

CANADIAN PIONEERS IN FAMILY PLANNING

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ABSTRACT

Contraceptive techniques have been used in many cultures over hundreds and sometimes thousands of years. As the practice grew, so negative environments and legislation rose to restrict the use of contraceptives.

In Canada, it was a criminal offense to advertise or offer a contraceptive product for sale until 1969.

The United States had repressive legislation in place around the turn of this century, and in the United Kingdom, it was illegal at one time to distribute contraceptive material.

This article provides a brief overview of the significant contributions made by a select number of individuals who challenged the Canadian legislation in a variety of ways, and helped to bring about the eventual reversal of the Criminal Code as it applied to contraception.

RÉSUMÉ

On emploie des techniques de contraception dans beaucoup de sociétés depuis des siècles, et même parfois des millénaires. Pourtant, à mesure que les pratiques s'installaient, des attitudes sociales négatives et la loi cherchaient à en restreindre l'usage.

Au Canada, jusqu'en 1969, la promotion et la vente de contraceptifs allaient à l'encontre du code criminel.

Des lois répressives étaient encore en vigueur aux États-Unis au début de ce siècle. Au Royaume-Uni, il fut un temps où la distribution de matériel contraceptif était illégale.

Cet article présente un bref aperçu des contributions importantes faites par un certain nombre de personnes qui ont remis en question les lois canadiennes de diverses manières et ont contribué à la réforme du Code criminel en matière de contraception.

KEY WORDS

Pioneers in contraception, contraceptive legislation, history of contraception.

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August 18, 1969 may not jump out as a dramatic date in the history of Canada, but it certainly is a momentous date in the history of social change as it relates to contraceptive use and promotion in this country.

In 1963, Canada was admitted to the International Planned Parenthood Federation. The following year, a Private Member's Bill was introduced to Parliament to make contraception legal. It was "talked out."

In 1966, the Standing Committee on Health and Welfare heard evidence on the need to amend the Criminal Code as it related to contraception.

Prior to 1969, the legislation which originated in the Criminal Code of 1892, with a few amendments being added along the way, made it a criminal offense in Canada to advertise or offer for sale the use of a contraceptive, unless it could be proven that the public good was being served.

That was just under thirty years ago.

It was an era in which contraception was a thirteen-letter dirty word. At that time, Section 207(c) of the Criminal Code of Canada was still in force and briefly read as follows: "Everyone is guilty of an indictable offense liable to two years imprisonment who knowingly, without lawful justification or excuse, offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means or instructions or any medicine, drug or article intended or represented as a means of preventing conception...."

The only saving grace in this Act was the next paragraph which read: "No one shall be convicted of an offense in this section mentioned, if he proves that the public good was served by the acts alleged to have been done, and that there was not excess in the acts alleged beyond what the public good required."

It was a time of cautious and almost secretive reference to family planning. It was a time for pioneers, and there were many in Canada.

The availability of contraceptive products was affected in numerous ways. Contraceptive creams, gels, foams and suppositories, and other such inserts were labelled "for vaginal use"—without any reference to the contraceptive indication. As a result, deodorant, lubricant and other non-contraceptive products were assumed by many women to have contraceptive value—with, of course, distressful results.

Some condom brands carried a package insert that

read, in part: "Sold in drugstores only for the prevention of contagious diseases."

Small wonder then, that condoms were usually kept in drawers behind the counter so that the customer had to ask specifically for the product or resort to subtle winks, flipping a coin, or using one of a range of other signals to get a package quietly slipped into a bag. If condoms were placed in the front of the pharmacy, they were neatly wrapped in dark coloured paper.

Eaton's mail order catalogue advertised the availability of such products as Ortho-Gynol Jelly without reference to its indication. Catalogue sales were particularly brisk to women in rural areas where these products were most often carried behind the dispensary of the local pharmacy, rather than on open display in the front of the pharmacy as they are today.

Little support for change in this legislation came from the official bodies in medicine or pharmacy. No formal training was provided in the counselling and use of contraceptives in any of Canada's medical schools prior to the 1960s. I recall sitting in on a lecture by Professor Doug Cannell at the Toronto General Hospital in 1962 when he spoke to the medical students on methods of family planning. His opening comment was, "Ladies and Gentlemen, today I'm going to give you an illegal lecture—and if I go to jail, you are all coming with me!"

A great deal of misinformation existed among couples who, for one reason or another, desired to space the number of children they wanted to have. There was no education being provided at that time in high schools. The Planned Parenthood organization was in its formative stages, and there were limited resources for people to obtain contraceptive information and advice. In light of this dearth of data and restrictive legislation, there were some Canadians who were prepared to take action to help bring about change.

In Britain, pioneers in family planning had to fight against medical, religious and public opinion, but there were no prohibitive laws with which to contend. Two trials took place in the United Kingdom. One was that of Annie Besant and Charles Bradlaugh from 1877 to 1879 in which they won the right of publication. The other was that of Edward Truelove who was released from sentence on September 12, 1878. This led to the distribution of contraceptive material becoming legal in England. One name in Britain stands out against



many in the fight—Dr. Marie Stopes (1880–1956), a scientist, poet and playwright. She helped to open the first birth control clinic in the British Empire on March 17, 1921, and a good body of knowledge exists on her remarkable contributions.

The United States, too, went through a difficult period of fighting repressive legislation. Dr. Charles Knowlton (1800–1850) was prosecuted three times and spent three months in jail for advocating post-coital douching as a superior method of contraception. In many jurisdictions in the United States, there were laws that prohibited the dissemination of information or use of products designed for contraception.

The Comstock Bill, introduced in 1915, made illegal the dissemination of any information about birth control. This Bill gradually went through repeal, starting in 1930. The battle against this legislation was led by a nurse, Margaret Sanger (1882–1966), who opened the first birth control clinic in New York on October 16, 1916. She was arrested on more than one occasion for her efforts, but remained a strong influence in helping to make contraception legal in the United States. She became the first joint Honorary President of the International Planned Parenthood Federation and her work is well documented.

The Canadian scene was quite different in that there were no single national figures who stood out as did Marie Stopes and Margaret Sanger. Documentation is also relatively sparse on the Canadian pioneers.

This article is not a story about heroes. It is, however, a story of unpretentious people who, in hindsight, took heroic steps which contributed importantly to the bringing about of legislative change. Ten such individuals have been nominated over the years as “Canadian pioneers in family planning” but, in truth, they represent the efforts of a great many others who were also involved in supporting such change.

Back in 1965, when I was the Marketing Manager for Ortho Pharmaceutical (Canada) Ltd., I collected a few items that dealt with the history of contraception, to help to illustrate a short talk that I was to give on modern contraceptive methods. Over the years, this collection has grown to the point that it is now the only one in the world devoted exclusively to telling the story of this fascinating subject.

The collection now contains over 600 items and has

travelled internationally to major medical conventions including the SOGC, ACOG, FIGO, and the Fertility and Sterility Federation.

In seeking out these items I was fortunate to come into contact with several people who were quietly—and in some cases, not so quietly—defying the law by openly providing contraceptive products or counselling to people in need. They were doing some remarkable things which I believed should be given formal recognition, and so a photographic portfolio was assembled to capture the spirit of these pioneering Canadians. A gallery is set up alongside the Museum on the History of Contraception, and is housed in an arcade in the Janssen-Ortho Inc. facility in Toronto. Visitors are welcome.

The nominations took place over a twenty-year period, and a small reception was held to honour each recipient. Portrait-sized colour photographs were taken by some of Canada's leading photographers—one for the gallery, and one for the recipient. Each event turned out to be an inspiring evening as the clock was turned back to the struggles of the era through which we lived.

For those that are not able to visit the museum and gallery, a brief overview of these pioneers now follows.



Elizabeth C. Bagshaw, MD, MCFP, 1882–1982

Dr. Elizabeth Bagshaw grew up on a farm, and early in life decided to study medicine. She realized her ambition when she graduated from the University of Toronto Medical School in 1905, one of a small group of women to do so. She established a practice in Hamilton, Ontario.

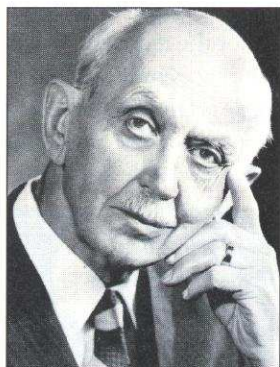
Enter Mrs. Mary Hawkins, wife of an executive in an electrical power company, who organized the opening in Hamilton of the first birth control clinic in

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Canada on March 3, 1932. Mrs. Hawkins enticed Dr. Elizabeth Bagshaw to join the clinic as its first medical officer and Dr. Bagshaw then trained with Margaret Sanger.

At first, the clinic did not accept unmarried women, nor women without at least two children. Dr. Bagshaw never received a salary, but accepted an honorarium which was \$100 per year and never exceeded \$200. There was strong opposition to the Hamilton Birth Control Society being established, but enough concerned citizens gave support to keep the clinic open. Funds were raised by holding an annual social tea.

Dr. Bagshaw retired from active practice at the age of 89, after having given 65 years of leadership to family planning in Canada. She died at age 100 after having received numerous awards which included the Order of Canada and The Governor General's Persons Award.



Alvin R. Kaufman 1886-1979

Just a few miles up the road from Hamilton, a separate scene unfolded in Kitchener, Ontario in 1929. It was the Depression and a Mr. Alvin R. Kaufman had to lay off some of his staff. He was concerned about what he could do to help them over this crisis. A request came back for birth control information, and so he arranged for a qualified individual to provide this advice in his plant. It did not take long for Mr. Kaufman to notice an increased amount of activity from visitors to the area, as friends and relatives of his staff turned to this source too.

Mr. Kaufman recognized the need, and founded the Parents Information Bureau. He soon expanded this service, and by 1936 this agency employed 53 nurses and social workers to make house calls in various cities across

the country. He made contraceptive products available at low prices and would often provide them free of charge. He did this at his own expense, and offered to share the profits of this venture with anyone who would also be prepared to share the losses.

When the post office, on occasion, complained about his use of the mail for distributing his products, Mr. Kaufman would storm down there and remind them that "their job was to deliver the mail—not to open it." The authorities generally turned a blind eye to his activities. Through the years, over 4,000 physicians cooperated until more than 235,000 women across Canada were helped. Mr. Kaufman died at age 93.



Dorothea Palmer Ferguson 1908-1991

Mr. Kaufman recruited over 50 nurses for the Parents Information Bureau of Kitchener to visit the homes of poor and needy mothers and to offer contraceptive advice and free supplies as appropriate. One such nurse was Dorothea Palmer, aged 28, who called on families in the Ottawa area. Her work was soon discovered by certain groups who vigorously opposed what she was doing. On September 14, 1936, she was arrested after leaving the home of an Eastview family and charged under Section 207 of the Criminal Code for disseminating contraceptive information. Until the change in the Code in 1969, those responsible for the dissemination of such information, written or verbal, were liable to two years imprisonment.

The landmark trial began on October 21, 1936, and was concluded on March 17, 1937. On that final day, the Magistrate read, "...I hold that Miss Palmer has proven that the public good was served by the acts she is alleged to have done, and that there was no excess in



the acts alleged beyond what the public required. The charges therefore will be dismissed." The case went to the Ontario Court of Appeal where the verdict was upheld.

The decision was decidedly unpopular in some areas, and the editorial in the Montreal newspaper, "L'Unite" March 31, 1937 ended as follows: "Judge Clayton is no man worthy of being a judge. His resignation should be demanded from the government which has named him. Ah! if there only existed a Legion of Decency, strong, powerful and spread throughout the Province, one could arouse public opinion and publicly flay this idiot of a Judge Clayton, who some day will be famous in Canada for having judged a case of such significance as this, as a mere clerk, and with an absence of the religious or civic spirit which brings a reproach upon the magistracy."

Dorothea Palmer disappeared from sight shortly after the close of the trial, and it was many years later that we came across her now living under her married name of Ferguson. When I met her, she was as outspoken as ever on the importance of the work in which she had been involved, and by good fortune we were able to have a two-hour interview on her experience captured on film. Her fiery spirit undaunted, her commitment to helping the families she worked with still uppermost in her mind, Dorothea Palmer Ferguson was a remarkable woman in pioneering legislative change in Section 207 of the Criminal Code. She died in Ottawa in her early '80s.



Barbara and George Cadbury

The Cadbury name is widely associated with the production of fine chocolate. Not many people, how-

ever, know that Barbara and George Cadbury made outstanding contributions to Family Planning in Canada, and also to International Planned Parenthood.

Barbara and George were both born in London, England, and emigrated to Toronto, Canada in 1960. That same year, a casual reference in the newspaper to someone being fined in Toronto for selling condoms so annoyed the Cadburys that they set about organizing a campaign to help to change the law. Twenty concerned citizens met to discuss the problem and, thus, was founded Planned Parenthood of Toronto, on October 12, 1961.

Barbara became its first secretary and later the President. She worked out of her home until they were able to build community support and move to more practical facilities. George was not only supportive of his wife's efforts, but carried the message of family planning actively to many countries around the world. He was elected Chairman of the International Planned Parenthood Federation in 1969 and was re-elected in 1971.

When Toronto Planned Parenthood set up a special phone line for anyone to call in with problems, it was Barbara Cadbury who volunteered to handle the calls on the opening night. The first call that came in was from an irate gentleman who took Barbara to task for making such a service available. It took her a while to recognize that the caller was her husband, George.



Lise Fortier, MD, FRCSC

Dr. Fortier graduated from the University of Montreal and was the first French-Canadian woman to become a gynaecologist. Dr. Fortier started to discuss contraception on television and radio as early as 1960 in a climate that was very repressive of such ideas. Nevertheless, she succeeded in establishing a



family planning clinic in a French-speaking Catholic Hospital which also offered a range of other such services.

The influence of her work extended well beyond the hospital in which she worked. She sufficiently helped to change the climate in the province so that other facilities were able to follow the example that she had established.

Dr. Fortier was elected President of the Planned Parenthood Federation in 1972, and in 1975 to 1976 she became the second woman to become the President of the SOGC.



Mary Speechly, MA, LLD (Hon.), 1873–1968

Mary Speechly was born in London, England where she received a fine academic education. She won a scholarship to Liverpool University, where she was the first woman to graduate in Classics, and did post-graduate work in Latin and Greek at Cambridge University.

In 1902, Mary and her family moved to Pilot Mound in Manitoba where she founded the Women's Institute. In 1934, she moved to Winnipeg where she, along with a small group of dedicated women, met in private homes, and over a cup of tea, promoted the use of contraceptives. She organized and was President of the Winnipeg Birth Control Society.

For a woman who weighed less than 100 pounds, she carried a lot of weight in applying political pressure to have the Criminal Code amended. When, many years later, she was invited to a meeting in the Legislative Building, she said, "I've been invited to tread the hallowed halls where they once tried to throw us out."

Mary Speechly was one of Manitoba's most admired

and respected citizens, and was recognized nationally and internationally as a crusader for family planning. She died in 1968 at the age of 95, before we were able to have her portrait taken. Her picture in the gallery was taken from an earlier painting.



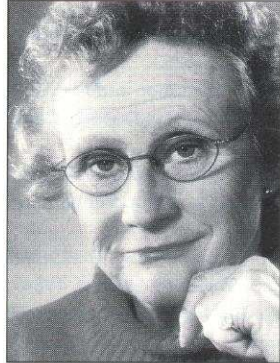
Marion G. Powell, MD, DPh, FRCPC, 1923–1997

Dr. Powell's early recognition of the need to dispel ignorance about birth control evolved into an outstanding career as a clinician, educator and lecturer in public health. After practice in Timmins, Ontario, and for eight years in Osaka, Japan, Dr. Powell returned, and in 1965, directed the first public health clinic in Scarborough with emphasis on family planning.

The Chair of Population Studies at the University of Toronto was held by Dr. Powell for five years beginning in 1972 and, under her direction, the Youth Clinic Column in the *Toronto Star* was begun in 1973. She was a strong supporter of Planned Parenthood, and held the post of President in 1968, 1970 and 1972.

In 1975, Dr. Powell was appointed to the Department of Justice Study in Abortion Law, and was invited to study and report on access to abortion in Ontario in 1986. In 1988, the Canadian Government presented Dr. Powell with the Persons Award in recognition of her contributions on behalf of women. She received the Order of Canada in 1990.

Dr. Powell was a tireless lecturer on sexuality and fertility control to health professionals and students in high schools and universities. She was active in the Bay Centre for Birth Control, where she remained a medical consultant almost until her death in 1997.



Sue Johanson

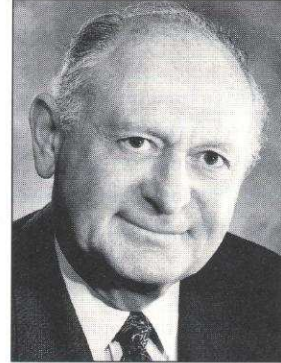
Sue Johanson has a nursing background and in 1970, with the support of local health officials and industry, helped to establish the first high school birth control clinic for teenagers in North America, at Don Mills Collegiate, a suburban high school in Toronto.

She expanded this programme by going from school to school, talking about sex to students at all grade levels. Her communication skills were further recognized when she pioneered the "Sunday Night Sex Show" on a rock radio station in 1984, and for 11 years she had her own television show "Talk Sex."

Sue Johanson has spread her message through the electronic media, magazines and newspapers and is the author of three books. She even taught sexuality to men in a Toronto jail.

I heard her regale an audience with the difficulties she had encountered when trying to set up the first high school clinic. She was given a one-time allocation of \$150 by the Health Council. There was no established budget and she had to rely on volunteers for staff support. They had to beg for and borrow materials in creative ways, to the point of visiting a nearby hospital routinely from which clinic supplies, or as Sue put it, "anything that could be moved," would surreptitiously find its way over to the school clinic.

Sue still actively promotes her message in sexuality – "Know what you are doing; think ahead; plan ahead; and never let sex just happen."



Percy Skuy

I have a problem with how to describe the next pioneer—namely myself.

After retiring as the President of Ortho-McNeil Inc., I was honoured by being acknowledged as a pioneer, and my portrait hangs alongside the others mentioned in this paper. I will just refer to the wording that goes along with the portrait.

Percy Skuy was born and educated as a pharmacist in South Africa. He emigrated to Canada in 1957, and eventually became the President of Ortho Pharmaceutical (Canada) Ltd. and Ortho-McNeil Inc.

In July 1969, Percy broke the law by running the first advertisement for a contraceptive foam in *Chatelaine*, a Canadian magazine. He waited until the last date for withdrawing the advertisement had passed, and then informed the regulatory authorities about what he had done. There was no turning back. The law was being put to the test. The ad ran without a single negative response being received, and on August 18, 1969, this section of the Criminal Code was finally changed. For the first time, with some limitations, it became legal, to sell and advertise contraceptive products openly in Canada.

He championed the establishment of the Chair of Population Studies at the University of Toronto, and was a supporter of a number of initial programmes dealing with human sexuality.

Numerous symposia were organized through his efforts from the mid 1960s to the mid 1970s, at a time when birth control and human sexuality were not freely discussed by either the public or health care professionals. Percy established the Canadian Family Planning

Pioneers Awards to recognize Canada's most interesting, and at times controversial, personalities involved in this field.

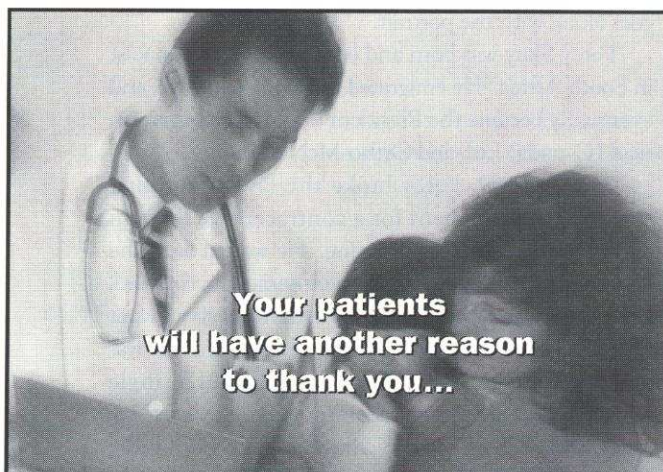
Beginning with a few contraceptive artifacts, Percy started a museum on the History of Contraception, which, with over 600 items on display, has gained international renown. He continues to write, travel and lecture extensively on this topic.

I conclude this article with a sense of frustration. I personally have met with all the Canadians mentioned as pioneers in the gallery, with the exception of Mary Speechly from Manitoba. I, however, know a great many others who have contributed immensely to allowing contraceptive information to become freely disseminated in the health sciences, in schools and to the general public across Canada. I have truly not done justice to their efforts.

For those that are interested, there is so much more to uncover.

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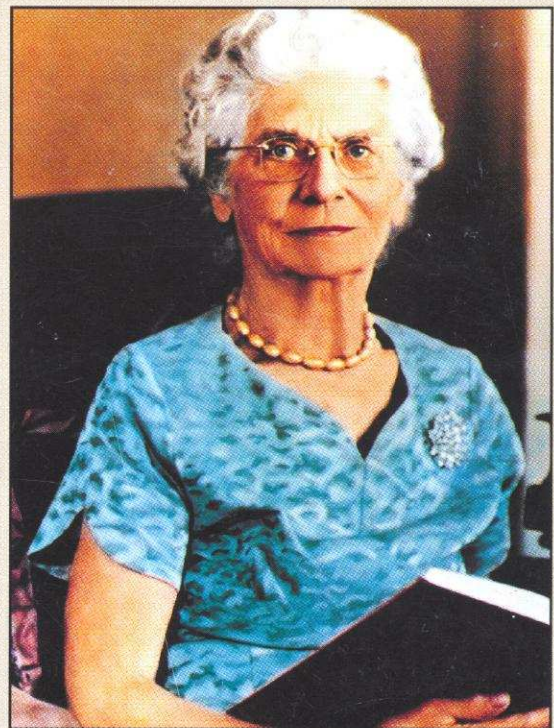
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**Canadian Pioneers in
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**Medical Management of
Adolescent Females with
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**Antiretroviral Therapy in
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**Advancing Safe
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Elizabeth C. Bagshaw, MD, MCFP, 1882-1982.



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