The Pathologizing of a People
The Hidden World of Law, Medicine & Structural Oppression

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AGENDA

- THE PROBLEM: COLLUSION IN HALLOWED HALLS
- THEORETICAL FRAMEWORK
- METHODOLOGY
- CURRENT RESEARCH: MISCEGENATION
- OUR ROLE IN TRANSFORMATION
- FUTURE DEVELOPMENT
What does law, medicine, and structural oppression have to do with each other?
EVERYTHING.
ON ITS FACE, THE LAW IS NEUTRAL AND MEDICINE IS EVIDENCE BASED.
WOULD YOU ALLOW SOMEONE WITH THIS DISORDER TO VOTE OR RUN FOR PUBLIC OFFICE?

This disorder is characterized by a combination of neurological symptoms and psychoneurosis, including emotional excitability, and disturbances of sensory, vasomotor, and visceral functions.

**Key Symptoms**
anesthesia, amnesia, abulia (a lack of initiative for action, speech, and thought), loss of motor control, and an unstable personality/character.
SHOULD THIS BE LEGAL?

Sexual relations between two different species, which will result in offspring that are susceptible to diseases and psychological disorders. Additionally, there is little evidence to suggest that such offspring would be able to survive or function appropriately in their natural environment.
HYSTERIA, THE DISEASE OF WOMEN.

This disorder is characterized by a combination of neurological symptoms and psychoneurosis, including emotional excitability, and disturbances of sensory, vasomotor, and visceral functions.

**Key Symptoms**
- anesthesia, amnesia, abulia (a lack of initiative for action, speech, and thought),
- loss of motor control, and an unstable personality/character.
RATIONAL FOR LEGALLY BANNING INTERRACIAL MARRIAGE

Sexual relations between two different species, which will result in offspring that are susceptible to diseases and psychological disorders. Additionally, there is little evidence to suggest that such offspring would be able to survive or function appropriately in their natural environment.

synonym: mongrelization
THERE IS COLLUSION IN HALLOWED HALLS.
THEORETICAL FRAMEWORK

External Influences

Scientific Advancement
When technological advances provide new insight, mechanisms, or nuance to former theories and practices.

Shifting Societal Values
When a change in society’s morals and ethics alter definitions of identities, acceptable expression of personhood, and the kind of medical interventions offered.

A Demand for Evidence
The law demands evidence to provide a "indisputable" rationale.

An "Objective" Affirmation
The scientific method carries the austere of rigorously tested unbiased data.

External Influences

Change in Government Power
When the dominant political ideology shifts.

Advocacy
When a marginalized community organizes to persuade the legislature or courts to change the law.
METHODOLOGY

- Foundational Medical Theory Analysis
- Doctrinal Evolution via Publication Trends
- Critical Medical “Anthropology” Lens
- Comparative Legislation Analysis
- Doctrinal Evolution via Case Law
- Critical Legal Studies Lens
- Modern Ideologies & Inconsistencies
- Social Change Movements & Disparities Data

Qualitative Archival Study
MISCEGENATION

miscēre - to mix

genus - species

The New Virginia Law
To Preserve Racial Integrity

MARCH, 1924.
Extra Number

VIRGINIA

HEALTH BULLETIN

The new Virginia law prohibits intermarriage between white and non-white individuals.

The law was enacted to preserve the racial integrity of the state.

Bill 219, To preserve racial integrity, passed the House and is now a law of the State.

It was enacted as a response to the increasing intermarriage between white and non-white individuals.

The law was seen as necessary to correct a condition which only the more thoughtful of Virginia know the existence of.

It was estimated that there are in the State from 10,000 to 20,000 white people, who are known to possess an intermingled blood, in some cases to a slight extent it is true, as to render them from being white.

It has been possible for these people to declare themselves to have the Court so declare them. Then the Court has the opportunity to exclude them from the white school and have them intermarried with white people.

They exist as distinct colonies holding themselves apart from being admitted by the white people as such.

They are a part of the society, and are identified as being of the same kind, who are scarcely distinguishable as colors.

It is true that they are not white in reality, nor by the test of a white person is one with no trace of color; but it is also true that a person with one-sixteenth of negro mixture, may be classed as white.

The law is justified by the desire to preserve the distinctly negro type of mixture which has disappeared.

Statistics has been called upon with the help of lawyers employed to assist people.
When a state legislature creates an anti-miscegenation law, they use medicine’s “objective affirmation” of a biological “truth” to instill a discriminatory practice.

The mutualistic relationship between medicine and law established centuries of constitutionally protected oppression.
“On the biological phase there is authority for the conclusion that the crossing of the primary races leads gradually to retrogression and to eventual extinction of the resultant type unless it is fortified by reunion with the parent stock.”

American Journal of Medicine

“[T]he biological experiment of interbreeding can [not] be done without risk to civilization.”

Dr. Wight Ingle, Professor of Physiology at the University of Chicago
“You cannot heal what you will not unveil.”
- Sanjo Jendayi
BEARING WITNESS

“[C]reating a protected space where survivors can speak their truth is an act of liberation. They remind us that bearing witness, even within the confines of that sanctuary, is an act of solidarity.

They remind us also that moral neutrality in the conflict between victim and perpetrator is not an option.”

Judith Herman, MD
THE SYSTEM WILL ALWAYS PRODUCE THE RESULT IT WAS DESIGNED TO.

The unfortunate truth is that inequity was a foundational element of medical theories and the American legal system’s design.
OUR ROLE IN TRANSFORMATION

- **To Choose**
  - To critically examine data, historical precedence, and rationale
  - Acknowledge the setting and outcome of the theory, law, or practice
  - Understand why, more than what happened

- **To Act**
  - Actively engage colleagues, professional societies, and arguments built on flawed or dangerous rationale

- **To Redesign**
  - We can and must create a system that embeds equity.
FUTURE DEVELOPMENT

Race & Miscegenation

Women & Hysteria

Poverty & Criminality
THANK YOU!
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