

# VIRUS

Beiträge zur Sozialgeschichte der Medizin

Band 8

Herausgegeben von

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für den Verein für Sozialgeschichte der Medizin

Wien: Verlagshaus der Ärzte, 2009



## EUGENICS AND ITS EFFORTS TO ADOPT A STERILIZATION ACT IN SLOVENIA (1918–1941)

### 1. Introduction

With Malthus, the theory that the magnitude of a population is limited by the amount of available resources came to the fore – because resources are limited, population figures must necessarily be limited as well. This fundamental idea was taken up by Malthus' intellectual heirs, the neo-Malthusians. Specifically, they took up the link between unlimited population growth and poverty, but at the same time radicalized this idea. To them, population control generally implied regulating the numbers of the lower classes. In the second half of the 19<sup>th</sup> century, yet another perspective on population emerged together with Charles Darwin and his theory of natural selection. Darwin himself did not extensively treat questions of human population. However, this general void in his thought presented social Darwinists and eugenicists with an opportunity to “passionately”, but very narrowly, address the question of regulating human population in his name. Their view on society was facile – society consists of inferior and superior individuals. This new perspective constituted an essentially different approach to the problem of population control. The fundamental problem were the birth rates, which were said to be significantly lower for the so-called superior than for those deemed inferior.<sup>1</sup> The theory that was to bring about a solution to this “problem” was developed in association with Darwin's theory of natural selection and the hereditary rules discovered by the Augustine monk Gregor Johann Mendel in the middle of the 19<sup>th</sup> century. In practice, it was supposed to be possible to successfully create “artificial natural selection”.

### 2. The Progressive Degeneration of Society

At the end of the 19<sup>th</sup> century, with the ideas of Francis Galton who, in 1883, coined the phrase “eugenics” from the Greek *eu-genika* in his work *Inquires into Human Faculty and its Development*, the idea that it is possible to improve the human race through artificially implemented selection continued to gain ground. Eugenics attempted to artificially apply the principles of Darwin's theory of natural selection to the human race. It was generally a matter of creating an effective

<sup>1</sup> See also: Brian DOLAN (Hg.), *Malthus, Medicine and Morality: Malthusianism after 1798* (= *Clio medica* 59, Amsterdam u.a. 2000); Peter GAY, *The Bourgeois Experience. Victoria to Freud, Education of the Senses* (New York u.a.) 255–277.

research program in the field of human genetics and setting in place the foundations of Darwin-inspired social biology as the continuation of modern social-theoretical biologism. However, the efforts of eugenicists went beyond scientific-research programs. They actually went a lot further, extending to the development of a practical science for solving the problem of degeneration.<sup>2</sup>

The emergence of the so-called problem of degeneration can to a great degree be attributed to the development of psychiatry and research on patients in psychiatric institutions. In the 19<sup>th</sup> century, psychiatrists found (and would later claim) that serious mental illnesses have a powerful biological and genetic component, and that these illnesses are passed down in even more extreme forms, thus causing the progressive degeneration of society.<sup>3</sup> For example, the renowned Austrian psychiatrist Dr. Richard von Krafft-Ebing said the following about society in the latter half of the 19<sup>th</sup> century:

*“Für Jeden, der die socialen und biologischen Verhältnisse unsres gegenwärtigen Culturlebens studirt, muss die traurige Aussicht sich ergeben, dass die moderne Gesellschaft einem moralischen und physischen Ruin zusteuere, falls nicht günstige Interferenzbedingungen eintreten, Zustände, die die Culturentwicklung in ruhigere Bahnen lenken, Geist und Körper zur Ruhe und Sammlung gelangen lassen, edlere und sittlichere Ziele des Daseins eröffnen.”*<sup>4</sup>

The theory of progressive degeneration was one of the major scientific theories that very quickly found its way to the general public. Not only were the degeneration theories of biological psychiatry spread among the public – once out, they were soon posited as proven fact. In other words, the genie had been let out of the bottle, and would later prove impossible to control. Anyone could now cite “natural laws”. For the general public progressive degeneration became so obvious that it could be seen everywhere: alcoholism, poverty, “hysterical” women, etc. In the last quarter of the 19<sup>th</sup> century, debates on the degeneration of society broke free of closed academic circles and spread to the yellow press. The public reaction to conclusions on degeneration was one of horror, and the educated bourgeoisie began to believe that European society would soon be on the brink of collapse if the “poisoning” of genetic material was not stopped. Consequently, social Darwinists and eugenicists placed the search for a solution to the progressive degeneration of society and the “salvation” of entire nations at the center of their population theory. Their work was to ensure that the poisoning of genetic material was stopped.<sup>5</sup> Throughout Europe, and in Slovenia as well, there was much talk of a decrease in birth rates, that is, of a higher reproduction rate of inferior individuals accompanied by general moral decline. Society was made a patient in urgent need of eugenic treatment. Medicine and anthropology appeared as the natural and logical choice:

2 Peter WEINGART, Jürgen KROLL, Kurt BAYERTZ, Rasse Blut und Gene. Geschichte der Eugenik und Rassenhygiene in Deutschland (Frankfurt a. M. 1992) 103.

3 Edward SHORTER, A History of Psychiatry. From the Era of Asylum to the Age of Prozac (New York u.a. 1997) 93.

4 Richard von KRAFFT-EBING, Über gesunde und kranke Nerven (Tübingen 1886) 8.

5 SHORTER, A History of Psychiatry 98. See also: Donald J. CHILDS, Modernism and Eugenics, Woolf, Eliot, Yeats, and the Culture of Degeneration (Cambridge u.a. 2001).

*“medicine and doctors, with the support of other sciences (psychology, pedagogy, anthropology), gradually gained the right to render verdicts on questions of sex, hygiene and a ‘healthy race’, and general moral questions.”*<sup>6</sup>

The ideas they expounded turned out to be a time bomb when they found a part in undemocratic policies in Germany. In the 1930s, theories about enriching the human race began to be played out with nightmarish consequences. The Nazi Party became the first political party to include concerns about race hygiene in its political program.<sup>7</sup> Through Nazi policy, ideas about race hygiene and eugenic race improvement soon became legal acts of Nazi Germany. However, the notoriety of certain events has led eugenics to be linked only to Nazi ideology. It is necessary to stress that laws on matters such as forced sterilization were not only adopted in Nazi Germany – on the contrary, the implementation of eugenics was considered by doctors and anthropologists throughout Europe.<sup>8</sup>

A number of motives and convictions led individuals to develop eugenics as a form of persuasion, and eugenic ideas can be found on all sides of the political spectrum – from the manic Arian racists, who felt that the Nordic race was endangered; to medical technocrats who wished to use this new form of social hygiene to cut health care costs and fortify the nation; and evolutionary idealists, who were dreaming of reaching the next level of human development.<sup>9</sup>

### 3. Developments in Slovenia

Slovenia witnessed a late arrival of eugenics. In 1920, the physician and publicist Dr. Franc Derganc advocated the foundation of a Yugoslav eugenic association.<sup>10</sup> In his 1921 article in the newspaper *Slovenski Narod* [The Slovene Nation], the anthropologist Dr. Niko Županič pointed out a number of “plagues” that were destroying the nation:

*“Moral and medical decadence, venereal diseases, tuberculosis and alcoholism, neglected youth, countless flatulently contracted and dissolved marriages, sloth and profiteering, the systematic, premeditated poisoning of the public spirit of our youth by the enemies of our country.”*

He focused mainly on the educational and moral importance that eugenics could have for the nation. Županič’s ideal was generally pure married life, which he felt to be crucial for the future of the nation.

*“I am well aware that I am touching on two of the most irritating wounds of our public life: the psychopathic definition of love found in modern literature which is losing its natural feeling for the difference*

6 Darja ZAVIRŠEK, *Ženske in duševno zdravje, O novih kulturah skrbi* (Ljubljana 1994) 160.

7 Stefan KÜHL, *Die Internationale der Rassisten. Aufstieg und Niedergang der internationalen Bewegung für Eugenik und Rassenhygiene im 20. Jahrhundert* (Frankfurt a. M. u.a. 1997) 122.

8 CHILDS, *Modernism and Eugenics* 15. See also: Alenka PUHAR, *Evgenika, Približno pol Evrope zdaj doživlja preiskavo najmračnejših skritih kotov svojega doma*. In: *Delo* (14.1.1998).

9 WEINGART, KROLL, BAYERTZ, *Rasse, Blut und Gene* 105.

10 Niko ŽUPANIČ, *Evgenika* dr. Ivana Tavčarja (Ljubljana 1921).

*between true love and animal lust, and the flatulent married life of our young intelligentsia: two primary eugenic problems.”*

Among “*men of the nation*”, the “*eugenic instinct*” was said to be particularly characteristic of Ivan Tavčar, a novelist and champion of Slovene liberals. Županič viewed his work *Cvetje v jeseni* [Flowers in Autumn] as a sort of eugenic manifesto, and cited passages that he felt could prove it:

*“He who weds should wed so that his marriage will be a shield tying him to his fatherland, and should bear children who will multiply the ranks of the Slovene army and armada of Slovene workers.”*<sup>11</sup>

Further proof of Tavčar’s close association with eugenics can be found in the fact that, in 1921, he let Županič take his “anthropological measurements”. Županič published his findings in the journal *Ljubljanski Zvon* [The Ljubljana Bell] after Tavčar’s death in 1925.<sup>12</sup>

In 1920, the journal *Zdravje* [Health] published short pieces of advice in the column *Reproduction – a Healthy Beginning* which could be termed “eugenic with intent”. The physician Dr. Arnšek wrote about genetics and the health of the nation in *Prerod* [Rebirth], a supplement to the journal *Zdravje* that primarily served as a gazette for the temperance movement. He mostly wrote about problematic aspects of marriage between relatives. And a 1926 issue of *Zdravje* recommended eugenic criteria when selecting a bride. The author of the article provided a detailed description of the cranial shape of unsuitable brides, which was said to be:

*“A rough, squarish forehead with a jagged bone indicates that [she] has suffered from the English disease, rickets; a woman with signs of rickets, especially the pelvis, has difficulty giving birth or cannot give birth naturally. A larger, rough shaped head indicates dropsy of the brain associated with imbecility; an exceptionally small head with backwards sloping forehead together with an otherwise well developed body indicates serious; ... poor, thin, dry hair is a sign of acute sickliness or serious, debilitating illnesses; furthermore, large, fat, meaty lips and mouth are a sure sign of rudeness, a savage nature, and prurience.”*<sup>13</sup>

Although several articles dealing with problems pertaining to the “medical condition” of the nation and society can be found, it is not possible to conclude that the solutions that they presented were grounded in eugenics. For example, they did not advocate broad-based state or medical control over the population or artificial sterilization of “inferior persons” on the basis of eugenically discerned flaws in the genetic material. They relied on classic moral-pedagogic positions also promoted by the Catholic Church. New were the adhortations

11 ŽUPANIČ, Evgenika.

12 Županič took Ivan Tavčar’s anthropological measurements in 1921, when he was already “a sickly and emaciated artist. From the listed measurements, complex data, and calculated indices, we can see that the romancier Ivan Tavčar belonged to the category of persons 1700mm-1900mm in height, that he was hyperbrachicephalic and that the shape of his brain and brain case was more roundish than in the case of Slovenes, who belong to the category of moderate brachicephalia and are on average of a medium-tall height of 1683 mm. In this regard, Ivan Tavčar stands nearer to Bosnians and Herzegovinians, who have a tall stature and a hyperbrachicephalic head...In short, Dr. Tavčar belonged to the so called Adriatic type (HOMO ADRIATICUS), in which Serbs and Croats predominantly belong, as well as Slovenes and certain other Alpine tribes with their tall build, roundish head, and brown complexion.” In: *Ljubljanski zvon* 11 (1925) 663–665.

13 *Zdravje* (1926) 174.

mentioned above which advised brides and grooms to be aware of certain physical characteristics of their future spouses.

In Slovenia, writings and considerations on the need to popularize eugenics began to rapidly appear at the end of the 1920s and the beginning of the 1930s, when the Antropološki odsek Higijenskega zavoda v Ljubljani [the Anthropological Sector of the Hygiene Institute of Ljubljana] began its “operations”. It was headed by the renowned anthropologist Dr. Božo Škerlj who had completed his post-graduate study in Prague in 1928. The Institute began taking measurements of schoolchildren, athletes, and prostitutes. Later, once the work of social anthropology had begun to take on a eugenic orientation, they also began taking the measurements of so-called inferior children attending supplementary schools. In 1931 and 1932, Božo Škerlj once again went abroad to study. His return in 1932 heralded a five year period in which eugenics in Slovenia was to reach its height and ultimate decline. In 1934, Škerlj began editing a column in the journal *Zdravniški vestnik* [Doctors Bulletin] entitled *Iz Evgenike* [About Eugenics]. By 1935, it had grown into a supplement entitled *Evgenika* [Eugenics]. The supplement, however, was short-lived; due to a lack of funds, it was “temporarily” terminated in 1938.<sup>14</sup> In a way, that same year marked the general collapse of the “eugenics movement” in Slovenia. In the years that followed, all signs of enthusiasm over the implementation of population control on the foundation of eugenics were to practically disappear.

Božo Škerlj’s first in-depth treatment of eugenics was published in the liberal journal “for public issues” *Naša doba* [Our Age].<sup>15</sup> In 1930, he presented his thoughts on burning social and political problems from the standpoint of eugenics in a series of articles. Already at this early juncture, Aleš Ušeničnik, an influential theologian and philosopher, and an important figure in Catholic political circles, replied to Škerlj’s articles. From a Catholic perspective, he pointed out problems surrounding the methods proposed by eugenics. Within society, Catholic moralism and eugenics were attempting to eradicate the same evils – alcoholism, prostitution, general moral decadence – which is why Ušeničnik felt that eugenics had a great deal to offer the nation in terms of education, but that “*regarding its use, it’s most fatal characteristic is that the regulation of births is also conducted from a ‘eugenic standpoint’.*” In his approach to social problems, Ušeničnik was a harsh critic of the ideas of eugenics:

*“all who are not indifferent to a healthy race must consider these and similar matters, and not the unnatural regulation of birth – I stress unnatural regulation, such as attempts through the use of artificial prophylactics – because this practice will ultimately bring a curse and demise upon individuals and the nation.”*<sup>16</sup>

In his articles, Ušeničnik made direct reference to the thoughts put

14 *Zdravniški vestnik* 12 (1938) 472.

15 *Naša doba* (1930): *Evgenika* in druga zla, no. 3; Zlo prostitucije, no. 5; Ali je prostitucija potrebna, no. 8; Panevropa z vidika antropobiologa, no. 9; K vprašanju spolne vzgoje, no. 10; Bela kuga tudi pri nas, no. 17; Slovanska rasa, no. 22.

16 Čas 3/4 (1931/1932) 128–133.

forth by Pope Pius XI in the *Casti Connubii* circular:

*“There are people who, in their excessive concern over eugenic goals, not only offer advice on ensuring a strong and healthy race, which is of course in line with common sense, but also give pride of place to this eugenic goal, even before purposes of a higher order. These persons want to exclude from marriage all those who, according to the laws and opinions of their sciences, can be expected to produce unhealthy, inferior offspring, even though they themselves are fit for marriage. Furthermore, they even demand that, in the name of public authority and against their will, doctors remove their reproductive power through operations, and not as a punishment for crime, or in order to prevent the repeat of such criminal acts, but because they grant earthly power a right that it has never had and rightfully must not have.”*<sup>17</sup>

Eugenics took a stand on abortion and sterilization which, in a society where the Catholic faith, with its ethics and morals, was predominant, met with general disapproval. The Evangelical Church in Slovenia was generally more receptive to eugenics, and was not as extreme as its Catholic counterpart in its opposition to controlling and preventing births. For example, the Evangelical minister and theologian G. May of Celje shared his views on eugenics in a 1937 issue of the supplement *Evgenika*:

*“A realization of the facts that are applicable for entire generations and touch the very heart of the community confers upon us a super-personal responsibility. Christian love for one’s neighbor shall ultimately be the realization of God’s creative will. The lessons of heredity make it possible for us to expand this love for one’s neighbor to future generations and to prevent an unspeakably great deal of physical torment, and, consequently, mental suffering. Is sterilization an unjust incursion on God’s creation? No! It is a just intervention in a creation disfigured by disease and guilt.”*<sup>18</sup>

Although the Catholic Church’s acknowledgement of the problem and confirmation of the figures on degeneration were just as dramatic, Catholic thinkers were vehemently opposed to a preventive solution involving sterilization or abortion. The Catholic Church traced the causes of degeneration (which Catholic moralists also viewed as a ubiquitous fact) to sin. The proposed methods would only increase this sin and bring doom upon mankind. Instead, they sought a solution in the improvement of the spiritual condition, in a more virtuous life, and in similar moral-pedagogic improvements.

At approximately the same time, eugenics was also discussed in the Catholic-oriented newspaper *Slovenec* [The Slovene]. A 1930 issue

<sup>17</sup> Čas 6 (1930/1931) 229.

<sup>18</sup> *Evgenika* 3 (1937) 36–38. In: *Zdravniški vestnik* 8/9 (1937).

reported on the heated debates of English “eugenitors”<sup>19</sup> over the decline of the population. As one could expect, the journal’s view on their ideas was expressively negative. When discussing the decline in births due to the “cultural advancement” of nations and the improved “quality” of children who grow up in smaller families, the journal was rather outspoken in its criticism:

*“Instead, let’s be frank and not beat around the bush; science doesn’t know everything about the ‘natural biological’ law that links a decline in births to cultural advancement. As a matter of fact, the decline in birth figures reveals but the shortsightedness and selfish, un-Catholic mind frame of contemporary, wealthy cultural nations.”*

At the same time, the journal wrote that the true champion of the nation and the common good is he who fights against this evil phenomenon:

*“The fight against this baneful phenomenon is the responsibility of every religious, educational, and social action.”*<sup>20</sup>

“Objective science” dismissed these thoughts. The figures revealed the urgent need for action, and only an approach with a foundation in objective scientific methods could provide a permanent solution to the problem. Society had become a patient, and only a qualified physician could heal this patient. At least that is what Slovene biologist and zoologist Dr. Boris Zarnik wrote in his 1931 article, *Temelji i ciljevi evgenike* [The Foundations and Goals of Eugenics (original in Croatian)], for the journal of the Croatian Natural Sciences Association:

*“No one would ever think of seeking treatment for an individual patient through a public vote among neighbors and friends, but would call a physician trained in the identification and treatment of illnesses. Let us not forget that the nation is also an organism, and that, today, every cultural nation is a diseased organism that has been neglected for centuries, thus allowing various bad qualities to develop within it. The salvation of our culture and our survival lies in eugenics.”*<sup>21</sup>

An even livelier period began with the return of Božo Škerlj in 1932. In 1932, Škerlj wrote a letter to his superior at the Institute, Dr. Ivo Pirc, in which he said that he had been studying, among other things, human genetics and eugenics at the Kaiser Wilhelm Institute in Berlin. In the following year, his interest in eugenics would lead to a study entitled *Socialno-antropološka študija k vprašanju manjvrednega otroka* [A Socio-Anthropological Study of the Question of the Inferior Child], which was published in the 1933 issue of the annual collection of scientific papers *Pedagoški zbornik* [Pedagogic Collection of Scientific Papers]. The study shows that, for the first time,

19 *Translator’s note:* This is an attempt to capture the sound and feeling of the Slovene “Evgenikar”. More pre Evgenika 3 (1937) 36-38. In: Zdravniški vestnik 8/9 (1937).cisely, it should be noted that this personal noun derived from “evgenika”, eugenics, is a neologism and generally incorrect.

20 Slovenec (19.9.1930).

21 *Priroda. Popularni ilustrirani časopis Hrvatskog prirodoslovnog društva u Zagrebu* 2/3 (1931) 35–48.

Škerlj had become a firm believer in eugenics. The less gifted were now equated with the inferior; genealogical overviews were thought to provide objective scientific facts. He believed that genetic material is unchanging, and also suggested ethical principles for carrying out measures for preventing people, scientifically proven to be inferior, from reproducing.<sup>22</sup>

In the years that followed, the number of articles on eugenics rose significantly. In 1935, ever deteriorating circumstances led aforementioned physician Franc Derganc to yet again call for the foundation of a eugenics society:

*“How many millions of Dinars must healthy, hard working people sweat and starve for so that taxes can keep up all the clinics for criminals, hysterics, and other degenerates! It’s a pity that eugenic work in our country is breaking down and dissipating without a uniform plan and leadership. This is why the inevitable need for the foundation of a ‘Slovene Eugenic Society’ is knocking at our door.”*<sup>23</sup>

Soon after Škerlj’s arrival in Ljubljana, considerations of the urgent need for the legal enactment of sterilization began to appear in certain journals. The author of a majority of these articles was Dr. Avgust Munda, a lawyer and lecturer of criminal law at the Ljubljana Faculty of Law. Focusing on the legal enactment of “*eugenically advised sterilization*”, his articles appeared in the supplement *Evgenika*, the journal *Misel in delo* [Thought and Work], and the professional journal *Slovenski pravnik* [Slovene Lawyer]. In *Slovenski pravnik*, he treated the problem at length in an article entitled *Problem sterilizacije in kazensko pravo* [The Problem of Sterilization and Criminal Law]. Although he advocated a law on sterilization, he also attempted to interpret the current legal code in such a way that sterilization could begin to be carried out without a special law. Dr. Munda attempted to manipulate two key interpretations: the interest of the individual as opposed to the interest of the state, and the question of consent.

*“We mentioned that the individual does not have the use of the ability to fertilize, this is the interest of the general public! The general public would not like to see the inferior reproduce. Eugenically advised sterilization is therefore not in violation of the public interest, but only of the interest of the affected persons. And this injury is not punitive if the affected party consents to the operation; consent removes the unlawfulness of the act. On the other hand, it is punitive in lieu of consent. The question to be asked is who may give consent? Only the affected person may give consent, inasmuch as he is capable of comprehending the meaning of sterilization...If the affected person is not capable of comprehending the meaning of sterilization, a legal representative may give consent. Eugenic sterilization is therefore permissible de lege lata.”*<sup>24</sup>

22 See Duška KNEŽEVIĆ HOČEVAR, Dr. Božo Škerlj, Slovene Anthropologist: Dilemmas and Controversies of an Early Professional Career. In: *Antropološki zvezki* 4 (1996) 25–34.

23 *Prijatelj bolnikov* 4 (1935) 5–6.

24 *Slovenski pravnik* 9/10 (1934) 255.

In other words, he was saying: we could pull it off. In these matters, the interest of the general public and the state holds sway. We can only imagine how vague the “*ability to comprehend the meaning of sterilization*” would have been according to this interpretation.

This idea was also supported by the Chief Health Inspector of Ljubljana, Dr. Živko Lapajne. In an essay entitled *O splavu in sterilizaciji* [On Abortion and Sterilization], he discussed the need for the suitable legal implementation of both. He was also convinced that it is “*much more important and urgent for us*”<sup>25</sup> that a law on sterilization as a defense against certain diseases be drafted.

*“Towards what end would we create beings that are a mistake in and of themselves, and that create worries and grief for their parents and ultimately end their lives in suicide? The nation and the state would only lose, as their housing in clinics means a material loss for the individual and the state.”*<sup>26</sup>

He did, however, oppose the German form of the law, according to which criminals, homosexuals, and other “mental-criminal types” could be sterilized. He even drafted a statement that a husband and wife were to sign prior to marriage. He laid out a law which he named the “*act on healthy birth*”, and stipulated the role of institutions in issuing bridal permits:

*“A bride and groom shall present a statement saying that they do not have virulent venereal diseases (syphilis and gonorrhoea), and that there are no occurrences of the hereditary illnesses or deformations mentioned above in their lineages. The former statement shall be issued by hospitals and hygiene and other Institutes, and the latter by the municipality and the mayor’s office. The latter statement shall contain the following text:*

### **Statement of Confirmation!**

*Before all present, I confirm, on the basis of a precise knowledge of the lineage of the groom (bride),*

.....

*and precise inquiries into the lineage of the groom (bride),*

.....

*that, in this lineage, there has been no occurrence of mental illness, schizophrenia, imbecility, epilepsy, St. Vitus’s epilepsy, hereditary blindness, hereditary deafness, serious hereditary illness,*

.....

25 Zdravje 9/10 (1935) 131–132.

26 Zdravje 9/10 (1935) 131–132.

*that in this lineage there have been no occurrences of the above mentioned illnesses or deformities.*<sup>27</sup>

These expert reports would be ruled upon by the state physician who would determine whether or not a “*guarantee of healthy birth*” would be issued. Should any doubts arise, the couple would have the possibility of “*1. Referring to a new inquiry into venereal diseases with the aid of new experts, or 2. referring to the opinion of experts assigned to this task.*”<sup>28</sup> If the additional inquiry also revealed the possibility of degeneration, and the state physician were to issue a negative verdict, the bride and groom could be summoned to appear before a special court which would have access to permanent medical records. This court’s opinion would then be final. In the event of the discovery of degenerated genes or the possibility of the transmission of degenerated genes to one’s offspring, the court could let the bride and groom choose between marriage and mandatory sterilization or “*housing at a special Institute, such as church orders, homes for neglected children, etc.*”<sup>29</sup> The author also added that he was convinced that people would act responsibly. For this reason, he did not mention forced sterilization, as he felt that people themselves would opt for “*socially beneficial work*” and would not want to intentionally harm the nation and the state:

*“Should the law on healthy birth described above take effect, it seems that sterilization would only be needed in exceptional situations. Most brides would certainly choose the other option and security for the nation and state and would remain infertile.”*<sup>30</sup>

As early as 1934, Dr. Maks Kremžar was led by the adoption of race and sterilization laws in Germany and the situation in Europe to formulate several cynical remarks aimed at the ideas of eugenicists. In numerous articles for the journal *Življenje in svet* [Life and the World], he gave an unbiased presentation on eugenics and its efforts and history. In conclusion, he presented his view on the ethical pitfalls of justifying forced sterilization measures:

*“In my opinion, it would be best if we tailored and dyed our ethics if they don’t suit our tastes. The end justifies the means...It isn’t enough that state authority is sticking its nose in our pockets and in our stomachs, now it wants to get at our genitals so that it can poke around and make an evaluation, to shine its unfeeling light into the most intimate areas, to dictate weddings, births, etc...It isn’t enough that we have confidantes for the tax office, now we’ll be getting them for eugenics. A mere pinch of denunciation and harming one’s neighbor is all that separates Europe from a perfect democracy.”*

27 Zdravje 9/10 (1935) 131–132.

28 Zdravje 11/12 (1935) 151.

29 Zdravje 11/12 (1935) 151.

30 Zdravje 11/12 (1935) 151.

He could astutely sense the ironic situation that all these efforts for a better, genetically “perfect” race were bringing about.

*“Behind every article on eugenics lies a cannon ready to slay eugenically flawless young people. The inferior will stay at home – for their seed – so we’ll be able to start anew.”*<sup>31</sup>

Also, eugenicists’ ideas about a special law encountered a serious obstacle in the opposition of legal experts. Dr. Metod Dolenc, the Chief of Slovene Criminal Law, did not agree with such incursions into a person’s dignity. The journal *Slovenec* reported that, at the 1935 International Congress for Criminal Law and Penal Enforcement in Berlin, he proposed that the congress reject a resolution that had come to a vote, and suggested a new one. The congress had recommended the sterilization (including forced sterilization) of inferior individuals. Professor Dolenc suggested that the congress recommend that states not perform forced sterilization because it is an affront to human dignity and also because consensual sterilization is only performed in countries where it is unopposed by “popular sentiment”. Because the congress took place in Nazi Germany, and all attendants could vote, the first resolution, which recommended not only sterilization, but also forced sterilization, was passed. The result was as follows:

*“Following a vote in the form of a head count, approximately 30 persons raised their hand for the counter-proposal, and about 200 for the proposal of the main speaker; nearly all Germans, of course.”*<sup>32</sup>

Škerlj also reported on the conference in *Evgenika*, and clarified his stance on the matter:

*“I seriously doubt that the second resolution (Dolenc’s) would have gone through, because we have strong arguments, in particular against the second point (consensual sterilization). Sterilization and the questions surrounding it are not only a question of human dignity, but a question of necessity and purpose.”*<sup>33</sup>

It seems that eugenicists were aware that they were incurring on human dignity and human rights, but that this issue was generally unimportant to them. In an interview for the liberal newspaper *Jutro* [Tomorrow] in 1938, Škerlj explained the need for a eugenics program in Slovenia to a reporter who was obviously rather excited about the idea of raising a new, more powerful nation:

*“There can be no doubt that eugenic measures are also necessary in Slovenia. These measures should only be effectively carried out by the state authorities through strictly enforced specific legislation. Philosophizing on incursions into personal freedom with questions of*

31 Življenje in svet 20 (1934) 471–472.

32 *Slovenec* (3.9.1935).

33 *Evgenika* 4 (1935) 60. In: Zdravniški vestnik 9/10 (1935).

*eugenics is, in light of countless measures of this kind of the modernly organized state, unfounded.*"<sup>34</sup>

Even though the ideas of eugenics never managed to become legal acts in Slovenia, a certain circle of individuals that made considerable efforts towards this end did exist. It simply isn't possible to enact forced sterilization measures without authoritative acts that violate human dignity. And it didn't take long for the methods advocated by the "science of improving the race" to be labeled as dangerous. In the introduction to the first issue of the supplement *Eugenics*, Dr. Neubauer wrote:

*"Let it be said that eugenics is not and must not provide lessons on the hatred of man towards man, nation towards nation, race towards race, and that it does not wish to blindly incur on the rights of the individual, but that it wants to and must spread the realization that it is not necessary to abandon the family and the nation to collapse, that it is not necessary to look on powerlessly as the most gifted elements decrease and the inferior multiply, as nuthouses, prisons, and hospitals fill up with those who would curse their parents if only they knew wherefrom all of their misery comes."*<sup>35</sup>

However, as it would later turn out, eugenicists and their science could not shake off these justified reproaches. In the above mentioned interview, Škerlj once again stressed:

*"Eugenics is – nominally – the science of good birth. It was given this name by Francis Galton, an Englishman – please stress this, because many people in Slovenia, even at the highest scientific institutions, think that eugenics is the product of Hitlerism."*<sup>36</sup>

Gynecologist Alojz Zalokar couldn't mask his disappointment at the fact that ideas and demands of this kind did not take hold and had not been realized in legal acts:

*"Biological demands knocked at the Slavic and Yugoslav doors a long time ago. They awoke certain theoreticians and young people, but did not manage to echo. Daily cares and powerful historical currents in the life of the nation and the state drowned out nature's call."*

But even he was aware that a democratic system could not permit laws of this kind:

*"The lessons of biology on ordering human society can only help bring about the total victory of that totalitarianism of biological world control which has already surpassed the limits of certainty, of the reasonably founded."*<sup>37</sup>

34 Jutro (24.2.1938).

35 Evgenika 1 (1935) 1. In: Zdravniški vestnik 7/8 (1935).

36 Jutro (24.2.1938).

37 Misel in delo 2/3 (1938) 53–66.

In general, it quickly becomes clear that eugenics did not succeed in becoming practice in Slovenia, and that the achievements of Slovene eugenicists did not even come close to those of their counterparts in certain protestant countries. Even though these ideas did not become widespread in Slovenia, a circle of individuals did seriously consider establishing special wards and various “eugenic courts” which would decide on the fate of individuals on the basis of their physical and genetic characteristics. On the other hand, eugenics had a greater presence in Slovenia than in certain other countries. The supplement to the journal *Zdravniški vestnik, Evgenika*, was, for example, the only publication on eugenics in Yugoslavia. It was also one of the few publications of its kind in Southeast Europe. The reporter who conducted the above mentioned interview stressed this fact:

*“It is practically unknown to the general public that the magazine Evgenika, which has just finished its third year of publication, is published in Ljubljana, and that, with the exception of a similar Romanian magazine, it is the only organ of eugenic efforts in the countries of the Little Entente and Balkan Pact.”*<sup>38</sup>

Following the termination of the *Evgenika* supplement in 1938, the excitement over eugenics quickly died down. At the same time, the ties linking eugenics and its methods with German Nazism and racism grew even stronger. Although Slovene eugenicists should be classified among quixotic evolutionists and medical technocrats, as there was never any mention of race hygiene, eugenics in Slovenia never shook off its association with German Nazism. This alone would have dealt a fatal blow to the popularity of eugenics, had not the implementation of eugenically advised sterilization also been opposed by a number of people, including the Catholic Church. In the end, eugenics was to remain limited to a very small group of scientists who thought and wrote a great deal on the subject, but ultimately never managed to put their ideas into action.

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