

Leilani Muir: Eugenics on Trial in Canada

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This article discusses a proposed module on Leilani Muir at the Canadian Museum for Human Rights (CMHR) in Winnipeg, Canada. The article explores the story of Leilani Muir, a woman from Alberta who was forcibly sterilized against her will under the *Sexual Sterilization Act* of Alberta, and later took the Alberta government to court for committing this crime against her. Muir won her case, and was the first person in Alberta to win a case regarding forced sterilization. After the section on her life story, the article will analyze how her account would be presented to the public in the CMHR through three photographs. The photographs would be interactive and engage the museum visitor into learning more about what happened to Muir. This module will then relate to other modules in the CMHR dealing with human rights abuses in Canada. Finally, this article will discuss why her story is important to discuss in a national museum.

Keywords: Leilani Muir, eugenics, museums, CMHR, Alberta

Module Proposal for the Canadian Museum of Human Rights

Topic: Leilani Muir

Leilani Muir's story is significant in the history of human rights in Canada, as she is the first person to win a case against the Alberta government for forced sterilization. Muir revealed to Canadians the crime that was committed against her by the government, brought her story to court, and thus told the Canadian public that her story must be heard. Muir's story tells us about Canada's little-known past regarding eugenics: that Canadians and their governments believed that people considered of inferior intelligence should be sterilized. Eugenics is an important issue for a Canadian national museum because it is not talked about enough. It is

a part of Canadian history that should be discussed, no matter how controversial it is. Such a module would remind Canadians that it was not only Nazi Germany that committed these sorts of crimes against people. Canada was complicit in eugenics as well, and this is an issue that must be addressed in a human rights museum such as the Canadian Museum for Human Rights (CMHR).

Muir's case established that medical procedures conducted against one's will are a crime, and that this is something that should be discussed within a larger human rights framework. Human rights are not only about crimes of murder and the silencing of ideas, but also the regulation of reproductive rights. Placing Muir's story in this human rights museum shows us that reproductive rights are indeed a human right, and that it is up to the person to decide whether they want to have children.

Muir's story tells us something else about human rights: they encompass all human beings, including children. Muir was a child at the time of her sterilization, which is important to consider: Muir's story brings up questions of children's rights. Her story, therefore, can be about two things: a story on reproductive rights and the rights of the child. Her story can be placed in either framework, thus making it flexible in terms of museum exhibit design.

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Historical Narrative

The French social theorist Michel Foucault discusses his views on power in his seminal work *The History of Sexuality*, where he argues that “power is not an institution, and not a structure; neither is it a certain strength we are endowed with; it is the name that one attributes to a complex strategic situation in a particular society.” (Foucault, 1990, p. 93). The conceptualization of power as a “strategical situation” helps explain the way in which the Alberta government exercised its power against its own citizens; they carefully selected people who they believed were detrimental to society and therefore suitable candidates for sterilization. Furthermore, *The Sexual Sterilization Act* fit into the mold of a “strategical situation” as it targeted select minorities in Albertan society. Because of this strong influence of government power, before Leilani Muir’s story is discussed some background on eugenics in Canada and the *Sexual Sterilization Act* of Alberta is needed.

Debates surrounding eugenics in Canada began to take hold around 1908 when the League for the Care and Protection of Feeble-minded Persons was formed in Nova Scotia (Grekul, Krahn & Odynak, 2004, p. 361). Across the country, people discussed the benefits of sterilization. In Quebec and Ontario, university scholars and medical professionals supported eugenics (Grekul, Krahn, & Odynak, 2004, p. 361). The eugenics platform was also popularized in western Canada during the early 20th century by a few social reformers including J.S. Woodsworth, a core member of the Bureau for Social Research, which was an agency created by the provincial governments of Alberta, Saskatchewan, and Manitoba. Alberta was the only province where eugenics policies actually came into law. As Grekul, Krahn, and Odynak emphasize in their article “Sterilizing the Feeble-minded”: Eugenics in Alberta, Canada, 1929–1972, the implementation of sterilization policies came into fruition because of Alberta’s unique history and culture. It should be noted that although people in western Canada such as J.S. Woodsworth were supporters of eugenics and sterilization, Canadians across the country also supported these policies, as mentioned previously. Nellie McClung, the celebrated women’s rights advocate, was “in favor

of sterilization legislation.” (Grekul, Krahn, & Odynak, 2004, p. 362). Judge Emily Murphy warned that the “congenitally diseased” could become a problem for larger society. Individuals from across Canada and the United States supported sterilization as well as the broader category of eugenics; it was not only in Alberta where these ideas were discussed.

The *Sexual Sterilization Act* was passed in 1928, with the support of a few political groups and influential middle-class people, and the Eugenics Board began its work in 1929. The four members of the Eugenics Board decided who was sterilized, and the decision was unanimous. The patients had to give their consent to be sterilized, unless they were mentally incapable to do so. If that was the case, the next of kin was asked to sign on behalf of the patient. One person who fell victim to the policies of the *Sexual Sterilization Act* and brought the Alberta government to court was Leilani Muir, who was forcibly sterilized against her will at age 14.

Leilani Marietta Scorah, (later Muir) was born on July 15, 1944 in Calgary, Alberta and had a rough childhood, living in many foster homes. Muir’s mother was abusive toward her, including attempts to starve her. In 1953, Muir’s mother began the process of admitting her to the Provincial School for Mental Defectives. Muir was admitted to the school in 1955, and on her day of admission to the school, her mother used the name of her boyfriend, Harley Scorah, and agreed to the sterilization of her child, if deemed necessary by the Alberta Eugenics Board (Wahlsten, 1997, p. 194).

A few years later, Muir took an IQ test, and with its low results was deemed a “mental defective moron” by the Alberta Eugenics Board. In 1959, she was forcibly sterilized at age 14 and was lied to by doctors, who told her she was merely having her appendix taken out. Muir, who in her twenties tried to conceive, found out she had been sterilized as a teenager. Muir was crushed by the news that she had been sterilized against her will. She took another IQ Test in Victoria, BC, in 1989, which showed that she had a normal IQ. After receiving this information, Muir approached “the Edmonton law firm Field & Field Perraton and asked them to sue the Alberta government on her behalf (Wahlsten, 1997, p. 195).” The Province of Alberta insisted on a full trial, rather than apologizing to Muir and settling out of court. Her trial began

on June 12, 1995 at the Court of the Queen's Bench in Edmonton and lasted for four weeks. In 1996 Muir's story culminated with her winning the first lawsuit against the Alberta government for forced sterilization. The Alberta government did not appeal the case. Leilani Muir made history in Alberta, as she is the first person to bring the government to court for an act that discriminated against thousands of individuals.

Approach

I am approaching my topic through three photographs. The main photograph will be of Leilani Muir as an adult. For this photograph, there are two possibilities. The first is from the website of the Canadian Broadcasting Corporation's program *The Current*. The second photograph is from *The Edmonton Journal* and features Muir with the actress Jenny McKillop, who portrayed her in a play about her life story. The other photographs are of Muir as a child and of the Mitchener Centre, in Red Deer, Alberta, the location where Muir and thousands of others were sterilized. See "Appendix" for more information on these photographs.

The three photographs will be part of a touch screen, with the largest photo of Muir as an adult appearing in the center of the screen. The other two photographs would be much smaller and on either side of the main image. My idea for this interactive part of the module will work much like how an iPad functions, with a person able to scroll through information with their fingertips (my inspiration for this idea comes from the permanent exhibition at the BMW Museum in Munich, Germany). When a visitor touches an image, a text box will appear for them to read. For example, when Muir's childhood photograph is touched, information regarding her childhood, schooling, and sterilization will pop up. The photo of the Mitchener Centre will contain information about forced sterilizations in Alberta, and the photo of Muir as an adult will feature information regarding her court case. There will be additional boxes at the bottom of screen, in a section entitled "Lessons Learned." This last section's intention will be for people to learn how both academics and the members of the public discuss Muir's story and legacy today, and why her story holds relevance in a human rights museum.

The Leilani Muir interactive module relates to other modules that will be featured in the museum. The Leilani Muir module relates to the British Home Children and the Duplessis Orphans, as they are all stories that deal with human rights abuses against children. To compare these modules would be beneficial to museum design, as a visitor could see what kinds of abuses Canadian children have been exposed to over history. Though the three modules are different in terms of context, region, and time period, they all speak to the idea that children, as well as adults, have their human rights violated, and this is vitally important to address in a museum such as the CMHR.

This module would also relate to the case of Irene Murdoch. Both Muir and Murdoch are women who took their human rights abuse cases to court, and made a huge impact in the media as a result. Muir exposed Alberta's dark past in terms of sexual sterilization, and Murdoch forced the Canadian people to think about both property rights and violence against women. These cases, although significantly different, speak to the fact that they are all women who demanded that their voice be heard in a court of law.

Conclusion and Future Study

In conclusion, the story of Leilani Muir is crucial to be told in a human rights museum such as the CMHR. Her story speaks to abuses regarding government policy, reproductive rights, and human rights for children. Her story is significant for the CMHR because she is the first person to win a case against the Alberta government for wrongful sterilization. Muir's story is not only essential because it encourages us to look at the past and examine the policies of the Eugenics Board, but because it also helps museum curators educate the larger, global public on human rights abuses in Canada.

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Appendix

Description of Photographs

Proposed Module Photographs

Leilani Muir as a Child

Source: <http://www.biopoliticaltimes.org/article.php?id=5443>

This photograph was taken when Muir was a child. I found this photograph on the weblog for the Center for Genetics and Society, and have seen it appear on many other websites. This photograph puts a face on the issue of sterilization, emphasizing that it was an issue that faced Canadian youth in Alberta who were deemed unintelligent and not worthy of reproducing. This photograph should be included in the main display, although it does pose risks of having the module over-sensationalized.

Leilani Muir as an Adult

Source one: <http://www.cbc.ca/thecurrent/gamechanger/2011/11/14/leilani-muir-vs-alberta-govt-on-wrongful-sterilization/>

Source two: <http://www.edmontonjournal.com/entertainment/festivals/Edmonton+Fringe+Review+Invisible+Child+Leilani/7122994/story.html>

The second photograph I would like to use is one of Leilani Muir as an adult. There are two possibilities, taken from recent events involving Leilani Muir. The first, used to illustrate a report on the Canadian Broadcasting Corporation's

popular news program, *The Current*, was taken at "Remember Eugenics in Alberta Day", October 2010. The second, used to illustrate a story that appeared in *The Edmonton Journal*, 21 August 2012, shows Muir with actor Jenny McKillop, who portrayed Muir in a play *Invisible Child: Leilani Muir and the Alberta Eugenics Board*. Using one of these contemporary photos of Muir would be important to feature in the module, as it shows Muir as triumphant over the issue of human rights, and how she is using her current position to help educate the public about the past.

The Mitchener Centre in Red Deer, Alberta

Source: <http://eugenicsarchive.ca/images/mitchenerCenter.jpg>

The last photograph I would like to use is of the Mitchener Centre in Red Deer, Alberta, where many sterilization victims were held. I found this photograph on the Eugenics Archives Canada website, a SSHRC-funded project which looks at the history of sterilization in Alberta. Muir is on a research board filled with professors and academics who are part of this project. This photograph will not be the center of the module, as it is not specifically about Muir. It would be important for visitors to see where acts of sterilization were kept under secrecy.