

Notes for Remarks by David King
To Open a Conference at the University of Alberta
“Eugenics and Sterilization in Alberta: 35 Years Later
(Friday, April 27th, 2007)

Looking Back, Looking Ahead

Welcome

Good Evening Ladies and Gentlemen. Thank you, Harvey (Krahn) for the kind introduction.

I would also like to say thank you to the participants in a pre-symposium workshop I sat in on. You may have noticed that I left at 4:30 because things were said that caused me to make changes in my presentation.

I. Introduction

I have been asked to speak to you about the political environment surrounding the issue of involuntary sexual sterilization in Alberta in the late 1960s, and the political outlook that shaped the decision to repeal the province’s Sexual Sterilization Act in 1972. The invitation also suggested that I could reflect on our current situation in the light of our experience with the Sexual Sterilization Act, and consider the future.

As the introduction has made clear, I am not a scientist or a scholar. I am a citizen: I have been a citizen politician. I bring the perspective of a citizen politician to this symposium.

For any of you who will leave early, I can summarize my remarks in this way. Culture and community are lived stories, just as the lives of individuals are stories. Individually and collectively, we live inside stories. We make myths of them. We understand what we can do or can’t do, what is right or wrong, what is valuable or trivial because of the stories we make up, and adopt, and absorb, and stop thinking about. Similarly, I believe that politics is the synopsis of the story of the culture and community at the moment we step into it. Or, politics is the story of the culture writ into a particular issue at a particular time, in a place. Think of culture as being “the Young and the Restless” – all 30 years of it -- and politics is the 1-minute summary at the beginning of each episode that allows you to catch up no matter how long you have been away from the TV set. You may not like the summary but it is an accurate representation of the story line.

With that in mind, for me, the repeal of the Sexual Sterilization Act is a political morality play. My remarks this evening, corresponding to the acts of the play, are in three parts. First, I want to take us all back to 1971, and earlier. I want to describe the circumstances. Second, I want to talk about the politics in play, and reflect on politics to-day. Third, I want to make a few comments about science, and politics, and ethics, with a view to the future.

II. the Background

The Sexual Sterilization Act was originally adopted in Alberta in 1928. The government of the day was drawn from the United Farmers of Alberta, an agrarian populist movement which was sometimes quite progressive and sometimes quite conservative. Alberta was a young community, a new community. Many of our early citizens had fled terrible social and economic conditions. Not only did they arrive in the last, best West, as C.P.R. advertising described it; they were free, and felt empowered to make “the best” better – that is, perfect. They could leave something to their children that would have been beyond the imagining of any of their forefathers.

Alberta was a rural community. One of our proudest possessions was the University of Alberta, with a phenomenal Extension Department. There was a strong sense throughout the community that science, in the service of man, could solve all problems, if given authority, resources, and time. The very large farming community had many leaders who wanted to be “modern”, and the Extension Department of the University of Alberta was there to help them be “modern”. The one scientific issue which was commonly discussed and relevant to many people was genetics and selective breeding.

In that day, intelligent, ethical, and well-regarded community leaders were proponents of Mendelian or Galtonian genetics, including eugenics. The names Tommie Douglas, Emily Murphy, and Sir Winston Churchill come to mind. They were relating to a scientific utopianism.

In 1935 a new government was elected, the Social Credit government. They inherited the Sexual Sterilization Act.

In 1965 the Social Credit League had formed the government of Alberta for 30 years, with no obvious signs indicating Albertans wanted change. In March, 1965 Peter Lougheed, a young corporate lawyer from Calgary was elected Leader of the Progressive Conservative Party. The party had never formed the government in Alberta and was only occasionally represented in the Legislature. The constituency of Banff-Cochrane was perhaps the most contrarian in the province, and they were accustomed to electing a Coalition M.L.A., who would one-time come from Liberal roots and one time from P.C. roots.

In 1967 Peter Lougheed and five other Progressive Conservatives were elected to the Legislature, and they became the Official Opposition. (Peter and two colleagues were elected in Calgary constituencies; Lou Hyndman and Don Getty were elected in Edmonton constituencies; Hugh Horner was elected in the Barrhead constituency.) In 1968 the long time Premier of Alberta, E.C. Manning retired. The Social Credit League chose a new Leader and Premier, Harry Strom. The media and the public began to talk about the prospect of Progressive Conservatives forming the government, perhaps in 1975.

The Progressive Conservative Party won the provincial general election of August 30th, 1971, and Peter Lougheed became Premier of Alberta. (The Progressive Conservative Party had gone into the election holding ten seats in the Legislative Assembly, and came

out holding forty-nine. I was one of the forty-nine.)

Obviously, not everything that was fomenting change was apparent on the surface.

Men and women who had been born in the '20s and '30s and shaped by the despair of Depression subsequently experienced WW II, either as combatants or as formative youth, and came away from the war with new information, new experiences, and new ways of thinking about things. Particularly, they had learned that they could challenge, sacrifice, and change the shape of things to come. It probably took a while for all of that to work its way through to new priorities and attitudes. The post-war baby boom, especially when the babies grew to be teenagers in the '60's, got people thinking about the future of the province. Oil came to Alberta in a big way in the mid-'40s, and over the next 20 years we gradually abandoned our ingrained notion of poverty and began to believe we were secure enough to take some social and political risks. Communications technology changed dramatically with the arrival of TV and the transistor radio: transportation infrastructure was making quick, comfortable, and distant travel just as easy. Again, it took about 15 years for the impact to be absorbed and translated into changed attitudes and practices. In the mid-60s we had multiple TV channels, and radio was everywhere, because you didn't need a plug or a car battery. Expo '67 gave all Canadians, certainly including Albertans, a new sense of confidence, and of work to be done, and wrongs to be righted, and of the need to be imaginative. (It is an interesting footnote that Expo '67 opened 40 years ago to-day.) The election of Pierre Elliot Trudeau as Prime Minister, in 1968, gave self-confidence to the younger generation, and urban dwellers. Canada, and Alberta, made the transition from being a rural and small town nation to a nation – and province -- of urban dwellers.

In the United States, the Civil Rights movement was exploding across the scene, with its message that a wrong needed to be righted and that people, especially young people, could make it happen. The American War on Poverty was based on the proposition that wrong social conditions could be revealed by science (the social sciences) and, if the sciences were given authority, resources, and time, poverty could be eliminated. (I am reminded of the current War on Terror.)

III. the Politics in Play

In the midst of all this, the Progressive Conservative Caucus, while in opposition (1967 – 1971), presented itself, not as the Official Opposition but rather, as the Official Alternative. The aim was to represent integrity, reliability, and what I will call positive freedom, that is – individuals would not only be free from wrong restraints and limits; they would also be in control of the means to grow, develop, contribute, create. Not only would there be greater personal/individual opportunity but, equally important, the commons would be enlarged and enriched so that people would live in a “richer” and more life-giving environment.

Consistent with the idea of positive freedom for the individual by the enlargement of the commons, there was also the idea that diversity is desirable -- something to be celebrated.

Finally, there was the idea that there would be action in the present, always with a view to

the future. Charles Kettering is reputed to have said something which I always thought Peter Lougheed took to heart: “Consider the future, you will spend the rest of your life there.”

The aim was to present the party and caucus as: inclusive, transparent, positive, imaginative, celebratory of diversity, capable, prudent (not a gambler, but not risk averse), and forward-looking.

Consequently, as a matter of conviction made manifest in strategy, the Progressive Conservative Party and Caucus spent a lot of time engaged in “outreach”. They encouraged imaginative people, energetic people, frustrated people – ‘do-ers’ to interact with the party and with the M.L.A.s. They didn’t require agreement, but they did promote civility.

To the best of my knowledge, the issue of the Sexual Sterilization Act “walked in the door”. We didn’t find it: it found us.

It was probably significant that one of our M.L.A.s from 1967 – 1971 was Dr. Hugh Horner, the *de facto* deputy leader, and a medical doctor. His knowledge and support contributed significantly to the ultimate outcome. But before that, others – ordinary citizens, one might say -- were instrumental in making us aware of the issue.

They weren’t party insiders; they weren’t even party members. They were citizens who felt they could/should/would participate in the political process. They were citizens who believed they had a responsibility to participate.

I know that they went to the government of the day. They were not listened to or, at least, they were not listened to with any sense of urgency, and their own sense of urgency did not touch an old, tired government mired in an outdated practice of politics.

They also came to the Progressive Conservative M.L.A.s of that day – notably the Leader – and they got a different reception. They were listened to with respect. They had found politicians who would respond without prejudice, in good faith. I will come back to the “why” in a moment, because it is crucial to my message.

I remember Bette Hewes, who was later to make a real name for herself as a politician in her own right. But in the late ‘60s she was “merely” an active volunteer leader of the Alberta Division of the Canadian Mental Health Association. She was a frequent and always strong proponent of the Blair Report on Mental Health.

I remember K.G. McWhirter and Jan Weijer, both on the faculty of the University of Alberta.

In the late ‘60’s my role, as Research Assistant to the Leader of the Opposition, was to take assignments from Peter Lougheed, get the detail from reliable people (such as Hewes, McWhirter, and Weijer), read the research and history from other jurisdictions, and help the M.L.A.s in any way I could. When I met these citizens, and talked to them, and read what they provided, I quickly came to share their objections, and their passion.

In a very real sense, the Sexual Sterilization Act was repealed, first and foremost, because of the knowledge, the convictions, the willingness to engage in citizenship, without letup, of these people. (As Margaret Mead is reputed to have said, “Never doubt that a small group of men and women can change the world: indeed nothing else has ever changed the world.”)

Probably the Lougheed Lesson most indelibly imprinted on my life is this: the true job of leaders is not to invent a vision of their own and “sell” it, or impose it, or bestow it on the citizens – the true job of leaders is watch, and listen to the citizens, and draw out of people their own dream of what is the best they can be – individually and as a community -- and help bring it to fruition.

One of the great contemporary students of leadership is a man named MacGregor Burns. He has two theses, both of which I was introduced to, in Alberta, in the late ‘60s – before I read Burns. On the basis of my experience, I agree with Burns. His first thesis is that there are three different kinds of leadership, representing three stages of evolutionary development. Primitive leadership is transmissional: do what I say (or I will punish you). Intermediate leadership is transactional: “I will do this for you, if you will do this for me.” The preferred expression of leadership is transformational: “We see and appreciate a future condition in which both of us will be different; we are prepared to experience the change in ourselves and in our circumstances, because we desire the improvement; and we will work together – and change ourselves in the process – to make it happen.”

As citizens, we should hold out for transformational leadership and transformational politics, rather than anything less. We should also remember that Nazi Germany is not only a story of evil leadership: it is a story of weak citizenship.

Second, Burns said that leadership is not a label for the characteristics of a man or woman; it is a label for the relationship that exists between a leader and a community. His example was Gandhi, who sometimes led the Indian people and was sometimes led by them. Leadership, says Burns, lies in the relationship that exists between the person who is the recognized leader and the people (the community).

The repeal of the Sexual Sterilization Act was an early and convincing demonstration of citizen participation in action; what James Surowiecki calls the wisdom of crowds.

In my view, the story of the repeal of the Sexual Sterilization Act is a story about personal accountability, democracy, and politics. It is a story about transformational leadership. It is a story about a leader who knew when to follow, citizens who had the courage to play a leadership role, and a leader who, like Jean Luc Picard, commander of the starship Enterprise, knew when to say, “Make it so”.

Politics is not simple, or ethereal, or occasional, or reserved for leaders. Politics is complex (rich), and grassroots, and constant, and for every one of us. To paraphrase an ancient Roman senator: The citizen who is truly loyal to the community will not advise or support or submit to any measures that are immoral or unjust or mediocre.

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The First Session of the 17th Alberta Legislature was convened on March 2nd, 1972, with the reading of the Speech from the Throne.

The Speech from the Throne identified five priorities for the new government. The first priority was “The Protection of Human Rights”, and the fifth priority was “The overdue required reforms in mental health treatment and prevention.”

The first two pieces of legislation introduced by the new government were: The Alberta Bill of Rights and the Individual Rights Protection Act. I sponsored Bill #34, the Sexual Sterilization Repeal Act, which received First Reading on March 23rd. Bill #34 was passed without much debate and without any recorded dissent, although there was certainly some disagreement voiced in the community at large.

IV. the Sexual Sterilization Act

Basically, the Sexual Sterilization Act created a Board which could authorize the sterilization of certain people, with or without their consent. In my own view, the Act was reprehensible whether dealing with a consent case or a non-consent case.

You might ask, why involve a Board in a sterilization that could proceed simply with the consent of the person to be sterilized? The answer is that, according to the Act, the involvement of the Board would have made the practicing surgeon immune to prosecution after the fact, for negligence for example, or in case there was a subsequent dispute about whether consent was informed.

The more commonly discussed feature of the Act was that it enabled a Board to impose sterilization on a citizen without consent. Though it limited the types of citizens against whom it might decide, a wall had been breached. The included classes could have been expanded at any time, to include “undesirable races”, or “untreatable diseases”, or ...

The Act went on to say that an included citizen who was “aware” enough to recognize the wisdom of giving consent would still be treated as a second class citizen by having their subsequent rights in law extinguished.

There are three arguments to be made in favour of the Act.

First, supporters said, it provided legal safeguards (apparently based on public policy) in support of a scientific advance that would improve the community qualitatively (at least in the long term), while at the same time saving money and other resources that could be re-directed to other good social purposes. Eugenics, it was argued, would make the world a better place and eugenics should, therefore, be advanced by use of the law.

Second, supporters said, the law protected do-ers of good from old-fashioned restraints – or perhaps it provided a necessary particular exception from the application of civil tort law that was, in general, good law. In any case, the argument was that, in respect of this

issue, conventional protections and sanctions were old-fashioned and wrong-headed and should be set aside.

Third, the Act, it was said, showed compassion. Responsible people who loved (i.e. parents) and cared (i.e. the community) could do something that, being responsible, they knew needed to be done. "They knew best." Using the law, the necessary could be done without the focus of attention; with the suggestion of tacit approval rather than social disapproval; it could be done without informed consent.

V. Some Thoughts for the Future

As far as I know, Peter Lougheed was unaware of the existence of the Sexual Sterilization Act, until the issue was brought to him by citizens. I feel confident I am recalling his reaction accurately when I say that he was appalled, on four levels.

He was appalled by the vision of the future that the legislation represented.

He was appalled by the moral and scientific claims the law was built on.

He was appalled that the law was still on the books as a representation of public policy (public principles and values) in Alberta in the late '60s.

He was appalled at the political insensitivity of the government that was unresponsive when the issue was taken to it.

As soon as I was drawn into the issue I was appalled. I am proud to have been the sponsor of the repeal legislation.

At the same time, I consider the story to be a cautionary tale.

As a community, even as individuals, the lessons we learn never remain top of mind forever after. Every experience offers many lessons, and sometimes we learn, absorb, become slaves to, entirely the wrong lessons. The passage of time brings new knowledge, mitigating experience, and we may conclude that old experience and old knowledge is now irrelevant or obsolete. In this conclusion we may be right or wrong

Some people might say that it is irrelevant to-day if Mendelian genetics has been compromised, or disproved, or discredited. After all, they might say, we have learned: we have completed stage I of the Human Genome Project. We are building on knowledge that was unimaginable one hundred years ago. Our forefathers didn't have the knowledge to get it assuredly right (though they thought they did): we do have the knowledge to get right this time. Our assurance, unlike the self-assurance of our grandparents, is well founded. So we might say.

We have many options for birth control. We can choose the gender of the child. We can design genes. We can examine and test the fetus in the womb. We can conduct surgery in the womb, and make corrections as well as cosmetic changes.

I am an optimist. I live the politics of hope. I live for the future, which is to say, I live

for my grandchildren's world.

I appreciate science, technology, and technique. Clearly, I am a beneficiary of wonderful awareness, wonderful knowledge, wonderful design, and construction, and practice.

But I am also a progressive conservative. That makes me a risk-taker, but not a gambler. That means I don't believe in the individual alone; I believe in the individual in relationship – in community. I believe that the present is fleeting: the future is omnipresent. (As Chief Seattle is reputed to have said: We do not inherit the world from our parents and ancestors: we borrow it from our children and grandchildren.)

I am also very disinclined to believe in the very idea of utopia, let alone any argument that we can get it right this time although we have got it wrong on every previous occasion that we have tried. The basic problem, I believe, is this. The imagination of utopia is arrogant, base, undemocratic and theologically dangerous if society, to be perfect (utopian), depends upon each of its citizens being perfect, if perfection is standardization, homogeneity, and stasis. Is utopia the product of only one person's mind (Plato's, or Sir Thomas More's)? In that case, is the utopian thinker planning to accommodate people such as me in the vision, with all our imperfections? Or, is utopia the product of group work by an elite? In which case, am I part of the elite? Or is utopia the product of many of us, but not the undeserving? In which case, who is undeserving to participate in imagining utopia, and who decided they were undeserving?

Perhaps utopia is beyond all of us, a philosophic ideal or a creation of God or of the invisible hand in which case we are reduced to fatalism, waiting for the hand to move us, shape us, and remove us.

Utopia, eugenics, technocracy are all perfectionist, objectifying outlooks. They are rational, mechanical, ahuman or anti-democratic, and neat. They are inherently exclusive.

Community, on the other hand, is intuitive, organic, human, (eventually) democratic, and messy. It is inherently inclusive.

I would like community to lead, rather than follow.

President Eisenhower once said, "War is too important to be left to generals". Clearly, Eisenhower did not despise generals; he spent most of his life in the military, including many years as a general. He also didn't mean that war could be prosecuted without generals. They are vitally important to victory in war. His point was that strategic decisions about major community undertakings need to be organized within a paradigm that is created by a community of civilians -- citizens. In the same vein, when it comes to the really big, and I would argue, important questions: education is too important to be left to educators; the economy is too important to be left to economists; commerce is too important to be left to captains of commerce; ethics is too important to be left to ethicists; and, science is too important to be left to scientists.

Among other things, and speaking specifically to science for just a moment, I think we

need to reject any claim, by any branch of science, at any time, that scientific knowledge has reached its zenith. Looking as far into the future as I can, I cannot see the day that we will have all the vital knowledge there is to be had. Equally important, I cannot see the day that we will have excised from our body of knowledge all the tragic ignorance we hold dear as “truth”.

Among other things, and speaking specifically to ethics for just a moment, I think the decisions of many governments, to appoint “Ethics Commissioner(s)” who are agents of the Legislative Assembly, may have been a serious political and cultural error. Personally, I don’t agree that the only meaningful compass for political ethics is held in the hands of the Ethics Commissioner. It seems to me that there is far less discussion, certainly less meaningful discussion about political ethics now than there was 15 years ago; and the perceived authority of anyone else to speak about ethics is diminished with every new day that we believe we can rely on the Ethics Commissioner to be the standard for ethics in the politics of the community.

Perhaps, instead of having an Ethics Commissioner whose role serves to discourage widespread discussion of ethics in politics, we should have an Ethicist Laureate, like a Poet Laureate, to encourage widespread discussion of, and celebration of ethics; like the Poet Laureate encourages a celebration of poetry.

VI. Conclusion

Preparing for this presentation has been both a walk down memory lane and a challenge. For both of these I want to thank the organizers, again.

Reflecting on the repeal of the Sexual Sterilization Act has caused me to think about how much our political process has deteriorated in 35 years. I have had to consider how narrow, and shallow, and dispirited our civic dialogue is. I have had to consider how confrontational, adversarial, and exclusive our public policy debates have become.

The condition is not peculiar to Alberta, not peculiar to having a Progressive Conservative government, not peculiar to having a buoyant economy, or massive immigration.

When I use the word “deteriorated”, I am not referring to an inexorable direction. I am not suggesting a certain end.

Quite the contrary. As I said a few moments ago, I am an optimist. I live the politics of hope. I live for the future, which is to say, I live for my grandchildren’s world.

The story of the repeal of the Sexual Sterilization Act reminds me of what leadership can accomplish. It reminds me of what citizens can accomplish. It reminds me that “we’ll see it when we believe it”, so we’d better be careful about what we choose to believe and incorporate into our stories. In fact, we had better take our stories more seriously than many of us do.

The story of the repeal of the Sexual Sterilization Act encourages me, and I hope you, to

continue working, however we can, for an inclusive, vital, imaginative, creative political process, including dialogue, debate, and decision-making that respects individuals and minorities as well as majorities.

Forced sterilization may be behind us forever. I cannot say. I do know that we face other issues which are every bit as important: they may be more important. They embody deep ethical questions, as well as questions about resources, values, and preferred futures. From the repeal issue we may learn some of what we need to know for debating and dealing with these present and future questions. But we did not learn, and cannot learn, everything we need to know from our past mistakes or our past recognition of mistakes, and correction.

Last, but not least, we should be careful about celebrating the repeal of the Act. If we aren't careful, we may think we have nothing to learn, because we are celebrating having fixed the mistake. Maybe we should think of ourselves as marking the 80th anniversary (almost) of a grave public policy mistake which it took our community 44 years and much tragedy to fix.

In fact, we are living in the midst of a similar situation to-day. Our government tells us that our infrastructure crisis reflects the cost of mistakes made 15 years ago and since then. Now, we have to fix these mistakes, and we pay the price, both financially and in human terms – homeless people, insufficient extended care beds, etc. The mistakes, when they were made, reflected misplaced certainty: they also reflected an appalling lack of confidence in Alberta and in Albertans. The decision-makers of the day were wrong, and citizens were wrong to have been silent.

Are we, as a community, making mistakes to-day – through willful ignorance, or inattention, or lack of confidence in our future, or submission to other people's stories, that we will have to fix, at great price, some day in the future? What will our grandchildren think of us years from now, as they consider the environment, or the fruit of genetic engineering?

Science never stops learning. Ethics never stops questioning. Politics never stops choosing. Our choices never stop dissolving in the face of new knowledge and new questions, and new dreams.

Our work, as citizens or as leaders, is never done.

Thank you.