Criminal Reproduction: Early Eugenics and Gendered Imprisonment in California

California is known as a leader of the nation and the world, including but not limited to: education, public health, progressive policies, and so on. However, the notion of “Leadership” is what I hope to call into question. I am especially apprehensive about understanding this leadership as something to be proud of as a state, a nation, and a people. Histories of prisons, eugenical science and medicine, and homophobic policies are intimately stitched into the narrative of progressivism California is so popular for, yet this stitching is not always visible. California is not remembered as a leader of racist policies and genocidal practices, even when these continue today in different forms and pitched in a new language.

I am primarily concerned with the evidence that California led the nation in performing more than 20,000 compulsory\(^1\) sterilizations from 1909-1979 – this is more than 1/3 of all documented sterilizations in the United States.\(^2\) The history, taught in primary education classes and displayed on California’s website for teachers, students, and researchers, does not tell the story of Nazi scientists following and working alongside California eugenicists or how prevalent eugenics was within dominant ideas of economics, politics, and social policy during the early twentieth century. Instead, this period is described as “Progressivism,” and the ties with Nazi Germany are almost erased from public knowledge. It is precisely during the heyday of

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1 I use the term “compulsory,” “non-consensual,” and “forced” interchangeably with regards to eugenical sterilization practices to draw attention to how the procedures were forced in a compulsive manner without even caring for the consent of the woman or man. It was actually written into the “Asexualization Act” of 1909 that patients were to be sterilized with or without consent, see California Statutes 1909, Chapter 720, page 1093-1094.

Eugenics that the first women’s facility is built in Tehachapi, when we see a shift from the pathogized woman to the criminalized one, and therefore eugenics should be included in a critical analysis of the prison industrial complex. Today, not only can California claim the highest incarceration rates in the nation, but two of the largest women’s facilities in the world are directly across the street from one another in Chowchilla. I argue that this accepted leadership should not only be something we are ashamed of, but that this history should be at the forefront of public memory and critiques of imprisonment, in order for contemporary racist forms of genocide to come to a halt. Looking at the parallels between the history of Eugenics and the upsurge of women’s facilities here in California exposes the intricate connections between their histories and their continued ideologies. Before demonstrating how prisons have become so naturalized within our society, I want to unpack how using Eugenics as a theoretical approach can be a tool to deconstruct its legacies within contemporary imprisonment.

The end of the nineteenth and the beginning of the twentieth century marks a moment when science, culture, and politics become imbricated and inseparable. Categorizing species of plants, humans, animals, using mathematic equations to make sense of nearly everything, and developing disciplines within the academy led to the belief that Science can be used to explain the world. Early eugenicists were concerned with using science, especially biological sciences, to solve social, economic, political, and cultural differences. Biological and social sciences become blurred, and now criminality, poverty, and sexuality are something to be biologically inherited. A distinction between “negative” and “positive” eugenics was linked to hopes of deterring heredity of what eugenicists termed “degenerates” – people who did not fit within notions of an ideal reproducible citizenry.
Oftentimes, eugenics is remembered as non-consensual sterilization, but contemporary notions of eugenics should include mechanisms deployed to limit certain bodies while simultaneously enhancing others. Practices of eugenics became categorized as positive when meant to increase reproduction of bodies accepted as ‘fit,’ and negative when meant to control, sterilize, and segregate populations rendered ‘unfit.’  

We cannot speak of a ‘fit’ citizen-subject without reinforcing notions of an ‘unfit’ citizenship, and the very category of citizen does not exist without the creation of non-citizen. Treating the law as a eugenic regime of power designates citizen-subjects as fit/unfit to live within the national body.

Entrenched throughout social organizations, eugenics became an almost naturalized movement necessary for progress. The language of improvement, human betterment, and progress attracted people from across the political spectrum – extreme conservatives, white supremacists, communists and socialists, African-Americans, Mexicanos, suffragists, and more. However, paying close attention to how improvement was to be achieved and how human betterment was defined rendered multiple racist and homophobic understandings of humanity to flourish. Following Gayatri Spivak’s paradox of desiring liberal individualism, “that which we cannot not want,” Eugenicists’ ideas of societal and human improvement are goals that we cannot not want.  

An analysis of eugenics should not simply mark eugenics off as a completely racist, sexist, and homophobic movement that only involved wealthy white straight men.

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3 Alexandra Stern. Eugenic Nation (Berkeley: University of California Press, 2005) p. 9. Campaigns were implemented to encourage wealthy white women to marry and reproduce, and simultaneously efforts were enacted to limit poor and queer bodies of color from reproducing – compulsory sterilization.

Let us return to the building of Tehachapi, which becomes marked by its opening in 1932. However, just like anything that is built, it required years of planning, funding, and actual construction. The passing of the Asexualization Act in 1909\textsuperscript{5} by Governor James Gillet, and its amendments in 1913 and 1917, legalized sterilization without consent within mental institutions, prisons, and public hospitals and it laid the foundations for institutionalizing the female criminal. August Volmer, considered a pioneer in criminology worked closely with the Commonwealth Club of California, and speculations of his influence are high. Historian Alexandra Minna Stern and others have well documented the Commonwealth Club of California’s strong participation in the promotion of the Eugenics movement. Volmer organized a symposium on crime in Los Angeles in 1924 and criminality was defined “as a product of defective heredity and identified Mexicans as the greatest offenders.”\textsuperscript{6} At the time, the reach of eugenical sterilization was limited to male ‘criminals’ and ‘insane’ and ‘feebleminded’ women. However, five years after this symposium the publication of *Sterilization for Human Betterment* in 1929 outlined that a female prison was the next logical step in furthering eugenics.

The myth of Mexicans as criminal degenerates greatly motivated the push for the crime symposium in Los Angeles and heavily influenced the location of the proposed women’s facility. Tehachapi was chosen for its rural location and its easy access to Los Angeles – for visitation, and delivery of women. The California Institution for Women was not simply an example of “negative” eugenics, but was meant to recondition women who had fell astray from their gender and marital roles and to also segregate and sterilize others. Therefore, we can see that eugenics’

\textsuperscript{5} Senate Bill 941, otherwise known as the Asexualization Act, was legal until it was repealed in 1979.

\textsuperscript{6} Alexandra Stern, p. 99.
role within shaping gendered imprisonment is not just the fact that prisons played a major role in conducting sterilizations (as well as mental institutions and public hospitals), but the concept of quarantining ‘unfit’ citizens into cages to be ‘corrected’ is inseparable from ideas of human betterment.

It is during the 1920’s when we see the initial shift from the pathologization to the criminalization of women who do not conform to a normative gender performance. California’s Institution for Women comes into inception when Governor Clement Calhoun Young signs Assembly Bill 124 on May 9th, 1929 to establish a women’s facility in California. It is precisely at this moment that we witness the legal and social birth of the female criminal, contributing to a shift in how we think about gender and punishment. Prior to instituting a women’s prison, women were overwhelming placed in mental institutions. Furthermore, the AB 124 states that the prison will be for the confinement and care of “women convicted of a felony, the punishment which is less than death.” Embedded into women’s imprisonment is the distinction that punishment will be less than forms of legal punishment for male bodies. This is not meant to justify the death penalty, but to bring attention to how from the very inception of women’s prisons punishment was defined differently than their male counterparts.

7 See Angela Davis’s mention of women in mental institutions prior to establishment of women's prisons in “How Gender Structures the Prison Industrial Complex,” Are Prisons Obsolete? (New York: Seven Stories Press, 2003). Furthermore, analyzing the documentation of sterilizations performed on males and females in California mental institutions in relation to those conducted in prisons exposes that women were overwhelming sterilized in mental institutions, while male bodies were targeted within prisons. More men were sterilized in the state of California from 1909-1929, but majority of sterilizations conducted in mental institutions were on female bodies. Therefore, it is not just that fact that women were placed in mental institutions and men in prison that created a gendered distinction between a pathologized female and a criminal male body, but the number of procedures solidifies notions of an irreproducibility of these bodies.

8 California Statues 1929, Assembly Bill 124, Chapter 248, page 121.
During the inauguration of the California Institution for Women in 1932, new Governor John Rolph provided the opening address. Both Governor C.C. Young and Governor John Rolph were active participants in the Commonwealth Club of California. Actually, preceding Governor James Gillet, whose term witnessed women gain the right to vote in the state and was the one who signed the first sterilization bill, SB 941, in 1909 was also a member of the club. Not only was eugenics infiltrating many aspects of civil society, but California’s elected officials for more than two decades were prominent public supporters of eugenics. The mission of the Commonwealth Club of California is dedicated to improving the well-being and government of California. It is in this space of ‘improvement’, where criminality is conflated with biology, that the need to quarantine, condition, and sterilize “unfit” bodies is realized through the establishment of a separate women’s prison.

Today, the existence of women’s prisons, let alone the idea of prisons, are not challenged or questioned, but has become so common place they seem natural. The ideas which served as the cornerstones for women’s prisons relied on eugenic notions of unfit degenerate and fit reproducible citizen. In thinking of my place within the academy – learning how to become a scholar that advocates for justice and social power – I must confront these histories and question notions of improvement, as it is something that “we cannot not want.” The very formation of academic fields such as sociology, psychology, and especially criminology were projects to institute the studying of how to better improve humanity by studying the so called “degenerate.” Public policies continue to rely on research and findings from academia to address social, political, and economic inequalities and vice versa. I can only move forward by recognizing that my place within academia is connected to violent histories of genocide and racial science.
Eugenicists sought betterment for citizens and society, however their focus on paths toward rehabilitation or reflection on the ‘social’ ills were narrowed to the individual – biological hereditarianism. Contemporary social sciences analyze how social structures and inequalities lead to ‘criminality.’ If we consider the current social structures and governmental law to be rooted in racist ideologies like eugenics, should we not be demanding more than an analysis of how they perpetuate inequalities? Should we not be urging for a new way of organizing society without prisons, and without current forms of ‘criminality’? We are left to act upon the consequences of an imprisoned citizenry.
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