

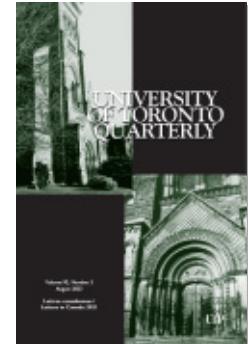


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In the Public Good: Eugenics and the Law in Ontario by C. Elizabeth Koester (review)

Daniel R. Meister

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practitioners of early drama; Pugh refuses to “freeze these plays in the historical moment” and shows how ambiguities can continue to develop “when the plays are staged anew in the present and into the future.”

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C. Elizabeth Koester. *In the Public Good: Eugenics and the Law in Ontario*.
McGill-Queen’s University Press. xix, 320. \$39.95

According to the author, previous literature has suggested that not much happened in Ontario with respect to eugenics, as evidenced by a lack of legislation. *In the Public Good* thoroughly demonstrates the faultiness of this conclusion. In an approach that at first seems counter-intuitive, Elizabeth Koester turns to a legal perspective in order to trace eugenic activity and ideas in Canada’s most populous province during the tumultuous period between 1910 and 1938. The result is an important examination of how eugenic ideas intersected with the law and how eugenic ideas were promoted and, in some cases, deflected.

After a general introduction and a chapter introducing the “Places and People,” the body of the book consists of three case studies. The first is Dr. Forbes Godfrey’s dogged but ultimately fruitless efforts to pass legislation mandating the sterilization of, and the prevention of marriage between, the institutionalized “unfit.” (In total, he brought forward eight bills during the course of eleven years, none of which became law.) The second case study concerns three Ontario royal commissions (in 1917, 1929, and 1938) that dealt with public health and welfare and that made recommendations concerning sterilization, even when this was not part of their mandate. And the third details the case of A.R. Kaufman, the Parents’ Information Bureau, and the sensational trial of Kaufman’s employee, Dorothea Palmer, who in 1936 was arrested and charged for distributing information relating to birth control. Although there was a sustained effort over these three decades, ultimately there was insufficient political and popular support to allow for the passage of eugenic legislation. The concluding chapter provides a useful comparison of the history of eugenic legislation in Ontario with Alberta, where it is better known, drawing out important similarities and differences.

In the Public Good is a great book, suitable for a broad audience. The research is meticulous, writing crisp, and quotations of primary sources sparing and effective. Biographical sketches populate and enrich what could have been, in lesser hands, a dry legal history. The brief definition of eugenics and the thumbnail history of the movement provided in the introduction are superb, and the necessary explanations of Canada’s legal and political systems, provided throughout, are clear and succinct.

One point of contention concerns the centrality of the titular notion. It is of obvious significance to the third case study, as Palmer was acquitted on the basis that her actions served the “public good,” a precedent-setting decision that hinged on a rather unique subsection of the law. In the first two case studies, by contrast, the tension between the “public good” and individual liberties is presented as an important obstacle to eugenic legislation. However, neither notion is theorized at any length, and this tension does not appear to have been a central concern of the historical figures and texts involved. (The politicians, for their part, seem to have been more concerned with the perceived insufficient public support for eugenic legislation.) The connections are thus tenuous in these cases, and, even in the third case, the opposition to birth control being considered in the “public good” seems to have been largely based on religious, not liberal, grounds. Perhaps, then, considerations of the public good were present but not necessarily pre-eminent; different methodological approaches may shed further light on this question.

Balancing the biographical, legal, and contextual histories is a difficult task, and some readers will no doubt wish that some material consigned to the endnotes had been discussed in the body of the work or that some additional threads identified by the author in these same notes had been pursued. However, the book’s tight focus, which contributes to its overall readability, suggests that the difficult editorial decisions made were the right ones.

Yet, despite its disciplined scope, the book’s interpretations are not unduly narrow. The analysis of the case studies is nuanced, and evident throughout is the author’s insistence on precision and her skill in weighing conflicting evidence, interpretations, and possibilities, which is helpfully paired with an openness to discuss the limitations of the available sources. Koester explains in the acknowledgements that she left the practice of law and later took up the study of history, but the book suggests that she would have made a fine judge had she stayed. What was the legal profession’s loss is historians’ gain, for our understanding of the history of eugenics and the law in Canada is far richer as a result.

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Josh Cole. *Hall-Dennis and the Road to Utopia: Education and Modernity in Ontario*. McGill-Queen’s University Press. xxxvi, 292. \$39.95

The 1968 landmark report *Living and Learning: The Report of the Provincial Committee on Aims and Objectives of Education in the Schools of Ontario*, commissioned by Progressive Conservative Minister of Education Bill Davis in 1965, is the subject of Josh Cole’s well-researched book. Commonly known as the *Hall-Dennis Report*, its members were tasked with devising a plan to create an