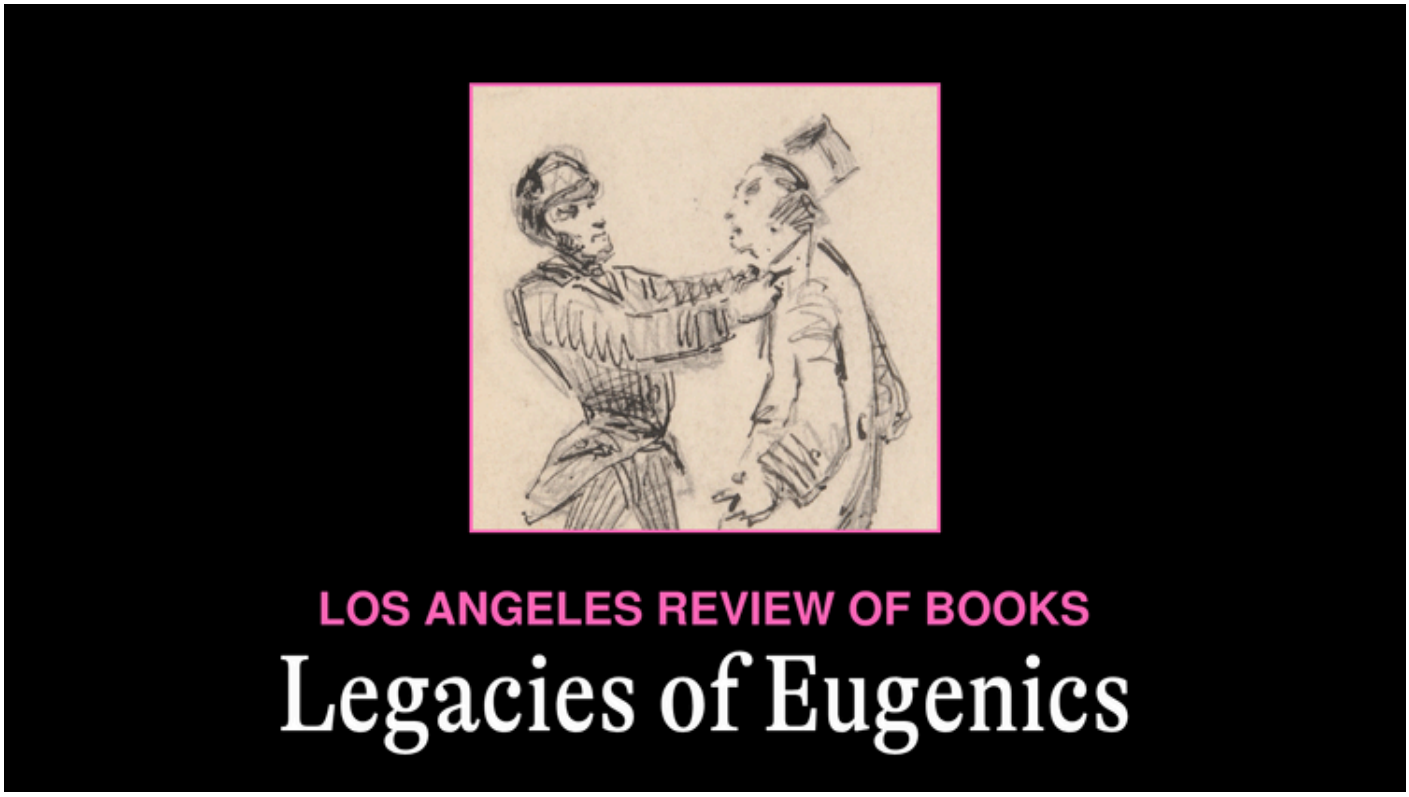
Eugenics and the Nihilism of Law-and-Order Politics

For the Legacies of Eugenics series, Terence Keel examines how eugenics shapes the way we think about people who lose their lives during violent encounters with the state.

By Terence Keel • September 6, 2026

SCIENCE & TECHNOLOGY POLITICS



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This is the 16th installment in the Legacies of Eugenics series, which features essays by leading thinkers devoted to exploring the history of eugenics and the ways it shapes our present. The series is organized by Osagie K. Obasogie in collaboration with the Los Angeles Review of Books*, and supported by the Center for Genetics and Society, the Othering & Belonging Institute, and Berkeley Public Health.*

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IN MARCH 2021, Eric Nelson, the attorney representing Derek Chauvin—the former Minneapolis police officer who killed George Floyd in May 2020—delivered his opening remarks to the jurors:

> The evidence will show that Mr. Floyd died of a cardiac arrhythmia that occurred as a result of hypertension, his coronary disease, the ingestion of methamphetamine and fentanyl, and the adrenaline flowing through his body—all of which acted to further compromise an already compromised heart.

With this statement, Nelson was attempting to sever the link between the actions of the state and their effects on Floyd's body. He and his legal team were tacitly invoking an assumption prevalent during the early eugenics movement: some people are destined to die early because of the natural limits of their biology. Lawyers representing the other officers involved agreed. "None of these guys—even Chauvin—actually killed [Floyd]," one of them told the *Los Angeles Times.* No, "he killed himself."

Chauvin, his legal team, and many others continue to believe that Floyd died of natural causes unrelated to his arrest. Chauvin has sought several appeals to overturn his

conviction, and during the 2026 GOP convention in Duluth, Minnesota Republican Party leaders held a moment of silence in response to Chauvin's incarceration.

Say the word "eugenics" and most people think of forced sterilizations, Nazi Germany, and discredited racial theories—ideas allegedly consigned to history's dustbin. Eugenics, however, includes more than its most gruesome and literal manifestations; it also includes the assumption that the premature deaths of marginalized—or "inferior"—people are dictated by nature. People are wellborn or not, children of light or of darkness.

The eugenics movement ushered into American life a profound pessimism about politically vulnerable people. Under the spell of what I call "biomedical nihilism," eugenic reformers of the 20th century argued that the laws of human heredity had a greater effect on people's life chances than the societies or institutions within which they lived. This is not the nihilism of armchair philosophers who doubt the existence of God or deny that life has any purpose. Biomedical nihilism is less sophisticated and more banal. Its logic leaves us powerless to help those who are poor, who are unfit, or who break the law because their problems are rooted in biology and therefore beyond human control.

Biomedical nihilism has shaped the way we think about people who lose their lives during violent encounters with the state. In my 2025 book *The Coroner's Silence: Death Records and the Hidden Victims of Police Violence*, I showed how the titular victims are often betrayed by physicians who blame them for their own deaths. People killed by police die twice: first through policy violence that replaces social services with investments in law enforcement, and then again through the work of experts who deploy "science" to make state violence appear natural and inevitable. State violence against civilians extends the legacy of eugenics in the United States.

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Police in this country kill more people than police in any other advanced industrial democracy. At least three people are documented as dying each day during arrest or while in jail. But the total number is much higher, according to credible estimates. No government agency at the federal, state, or county level knows the exact number; US officials didn't bother systematically counting the victims until 2000, when Congress passed the Death in Custody Reporting Act (DCRA). And even then, Congress authorized DCRA only tepidly, with a shoestring budget and poor data-gathering standards; police were required to report

the names of the people they killed, but few, if any, consequences followed from their refusal or failure to be transparent.

People who die during arrest perish before seeing a courtroom, which means that they are losing their lives "without due process of law," a right guaranteed by the Fifth Amendment of the Constitution. The US government makes so little effort to track their deaths because they are viewed as disposable. The tragedy is compounded by the actions of coroners, medical examiners, and forensic experts. Thought to be neutral and objective specialists who use science to explain mysterious or untimely deaths, they are often neither. Medical examiners and coroners, for instance, frequently find it in their best interest to remain silent about exactly how the police end people's lives, in part because it allows them to maintain professional relationships with prosecutors in law enforcement, as well as with the elected officials who accord them positions of power, as happens in California and other states. This silence perpetuates assumptions—inherently nihilistic ones—about the relationship between human biology and society; it is no surprise, then, that records of the dead read as though these people were soon going to die anyway.

Consider, for example, the death of Shelby Gattenby—a 40-year-old white veteran who died on December 13, 2018, in a county hospital in Oakland, California. On December 5, he called police to seek help during a mental health crisis (Gattenby had been diagnosed with PTSD after serving in the navy in the Iraq War as a petty officer). When law enforcement arrived, records say he ran away and then was violently subdued and tased by police. Neither a social worker nor a mental health professional accompanied law enforcement to Gattenby's home. Police claim his size and strength justified their use of force—he was five foot eight and weighed about 170 pounds. The assault sent Gattenby into cardiac arrest and then a vegetative state. Eventually, with his mother by his side, he was pronounced brain-dead.

The Alameda County Coroner's Bureau determined Gattenby's cause of death to be "complications of acute methamphetamine poisoning" and therefore an accident. No officers were charged. According to local officials, Gattenby died from drug addiction and the collective weight of poor health decisions. His body was responsible for his death; police actions were not. Still, this assessment did not stop a local donor network from procuring his organs postmortem.

The contradictions of biomedical nihilism are stark. Gattenby's behaviors and poor health made him unfit for this world. Yet his viscera live on in other—presumably more deserving—people. His story is far from unique. For decades, forensic investigators studying the bodies of people who died in jail or during fatal police encounters have come to similar conclusions: they perished from natural causes like sickle cell anemia, heart disease, substance abuse, undetermined forces, or some other combination of events unrelated to the actions of law enforcement.

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When American eugenicists turned crime into a biological problem at the start of the 20th century, they helped erode democratic values that championed the fair distribution of resources and power, along with concepts enshrined in the Constitution that advanced universal human rights. Scholars have noted that the eugenics movement and neoliberal attitudes toward deserving and undeserving populations were complementary forces throughout the 20th century that naturalized the illness and suffering of communities already pushed to the margins. In part, government divestment from the public welfare was driven by a eugenic and neoliberal sensibility that assumed some communities lacked the capacity to provide their own shelter, employment, and sustenance.

It was not always the case that American officials and scientists downplayed the state's responsibilities to its more vulnerable members. In the late 19th century, when Richard Louis Dugdale set out to study a family of white people who had fallen into crime and poverty, he intended to show that increased state resources would improve their condition and that of others like them. While his observations about the "Jukes" were based on an actual family, the moniker Jukes came to stand for any family trapped in a cycle of poverty, disease, and lawbreaking. His 1877 book *The Jukes: A Study in Crime, Pauperism, Disease, and Heredity* found that criminal conduct resulted from inherited behaviors and dispositions that—crucially—*interacted* with the surrounding environment. If that environment included education, healthcare, adequate food, shelter, and state resources that encouraged human flourishing, then the weight of heredity was significantly mitigated. Should the social ecosystem be one of deprivation, disorder, and violence, then maladjusted behaviors would be passed down the family line, along with enduring cycles of criminality, poverty, and disease. Dugdale assessed the financial cost of failing to prevent the 709 members of the Jukes family from degenerating into crime and poverty to be roughly $1.3 million for the state of New York. Ergo, philanthropy and prudent state planning saved lives and money.

For Dugdale, then, criminals were not simply born but were made and shaped by social and political conditions.

His conclusion was, however, fatefully turned on its head in 1912 by Arthur H. Estabrook, working out of the Eugenics Record Office at Cold Spring Harbor, New York. Estabrook "reanalyzed" Dugdale's data and decided that heredity mattered more than Dugdale realized. With Charles Davenport, one of the nation's leading eugenicists and the director of the Eugenics Record Office, Estabrook published a study of another "degenerate" family, entitled *The Nam Family: A Study in Cacogenics.* Unsurprisingly, the two men concluded that there was nothing to be done to correct the genes of a criminal. "The rural communities of 'degenerates,'" they argued, suffered from "an unusual lack of industry, retardation in school work, and a failure to observe the conventionalities in sex-relationships. There is reason for concluding that the first and second traits are hereditary and are, in a measure, the raison d'être of the foundation of such communities." They used the term "cacogenics" (derived from an earlier concept developed by British physician and biologist E. E. Fournier d'Albe) for the generational deterioration of a (white) family. The sentiment behind the concept had considerable staying power, even if the term itself fell out of use.

Estabrook and Davenport helped normalize the notion that some families were burdened with an insurmountable defective inheritance. The state, it followed, could do nothing against a "cacogenic" family's slide into criminal degeneracy and poverty. Combining policing, incarceration, segregation, and sterilization was the best course of action to protect the privileged from the hopeless.

Reducing complex social problems to a hereditary defect—to "bad genes"—had the virtue of sounding scientific while hiding a profound pessimism about American people. Conservative ideologues seized on this "diagnosis" to argue against state and philanthropic investment in the lives of people like the Jukes. Similar arguments about Black people were made during the period of Jim Crow segregation, with advocates of Darwinian evolution arguing against investing in a population destined to become extinct once forced into open competition with whites. In their 2009 book *Darwin's Sacred Cause: Race, Slavery and the Quest for Human Origins*, historians Adrian Desmond and James Moore describe how "natural selection was now predicated on the weaker being extinguished. Individuals, races even, had to perish for progress to occur. […] Europeans were the agents of Evolution." Political pluralism and multiracial democracy effectively stood in the way of evolution. State investment could not possibly make a meaningful difference in the lives of inferior people—

a view that has generated a lingering apathy plaguing US policy decisions around medical care, employment, and poverty ever since.

A recent report by the Commonwealth Fund found that the US healthcare system grossly underperforms compared to peer nations like Australia, Canada, the United Kingdom, and Germany. In measures of access to care, administrative efficiency, health equity, and health outcomes, the United States ranked last. According to data from the Organisation for Economic Co-operation and Development (OECD)—an intergovernmental organization cofounded by the US in 1961—life expectancy in the United States (78.4) was near the bottom of OECD peer nations. Data also shows that the US is at or near the top for relative poverty among wealthy nations. And the US child poverty rate is double the rate in several peer countries. Additionally, unemployment benefits in the United States fall well below the needs of American workers.

Without proper healthcare or robust employment, poor and marginalized Americans survive, or perish, as a function of their own resilience, habits, and ingenuity. Neoliberal free-market solutions championed for nearly 40 years have played an enormous part in the United States remaining a eugenic nation. During the 1980s, the Ronald Reagan administration, for example, cut funding for programs like food stamps, Aid to Families with Dependent Children (AFDC), housing, and job training under the Omnibus Budget Reconciliation Act of 1981. These cuts were paired with tax breaks for the wealthy and increased funding for defense and police. The social safety net was further eroded during the Bill Clinton administration with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which imposed work requirements to earn benefits and offered families very limited resources. The goal of these cuts was for families to "end their dependency on government benefits and achieve self-sufficiency." Two years later, the nation was on a trajectory for its largest economic surplus ever.

Still, conservatives have been steadfast in their opposition to expanding healthcare coverage for Americans. In recent years, states like Mississippi and South Carolina, with large Black, poor, and rural populations, have fought against the Affordable Care Act, Medicare and Medicaid expansion, and gun control—programs that support communities and are popular even among conservative voters. An estimated 1.6 million Americans were disenrolled from Medicaid in the first six months of Donald Trump's second term in office. With the passage of the "One Big Beautiful Bill Act," federal funding for Medicaid will be reduced by an

estimated $665 billion over the next 10 years. We can only ask: what will happen to the health and life chances of those soon to experience this absence of care?

Some pundits claim that investing in the poor, underskilled, underemployed, or unhealthy is economically unfeasible and an administrative nightmare, and that doing so would undermine innovation. The mythology of American freedom from government intrusion provides a compelling alibi, as do demands for balanced budgets. Ultimately, though, disinvestment from the lives of Americans is not merely cruel but nihilistic, and tantamount to arguing that inordinate suffering, disease, and early death are just a part of being American.

Nihilism measures what we think about the humanity of others. If I'm a nihilist, it means I don't have faith in your ability to contribute meaningfully to this society and the world we share. It also means I refuse to imagine a different society or adopt an alternative worldview; I would rather you not exist. The eugenics movement used medicine and science to inculcate and routinize a stance of apathy toward people abandoned by the government and experts because they were the wrong race, carried the wrong genes, or were descended from troubled families. Dividing the world between the deserving and the undeserving, the nihilism we inherited from the eugenics movement has caused us to lose sight of what it means to survive in the absence of care, dignity, or political power.

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In the course of researching *The Coroner's Silence*, I read nearly 1,000 autopsies of people who died in police custody. The case of Quinten Thomas made clear to me how eugenic beliefs haunt these reports. Thomas was a Black man with a soft smile who spoke with a baritone voice and had the kind of heavy brown eyes that come from witnessing the rough parts of this world. His friends and family often thought of him as a gentle giant. He had been in foster care since he was 16. After aging out of the system, he was unhoused in Los Angeles. The city has faced an affordable housing crisis since the 1990s, and the Housing Authority of the City of Los Angeles failed to provide shelter for Thomas, his then-partner Saharra White, and their newborn daughter.

But Thomas knew education would bring stability to his life, so he enrolled at California State University, Northridge (CSUN) and became a public health major. His admission into CSUN was sponsored by the Educational Opportunity Program's Resilient Scholars

initiative, which offers financial resources and mentorship to foster youth attending college. Students who come from the foster care system are less likely to graduate from college than their peers, with between eight and 12 percent expected to complete postsecondary education. The program was a lifeline for Thomas and his young family even though he developed epileptic seizures, perhaps due to his stressful studies and paternal responsibilities. The condition was manageable with medication and self-care, and Thomas was a determined man. It was not long before his resolve gained the attention of professors and peers. You can listen to an address he delivered in 2014 during the CSUN Residential Bridge program ceremony. In it, he spoke about the ways college had changed him, his gratitude for the community around him, and his love for his mother despite her absence from his life. You can hear forgiveness in his voice. This was a young man who carried joy and genuine excitement about the life he was making for himself.

Quinten Thomas died four years later on March 9, 2018, after spending less than 48 hours inside Twin Towers jail in Downtown Los Angeles. He had been racially profiled at a pharmacy near CSUN in the San Fernando Valley and was suspected of shoplifting—his six-foot-four frame and dark skin made him an easy target. Law enforcement followed him back to campus and arrested him on the grounds that he had an outstanding warrant. His family would learn years later that there was no outstanding warrant for his arrest.

For nearly three months, the medical examiner refused to offer Thomas's family an explanation for his death. The county eventually decided that he died from natural causes, citing "idiopathic seizure disorder" and a heart condition. Law enforcement claimed he refused to take anti-seizure medication while in jail. But Thomas's autopsy revealed a laceration and a visible knot above his left eye. There were also injuries to his shin and right hand. His death record explains that he had a physical altercation at some point during the 48 hours while in jail, but investigators did not specify when this happened or who exactly was involved. Still, the medical examiner suspected these injuries were from falling to the ground during the seizure episode that reportedly took his life.

The county removed Thomas's brain, heart, lungs, liver, kidneys, pancreas, spleen, and adrenal glands for its investigation. The family only discovered this dismemberment when a local mortuary received his body a month later. Unlike the case of Shelby Gattenby, Thomas's viscera would not live on in another person. Parts of his body remained with the state, and without them, Thomas's family had no way of clinically contesting the findings of

a medical examiner appointed by the same county officials who square financial settlements for people killed in jail.

Thomas's history of epilepsy made him an easy target for biomedical nihilism. During the 20th century, eugenicists explicitly categorized epileptics as "unfit" and targeted them for forced sterilization, alongside people with intellectual disabilities and mental illness. The Supreme Court upheld this vision, leading to tens of thousands of forced sterilizations across the country. For example, in 1909, California passed the "Asexualization Act," a eugenics law that incentivized state institutions to sterilize patients they determined to be "unfit" or "feeble-minded." Though epileptics were not explicitly named in the California statute, eugenicists generally understood them to be unfit and therefore deserving of state-sanctioned violence. For example, in the landmark 1927 Supreme Court case *Buck v. Bell*, the court explicitly argued that people with "hereditary forms of insanity, imbecility," epilepsy, and feeble-mindedness should be prevented from passing their "defects" to the next generation. Additionally, Virginia law allowed "state-mandated sexual sterilization of epileptics, the mentally retarded, and others judged 'socially inadequate,'" as Paul A. Lombardo summarizes. The Virginia Eugenical Sterilization Act of 1924 specifically "provided that the state could sterilize anyone found to be incompetent because of alcoholism, epilepsy, feeblemindedness, insanity, or other factors," based on "the eugenic assumption that these traits were hereditary."

Quinten Thomas might still be alive if the county cared about the health and safety of the people under its jurisdiction. In 2010, the ACLU declared that one of Los Angeles County's jails was a "modern-day medieval dungeon." In September 2025, California attorney general Rob Bonta filed a lawsuit against Los Angeles County, the L.A. County Sheriff's Department (LASD), and the County Correctional Health Services for violating the constitutional rights of incarcerated people.

Viewing Thomas as trapped by his biology allowed investigators to ignore the signs of violence *on* his body. And yet Quinten Thomas was a man with a future. He just needed time and compassion from the city he called home.

My lab at UCLA co-authored a report that uncovered 26 deaths inside Los Angeles County jails the year Thomas died. We found that 19 of these cases (73 percent) had been pulled from the public record by the LASD and were not available for review by journalists, civic leaders, or concerned community members. Thomas's death, like the deaths of these 19—

and, indeed, many more—was, it would seem, deliberately hidden from the public. The public was supposed to forget them.

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The eugenics movement has profoundly shaped Americans' assumptions about crime, human biology, and the role of government in life outcomes. Obscuring how society and its institutions shape our bodies, it promulgates instead a worldview in which reform and uplift are Pollyannaish and pointless. Nothing can be done, adherents argue, to reduce crime, mental illness, disease, underperformance in schools, or broken households.

But no one can live a healthy and meaningful life in an environment marked by the absence of food, shelter, medical care, education that matters, and employment. We have enough data to know that these material conditions make the difference between opportunity and untold suffering. A new generation of physicians and forensic investigators must be trained to systematically see and describe what happens to bodies, minds, and life chances when the government retreats from the lives of patients, leaving them without medical care, housing, or employment.

It may be that medical experts need to be shamed into taking seriously the effects of state violence. And the public needs to be shamed too. Each of us needs to be made to open our eyes to what happens behind closed doors when marginalized people, already living in the absence of a social safety net, encounter institutions skilled at justifying the deaths of racial minorities, the "unfit," and the unhealthy—people that were "going to die anyway."

The history of eugenics teaches us that ideas are not defeated like armies on a battlefield. They transform and find new hosts. Our open-eyed vigilance must match their persistence if we hope to build a society that honors human potential in all its forms.

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