



In Reckless Hands: Skinner v. Oklahoma and the Near-Triumph of American Eugenics

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In the 1920s and 1930s, thousands of men and women were sterilized at asylums and prisons across America. Believing that criminality and mental illness were inherited, state legislatures passed laws calling for the sterilization of “habitual criminals” and the “feebleminded.” But in 1936, inmates at Oklahoma’s McAlester prison refused to cooperate; a man named Jack Skinner was the first to come to trial. A colorful and heroic cast of characters—from the inmates themselves to their devoted, self-taught lawyer—would fight the case all the way to the U.S. Supreme Court. Only after Americans learned the extent of another large-scale eugenics project—in Nazi Germany—would the inmates triumph.

Combining engrossing narrative with sharp legal analysis, Victoria F. Nourse explains the consequences of this landmark decision, still vital today—and reveals the stories of these forgotten men and women who fought for human dignity and the basic right to have a family.

In Reckless Hands: Skinner v. Oklahoma and the Near-Triumph of American Eugenics Details

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From Reader Review In Reckless Hands: Skinner v. Oklahoma and the Near-Triumph of American Eugenics for online ebook

Beth says

Fast-paced, wide-reaching history of eugenics in the United States as well as the case mentioned in the title.

Makes the fascinating point that the Constitution was interpreted to respect the common good more than individual rights through the early 1900s. Thus, sterilization was legal and justified as a means to minimize the "drain" of criminals, the poor and severely handicapped people on society was permitted, on the belief that such characteristics were hereditary.

I've found the book educating, disturbing, relevant (politics and morality play a major role), and making me take a second look at my thoughts about even the most limited (financial and psychological) "testing" for people who want to have children.

B says

The history is interesting and it works with G. Edward White's Constitution and the New Deal to serve as a reminder that modern jurisprudence can't simply be overlaid on old opinions.

But it's pretty short and it's one of those books where the author has much broader views on the subject than the text between the introduction and the conclusion would justify. As with many of those other books, I think this book would be better served if she discussed those as well.

Thorn MotherIssues says

This was fascinating, lots of information about a case I hadn't really known about and parts of the history of eugenics in the US. I learned a lot and now want to read more about the legal discourse of equality vs. rights.

Tobyh says

While In Reckless Hands was interesting, I felt that the side flap was misleading. I was expecting a drama about prison uprisings and disturbing facts about eugenics. Instead it ended up being more about the legal process in challenging eugenics in Oklahoma. While some of the wording was confusing and technical, I ended up enjoying the book even though it was not what I was expecting.

Bill Sleeman says

Very well done. Nourse does a fantastic job drawing out the issues of the case and the social milieu around eugenics and sterilization. The work hums along but reaches a peak in the final few chapters where Nourse brings current Supreme Court decision making back to the influence of the “Skinner” case and how it helped to create the constitutional theories around due process that we take for granted today. An excellent analysis of an often overlooked case.

(June 30, 2011) In a strange twist I just read in the June 27th issue of "The Hill" that in North Carolina there is a bill in the state legislature to compensate the 3,000 or so still living women who were sterilized by the state in years between the end of WWII and 1977 - when the program finally ended.

Lasercats says

Relevant and accessible

A fascinating account of an off overlooked case, which may very well become important again as our lives get scarier and scarier. The language is accessible, and explains both the content of the law and the vast differences in the way law was interpreted.

Lisa says

Another one of those books that get bogged down in details and takes off on a new tangent. I felt it started talking about the politics of the time to much and lost direction since the book was supposed to be about the sterilization of prisoners at the McAlester prison.

Cindy says

"It was an almost irresistible intellectual seduction: a Promise that asylums and prisons would fade away and that the problems of the old and infirm and unemployed would 'cease to trouble civilization.' The seduction was once named the science of eugenics. Law would confront this seduction and its science in a case called Skinner v. Oklahoma."

From the opening paragraph in this book to the final page, I was completely wrapped up in the writing and the story itself. Nourse takes a rather controversial decision of the Supreme Court, and through it, explores the racial attitudes of the United States in the early 20th century.

By racial, Nourse makes it clear that it is not specifically color of skin that she's talking about. Rather, eugenics used to refer to the ethnic and class distinctions which even scientists used to classify people.

She starts by referring to a newspaper that has photographs of 3 men on the front page: Chief Justice Oliver Wendell Holmes, Oklahoma Governor Alfalfa Bill Murray, and Adolf Hitler. Today, any such grouping would be an automatic 'guilt by association.' But when the picture appeared, it was in reference to the hot new science of eugenics, which its proponents believed held the key for transforming society by eliminating poverty, mental illness, and crime. Those carrying 'bad germ plasms', which we call genes today, would be sterilized and therefore all the nasty things that affect humanity would disappear in a generation or two.

It was only when reports began to leak out of Nazi Germany that people began to realize that eugenics could also be used as a handy excuse to exterminate entire populations. Nazi doctors bragged of sterilizing over 1000 people a week, including children. Of course, eventually they got tired of that and just began exterminating people. That way, the Aryan race would remain pure.

But in the 20s and 30s, a really staggering number of people subscribed to this way of thinking, without ever considering what kinds of abuses it would lead to. When Oklahoma proposed a law allowing involuntary sterilization of any prisoner convicted of three crimes or more, all hell began to break loose. Men at McAlester prison rioted, escaped, and shot it out with police in an effort to escape the procedure. Hundreds of inmates in Oklahoma asylums were sterilized without their consent.

Eventually, the inmates in the McAlester prison had collected enough money to hire a lawyer, choose a plaintiff, and take the case to court. Interestingly, the very aspect that would strike most modern readers as being the deciding factor in declaring this process as unconstitutional, that of the right to privacy, was scarcely mentioned. Nourse goes over all the aspects of the decision, which ultimately meant the end of eugenics as practiced in the prison.

But what I was astounded (and infuriated) to learn was that the practice of sterilizing the mentally ill continued up until 1983, when a court ruled that North Carolina officials were justified in sterilizing a young Black woman because she was 'promiscuous' and 'feeble minded.' The young woman went on to graduate from college.

I think what really made me so angry was the realization of how this law would have affected my own family. My grandmother suffered from depression, although she was never hospitalized. If things had been different, and she had lived just 100 miles north of her home, she could have been one of the ones selected for sterilization. That would have meant that now, 3 generations of people would not have been born. Among the 20 of us, there are certainly those who do have depression, some who have been hospitalized and received medication. But there are also 2 veterans who have and are serving their country. There are a few who have attended college, a couple of them graduating. There are no hardened criminals - in fact, the worst any of us has done is received a traffic ticket. In the meantime, we have married, raised families, worked hard, paid taxes, and served in our communities. All that would never have happened if my grandma hadn't been so lucky in where she lived.

What I took away from this book is a recognition that I need to be more vocal in demanding my rights. I need to stand up for my children, and refuse to allow anyone to deny them anything because of their tendency to mental illness. Today it is almost impossible to find a family who has not been affected by mental illness. And yet, we go on, and we are still good people. My children are inferior in absolutely no way to any other child. Such practices seem completely barbaric today. But if we're not careful, it could happen again.

Harvey says

A view of the "Sterilization Laws" enacted by a number of states in the 1950's and 1930's, which, among other things, inspired Hitler to engage in "ethnic cleansing;" and the Supreme Court decision which struck down such laws in the United States.

Pam Porter says

Excellent discussion of the American Eugenics movement in the 1930s. The book is a mix of historical perspective, the "science" of eugenics, and a discussion of the legal issues in the Skinner case. The Skinner v. Oklahoma case was taken to the US Supreme Court after Oklahoma passed a law requiring sterilization of 3rd time criminal offenders to stop them from producing offspring who would also be criminals. This took place in America as Hitler was rising to power in Germany.

Steven says

This book wasn't exactly what I was expecting -- a state of affairs that is always the fault of the reader and not the writer. A closer reading of the jacket flaps on my part would have shown that this book was more about the legal arguments surrounding this particular case rather than an overview of the eugenics movement.

A big focus of this book is how integral the decision in *Skinner v. Oklahoma* was to the shift toward putting individual rights above the police power of government. That the nuances of the legal arguments and how they fit into the history of Supreme Court decisions went over my head is certainly not the author's fault.

An interesting topic, but one that I'd rather explore from a different angle.

Simon says

Excellent description of a critical event in the history of eugenics in America. Interesting interpretation from the legal perspective of changes in the understanding of human rights (individual versus public) and race.

Paul Bryant says

A REVIEW MADE OUT OF QUOTATIONS

Havelock Ellis :

The superficially sympathetic man flings a coin to the beggar; the more deeply sympathetic man builds an almshouse for him so that he need no longer beg; but perhaps the most sympathetic of all is the man who arranges that the beggar shall not be born.

VOICES FROM THE 1930s

The armies of defective and delinquent persons in every nation and race, the crowded hospitals, asylums, jails and penitentiaries in almost every country, the enormous cost of caring for this human wreckage and wastage, all testify to the fact that there is urgent need for improvement. Indeed it is merely a question of

how long civilization can continue to carry this ever-increasing burden of bungled and botched, of paupers, feeble-minded and insane, of bums, thugs and criminals.

It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind.

We examine and license plumbers and steamfitters to make sure they are competent... is it going too far then to say that the unqualified human being be enjoined from creating life, and instilling in a baby a diseased and criminal mind?

Germany is by no means the first to enact laws to permit or compel sterilization of hereditary mental defectives. Some 15,000 unfortunates have thus far been harmlessly and humanely operated upon in the United States to prevent them from propagating their own kind.

THE OKLAHOMA LAW

(This is copied from <http://americanwiki.pbworks.com/w/pag...>)

Oklahoma House Bill No. 64, Chapter 26, Article 3 states

“That whenever the superintendent of the Hospital for the Insane at Vinita, Oklahoma, or of the Hospital at Supply, Oklahoma, or the Institute for the Feeble-Minded at Enid, Oklahoma, or of any other such institution supported in whole or in part from public funds shall be of the opinion that it is best for society, that any male patient under the age of 65 years and any female patient under the age of 47 years, and which patients are about to be discharged from said institution, should be sexually sterilized.” In 1933, this law was expanded to include “patients likely to be a public or partial public charge” and habitual criminal offenders who had three or more felony convictions. In 1935, the state passed the Habitual Criminal Sterilization Act which allowed for judges to include the sterilization of certain criminals with two or more felonies as part of the offender’s punishment.

The feeble-minded girl is characteristically prone to loose sexual relationships.

In May 1937 one poll found that 84% of the nation favoured “sterilization of the habitual criminal and the hopelessly insane”.

And now, the voice of the author, Victoria Nourse :

For all the hype surrounding the mapping of the human genome, we now know that much of the hoped-for success in genetic prediction of behaviour and psychological disease has not materialised; widely publicized studies of genes “for” everything from criminality to schizophrenia, depression, alcoholism, homosexuality, risk-taking and religiosity “have either been retracted, rebutted, or have yet to be replicated successfully”. The truth is that the determinism implicit in the popular idea of the gene is false; behavioural genetics is a

science of statistical correlation, not determination. The heritability statistics which fuel ideas like the “God gene” or the “gay gene” routinely trade on public misunderstanding. Despite the name, heritability statistics cannot prove inheritance. Like stock markets and hemlines, they deserve no greater respect than the claims of any correlational study.

And finally, in case you thought this whole sterilization of the unfit was just another weird 1930s thing :

Court to decide on sterilisation of man with learning difficulties

**The Independent,
Friday 02 August 2013**

The Court of Protection could make legal history this month if it sanctions the sterilisation of a man with learning difficulties who lacks the ability to give permission.

In what has been described as a “truly exceptional case”, Mrs Justice Eleanor King is set to rule whether it is in the best interests of a 36-year-old man from the Midlands with moderate to severe learning difficulties to be sterilised by means of a vasectomy.

The application was made by an NHS Trust and is backed by the man’s parents, GP, and local authority. It is said the man, who can only be referred to as DE for legal reasons, does not have the capacity to make the decision himself.

Pj says

This isn’t an easy book to read and I admit to skimming some of the long legal explanations. But the topic is as important now as it was then. It’s frightening how close Oklahoma came to putting this law into practice in its prisons. It’s horrifying to know it did happen in our asylums.

Mark says

This is an interesting exploration into a subject that I, an Oklahoman, have never really heard much about. But it is a very dry read.
