

# Eugenics and Human Rights in Canada: The Alberta Sexual Sterilization Act of 1928

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This case study looks at how the [Alberta Sexual Sterilization Act \(1928\)](#) is a site of contested and difficult Canadian history. In particular, it focuses on how the Act can be used as a narrative of individual versus collective rights, the evolution of social thought in Canada, the legitimized stigmatization and physical violation of thousands of individuals, and the development and protection of human rights. This case study discusses the emergence of the eugenics movements in Canada, the proposal and passing of the Act into law, the nature of the Act itself, the damage it caused to thousands of individuals, and its eventual repeal. The sources drawn upon include both primary and secondary works. The story of the [Alberta Sexual Sterilization Act \(1928\)](#) is not just about how mistakes were made in the past, but the broader issues of collective and individual rights, and how they must balance in our society.

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Contested and controversial pasts are difficult, sometimes painful, to access and contextualize. As a result, they are often hidden and the insights, understanding, and lessons that we could learn from them remain hidden as well. There are several parts—events, actions, inactions, intolerances, and decisions—of Canada’s past that are rarely talked about, are not widely understood, and fail to feature in the collective understanding of what Canada is. An example is the [Alberta Sexual Sterilization Act \(1928\)](#), a piece of legislation that wraps up within itself a story of individual versus collective rights, the evolution of social thought in Canada, and the legitimized stigmatization and physical viola-

tion of thousands of individuals. Thanks to the courage and efforts of people like Leilani Muir and the architects of the Living Archives on Eugenics in Western Canada, the Act has not completely faded from our collective consciousness. The majority of Canadians, however, are still unaware that legislation like it could and did exist in Canada, and what lessons we really have to learn from it.

The passing of the [Alberta Sexual Sterilization Act \(1928\)](#) was both a continuation of the larger eugenics movement in Canada and the legal application of “negative” eugenics, which compromised individual rights under the guise of the collective betterment of society through science. It was introduced into the Alberta Legislature by George Hoadley, the Minister of Health for the United Farmers of Alberta government. It was hotly debated in the legislature by all sides, but loudly supported by prominent citizens as well as social and professional organizations. It was passed into law on March 6, 1928 and remained, amended twice, an enforced law in Alberta until 1972. In this time, it authorized the sexual sterilization of approximately 2,500 “mental defectives.”

## Eugenics in Canada

Francis Galton coined the term “eugenics” to describe the study of better human breeding in

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1833. He positioned eugenics as rational science that could purge society of many of its ills such as poverty, alcoholism, sexual deviance, and criminal behavior (Burke & Castaneda, 2003). The idea that social ills were biologically determined rather than a consequence of the political and economic conditions of the 19th and 20th centuries was appealing to much of the middle class, who had a vested interest in promoting their values, virtues, and social structure (Kevles, 1999; McLaren, 1990). The eugenics movement was not unified, but was well supported in Canada, Britain, the United States, and Sweden, among other European countries.

In Canada, the eugenics movement found strong support across provincial and political boundaries with Dr. Alexander Peter Reid, Superintendent of the Nova Scotia Hospital for the Insane; a number of faculty members from McGill University, the University of Manitoba, and the University of Alberta; Dr. Helen MacMurchy and the National Council of Women; women's rights activists Emily Murphy and Nellie McClung; Tommy Douglas, before he became Premier of Saskatchewan and the father of Universal Health Care; and the Eugenics Society of Canada, founded in 1930. Opposition to the movement was typically aimed at the policies of "negative" eugenics. The most outspoken opponents were the Catholic Church, civil libertarians, and mental health professionals who doubted claims that the movement was based in science (McLaren, 1990; Kevles, 1999).

Eugenics was applied through both "positive" and "negative" policies—not "good" and "bad" policies, but policies that (a) encouraged the reproduction of desirable genetics and (b) restricted the reproduction of unhealthy or undesirable genetics. "Positive" policies were aimed at the WASP middle class and included, among other things, parenting education, sexual health education, medical intervention in the household, and the reiteration of woman's primary and "natural" role as mother. "Negative" policies were aimed at those who did not fit into the middle class WASP idea of ideal genetics, for example, the poor, non-British immigrants, and non-Whites. They included, among other things, sexual health education, medical intervention into the home, the identification of "abnormal" children based on racially and class biased IQ tests, highly restrictive immigration

policies, segregation of individuals in mental hospitals, and sexual sterilization (McLaren, 1990).

The "better human breeding" that supporters claimed was achievable through eugenics required what was once a private act be brought into the public domain where it could be regulated. Eugenics programs were debated, developed, and enacted in the public arena and with public funds, making them democratically decided upon and implemented policies. The implementation of both "positive" and "negative" policies varied from province to province. Only Alberta and British Columbia went to the extreme of passing sexual sterilization legislation, but governments across Canada struggled with issues of eugenics—from campaigns of public education, to court cases dealing with birth control and infanticide (Dickens, 1985; Kevles, 1999).

The extreme case for sexual sterilization in Alberta was made after the "Mental Hygiene Survey of the Province of Alberta" was published in 1922. The authors of this report concluded that there existed a causal link between mental abnormality and immorality (Burke & Castaneda, 2007). With the results of this study in hand, both the United Farmers of Alberta (UFA) and the United Farm Women of Alberta (UFWA) passed a resolution that pushed the government to draft legislation that would segregate feeble minded adults to prevent reproduction, and to commission a study on the possibility of sterilization. By 1925, the resolution had changed to include the provision that sterilization be made compulsory by law as a means of preventing the mentally deficient from reproducing. Shortly after the first resolution was passed, the UFWA began a rigorous campaign to garner popular support for the proposed legislation. Their efforts, documented in the UFWA 1924 Annual Report, were combined with the efforts of influential Albertans such as Emily Murphy and Nellie McClung and contributed greatly to the eventual passage of the Sexual Sterilization Act in 1928 (Christian & Barker, 1973).

### The Sexual Sterilization Act of 1928

The Act established the Eugenics Board, the body that ruled on cases for the sterilization of those deemed mentally deficient or otherwise

genetically inferior. The Eugenics Board was made up of two medical practitioners nominated by the Senate of the University of Alberta and the Council of the College of Physicians, and two lay-people appointed by the Lieutenant Governor in Council. The members of the board had a duty, as outlined in Sections 4 and 5 of the Act, to examine any inmate proposed to be discharged from a mental hospital, and to decide whether or not their release be contingent on sexual sterilization:

4. When it is proposed to discharge any inmate of a mental hospital, the Medical Superintendent or other officer in charge thereof may cause such inmate to be examined by or in the presence of the board of examiners.
5. If upon such examination, the board is unanimously of opinion that the patient might safely be discharged if the danger of procreation with its attendant risk of multiplication of the evil by transmission of the disability to progeny were eliminated, the board may direct in writing such surgical operation for sexual sterilization of the inmate as may be specified in the written direction and shall appoint some competent surgeon to perform the operation (SA 1928, c. 37).

It took almost a year before the board met, but in March of 1929 they heard their first case. In the first year, three patients were sterilized, in the second 36, in the third 64, and throughout the remaining 40 years the numbers continued to grow and fluctuate. The Act was amended in 1937 and 1942, broadening the scope and authority of the Eugenics Board by removing the requirement of patient consent, and protecting surgeons, doctors, and board members from civil action (RSA 1937, c. 47; RSA 1942, c. 48). This was done in part because strong supporters of the Act were disappointed that in the first 9 years, only 400 and not the projected 2,000 individuals had been sterilized (Christian & Barker, 1973).

Popular support for the Act reduced dramatically as the atrocities committed by the Nazi party during the Second World War came to light, and the scientific community continued to discredit the racially driven pseudoscientific understanding of eugenics. Support continued to decrease with the passing of the Universal Declaration of Human Rights in 1948, which included an international movement against state control of reproduction. In the following decades, geneticists declared Alberta's Sexual Sterilization Act, "a disgrace to the whole of

Canada . . . [an] ignorant and perverted legislation [which] poisons the atmosphere and holds up advances in modern preventative eugenics, which must be based on consent" (Dickens, 1985, p. 255).

Despite this decrease in popular support, lack of scientific credibility, and international disapproval, the Act remained not only on the books, but continued to be enforced until 1972 (Christian & Barker, 1973). The formal repeal of the Sexual Sterilization Act began as a Progressive Conservative initiative and cornerstone of the party's platform in the 1971 provincial election. Peter Lougheed was elected Premier of Alberta, and in June of 1972 the Act was repealed. In the 44 years during which the Act was enforced, it authorized the legal and forced sterilization of approximately 2,500 people, the majority of which were poor, female, under the age of 25, and from ethnic minorities. Of the total number of individuals sterilized, 64.7% were women, 49.8% were from rural communities, 40.6% were unemployed, 20.55% were characterized as housewives, 25.7% were Métis or Indian (a disproportionately high number considering Métis and Indian made up only 3.4% of the total population in Alberta at the time), and 70.6% were under the age of 20. Furthermore, there were a number of incidents of patients "recovering" from retardation after being sterilized—Leilani Muir being one of the more well known cases (Christian & Barker, 1973; McWhirter & Weijer, 1969).

### The Sexual Sterilization Act and Human Rights

The story of the *Alberta Sexual Sterilization Act (1928)* is one that speaks to the blurred line between individual and collective rights. The individual rights of thousands were physically and irrevocably violated, but this was done through the democratic process, supported by a belief of what was best for Canada as a collective. Belief and political will changed over time, the collective ultimately recognizing that the Act was a violation of individual rights and not best for society. They elected a government that repealed it and supported courts who ruled in favor of its victims.

Institutions like the Canadian Museum of Human Rights (CMHR) are in a unique position

to deal with controversial history and to be sites of difficult storytelling, as well as places to bridge lessons of the past with contemporary concerns. [The Alberta Sexual Sterilization Act \(1928\)](#) is an important topic for Canadians to confront and engage with because it was a legally enacted law that violated thousands of individuals based on race and class prejudices within our own borders. It demonstrates clearly the difficult and often painful process of identifying and protecting human rights. It is an opportunity to explore and open a dialogue about how democratically elected officials can legislate violations of human rights; how ordinary people, persuaded by particular arguments, can fight for and support violations of human rights; and how individuals often associated with championing human rights in one sphere could support campaigns that violated them in another. It is an opportunity to discuss the complex nature of human rights and to make sense of the Canadian past and present in terms of both failures and successes in upholding those rights.

### Representing the Act in the Canadian Museum of Human Rights

This could be done by presenting a brief legislative history, providing access to archival documents, highlighting stories from victims, survivors, opponents, and supporters of the Act, and drawing connections between the historic and contemporary aspects of this story. One of the key opportunities in displaying this story at the CMHR is to open a dialogue about how human rights are not always black-and-white issues, but are in fact debatable, often with heavy support on multiple sides of the issue. This story should ask people to think about what support for eugenics means, how the Act was passed, and what it says about the importance of displaying controversial histories.

Eugenics is not a topic that has left the public discourse, but still remains important and controversial, despite the efforts to disassociate modern day eugenics from its roots. It has also been an important element in popular fiction throughout the 20th and into the 21st century. Highlighting these debates and opening up the museum space to collaboration with groups like the Living

Archives on Eugenics in Western Canada (<http://eugenicsarchive.ca>) would be an effective way of introducing the discussion of eugenics into everyday life, and of helping visitors to make connections between eugenics of the early 20th century and today.

Finally, the opportunity to highlight the connections between this human rights issue and the others put on display in the Canadian Museum of Human Rights should not be wasted. [The Alberta Sexual Sterilization Act \(1928\)](#) is not just a legal infringement on contemporary charter and human rights, but is also connected to women's rights, feminism in Canada, the role of the family, the role of the government in the private sphere, institutionalization of medical and child care, mental health (care, diagnosis, and stigma), birth control and reproductive rights, child rights, immigration, class issues, race issues, religious issues, and euthanasia, among many other potential human rights issues.

### Conclusion: The Sexual Sterilization Act as Representation and Introspection

The story of the [Alberta Sexual Sterilization Act \(1928\)](#) is not just a controversial and traumatic part of Canadian history, but is a story that continues today. The broader lesson we can take from this story is the need to look closely at how and what we frame as a "problem," what we decide to do to solve it, and how we wield science in this regard. It likewise asks us to look closely at what we consider to be individual and collective rights, and how they must balance in our society. The story continues in the social, political, and medical dialogue surrounding current eugenics. It poses questions of human rights as we discuss the possibilities of genetically engineering babies, in vitro tests for mental and physical defects, advanced fertility treatments, and searching for the "gay gene." It continues in public debates around sexual education in schools, contraception, abortion, and who has the right to be a parent. It continues in ways that suggest the [Alberta Sexual Sterilization Act \(1928\)](#) really ought not to be part of Canada's hidden past.

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