rightly, in our opinion) as being in a disgraceful and dishonourable condition. It can be argued that the punishment of mutilation, in a modern State, is inadvisable and inopportune, but there is, speaking theoretically, no radical moral objection to this form of punishment, provided it is restricted to guilty persons. (iii) Vaud is the only Swiss Canton which has a sterilization law, and it provides a good example of the consequences to be feared. An attempt was made by officials in Canton Berne to secure the sterilization of certain Bernese women living in Vaud, not because they were defective but to prevent them having children who would be chargeable to Canton Berne. (P. A. Martin, *Procréation et Stérilization* p.93) (iv) The Alberta Act, which appears to be the model of the present Bill, is described as "compulsory" by the Eugenics Society (*Eugenic Sterilization* p.17), perhaps because the line dividing willingness from compulsion is so thin.

(b) Pending the result of the deliberations of the Royal Commission, the careful report of the *British Medical Association*, already referred to, is probably the most competent judgment concerning the utility and the social effects of sterilization. "...the evidence before the Committee indicates that **if this operation were applied only to certifiable mental defectives, the incidence of mental deficiency would not be appreciably reduced.**" (n. 69). "In view of the expression of opinion brought to its notice, in which great expectations have been held out as to the probable reduction in the incidence of mental defectives by means of sterilization, the Committee considers, in the present state of our knowledge, that **sterilization, even widely applied to mental defectives, would cause no appreciable difference** in the number of such in the community for many generations." (n. 70 i). "Feeble-minded persons will never (or very rarely) be



capable of being socially useful except in the lowest walks of life and usually in tasks of a routine character and of an unskilled manual nature, as is indeed the case also with the 'dull' class among those who are not regarded as mentally defective. There seems to be a tendency with certain writers, and perhaps with the professional classes generally, to speak of those who can be employed only in this fashion as among the 'unfit' or the 'socially inefficient.' This is not so. In the present stage of our civilisation at any rate, such tasks have to be performed, and those who perform them, even if they can do no other, and even if they are in the technical sense 'feeble-minded,' must be regarded and treated as being effective units in the social machinery within their limited sphere." (n. 103) "...anti-social conduct is not an essential characteristic, of mentally defective persons.....In general, it may be said that whilst society requires to be protected from certain types of defectives, there are many mentally defective persons who require to be protected from society." (n. 104).

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The proponents of the Bill desire to avoid, as far as possible, religious and moral issues, but the question is essentially a moral one and the moral law must be taken into account. The opponents of the Bill object to *permissive* sterilization because it is an unjustifiable mutilation and a method of preventing conception. Their objections to *compulsory* sterilization are intensified because it is a tyrannical violation of the elementary rights of the individual; they see the beginnings of compulsion in this Bill and, if it is passed, they anticipate a still wider and more sweeping compulsion in the future. A Sterilization Law is not wanted by the English people, and there is no adequate reason why Parliament should be influenced by tentative legislation in a few other places, or by the agitation, in this country, of a few extremists who greatly exaggerate the beneficial effects of sterilization.

Readers who desire fuller information on this subject are recommended to study "STATE STERILIZATION OF THE UNFIT" by Henry Davis, S.J. (Burns, Oates & Washbourne).