"THE GRANDMOTHER OF MARIJUANA PROHIBITION"

The Myth of Emily Murphy

and

the Criminalization of Marijuana in Canada

by

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Abstract

This thesis offers a case study in how historical figures have been remembered in scholarly literature and popular culture. This example of how Emily Murphy has been conflated with marijuana criminalization – as well as her characterization as a racist first-wave feminist in general – illustrates the very political purposes to which contemporary Canadians put history and historical figures. The "myth" of Emily Murphy and the criminalization of marijuana is a creation of academics, journalists, and activists, who often use this anecdote to argue for the liberalization of Canadian marijuana laws. There is little factual evidence for the argument that Murphy, and more specifically her 1922 book *The Black Candle*, was responsible for the 1923 prohibition of marijuana in Canada; yet numerous Canadians have used this historical story to subtly, or not-so-subtly, question the legitimacy of contemporary drug laws. This thesis adds to our understanding of historical memory in Canadian society and it suggests that the understudied phenomenon of antiheroines in history is just as significant as that of heroines. This study adds to what little work has been done on the history of marijuana in Canada and on Emily Murphy herself.

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I am also indebted to the archivists at the City of Edmonton Archives; Laurette Miller, Susan Stanton, and Glynys Smith were invaluable in helping me to sift through the records in the Emily Murphy collection. I would also like to thank the four people who agreed to be interviewed for this thesis for taking the time to speak with me. Their thoughts on the history of marijuana in Canada helped me to flesh out what I call the myth of Emily Murphy.

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INTRODUCTION

Was the "demon weed" criminalized because of some uppity, racist feminist of years past? Many people in the pro-marijuana movement and the mainstream media today seem to think so. Take the example of Marc-Boris St. Maurice, the leader of the federal Marijuana Party. Recently, while visiting the Famous Five statue on Parliament Hill, St. Maurice attempted to pie crusader Emily Murphy in the face, calling her the "grandmother of marijuana prohibition."[1] Only the timely intervention of two RCMP officers saved Murphy's doppelganger from being symbolically creamed. St. Maurice told the media that he "thought it was the most civilized protest [he] could make."[2]

Cannabis was criminalized in Canada in 1923, a year after feminist activist and Edmonton court judge Emily Murphy published her sensational anti-drug tract, *The Black Candle*. The book, a collection of Murphy's earlier "Janey Canuck" articles on the drug traffic from *MacLean's Magazine*, focused mainly on opium, morphine, heroin and cocaine, but also touched on the "new menace" of marijuana.[3] As many Canadian scholars have pointed out, there seems to have been little impetus, aside from Murphy's book, for marijuana prohibition at this time.[4] Lending credence to this view is the fact that it was not until 14 years later that the law was first enforced.[5] In 1937, what was likely Canada's first charge for marijuana possession was dealt with in the BC courts, and

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[1] L. Lisle, "Charges Dropped in Pie-Tossing Case," *The Ottawa Sun*, June 26, 2001, p. 10.
[2] Ibid.
[3] The *Cannabis Sativa* plant has two strains. One strain, popularly known as "hemp," has very little THC, the active compound in cannabis, and can be used for such industrial products as paper and gasoline. The second strain, known as "marijuana," has a higher concentration of THC, and is more commonly used for recreational and medicinal purposes.
[4] The Commission of Inquiry into the Non-Medical Use of Drugs came to the same conclusion in 1973.
[5] In G.H. Josie's 1948 *A Report on Drug Addiction in Canada* for the Department of National Health and Welfare, he found that between 1930 and 1946, there were 25 drug convictions involving marijuana. Eighteen of these were in Ontario, six in Montreal, and one in British Columbia. Josie related that

the accused, a Mr. Harry Forbes, was found guilty.[6] Interestingly, this same year our American neighbours were amid a "reefer madness" moral panic and would criminalize the drug before the year was out. Such a long delay in enforcement surely suggests that there was little perceived need for cannabis prohibition in 1923 Canada. Why, then, was it criminalized in the first place?

This thesis explores what I have termed the myth of Emily Murphy, by which I mean the simplistic notion that she alone was responsible for marijuana criminalization. As we will see, plenty of people, not just pie-wielding marijuana activists, have created and sustained the Murphy myth. I have examined scholarly treatments of Murphy and have especially looked at how they have told the story of her anti-drug activism, particularly with respect to marijuana. I have also studied the version of the "Murphy myth" in contemporary popular culture. I have read scores of popular media accounts of Murphy, mostly newspaper news stories and opinion pieces, as well as alternative media, such as the activist magazine *Cannabis Canada* (now *Cannabis Culture*). To add to an understanding of activist accounts of Emily Murphy I also explore marijuana enthusiasts themselves. I have interviewed four prominent marijuana activists from Vancouver, Ottawa, Montreal, and Saint John, New Brunswick.

Another important source for this thesis is the Emily Murphy archives in Edmonton where many of her scrapbooks and other personal papers are housed. By incorporating Murphy's self-representations and other accounts of her life into my thesis,

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"*Marihuana* [sic] was mostly found in Ontario in the period 1937 to 1940, but there were two cases in 1943," pp. 35-36. Later he concluded that marijuana was "of minor importance in Canada," p. 48.

[6] Harry Forbes testified that he had purchased the marijuana at a Vancouver drug store for his hay fever. In his decision, the judge told the court that "[m]arihuana [sic] is a dangerous and narcotic drug producing criminal tendencies.... When found on the person of one having a criminal record it is no defense that he merely purchased it for the treatment of hay-fever." Forbes was sentenced to 18 months hard labour and

I hope to offer a more nuanced understanding of her than previous historians have presented. This will also help to clarify the validity of the "Murphy myth." Two unpublished MA theses on Emily Murphy helped greatly in this regard, one by Aphrodite Karamitsanis, who has examined Murphy's archival papers, and the other by Alisa Dawn Smith, who has looked at Murphy's published work.[7] Two published biographies on Emily Murphy were also of great use: B.H. Sanders wrote *Emily Murphy: Crusader* in 1945, and Christine Mander followed with *Emily Murphy: Rebel* in 1985.[8]

This thesis offers a case study in how historical figures have been remembered in scholarly literature and popular culture. My study will show the extent to which contemporary images of history are actually supported by historical evidence. I believe that this work will help to underline the prominence and importance of history and historical memory in contemporary culture. In this regard, I am influenced by Colin M. Coates and Cecilia Morgan's *Heroines and History: Representations of Madeleine de Verchères and Laura Secord.*[9] Coates and Morgan have done this interesting work on individual female figures and how they have been remembered. This is a new topic in historical studies, although some scholars have written on the theoretical concept of historical memory, as will be discussed in chapter three.

My contribution here is to explore a different kind of historical remembering than have Coates and Morgan. They have found that Quebec's Madeleine de Verchères has

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was required to pay a $200 fine. "Rex v. Forbes," *Canadian Criminal Cases Annotated*, V. 69 (1937), pp. 141-142.

[7] A. Karamitsanis, "Emily Murphy: Portrait of a Social Reformer," MA Thesis, University of Alberta, 1991, and A.D. Smith, "Rethinking First-Wave Feminist Thought Through the Ideas of Emily Murphy," MA Thesis, University of Victoria, 1997.

[8] B.H. Sanders, *Emily Murphy: Crusader*, Toronto: MacMillan Company of Canada Ltd., 1945, and C. Mander, *Emily Murphy: Rebel*, Toronto: Simon & Pierre Publishing, 1985.

[9] C.M. Coates and C. Morgan, *Heroines and History: Representations of Madeleine de Verchères and Laura Secord*, Toronto: University of Toronto Press, 2002.

been forgotten in contemporary Québecois history, not ridiculed as Murphy has been. They have also found that Ontario's Laura Secord has been reinvented and whitewashed to fit contemporary tastes. While Emily Murphy has joined these two as part of the pantheon of famous female figures in Canada, she also has a curious history. She has been remembered, but in a very particular kind of way. Popular ideas of Murphy have swung from thinking of her as a good feminist foremother to a bad racist villain; she has thus not been dropped politely off the pages of history as other racists have been. Like Coates and Morgan, I am asking about how individuals from the past are remembered and created as icons in the present. Murphy is especially interesting because she has been remembered in different ways, more so than most historical figures.

Murphy can be seen as an example of historical memory in action. Simply the fact that there are a number of people, who otherwise would likely have little or no interest in Canadian history, bemoaning a figure in Canadian history is as intriguing as it is amazing. Take me, for example. When I first heard about Murphy, I was in high school. Writing a paper on the history of drugs in Canada, I learned that she was a racist woman who was responsible for contemporary Canadian marijuana prohibition. Incensed by this, I made no small effort to educate my high school friends, and then my University acquaintances, of this "fact." A few years later in a women's history class, I was outraged to hear the professor speak of Emily Murphy as the great first-wave feminist who spearheaded the case for women to be considered persons. To me, she would always be the evil woman who caused cannabis criminalization. As this thesis will show, I think this is a pretty common understanding of Murphy. What is it about Emily Murphy in this context that is so striking?

Chapter One will explore the work of previous scholars who have discussed Murphy. Here I am especially interested in how many drug scholars have created and reinforced the mythical vision of Murphy as an anti-drug crusader, responsible not only for marijuana laws but the strengthening of Canadian drug laws generally. The second half of this chapter explores how Murphy and the criminalization of marijuana has been treated in mainstream and alternative media, as well as how she has been seen among pro-marijuana activists. Chapter Two explains how Murphy came to be involved in anti-drug efforts and surveys the history of drug legislation in Canada. I also examine her writings in *The Black Candle* here, explaining the narrative tropes of her anti-drug literature and the impact her articles and book seem to have had on Canadians. Chapter Three will attempt to answer the question of *why* the figure of Emily Murphy has become so prominent in scholarly work and popular culture. I suggest that many of these writers seem to use the "Murphy myth" as a rhetorical tool to more effectively argue for a contemporary rethinking of Canadian drug laws.

CHAPTER ONE

"The Grandmother of Marijuana Prohibition": The Myth of Emily Murphy and the Criminalization of Marijuana in Canada

The literature on the history of drugs in Canada is scarce. Much of this was produced in the 1970s and 1980s by Canadian social scientists, who for the most part agreed that Emily Murphy's anti-drug activism was the main reason cannabis was added to drug legislation in 1923.[1] Canadian historians have not paid much attention to this subject until recently, and the history of drugs remains an understudied topic. The few historians who have done work in this area include Terry Chapman, Cheryl Krasnick Warsh, Daniel J. Malleck and Catherine Carstairs.[2] Carstairs, the latest historian to look

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[1] See G.E. Trasov, "History of Opium and Narcotic Drug Legislation in Canada," *Criminal Law Quarterly*, N. 4 (1961-62), pp. 274-284; S.J. Cook, "Canadian Narcotics Legislation, 1908-1923: A Conflict Model Interpretation," *Canadian Review of Sociology and Anthropology*, V. 6, N. 1 (1969), pp. 36-46; M. Green and R. D. Miller, "Cannabis Use in Canada," in *Cannabis and Culture*, Rubin Vera ed., Paris: Milton Publishers, 1975, pp. 496-520; R. Solomon, and T. Madison, "The Evolution of Non-Medical Opiate Use in Canada - Part I 1870-1929," *Drug Forum*, V. 5, N. 3 (1976-77), pp. 237-265; M. Green, "A History of Canadian Narcotics Control: The Formative Years," *University of Toronto Faculty of Law Review*, V. 37 (1979), pp. 42-80; P.G. Erickson, *Cannabis Criminals: The Social Effects of Punishment on Drug Users*, Toronto: Addiction Research Foundation, 1980; N. Boyd, "The Origins of Canadian Narcotics Legislation: The Process of Criminalization in Historical Context," *Dalhousie Law Journal*, V. 8, N. 1 (January, 1984), pp. 102-137; R. Solomon and M. Green, "The First Century: The History of Non-Medical Opiate Use and Control Policies in Canada, 1870-1970," in *Illicit Drugs in Canada: A Risky Business*, J.C. Blackwell and P.G. Erickson eds., Scarborough: Nelson Canada, 1988, pp. 88-117; C. Mosher, "The Legal Responses to Narcotic Drugs in Five Ontario Cities, 1908-1961," PhD Dissertation, University of Toronto, 1992; C. Mosher and J. Hagan, "Constituting Class and Crime in Upper Canada: The Sentencing of Narcotics Offenders, Circa 1908-1953," *Social Forces*, V. 72, N. 3 (March 1994), pp. 613-641; and D. Hicks, "Decriminalization by Default: The Social Construction of Cannabis Harm and Policy in Canada," Ph.D. dissertation, University of Ottawa, 1998.

[2] See T. Chapman, "Drug Use in Western Canada," *Alberta History*, V. 24, N. 4 (1976), pp. 18-27; T. Chapman, "Drug Usage and the Victoria Daily Colonist: The Opium Smokers of Western Canada," in L.A. Knafla ed., *Canadian Society for Legal History Proceedings*, 1977, pp. 41-59; T. Chapman, "The Anti-Drug Crusade in Western Canada, 1885-1925," in D. Bercuson and L. Knafla eds., *Law and Society in Canada in Historical Perspective*, 1979, pp. 100-121; C.K. Warsh, "The Aristocratic Vice: The Medical Treatment of Drug Addiction at the Homewood Retreat, 1883-1900," *Ontario History*, V. 75, N. 4 (1983), pp. 403-427; C.K. Warsh, *Moments of Unreason: The Practice of Canadian Psychiatry and the Homewood Retreat, 1883-1923*, McGill-Queen's University Press, 1989; D.J. Malleck, "'Its Baneful Influences Are Too Well Known': Debates over Drug Use in Canada, 1867-1908," *Canadian Bulletin of Medical History*, V. 14 (1997), pp. 263-288; D.J. Malleck, "Refining Poison, Defining Power: Medical Authority and the Creation of Canadian Drug Prohibition Laws, 1800-1908," PhD dissertation, Queen's University, 1998; C. Carstairs, "Innocent Addicts, Dope Fiends, and Nefarious Traffickers: Illegal Drug Use in 1920s English Canada," *Journal of Canadian Studies*, V. 33, N. 3 (Fall 1998), pp. 145-162; C. Carstairs, "Deporting 'Ah

at the 1920s, has challenged the interpretation of earlier scholars. Though she identified the "puzzle" of the long gap between criminalization and prosecution, Carstairs argued that previous writers have over-emphasized Murphy's significance.[3] For the most part, however, Emily Murphy has come to occupy an almost mythical place in scholarly narratives of the history of drugs, and especially cannabis, in Canada.

This perception of Murphy as the sole instigator of anti-cannabis legislation has also been taken up in popular and alternative media accounts. Many writers in mainstream media and "pro-cannabis" newspapers and web sites have identified Murphy variously as "a rabid racist and vengeful originator of the Canadian drug laws that continue to send people to jail"[4] and someone who "would feel more comfortable at a Ku Klux Klan rally than in a Folklorama pavilion."[5] While not a widely held myth among Canadians – who, if they know her at all, are more likely to connect her name with the "Persons" Case[6] – the idea of Emily Murphy as the "grandmother of marijuana prohibition" is popular in pro-marijuana circles[7] and has also been discussed in popular

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Sin' to Save the White Race: Moral Panic, Racialization, and the Extension of Canadian Drug Laws in the 1920s," *Canadian Bulletin of Medical History*, V. 16, N. 1 (1999), pp. 65-88; and C. Carstairs, "'Hop Heads' and 'Hypes': Drug Use, Regulation and Resistance in Canada, 1920-1961," PhD dissertation, University of Toronto, 2000.

[3] Carstairs, "Hop Heads and Hypes," p. 48.

[4] This is from an article originally published in *Cannabis Canada* #9, now posted on the *Cannabis Culture* (formerly *Cannabis Canada*) web site. See <http://cannabisculture.com/backissues/cc09/smokesignals/emilymurphy/index.html>.

[5] R. McLennan, "Famous for Feet of Clay," *The Ottawa Sun*, Oct. 24, 2000, p. 15.

[6] Emily Murphy spearheaded the "Persons" Case. This was when five prominent first-wave feminists – the "Famous Five" – challenged the legal definition of "persons" in Canada, which did not include women. In 1929, England's Privy Council ruled that women were, in fact, persons. See, for example, R.G. Marchildon, "The 'Persons' Controversy: The Legal Aspects of the Fight for Women Senators," *Atlantis*, V. 6, N. 2 (1981), pp. 99-113; F. Reineberg Holt, "Women's Suffrage in Alberta," *Alberta History*, V. 39, N. 4 (1991), pp. 25-31; A. White, "The Persons Case: A Struggle for Legal Definition and Personhood," *Alberta History*, V. 47, N. 3, (Summer 1999), pp. 2-9; and M. Benoit, "Are Women Persons? The 'Persons' Case," *The Archivist*, N. 119 (2000), pp. 2-10.

[7] The *Cannabis Culture* (formerly *Cannabis Canada*) web site offers an account of the history of cannabis in Canada that identified Murphy as being the instigator of marijuana prohibition. See "The Complete History of Cannabis in Canada" at <www.cannabisculture.com/library/history_of_pot.html>.

media.[8] While it is unclear whether the "myth of Emily Murphy" was first constructed by scholars or by journalists and legalization activists, it is clear that *The Black Candle* has become infamous for its supposed influence on Canadian narcotics legislation.

This chapter will explore the "myth" of Emily Murphy and her connection to the criminalization of cannabis in Canada in both scholarly and popular work. I will examine the way social scientists and historians have created and helped to reinforce the idea of Murphy as an anti-drug crusader who spearheaded anti-marijuana legislation but also spearheaded the Canadian anti-drug movement in general. The second half of this chapter will look at the version of this myth in popular culture, including how Murphy is seen among pro-marijuana activists. Though scholarly work certainly is not immune to colour and exaggeration for effect, it is in media sources that the "myth" of Emily Murphy is most pronounced. This section will first examine popular media accounts, mostly newspaper news stories and opinion pieces, for their treatment of Emily Murphy in general and then specifically of their treatment of Murphy's connection to marijuana laws. Then I will address the use of the Murphy myth in alternative media, in particular, the activist magazine *Cannabis Canada* (now *Cannabis Culture*). I have also interviewed pro-marijuana activists about their own ideas of the history of drugs in Canada and will include my findings here. In this section I will also suggest that many of the writers, scholarly and popular, who use the Murphy myth in their writings do so, in

[8] Journalists who have discussed Murphy's connection to marijuana prohibition include McLennan, p. 15; L. Hurst, "Something in the Air," *Toronto Star*, May 30, 1993, p. B1; C. Cosh, "All thanks to a Hysterical Lady Judge," *Alberta Report*, V. 24, N. 36, Aug. 18, 1997, pp. 32-33; D. Mann, "Reefer Madness: Lumping Marijuana Users with Criminals is Archaic," *The Kitchener-Waterloo Record*, July 11, 1998, p. A19; D. Beazley, "Time to Lighten up about Lighting Up," *Edmonton Sun*, Aug. 5, 2000, p. 11; J. Slotek, "Judge Murphy for Yourself," *The Toronto Sun*, Oct. 22, 2000, p. 13; J. Beltrame, "Grass, Pot, Ganja – Reefer Madness: The Sequel," *Maclean's*, Aug. 6, 2001, p. 22; M. Jacobs, "It's Time to Stop Calling the Pot Black," *Edmonton Sun*, Nov. 10, 2001, p. 11.

effect, to rally against contemporary drug legislation. The story of Emily Murphy herself and the history of drugs in Canada will be visited in the next chapter.

The approach in this chapter follows that used by Cecilia Morgan and Colin Coates in their account of the emergence of the two mythical figures of Laura Secord and Madeleine de Verchères in Canadian historical writing.[9] Coates and Morgan contrast various historical accounts by scholars in turn-of-the-century Canada, pointing out where new elements have been added and by whom. This chapter will attempt something similar. I will outline the ways in which scholars and popular writers have told the story of Murphy and her campaign. How do the writers characterize Murphy and to what extent do they assign her sole blame for contemporary drug laws? Do they understand the criminalization of marijuana to be a complicated process incorporating a number of factors, of which Murphy was a part, or do they imply that without Murphy's activism, today's prohibitory marijuana laws would be minimal or even non-existent?

The scholarly literature on Murphy's anti-drug activism falls into two categories. The first consists of articles by social scientists that portray Murphy as leader of the drug campaign and connect her to marijuana criminalization. The second includes the two historians who have also examined drugs in 1920s Canada. Historian Terry Chapman has also argued that Murphy was responsible for ushering in harsh drug legislation in early twentieth century Canada, but did not connect Murphy specifically to marijuana criminalization. I will then look at Carstairs' contribution to the debate, her critique of the Murphy myth, and her own account of Murphy's influence.

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[9] C. Coates and C. Morgan, *Heroines and History: Representations of Madeleine de Verchères and Laura Secord*, Toronto: University of Toronto Press, 2002.

"The New Menace is Coming!": Social Scientists and the Myth of Murphy

A number of scholars, particularly social scientists, have written about Canada's first drug laws. The earliest social science article concerning the history of drugs in Canada, published in the early 1960s, did not mention Emily Murphy's involvement in anti-drug activities. This article, published in a criminal law journal by G.E. Trasov, simply outlined the evolution of drug laws in Canada and made less effort to explain why these laws were implemented than subsequent articles by other scholars.[10] By 1969, however, the example of Murphy's racist and sensational claims about drugs began to be used to illustrate the arbitrariness of Canada's first drug laws. Social scientist Shirley Cook's "Canadian Narcotics Legislation, 1908-1923: A Conflict Model Interpretation," published in a social sciences journal, was one of the earliest articles on the subject.[11] In her outline of drug legislation, Cook emphasized the supposed undisputed power of "moral reformers" such as William Lyon Mackenzie King and Emily Murphy. She wrote that they "had the arena of social legislation-making to themselves," as there were not yet "countervailing views from social scientists,"[12] who could have, presumably, disputed the "facts" presented by these moral reformers. It was this "unchallenged right of moral reformers" to define the situation which "meant that there was an uncritical acceptance of the 'dope fiend' image of the drug user."[13] She thus charged that "moral reformers," primarily King and Murphy, were able to influence parliamentary, media and popular opinion to such an extent that their personal crusades were directly translated into harsh

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[10] G.E. Trasov, "History of Opium and Narcotic Drug Legislation in Canada," *Criminal Law Quarterly*, N. 4 (1961-62), pp. 274-284.
[11] S. Cook, "Canadian Narcotics Legislation, 1908-1923: A Conflict Model Interpretation," *Canadian Review of Sociology and Anthropology*, V. 6, N. 1 (1969), pp. 36-46.
[12] Cook, p. 40.
[13] Cook, p. 40.

legislation. Cook did not explicitly connect Murphy to marijuana criminalization in this article.[14]

Cook did, however, make a direct correlation between Murphy and cannabis criminalization that same year. In a paper she wrote on behalf of the Alcoholism and Drug Addiction Research Foundation of Ontario for the Commission of Inquiry into the Non-Medical Use of Drugs (alternately known as the Le Dain Commission, named for its chair, Gerald Le Dain), she connected marijuana criminalization to Emily Murphy.[15] Though Cook wrote about the Canadian history of narcotics legislation in general in this paper, she focused mainly on the issue of marijuana in historical and contemporary contexts.[16] She stated cautiously that Murphy's book likely led to marijuana prohibition: "One indication that Judge Murphy's book had some influence on the law is that one year after its publication Indian Hemp was added to the schedule of the Opium and Narcotic Drug Act, despite an apparent absence of users or public concern."[17] Of all the scholarly literature discussed in this thesis, this paper was the most overtly political. This is probably because the author knew it had a direct political purpose – to encourage the Le Dain Commission to recommend softer drug laws – as opposed to the perhaps indirect political purposes of articles written for academic journals. This paper is the first instance that I have found where Murphy is connected to marijuana prohibition. Cook seems to have been the first observer to connect Emily Murphy specifically to the criminalization of marijuana in Canada.

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[14] Cook offered a quote about the harmfulness of marijuana from *The Black Candle* without identifying what impact these ideas may have had, and then, at the end of the article, mentioned that it was criminalized with no discussion in Parliament. Cook, p. 40, 45.

[15] The Le Dain Commission, appointed in 1969, issued three reports: *Interim Report* (1970), *Cannabis* (1972), and *Final Report* (1973).

[16] S.J. Cook, "The Social Background of Narcotics Legislation," housed at the National Archives of Canada, R.G. 33/101, V. 15, Sub. #1723, 1969, p. 13.

The Le Dain Commission, a federally commissioned panel of experts, seems to have agreed with Cook's assertion, as they explained in 1973 their thoughts on the incorporation of marijuana in Canadian drug legislation.

> The inclusion of marijuana in the *Opium and Narcotic Drug Act* in 1923 is thought to have been influenced in some measure by a book entitled *The Black Candle*, which was written by Mrs. Emily S. [sic] Murphy.... The book was based on a series of articles on drugs which she wrote for Maclean's Magazine [sic], and it contained a chapter which referred to marijuana as a "new drug menace". It also referred to legislation against marijuana in certain American states. It quoted statements to the effect that marijuana causes insanity and loss of "all sense of moral responsibility" and leads to violence. There is no suggestion that the extent of use or public concern about marijuana were factors which led to its inclusion in the Act in 1923. Nor does there appear to have been any particular attempt to justify this decision on the basis of scientific evidence.[18]

It seems that the Le Dain Commission's assertion that Murphy was likely the only reason marijuana was criminalized at this time comes from Cook's 1969 paper.[19] This federally appointed Royal Commission may have been the first to popularize the myth, since it had received much attention from journalists and cannabis activists, and it was not until after the commission's final report in 1973 that scholars began to talk about Murphy's connection to cannabis criminalization.

The Black Candle, in fact, was seen as significant enough to be reprinted in 1973 as part of the "Coles Canadiana Collection" with an introduction by two Le Dain Commission researchers, Brian Anthony and Robert Solomon. In the introduction, they claimed that *The Black Candle*, "which may now be dismissed as grim humour or condemned as outright propaganda[,] was a landmark ... in the history of Canadian drug legislation."[20] They wrote about Murphy's "extremely influential" effect on Canadian drug laws in general in the 1920s, but they curiously made a much weaker connection

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[17] Cook, "The Social Background of Narcotics Legislation," p. 6.
[18] Le Dain Commission, *Interim Report*, p. 173.
[19] The section in the *Interim Report* which discusses the history of marijuana and names Murphy cites Cook's paper. Le Dain Commission, *Interim Report*, p. 190.

between Murphy's writings and marijuana criminalization. As well, unlike the reports of the Le Dain Commission, Anthony and Solomon get the date of marijuana prohibition wrong. Instead of identifying this year as 1923, a year after Murphy's book was first printed, they wrote that "[s]even years after she first warned the Canadian public about 'marahuana' it was added to the list of prohibited drugs."[21] Even with incorrect dates, this implied that it was Murphy's warnings against the drug that resulted in marijuana criminalization.

Melvyn Green and Ralph D. Miller's 1975 "Cannabis Use in Canada" was the first published academic article to explicitly make this connection.[22] This paper reviewed the state of cannabis in mid-1970s Canada, including the extent of its use and demographic information, and also provided a short review of the history of cannabis in Canada. When they reached the topic of criminalization, Solomon and Green attributed sole blame for the demonization of cannabis to Emily Murphy. They argued that her "various flamboyant descriptions of the effects of cannabis ... contributed to the prevailing marijuana mythology at the time."[23] They neglected to describe, however, what this "prevailing marijuana mythology" was, and, paradoxically, then argued that there was "no sense of public urgency" for the inclusion of cannabis in the legislation.[24] Their explanation of Murphy's influence is also too simple. They claimed that Murphy's book "had an almost immediate influence on Canadian legislation," without accounting

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[20] "Introduction," in E. Murphy's *The Black Candle*, Toronto: Coles Publishing Company, 1973 (first ed. 1922).
[21] "Introduction," *The Black Candle*, p. 3.
[22] Green and Miller may have been researchers with the Le Dain Commission. At the bottom of the first page of their article, they assured readers that "[t]his paper presents the personal opinions of the authors and does not necessarily reflect the official position of the Commission of Inquiry into the Non-Medical Use of Drugs."
[23] Green and Miller, p. 499.
[24] Green and Miller, p. 499.

for how this might have happened.[25] The authors then proclaimed that "cannabis was [thus] made illegal in Canada ten years before any empirical evidence of its non-medical use emerged, and fourteen years before federal legislation regarding cannabis was first adopted in the United States, where regional but widespread use had been extensively publicized since 1910."[26] This, coming immediately after their treatment of Murphy and the fact that they offer no other possible reason why cannabis was included in the 1923 legislation, strongly implied that Murphy's book was the only explanation for the criminalization of this drug.

A decade later, one social scientist would offer a more careful and reasoned explanation of the first drug laws, but would still portray Murphy as a social reformer of great influence. In his 1984 article "The Origins of Canadian Narcotics Legislation: The Process of Criminalization in Historical Context," Neil Boyd added a Marxist economic analysis to earlier sociological explanations that "the interactions of various essentially unrelated interest groups produced the laws that would control the 'non-medical' use of drugs."[27] Boyd was careful not to make an explicit connection between Murphy's activism and marijuana criminalization, a theory with which he was no doubt familiar, as he cited both earlier social scientists and the Le Dain Commission in his article. Instead, he offered a detailed chronological explanation of the various legislative changes, and when he reached the topic of the 1923 *Opium and Narcotic Drug Act*, he pointed to the

[25] Green and Miller, p. 499.
[26] Green and Miller, p. 500.
[27] N. Boyd, "The Origins of Canadian Narcotics Legislation: The Process of Criminalization in Historical Context," *Dalhousie Law Journal*, V. 8, N. 1 (January 1984), p. 103.

"important revision, at least in the contemporary context" of adding marijuana to the legislation without any debate in the House of Commons.[28]

The way Boyd broaches the topic of marijuana criminalization echoed Cook's style. In one section, Boyd offered the reader the tantalizing tid bit about the "puzzle" of marijuana prohibition without offering the reader a satisfactory explanation. While Cook's discussion was rather offhand and did not seem to make an effort to link these two points, Boyd's treatment implicitly set up a question: Why? Then, seemingly switching topics, Boyd brought up Emily Murphy, explaining that her book *The Black Candle* was the "one treatise that documents the ideology of this period of time and *no doubt served to shape some of the severity of state responses*."[29] (Emphasis mine.) Two pages later, an answer to the previously implied question was presented. Boyd argued that Murphy's chapter on marijuana – a drug Boyd wrote was "in vogue" at the time, without offering evidence of this – illustrated her inability "to look at a piece of information through more than a single lens."[30] By arguing that Murphy's book "served to shape some of the severity of state responses" and then showing soon after that the same book condemned marijuana, Boyd essentially answered his own question. Thus, though he seemed to try to be more careful about the theories he presented, Boyd still repeated the Murphy myth.

Criminologist Patricia Erickson was more explicit in her connection of Murphy and marijuana prohibition. In the opening line of her book *Cannabis Criminals: The Social Effects of Punishment on Drug Users* (1980), Erickson pointed to Murphy as the person who alerted Canadians to marijuana.

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[28] Boyd, p. 129.
[29] Boyd, p. 129.

> Marijuana was first identified as a "new menace" in Canada by Judge Emily Murphy in 1922. Her influential articles in *Maclean's Magazine* [sic] and her book, *The Black Candle*, warned of the mental, physical, and moral hazards of the use of "narcotic" drugs. She listed extensive observations about opium, morphine, heroin, and cocaine, and also raised the alarm about dangers arising from marijuana and hashish.[31]

More significant, however, was the accompanying cartoon of a crazed Emily Murphy. (See Appendix A) This caricature of Murphy portrayed a sour old woman wearing a judge's garb complete with a petticoat and Victorian-era lace-up boots. This figure was delicately poised atop a bucking horse, whose eyes were wild and was frothing at the mouth. Mrs. Murphy gripped the horse's reins with one hand, pinky raised in the air. Her other hand was raised above her head, clutching the *Encyclopaedia Britannica*, which had notepaper labeled "CANNABIS" sticking out of it. "THE NEW MENACE IS COMING!" screamed the text splayed across the top of the cartoon. This depiction of Murphy needlessly stirring up animosity toward a then-unknown drug was yet another instance of a scholar blaming Murphy for highlighting the issue which ultimately led to criminalization.

These articles usually recount the history of drug legislation in Canada and place responsibility for the strengthening of these drug laws on Murphy, and after the Le Dain Commission, many began to explicitly connect Murphy's writings to marijuana prohibition.[32] Common to much of this literature is an assumption that current drug laws are harsh and ineffective. The social scientists seem to be using their scholarly skills for activist purposes, specifically, to call for a rethinking of drug legislation in contemporary Canada.

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[30] Boyd, p. 131.

[31] P. Erickson, *Cannabis Criminals: The Social Effects of Punishment on Drug Users*, Toronto: Addiction Research Foundation, 1980.

[32] Social scientist David Hicks has also argued that "[i]t would appear that cannabis was added to the Canadian drug schedules primarily as a result of the claims-making activities of Emily Murphy."[32] D.

Leading Crusader or Overblown Scapegoat?: Historians and the Myth of Murphy

At least one historian has also argued that there was sufficient evidence to draw a correlation between Murphy's activism and the strengthening of Canada's drug laws. T.L. Chapman is one of a handful of historians who have looked at Murphy's role in the anti-drug campaign. In her 1976 article, "Drug Use in Western Canada," Chapman argued that Canada's first drug laws did not restrict the use of prohibited drugs for all Canadians. Instead, patent medicines, which contained large doses of drugs like opium, cocaine and heroin, were widely available to middle class consumers in Canada at this time. Having been hailed as "the new miracle drug" in the mid-nineteenth century, Chapman explained that opium was used mainly as a pain reliever for maladies such as toothaches and venereal disease.[33] She offered extensive evidence for the use of these drugs in popular tonics in Western Canada, such as the "very popular" *Hughes Rheumatism Remedy*, which had two grains of opium in each fluid ounce of the medicine.[34] She observed that doctors and patent medicine manufacturers "created the problem" of opium addiction and that our "addicted society" had its beginnings in the patent medicine trade.[35] The crux of her argument was that the first legislation to restrict opium, cocaine and morphine in Canada – the *Opium Act* of 1908 and the *Opium and Drug Act* of 1911[36] – did not restrict these drugs in patent medicines. Chapman thus concluded that this legislation did not affect middle class Canadians' access to the drugs. "[T]he prohibition of opium smoking merely meant that users in the upper and middle

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Hicks, "Decriminalization by Default: The Social Construction of Cannabis Harm and Policy in Canada," Ph.D. dissertation, University of Ottawa, 1998.

[33] Chapman, "Drug Use in Western Canada," p. 19.

[34] Chapman, "Drug Use in Western Canada," p. 20.

[35] Chapman, "Drug Use in Western Canada," p. 19.

classes would resort to the use of opiate-based medicines."[37] This supported another of her arguments: that legal sanctions put in place against narcotic drugs were established to punish lower class, and especially Chinese, users.

Emily Murphy plays a critical, though perplexing, role in this article. Chapman described the history of drugs from the late nineteenth century Canada to 1919, yet she often relied upon Murphy's 1922 *The Black Candle* to explain why these changes came about. For example, at one point she discussed William Lyon Mackenzie King's 1907 "Report on the Need for the Suppression of the Opium Traffic in Canada," arguing that this report led to the 1908 *Opium Act.* Then, to explain why this anti-Chinese legislation would be acceptable to many Canadians, she told the reader that Canadians at this time were afraid "that opium smoking was being introduced [by Chinese] to bring about the demise of white, Anglo-Saxon, Protestant Canada."[38] Her only reference for this, however, was Murphy's book from 14 years later. After offering this apparent "evidence," Chapman concluded: "With the threat of an Oriental invasion through the weapon of opium smoking foremost in the minds of some Canadians, politicians enacted legislation in 1908, and later in 1911, in hopes of curbing usage."[39] Thus Chapman presented evidence that "some Canadians" felt threatened by an Oriental invasion in 1922, not a decade or more earlier. No doubt there was a fear of an "Oriental invasion" in Canada at this time, but Chapman needed to find evidence for this from the time period she was investigating. It may be that the nature of anti-Chinese sentiment changed from 1907 to 1922. How evidence from 1922 was supposed to demonstrate a state of affairs

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[36] The *Opium Act* of 1908 prohibited the non-medical importation, manufacture and sale of opium, and the *Opium and Drug Act* of 1911 further prohibited the smoking and possession of opium, as well as the possession and trade of cocaine, eucaine and morphine. Chapman, p. 24, 25.

[37] Chapman, "Drug Use in Western Canada," p. 26.

from the "turn of the century" is unclear, but Chapman repeated this fallacy by using Murphy's book throughout her article.

Chapman's conclusion confused the issue even more. In her final paragraph, Chapman informed the reader that in 1919 "a concerted public effort materialize[d] to alter the medical profession's opinion that it was more important to allay the symptoms of a disease than to cure it."[40] She did not describe this "concerted public effort" nor did she offer evidence for this. She went on to say that "[o]nly then were many Canadians made grudgingly aware that the use of drugs for non-medical purposes was as much a part of white society as it was to the quickly condemned Chinese immigrant."[41] Chapman did not offer evidence for her statement that "many Canadians" suddenly learned that drug use was as evident in white as Chinese communities. Certainly her extensive use of quotations from Murphy's 1922 book would make one think otherwise. In this way, Chapman made it seem as though Murphy was active in anti-drug organizing not just in the 1920s, but in the earlier decades as well. Her next article would do this even more plainly.

In her 1979 "The Anti-Drug Crusade in Western Canada, 1885-1925," Chapman painted Murphy as an advocate of the "anti-drug crusade" in Western Canada. However, she gave little evidence of this "crusade," other than Murphy's writings. Chapman claimed that this "reform movement," or the people and organizations who carried out this campaign, pressured the government into passing strict drug laws. She absolved the state of responsibility since, in her account, legislators were simply catering to the

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[38] Chapman, "Drug Use in Western Canada," p. 24.
[39] Chapman, "Drug Use in Western Canada," p. 24.
[40] Chapman, "Drug Use in Western Canada," p. 26.
[41] Chapman, "Drug Use in Western Canada," p. 26.

demands of reformers like Murphy. The most perplexing aspect of Chapman's article, however, is a factual error. She argued that "Murphy's opinion was the main thrust of a reform movement, begun in the 1890s which survived until the mid 1920s."[42] But Murphy only became interested in drugs after 1916, when she became a judge.[43] How, then, could Murphy's opinion be the "main thrust" of a movement which began 26 years earlier? This is a stark example, but it illustrates how far scholars can push the myth of Murphy, even when factual evidence suggests otherwise.

While Chapman gave Murphy a large role to play in anti-drug organizing in general, in neither article did she connect Murphy with marijuana criminalization. In the second article, Chapman did not refer to marijuana at all, and in the first article, she only briefly mentioned marijuana as an ingredient in one of the patent medicines; in neither did she discuss marijuana as one of the drugs Murphy crusaded against. Why Chapman did not repeat the marijuana connection earlier scholars had made, even to argue against it, is not clear. Though both of her articles were published after the Le Dain Commission released its findings, Chapman did not refer to the commission or its research, nor did she cite any of the social scientist articles. It seems strange that a scholar would neglect to refer to and utilize work that has already been done on a subject, but as the first historian to write on the history of drugs in Canada, she may have felt it important to begin her research directly from primary sources, or perhaps she did not want to rely on work done in another discipline. It is also possible that she may have simply not been aware of this

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[42] T. Chapman, "The Anti-Drug Crusade in Western Canada, 1885-1925," in D. Bercuson and L. Knafla eds, *Law and Society in Canada in Historical Perspective*, Calgary: The University of Calgary Studies in History, 1979, p. 106.

[43] Byrne Hope Sanders wrote in her biography of Murphy that "[i]n her work as a magistrate, Emily came to know the satisfaction of salvaging young girls from a life of bitterness; she was comforted with the care and attention given to the mentally unfit. For the drug addict, however, she early learned that there was

literature. Regardless, she joined the social scientists in concluding that Murphy was a leading force in the anti-drug movement.

One other historian has looked at the history of drugs in Canada in the 1920s, and has come to a strikingly different conclusion. Canadian historian Catherine Carstairs has argued that these accounts go too far in demonizing Murphy. In her unpublished PhD thesis, she wrote that "[a]lthough Murphy's articles marked the beginning of a sustained anti-drug campaign ... her importance has been overstated both by herself and by subsequent drug historians."[44] Further, Carstairs argued that Murphy's campaign was "dwarfed by a far more important anti-drug campaign in Vancouver" in the early 1920s.[45] This is an excellent point. Not only have previous scholars simplified the origins of drug legislation in general, they have also altogether overlooked the anti-drug moral panic for which Carstairs found evidence in Vancouver at this time. Subsequent research may very well uncover similar stories in other communities. The earlier portrayals of Murphy simplified the history of drugs in Canada, and marijuana in particular, by providing a clear "bad guy" toward whom the reader should direct his or her anger and frustration. Needless to say, this position erases the role of the state, police, government, doctors, social workers, media, and Canadians themselves. Carstairs has done a fine job incorporating these players back into the story. She examined the roles of the government, police, doctors and social workers in the history of drugs in Canada, as well as narratives of drug use in the media, and experiences of drug users themselves. She concluded that "a highly-racialized [sic] and gendered anti-drug campaign, which was

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little hope of reclamation without proper hospitalization." B.H. Sanders, *Emily Murphy: Crusader*, Toronto: The MacMillan Company of Canada Limited, 1945, p. 195.

tied in with the campaign for Chinese Exclusion" explains why harsh drug laws were passed in Canada.[46]

Carstairs argued that this anti-drug campaign focused mainly on opium, cocaine, and heroin, and that little attention was given to marijuana. Understandably, then, Carstairs' thesis gives marijuana considerably less scrutiny than other drugs. If one is looking at all drugs, Carstairs' argument that Murphy had no impact on drug legislation as a whole may be fairly convincing.[47] However, if one examines Murphy's possible influence on marijuana criminalization a stronger case can be made, since, unlike other drugs, there was no public uproar about the drug when it was criminalized.[48]

In the little time Carstairs did spend discussing marijuana, she offered evidence which directly challenged the argument that Murphy's efforts alerted the government and the public to the new "drug menace." She also pointed out that the earlier Vancouver campaign did not target this drug, and that little evidence existed for its use in Canada at this time.[49] In fact, she brushed aside previous arguments that Murphy had *any* kind of influence on its inclusion in the 1923 legislation. She explained that Murphy had little influence with the Division of Narcotic Control and that "this was the 23rd chapter in a 400-page book. It was only seven pages long and was easily lost in the shuffle."[50] But certainly another explanation for this exists. A short chapter near the end of a sensational

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[44] Murphy nominated herself for the Nobel Prize in 1923 for her anti-drug efforts. M. Bliss, *The Discovery of Insulin*. Toronto: McClelland and Stewart, 1982, p. 225. As cited in Carstairs, "Hop Heads and Hypes," p. 31.
[45] Carstairs, "Hop Heads and Hypes," p. 33.
[46] Carstairs, "Hop Heads and Hypes," p. 20.
[47] Curiously, Carstairs later referred to Murphy in her dissertation as "one of the key players in the drug campaign." Carstairs, "Hop Heads and Hypes," p. 47.
[48] There was also no discussion in Parliament, the only reference to marijuana being "[t]here is a new drug in the schedule." Boyd, p. 129
[49] Carstairs, "Hop Heads and Hypes," p. 48-49.
[50] Carstairs, "Hop Heads and Hypes," p. 49.

book can indeed be quite significant. As the reader got riled up reading about the horrible effects Murphy associated with drugs like opium, heroin, morphine, and cocaine, Murphy elegantly slipped in a drug new to the scene. In fact, a longer or more prominent chapter may have invited skepticism; giving marijuana a passing reference at a point when the reader was likely already outraged and pining for justice, the "new menace" of marijuana seems more likely to have been accepted at face value, not "lost in the shuffle." This sort of "guilt by association" is a commonly used rhetorical device.

As an alternative to the Murphy myth, Carstairs offered an intriguing alternate possibility as a solution to this "puzzle."[51] The topic of marijuana came up during the Hague Opium Conference in 1911-12, which Canada attended.[52] Carstairs found a government official who explained the criminalization of marijuana in reference to international conferences such as this one.

> In 1974, Alexander B. Morrison, the Assistant Deputy Minister, Health Protection Branch, Health and Welfare Canada, argued that while the reasons for marijuana's inclusion in the Act "are somewhat obscure, it appears that Col. Cl. Sharman, then Director of the Federal Division of Narcotic Control, returned from meetings of the League of Nations convinced that cannabis sound [sic] would fall under international control. In anticipation of such action, he moved to have it added to the list of drugs controlled under Canadian law."[53]

This is an interesting suggestion, and previous scholars have certainly neglected to examine this possibility. Even if this was the case, however, it does not mean that Murphy's effect on marijuana prohibition was negligible. Could these two factors not be both partially responsible for the subsequent legislation? This certainly is an area in need of more research.

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[51] Carstairs, "Hop Heads and Hypes," p. 48.

[52] For more details, see A.H. Taylor, *American Diplomacy and Narcotics Traffic, 1900-1939: A Study in International Humanitarian Reform*, Durham, N.C.: Duke University Press, 1969.

[53] Carstairs, "Hop Heads and Hypes," p. 49. Carstairs found this in A. B. Morrison, "Regulatory Control of the Canadian Government over the Manufacturing, Distribution, and Prescribing of Psychotropic Drugs," in Ruth Cooperstock ed. *Social Aspects of the Medical Use of Psychotropic Drugs*, Toronto: Alcoholism and Drug Addiction Research Foundation of Canada, 1974.

In an earlier published article, in which she examined narrative tropes media and reformers used to describe drug use, Carstairs focused more on the writings of Murphy than any other source.[54] In this article she did not dismiss Murphy as a minor player in this campaign, but instead described her as "Canada's leading crusader against drug use."[55] Carstairs offered five examples of drug narratives in the Canadian media in the early twentieth century to illustrate her points. Two of these examples were from Murphy's *The Black Candle*; though the other three examples were not taken from Murphy's writings, in each example Carstairs offered quotations from Murphy to elaborate upon points raised by the case studies. In this article, Carstairs also implied that Murphy's writings had an impact on Canadian members of parliament. Following her discussion of Murphy's assertion that drug traffickers were Chinese men whose aim was world domination, Carstairs wrote that in 1921 MP John Edwards, "echoing Murphy," said these same ideas in Parliament.[56] It is unclear, however, how Carstairs was certain that Edwards was "echoing" Murphy. She offered no evidence of this other than the fact that Edwards' contention bore a marked resemblance to Murphy's own. But the point of the article was that these ideas and stereotypes were popular in Canadian culture at the time. If this was the case, could Edwards not have picked up on these ideas on his own with no help from Murphy, possibly during the Vancouver campaign which Carstairs described later in her thesis, for example?

Carstairs gave Murphy's narratives considerable cultural authority in this article, implying that Murphy's words had some effect on people at the time, or at least were

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[54] C. Carstairs, "Innocent Addicts, Dope Fiends, and Nefarious Traffickers: Illegal Drug Use in 1920s English Canada," *Journal of Canadian Studies*, V. 33, N. 3 (Fall 1998), pp. 145-162.
[55] Carstairs, "Innocent Addicts," p. 149.
[56] Carstairs, "Innocent Addicts," p. 157.

reflective of societal mores. Though in her dissertation Carstairs tried to de-emphasize Murphy's effects on drug legislation, including marijuana laws, her treatment of Murphy in this article made it seem that Murphy's writings did in fact play some role in the anti-drug campaign of the early 1920s. Perhaps Carstairs was making such a great effort to under-emphasize Murphy's contributions in part *because* so many previous scholars have overplayed Murphy's role in their own narratives of Canadian drug history. Taken as a whole, Carstairs' position on Murphy was not consistent. Earlier scholars have indeed overstated Murphy's significance in the success of anti-drug organizing, but Carstairs went too far in underplaying Murphy's contribution to the campaign. In fact, by looking at the issue of marijuana legislation in particular, one can see that Murphy did indeed play a greater role than Carstairs has allowed.

"That Great Orb of Cellulite that was Judge Murphy": Mainstream Media and the Myth of Emily Murphy

Accounts in popular and alternative media have also portrayed Emily Murphy as likely the only reason marijuana was criminalized in Canada. These accounts have gone even further in demonizing Murphy and simplifying the history of narcotic legislation in Canada. These stories fall into two main categories: those in mainstream or popular media such as daily newspapers, and alternative venues such as pro-marijuana newspapers, magazines, and web sites. In popular media, critiques of Murphy have appeared in two main ways. Some articles have capitalized on her racism and especially her participation in eugenics efforts as a way of critiquing contemporary issues such as feminism or left-wing politics, and other articles have recounted the Murphy myth in

order to call for marijuana decriminalization or legalization.[57] Though historical figures are not usually deemed newsworthy by popular media, Emily Murphy seems to have been launched into the public limelight by the campaign to commemorate the "Famous Five" with a statue on Parliament Hill. Many of these articles set themselves up as exposés of Emily Murphy's now-controversial views, questioning why Canadians today would want to remember such a woman. The underlying theme of many of these stories is that Canadian feminists portray Murphy as a flawless feminist foremother, but her image is in fact quite easily soiled.

Public commemorations of Emily Murphy have inspired many writers to rant about her unsuitability as a public icon. Writing for the *Edmonton Sun* in 1995, journalist Rodney Quinn was outraged by the statue of Emily Murphy in Edmonton's city park by the same name. Complaining that in a column two years earlier he had called for the removal of the monument, "the disgusting statue of this diabolical woman still stands, radiating misanthropy, and nauseating passersby."[58] Quinn then explained in colourful terms why this woman – "that great orb of cellulite that was Judge Murphy" – did not deserve a statue in her memory. This "hideous erection ... insults and terrifies members of our treasured ethnic population," and Murphy herself was "instrumental in bringing in the nonsensical narcotics laws." She succeeded in doing this, he went on, "with the assistance of her book *The Black Candle* ... [which] was a minor masterpiece in hate

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[57] Among cannabis activists, "decriminalization" is usually understood to be a situation in which a country has anti-drug laws but has decided not to enforce them, making narcotic use *de facto* unpenalized, or penalized simply through fines, not jail time. This is the state of cannabis laws in the Netherlands. "Legalization" is usually understood to be a situation in which the government has taken full responsibility for the cultivation, manufacture, distribution, and sale of narcotic drugs, regulating potency levels and reaping tax profits. An example would be the situation in Canada now with drugs such as alcohol, tobacco, and caffeine.

[58] R. Quinn, "Eugenics Legacy Lingers in City Park," *Edmonton Sun* (July 7, 1995). This article was found in the "Murphy, Emily and Arthur" clippings file at the City of Edmonton Archives.

literature." He also mentioned that Murphy was "eager to introduce" the 1928 *Sexual Sterilization Act*. Quinn's call for the removal of the Murphy statue was not answered, as it still stands, but sentiments like these would gain momentum only a few years later due to efforts for an even more significant monument.

By 1998, Emily Murphy's reputation as nation-builder was seriously being tarnished. A fundraising campaign to erect the statue on Parliament Hill – which would be the first statue on the Hill to commemorate Canadian women – was "dogged by Murphy's racist writings and questions about the Famous Five's support for eugenics."[59] Ted Byfield, founder of the conservative *Alberta Report*, wrote in the *Edmonton Sun* of Murphy's symbolic dethroning as a result of this negative media coverage. He noted that a North Vancouver women's shelter, named "The Emily Murphy House" from 1979, took "Emily Murphy" out of its name after reading a *Calgary Herald* article, which connected Murphy to eugenics. Citing this example, Byfield announced that "[t]ruth finally overrode propaganda, but it took years to do it."[60] He claimed that the "eugenics truth" about Murphy finally came out after feminists and historians had hidden it for years. "In the revival of feminism during the 1960s, these rather unsavoury aspects of 1930s feminism were quietly set aside." For their part, professional historians "knew the facts and sat quietly by and let this revision take place." Byfield seemed to be jumping on this example of Emily Murphy not to expose the "truth" to readers, but rather to question the legitimacy of contemporary left-wing politics. He pointed to contemporary claims, in this instance a *Globe and Mail* article by a member of the NDP, that it was

[59] P. Simons, "Heroine in a Black Hat," *Edmonton Journal* (June 7, 1998), pp. F1-F2. This article was found in the "Murphy, Emily and Arthur" clippings file at the City of Edmonton Archives.
[60] T. Byfield, "Eugenics Truth Sinks Murphy," *Edmonton Sun* (May 24, 1998). This article was found in the "Murphy, Emily and Arthur" clippings file at the City of Edmonton Archives.

Alberta's "religious right" that had forced sterilization on women in the 1930s. Rather, Byfield explained, "[t]he reverse was true. It was the 'religious right' that alone opposed the eugenics law. The respectable people, the advanced thinkers, the enlightened ... were all for it, zealously seeking to construct by law their version of the ideal society, as they still do." At the end of the article, Byfield informed the reader that the "eugenics societies" still exist today under the new name of "Planned Parenthood, which has a direct and pivotal influence on public policy." Thus Byfield gleefully offered an historical example of a seemingly misguided "advanced thinker" to warn the reader of similarly deluded and potentially harmful left-leaning Canadians of today.

The statue of the "Famous Five" women – the same statue Federal Marijuana Party leader Marc-Boris St. Maurice tried to pie – was officially unveiled in the year 2000, presenting another timely opportunity for press comment. *Ottawa Sun* columnist Ross McLennan wrote a particularly eloquent and scathing piece about the unveiling. After describing the statue and the "Persons" Case itself, McLennan made it clear that he supported the Famous Five's quest for women's rights. "After all, I would defend, if not to the death, at least to the point where I became rather winded, the principle that women are persons."[61] He then referred to the Canadian feminists who heralded these women and their accomplishments at the unveiling, such as "Gov. Gen Adrienne Clarkson, who piled high the plaudits during [the] ceremony." After quoting Clarkson as saying that these women "helped to shape Canada, and Canadians deserve to know about them," McLennan quipped:

> She's right. Canadians do deserve to know about them, especially their front person – Emily Murphy. If only because there's reason to be grateful that her courage and determination didn't do more to help shape Canada. Well, that's not strictly true. Murphy's beliefs about drugs and

[61] R. McLennan, "Famous for Feet of Clay," *The Ottawa Sun*, Oct. 24, 2000, p. 15.

> narcotics – one of the subjects of her 1922 book *The Black Candle* – resulted in legislation concerning them that wasn't changed until the 1960s.

McLennan went on to describe why Murphy should not be seen as a great example of contemporary Canadian feminism. "Murphy was a racist," he explained, and she "would feel more comfortable at a Ku Klux Klan rally than in a Folklorama pavilion." He then explained that contemporary feminists are "blind to and silent about [Murphy's] drawbacks" and that their feminist "heroes [such as Emily Murphy] must remain inhumanly perfect." In this lively opinion piece, McLennan came to quite an insightful conclusion. The first generation of Canadian feminists and historians, anyway, have certainly heralded their feminist foremothers' achievements in what British historian Antoinette Burton calls "cheery, triumphant narratives."[62] In a similar way, scholars such as historian Carol Bacchi have essentially disowned these women for their distasteful views.[63] Perhaps McLennan's suggestion, though simplistic, can be extended to also say that when feminists become disillusioned, they can swing from cheery, triumphant narratives to gloomy, sorrowful ones.

Not all media attacked Murphy. One mainstream media article did a good job trying to explain this negative coverage and engage with the issues it raised. The *Edmonton Journal*'s Paula Simons examined Murphy's "double-edged legacy [which] has come back to haunt the feminists and Canadian nationalists who first elevated her to heroic status."[64] She noted that "[u]ntil recently, Murphy's many accomplishments have overshadowed her more disturbing ideas." Like Byfield, she brought up the example of

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[62] A. Burton, *Burdens of History: British Feminists, Indian Women, and Imperial Culture, 1865-1915*, Chapel Hill: University of North Carolina, 1994, p. 23.
[63] S. L. Bacchi, *The Ideas of the English-Canadian Suffragists, 1877-1918*, Toronto: University of Toronto Press, 1983.
[64] Simons, p. F1.

the Vancouver women's shelter that changed its name. Maureen Gabriel, the executive director of the North Shore Crisis Services Society, explained to Simons that

> [w]e're not making a political statement. We're certainly not trying to rewrite history. Bur our organization serves women of all backgrounds, colours, races and religions. I don't think we would ever want to not remember women like Emily Murphy and Nellie McClung, who did such amazing things for us. But we wanted to make a statement that we believe in all women's rights, in providing safety for all women.

Simons wrote that the name change was "partly symbolic," but also came about because shelter staff "worried some women might be afraid to come for help to a centre named for Emily Murphy." The article also presented many interesting comments from scholars about these issues. University of Alberta law professor Annalise Acorn told Simons she did not think that Emily Murphy "can function as a symbol of women's rights in the late 20th century. We can't demonize her, but we can't erase her racism." Historian Rod Macleod argued that people like Murphy were representative of early twentieth century Canadian society.

> I'm not about to leap to the defense of Emily Murphy. But she was, in fact, expressing what was a very common and widely held set of beliefs at that time. The whole immigration question was a very sore point with the suffragettes, that illiterate uninformed immigrant men got the vote, while well-educated Anglo women didn't. But really, what's the point? The very real and significant achievements of somebody like Emily Murphy should be what we focus on. If you dig deep enough, you can find out negative things about anyone.[65]

Simons also spoke with Edmonton writer Kristy Harcourt, who questioned why people were outraged by Murphy's racism when many of her male contemporaries had similar views. "It's interesting to me how people have jumped on the racism of women, when they allow the racism of men all over. There's so much anti-feminist backlash, it seems like mainstream culture has a real joy in hearing women fighting with each other." Another article about Murphy later that year in *Edmonton Woman* by Martha Dobbin also defended Murphy. Dobbin argued that Murphy was a progressive thinker on the issues

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[65] Simons, p. F2.

she cared about, such as women's suffrage, the temperance movement, and the peace movement. "According to recent reports about her racism, Murphy did not know foreigners or their place in the grand scheme as played out in the world. In this area, she did not stand head and shoulders above the average person, but accepted the common prejudices of the community. This is hardly reason to tear her name off buildings, to topple statues or to rename parks."[66]

In other mainstream media, the story of Murphy and marijuana prohibition was used as a hook for articles which argued for contemporary decriminalization or legalization of the drug. The *Edmonton Sun*'s Mindelle Jacobs wrote that Murphy "was right on the mark in her fight for women's rights but a shameless charlatan where pot was concerned.... [I]t was her anti-pot crusade, in fact, that resulted in the prohibition of marijuana in the first place."[67] Jacobs, writing in November 2001, was covering a Senate review of Canada's drug laws, and talked to University of Toronto professor Benedikt Fischer who told her that "Canada criminalized pot in the 1920s because of U.S. propaganda about the drug.... In the blink of an eye, with little debate or evidence of the risks associated with pot, our politicians banned one of the most benign drugs on the planet." Jacobs used this anecdote about Murphy to springboard into the real argument of her column: the legalization of marijuana. "You have to ask yourself why you can get six months in jail for pot possession when tobacco and booze, which are vastly more dangerous, incur no criminal sanction.... If our laws are based on morality, the state's spending millions of dollars annually to wag its finger at us." Certainly, the Murphy myth works well today, when simply offering evidence that historical actors were, from a

[66] M. Dobbin, "Emily Murphy: Heroine or Villain?" *Edmonton Woman* (Aug./Sept. 1998). Found in the City of Edmonton Emily Murphy clipping files.

contemporary point of view, racist is seemingly enough to discredit all of their arguments and achievements.

Maclean's, the same magazine that printed Murphy's anti-drug articles 80 years earlier, also ran a "reefer madness" cover story that used Murphy in a similar way. This magazine story began with the Murphy anecdote as the teaser.

> Emily Murphy was the first to sound the alarm. In 1922, the Edmonton magistrate and suffragette was railing against the scourge of drugs. Her sensationalist best-selling book, *The Black Candle*, let loose on the evils of such substances as opium, heroin and "marahuana." Few Canadians had heard of marijuana at the time, fewer still had tried it. Murphy ... made certain their impression would be indelible. Smokers, she quoted a police chief as saying, "become raving maniacs and are liable to kill or indulge in any form of violence."[68]

The author acknowledged how ridiculous these claims sounded to contemporary Canadians, as "[t]he world knows better now. But at the time, it was enough to convince Parliament to ban cannabis – marijuana and the more potent variant, hashish – the following year. And nearly 80 years later, Canadians are still living through the bad trip." The article went on to describe arguments for the legalization or decriminalization of marijuana, not revisiting the Murphy story until the end. The article concluded that these arguments for softening drug laws "may sound rational to many, but as Emily Murphy proved eight decades ago, marijuana and logic have rarely mixed." Like the previous article, the titillating story of this uptight social reformer who put this draconian legislation in place is used for a timely purpose: to lure the reader into a story about the status of contemporary drug legislation.

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[67] M. Jacobs, "It's Time to Stop Calling the Pot Black," *Edmonton Sun*, Nov. 10, 2001, p. 11.

[68] J. Beltrame, "Grass, Pot, Ganja – Reefer Madness: The Sequel," *Maclean's*, Aug. 6, 2001, p. 22. The same issue of *Maclean's* also printed an excerpt of Murphy's chapter on marijuana. "They Become Raving Maniacs," p. 25.

"The Grandmother of Marijuana Prohibition": Alternative Media and the Myth of Emily Murphy

Alternative media have covered the story of Murphy as the "grandmother of marijuana prohibition" more consistently and for a longer period of time than mainstream sources. In Canada, this coverage is usually found in *Cannabis Canada* (now *Cannabis Culture*), the main pro-marijuana magazine in Canada. The interviews echo my findings in the scholarly and alternative media sections. Activists here seem to be using the Murphy myth to affect social change, as it is an easy way to establish the racist and arbitrary nature of Canada's drug policy.

"Prohibition Exposed" in Cannabis Canada

In *Cannabis Canada*, Emily Murphy has often been proclaimed as the person responsible for the criminalization of marijuana in Canada. A timeline of the history of cannabis in Canada on the magazine's web site was one example of this.[69] The timeline starts in 1606 with the first cultivation of cannabis in North America, and extends to the present, and even, "the future." This article told the story of Murphy and marijuana prohibition beginning with a reference to the American scene. The timeline told readers that three US states had already criminalized cannabis at this time, "all without the benefit of any scientific studies."[70] Restrictions were placed on this drug, the timeline went on, in order to "harass and deport the minority groups who favoured different drugs than those of the European population."[71] The magazine then pointed the finger at Emily Murphy.

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[69] David d'Apollonia's "History of Hemp: Part One," in the short-lived Halifax periodical *Hemp Works*, (Feb. 1, 2001, pp. 6-7) is also remarkably similar to the *Cannabis Canada* timeline.
[70] <http://www.cannabisculture.com/library/history_of_pot.html>
[71] <http://www.cannabisculture.com/library/history_of_pot.html>

> These unfounded and racist laws were to find their way into Canada, assisted by Maclean's Magazine [sic], which in the early 1920's ran a series of articles about the illicit drug trade in Canada. These articles were written by Mrs. Emily Murphy under the pen name of "Janey Canuck", and were later compiled into a larger book entitled *The Black Candle*. Mrs. Emily Murphy was Canada's first female police magistrate judge, and was also a leader of the Irish Orange Order, a religious group which then wanted a pure white Canada. The articles that Mrs. Emily Murphy wrote were very biased and sensationalized.... When *The Black Candle* was released in 1922 its sole purpose was to arouse public opinion and pressure the government into creating stricter drug laws. The RCMP used this book to increase its power along with making cannabis hemp illegal under the name "marijuana" in the Opium and Narcotic Drug Act of 1923.[72]

This outline of the history of cannabis in Canada seems to form the backbone of all other *Cannabis Canada* references to the history of drug legislation in Canada. This account was shortened, but essentially the same, in a series of comic strips published in *Cannabis Canada* to illustrate this same history.

The comic strip adaptation of this timeline was written by Editor-In-Chief Dana Larsen, who took a sarcastic and colourful tone to underline the apparent absurdity of Canada's drug laws.[73] The second installment emphasized the racialized nature of these laws. The comic history starts in the late nineteenth century with an account of the Chinese labour imported to work on the Western leg of the Canadian railway, describing how these men were subjected to discrimination once their labour was no longer needed. The 1908 prohibition of opium, a drug associated with Chinese at the time, was said to be simple racism on the part of then Deputy Minister of Labour William Lyon Mackenzie King. The next installment established that cannabis had once been a benign and accepted part of Canadian society, as "cannabis extract and elixirs had for many decades been sold with other medicines at pharmacies." Like the online history, the comic strip then described the three U.S. states which had banned cannabis to "harass and deport the minority groups, (primarily Mexicans) who favoured different drugs than those of the

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[72] <http://www.cannabisculture.com/library/history_of_pot.html>

[73] The comic strip was printed in issue #11 (Jan./Feb. 1998), pp. 66-69; #12 (May/June 1998), pp. 70-73; #14 (Sept./Oct. 1998), pp. 70-74; and #16 (Jan./Feb. 1999), pp. 70-73.

European population."[74] It was at this point that the art became especially significant. Centered in the next panel, filling the bottom half of the page, was a large black candle, alight and dripping wax. (See Appendix B) The smoke was shaped like a pot leaf, and light from the flame stretched out across the panel in an angry "X." A white woman lay crumpled, fist clenched, at the bottom of the candle. Her clothes were torn, and she shook her fist in the air, seemingly pleading "Why me?" From gloomy desperation and decay, the tone of the next panel changed abruptly. The reader turns the page of the magazine to see a matronly and regal Emily Murphy, complete with a bible tucked under her arm and a 1920s-era Canadian flag behind her. (See Appendix B) The next panel continued this tongue-in-cheek reverence. Murphy was shown here with a halo over her head preaching to a Church congregation, and the accompanying text is identical to that of the timeline.[75] The tone of the art and text of the comic was that of a spoof. The magazine was using parody and exaggeration to emphasize what they felt was an arbitrary, and now obsolete, change in the law. Thus "drug fiends" were presented in agony and Murphy was shown as the proud mother of the white race. The sarcasm of this seemingly positive depiction is even more pronounced when one realizes that this image of the matronly Murphy can not be found anywhere else in the magazine.

Rather, Emily Murphy was referred to in *Cannabis Canada's* articles in fully negative terms. In the *Cannabis Canada* article "Yellow Journalism: Major Media's Role in the War on Drugs," author David Malmo-Levine used the example of Murphy to illustrate the long history of yellow journalism in Canada and the United States. He

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[74] "The History of Cannabis in Canada Part 3," *Cannabis Canada* #14, p. 71.

[75] The comic reads: "When *The Black Candle* was released in 1922, its sole purpose was to arouse public opinion and pressure the government into creating stricter drug laws. The RCMP used this book to

argued that "[b]oth [William Randolph] Hearst and Emily Murphy in Canada used parental anxieties surrounding teen drug use to make marijuana illegal."[76] Thus Murphy was used as an historical example of media manipulation, and was said to have "made" marijuana illegal in Canada, apparently all by herself.

Another *Cannabis Canada* article that treated Emily Murphy in this vein was written by Chris Clay about his own constitutional challenge. In 1995, Clay was charged with trafficking marijuana for selling cannabis seeds in his London, Ontario, hemp store. Instead of simply defending himself, Clay decided to launch a constitutional challenge, a series of court cases intended to go all the way to the Supreme Court of Canada with the aim of challenging the constitutionality of Canada's pot laws. In this article Clay was specifically dealing with the Ontario Supreme Court decision in 1997, when the presiding judge agreed that Canada's marijuana laws were unjust, but said that it was not the role of the courts to rule on such a controversial issue. As part of the case, Clay and his lawyers surveyed the history of cannabis in Canada and pinpointed the likely reason it was criminalized in the first place: Emily Murphy.[77] In a section entitled "PROHIBITION EXPOSED," Clay described the role of Emily Murphy in the history of cannabis in Canada. He explained that, based on the evidence presented, the judge himself agreed that Murphy had a detrimental impact on the state of marijuana laws in Canada. In his decision, the judge described Murphy's writings as

> "wild and outlandish" concluding that "it was in this climate of irrational fear that the criminal sanctions against marijuana were enacted." After three years of her "sensational and racist" media

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increase its power, along with making cannabis illegal under the name 'marijuana' in the Opium and Narcotic Act [sic] of 1923."

[76] D. Malmo-Levine, "Yellow Journalism: Major Media's Role in the War on Drugs," *Cannabis Canada*, N. 6 (Fall 1996), p. 22. Cannabis was criminalized in the United States in 1937. For more information on Hearst's supposed role, see J. Herer, *The Emperor Wears No Clothes: Hemp and the Marijuana Conspiracy*, Ah Ha Publishing Company, 11th ed., 2000.

[77] See "R. v. Clay," *Criminal Reports*, Fifth Series, Carswell, V. 9 (1997), pp. 349-357.

> campaign, with facts "derived mainly [from] correspondence with US enforcement officials," marijuana was added to the Opium and Drug Act in 1923 without any Parliamentary debate.[78]

One article dedicated wholly to Murphy appeared in an earlier issue of *Cannabis Canada* and was reprinted on the web site. This opinion piece attributed to Dr. Alexander Sumach described Murphy as a "Suffragette/Magistrate Racist/Prohibitionist" and "a rabid racist and vengeful originator of the Canadian drug laws that continue to send people to jail."[79] At the end of the article, the reader interested in more information was referred to "the Famous Four Fucked up Fifth Foundation," a caustic reference to the "Famous Five." The article raved against Murphy, saying that she "fought with equal vigour against Chinese immigration to Canada" as she did for women's rights, and "openly abused her position as 'the first female magistrate in the British Empire' to wrest the civil rights she helped secure for her sisters from the Asian community in Canada." Without explaining how it was done, the author claimed that Murphy "put muscle behind her sordid opinions to pass them into law, hastily adopted and unevenly enforced, which remained unchanged as Canadian drug policy until the early 1970's." Sumach attributed sole blame for the criminalization of marijuana in Canada to Murphy. "Her pen cut down innocent hemp because she only saw one leaf of the tree of life, and not understanding, she ended it all in the domain of the wicked witch of the west." It was Murphy's "disregard for anyone she didn't get along with [which] helped produce tri-decade drug wars, international havoc, and the destruction of millions of human lives at the expense of billions of dollars." Apparently, these would not have taken place without the actions of Emily Murphy. Ultimately, Sumach argued that a woman like Murphy did not deserve

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[78] C. Clay, "Justice Denied," *Cannabis Canada*, N. 10, Nov./Dec. 1997, p. 38.

[79] This article originally appeared in *Cannabis Canada*, N. 9 (summer 1997). I consulted it online at <http://cannabisculture.com/backissues/cc09/smokesignals/emilymurphy/index.html> (as last viewed on April 13, 2002).

historical remembrance. "These are reasons enough to sack her worship from the feminine configuration as unworthy of such posthumous accolade."

The accompanying graphic illustrated even more vividly the author's view of Emily Murphy. (See Appendix C) In this representation, Murphy had the mug of a pitbull, ready to indiscriminately nip at the heels of anything she found offensive, and could do real damage. Her hair styled into two devil horns and a sour expression on her face, she was claiming white (women's) power in one hand and clutching the poor victimized Oriental in the other. The Chinese man, dangling upside down, was depicted as having the body of a snake. The snake had long, pointy teeth, implying that, even though temporarily immobilized by Murphy's iron grip, this man still had the potential cunning and stealth of the elusive snake. Marijuana activists, too, used the Murphy anecdote to make light of and strengthen their call for marijuana legalization. The more pointless the magazine could make the origin of marijuana criminalization seem in 1923, the more pointless they could then make those same laws seem today.

"A Very Evil Lady with Very Strange Ideas": Talking to Pot Activists

To supplement my research on the Murphy myth, I have also interviewed four marijuana activists in order to gauge, or at least get a taste of, the "living" version of the myth that is communicated and understood among these activists. I chose to interview the most visible marijuana activists, people involved in marijuana political parties and working at hemp shops. I conducted the first interview with Marc Emery in Vancouver, British Columbia, as he is the most prominent cannabis activist in Canada. I unsuccessfully tried to talk to another prominent marijuana activist, federal Marijuana Party leader Marc-Boris St. Maurice; I spoke with another person at the federal

Marijuana Party office in Montreal, Quebec, instead. The final two interviews were with people from hemp shops in Ottawa, Ontario, and Saint John, New Brunswick, shops I chose because I had visited them before and wanted geographical variety for my sample.

Not wanting to bias the interviewees, I simply told them that my MA thesis topic was on the history of marijuana in Canada, taking care not to name Emily Murphy or clarify that I was really studying *people's understandings* of this history. Of the four interview subjects, three named Emily Murphy almost right away, declaring that it was her racism which led to the criminalization of cannabis in Canada. The one who did not was Jeff Woodland, assistant manager of Hemp N.B. in Saint John. He had a basic understanding of marijuana history – that farmers were once required by law to grow hemp, that it was outlawed because of miseducation – but he did not know any specific examples of this history or use history to argue for the liberalization of Canada's drug laws.[80] This reminds us that not every pot activist is aware of the Murphy myth and actively uses history to argue against marijuana prohibition. Of my four interview subjects, Woodland was the one who was not involved in a provincial or federal marijuana party and did not live in a large Canadian metropolis, where community between activists and pot users may be more easily formed and ideas and legalization arguments may be more readily shared.

The person one might call the unofficial "leader" of the marijuana movement in Canada was certainly aware of Emily Murphy. *Cannabis Culture* (oringinally *Cannabis Canada*) publisher Marc Emery, dubbed the "Prince of Pot" by CNN in 1997, is the president of the BC Marijuana Party and runs the Marc Emery Seed Company, the largest marijuana seed business in the world. Emery got involved in marijuana activism in 1990

when he saw a performance by spoken word artist Jello Biafra in London, Ontario. By 1994, Emery had opened Hemp BC, a "cannabis superstore" in Vancouver, BC, a province known for its potent marijuana harvests.[81] He opened a cannabis café on the premises in 1997, where customers were welcomed to openly smoke marijuana. But police raids soon taught Emery that a store full of inventory made his business vulnerable.[82] Now he sets his business up differently. The main moneymaker is the seed business, he told me, taking in $3 million a year, which Emery uses to pay for his other activist activities such as the magazine, the web-based PotTV, and the political party.[83] I interviewed him in his Vancouver home in August 2002. As soon as the interview started and I reminded him of my topic, he piped in, "Have you read *The Black Candle*? Oh, you will read *The Black Candle*!" Later in the interview when I asked him directly about Emily Murphy and where she got her ideas about marijuana, Emery eagerly jumped up, rummaged around his room, and came back with a hardcover, second edition copy of Murphy's infamous anti-drug book. He then opened it to the marijuana chapter and read, tongue firmly in cheek, the passage where a Los Angeles police chief is quoted as saying that marijuana turns ordinary citizens into "raving maniacs" capable of murder and horrific violence.

As he does in his magazine, in person Emery described Murphy as a zealous racist who was responsible for the demonization of this innocent plant. He explained that there was no other reason for marijuana to be criminalized when it was, as there was no

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[80] This information is based on my phone interview with Jeff Woodland on January 31, 2003.

[81] E. Shannon, "B.C. Bud," *Time* (Latin American Edition), March 13, 2000, p. 50. Vancouver was also recently selected by the US pot magazine *High Times* as "the best place on the planet for marijuana smokers." R. Matas, "Magazine Picks Vancouver as Pot Lover's Paradise," *The Globe and Mail* (Sat., June 29, 2002), p. A2.

[82] Police have seized three quarters of a million dollars in assets from Hemp BC in a slew of police raids since 1996.

parliamentary discussion of its addition to the schedule of prohibited drugs and was "virtually unknown" to Canadians at the time. "There wasn't a lot of hysteria about marijuana in Canada [at the time]. There was almost no attention paid to it at all." I asked him whether he thought, then, that it was only Murphy's book that caused marijuana criminalization. "Yeah, *The Black Candle*.... [Along with the *MacLean's* articles], from that point forward, that was about all the information that was ever made available" to the public about marijuana.[84]

At one point in the interview, Emery named the feminist movement as helping to create the climate for marijuana prohibition. "[I]t's ironic that a woman was responsible for this terrible law. And, in fact, did you know that prohibitionism generally arose with the advent of the women's vote? See, one of the reasons women wanted the vote was to do these things, to make drugs and beer illegal." Explaining why these women would want such a thing, Emery said offhandedly, "Because guys drank heavy for the most part and came home and were rough with women or irresponsible or whatever." Thus Emery voiced a distrust of first-wave feminists and accorded them partial blame for what he directly blamed feminist Emily Murphy: marijuana prohibition.

My third interview was with Blair T. Longley, who was living at the Montreal headquarters of both the federal Marijuana Party and the Quebec Bloc Pot at the time of my interview. Longley conducted his own research into the history of marijuana in Canada in the 1980s when he deliberately went before the courts for marijuana possession and cultivation. Longley's arguments echoed those of the social scientists. He had a more objective analysis of the subject and referred more to academic articles

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[83] This information is based on my interview with Marc Emery on August 7, 2002, in Vancouver, BC.
[84] Emery erroneously asserted that marijuana was discussed in Murphy's *MacLean's Magazine* articles.

than Emery, but he still concluded that Murphy's writings ultimately resulted in marijuana criminalization. When I told him about my topic, Longley began talking about the history of cannabis in Canada in a much more scholarly way than did Emery. "I think in order to understand the pot story, you have to understand the British empire," Longley explained, saying that the British formed two types of colonies, one in which British settlers were to live and one simply for profit.[85] Canada was a settler colony, and the Empire thus made efforts to keep it suitable to British tastes. There were "a lot of particular episodes in the history of British Columbia which had to be backed up by the Canadian government to stop it form turning into Chinese Columbia or Indian Columbia," such as turning away boatloads of immigrants. He used this same reasoned approach when explaining Canada's first drug laws. "In order to understand the opium law of 1908, you have to look at the riots that took place in Vancouver.... The white people stormed through Chinatown [and] trashed it." Longley explained that King's solution to this situation was the *Opium Act*, which "gave police a tool of persecution for unwanted Orientals. It would be their excuse to beat them up and ship them out of the country." It was clear with whom Longley's sympathies lay – with the people who were subjected to humiliation and ritual harassment by the same enemy he saw humiliating and harassing marijuana users today.

Moving onto the topic of marijuana, Longley announced that "you have to look at all the background, and the background, of course, leads you to," he paused dramatically, "Emily Murphy." He explained that Murphy was a famous feminist who "worked really hard for *white* women's rights." His favourite quote from *The Black Candle*, he went on

[85] This information is based on my interview with Blair T. Longley on August 17, 2002 in Montreal, Quebec.

to say, was one where Murphy wrote that the worst degradation for a white woman was to have sex with a Chinese man. Immediately following this statement, Longley proclaimed, "*[s]he's* the inspiration behind the law." If *she's* the inspiration behind the law, Longley implied, then it was not much of a law and should thus be reconsidered today in that light.

My final interview was with marijuana activist Mike Foster, owner of the Ottawa hemp store Crosstown Traffic and founding member of the federal Marijuana Party. When I asked him whether he could explain why marijuana was criminalized today, he responded that it was because of "fear and hypocrisy. It stems out of greed long ago."[86] He explained that "there are a number of conspiracy theories," about why hemp went from being "a very viable commodity" to a criminalized substance, such as the one that described the underhanded tactics that major industrial companies used to drive hemp off the market in order to make way for the more profitable plastic and cotton products.[87] Recognizing that these theories related to the US prohibition of marijuana in 1937, Foster addressed the Canadian scene. "We actually beat the US to the punch. I don't really know why we did. I guess it was because of Emily Murphy, a very evil lady with very strange ideas." He then told me about *The Black Candle*, the book from which "she launched her tirades," which were soon incorporated into legislation. When asked how her ideas traveled from the book to parliamentary legislation, Foster admitted that he was not sure. "I guess because there was no opposition or knowledge. I guess people must have believed her." I then asked Foster what he thought would have happened if Murphy were not involved – would marijuana be criminalized today? "We probably would have

[86] This information is based on my phone interview with Mike Foster on January 23, 2003.

done it anyway. If we hadn't done it on our own, we would have been swept up by the US later anyway. She [Murphy] just did it first here, so we just hold it against her." This is an interesting perspective that I have not come across elsewhere in my research. With amusement, Foster recognized that without Emily Murphy, Canada today would not be experiencing a marijuana utopia. He also recognized, with his observation that we "hold it against her," that the blaming a lot of people do is based less on facts and more on resentment and happenstance.

The technique of using Murphy to call for a rethinking of contemporary drug laws is the reason writers have been attracted to this story. By arguing that the very foundation of this Canadian law is so senseless and arbitrary as the Murphy myth implies, one creates a space in which an otherwise law-abiding citizen can justify breaking the law. Another reason is that this "myth" – and narratives of Murphy the racist feminist in general – is so easily accepted by contemporary readers. Murphy thus fits very well within the framework of historical memories of the social purity movement. As Canadian historian Mariana Valverde has described it: "[O]nce upon a pre-Freudian time there was a group of repressed clergymen and church ladies who tried to make everyone stop drinking, having sex, and gambling. The movement of 1885-1920 is seen as just another chapter in the history of Puritanism, and hence as a purely negative, prohibitionary project."[88] The potency and strength of these stories of Emily Murphy help to account for their current popularity in scholarly work, mainstream media, and activist publications.

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[87] Here Foster is likely referring to the theory put forward in the non-academic bible of marijuana activism, *The Emperor Wears No Clothes* by Jack Herer.

[88] M. Valverde, *The Age of Light, Soap, and Water: Moral Reform in English Canada, 1885-1925*, Toronto: McClelland & Stewart Inc., 1991, p. 22.

Conclusion

Emily Murphy and her campaign against drugs, and specifically marijuana, has not been well represented by previous scholars. Many early scholars argued that Murphy likely had a direct and uncomplicated affect on Canadian drug legislation, and marijuana laws in particular, blurring many issues of causation and power that should be incorporated into an historically and scholarly sound analysis of this topic. Without actual concrete evidence, many have concluded that Murphy's *The Black Candle* was likely the sole reason marijuana was criminalized in Canada and why other harsh drug measures were put in place. Media personalities and cannabis activists have presented the Murphy anecdote in its most condensed and dramatic form. It is here that the purpose of this myth is most clear. Many popular and alternative media writers seem to use the anecdote in order to quickly and easily establish the silliness of contemporary marijuana legislation. Thus the myth is an effective analytic tool and a colourful story journalists can use to draw readers into an argument for the liberalization of Canadian drug laws. Though academia is supposedly free of the pressures to lure audiences with colourful stories, scholars are expected to present a convincing and persuasive argument in their writings, and the Murphy myth helps to do this.

The question of Murphy's actual role in the criminalization of marijuana in Canada, of course, remains unanswered. More research is needed on the history of drugs in Canada in general, and any conclusions about Murphy's place in this history will await this research. However, at this point, one can better understand the stark oppositions presented by Canadian scholars on this issue, and the way in which this anecdote has been appropriated in popular culture. It seems that Emily Murphy, the rabid racist without whom Canadians would apparently be experiencing a pro-marijuana utopia, was

and still is quite able to rouse powerful emotions in Canadians. Having examined the Murphy myth in detail, we can now turn to Murphy herself, the history of drugs in Canada, and Murphy's infamous book *The Black Candle*. Upon a closer inspection, Murphy was not all that the myth made her out to be.

CHAPTER TWO

Raving Maniacs in Canada?: Marijuana Criminalization and the Story of Emily Murphy's *The Black Candle*

> *Persons using this narcotic, smoke the dried leaves of the plant, which has the effect of driving them completely insane [sic]. The addict loses all sense of moral responsibility. Addicts to this drug, while under its influence, are immune to pain, and could be severely injured without having any realization of their condition. While in this condition they become raving maniacs and are liable to kill or indulge in any form of violence to other persons, using the most savage methods of cruelty without, as said before, any sense of moral responsibility. When coming from under the influence of this narcotic, these victims present the most horrible condition imaginable. They are dispossessed of their natural and normal will power, and their mentality is that of idiots. If this drug is indulged in to any great extent, it ends in the untimely death of its addict.*
>
> - Los Angeles Chief of Police Charles A. Jones, as quoted in Emily Murphy's *The Black Candle* (1922)[1]

This passage from Emily Murphy's *The Black Candle* is usually used to illustrate the hysteria surrounding the establishment of Canada's first marijuana laws.[2] Found in her chapter "Marahuana [sic] – A New Menace," this excerpt tells a story of, we assume, otherwise normal people who have succumbed to the allure of the drug "marahuana." This drug strips away their civilized demeanor and unleashes their natural animalistic

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[1] E. Murphy, *The Black Candle*, Toronto: Coles Publishing Company, 1973 (First ed. 1922), p. 332-333.

[2] Writers who offer this quote, arguably the most sensational part of her chapter on marijuana, include S.J. Cook, "Canadian Narcotics Legislation, 1908-1923: A Conflict Model Interpretation," *Canadian Review of Sociology and Anthropology*, V. 6, N. 1 (1969), p. 40; M. Green and R.D. Miller, "Cannabis Use in Canada," in *Cannabis and Culture*, Rubin Vera ed. Paris: Milton Publishers, 1975, p. 499; M. Green, "A History of Canadian Narcotics Control: The Formative Years," *University of Toronto Faculty of Law Review*, V. 37 (1979), p. 54; R. Solomon, and T. Madison, "The Evolution of Non-Medical Opiate Use in Canada - Part I 1870-1929," *Drug Forum*, V. 5, N. 3 (1976-77), p. 256; R. Solomon and M. Green, "The First Century: The History of Non-Medical Opiate Use and Control Policies in Canada, 1870-1970," in *Illicit Drugs in Canada: A Risky Business*, J.C. Blackwell and P.G. Erickson eds., Scarborough: Nelson Canada, 1988, p. 98; D. Hicks, "Decriminalization by Default: The Social Construction of Cannabis Harm and Policy in Canada," PhD dissertation University of Ottawa, 1998, p. 67; "The History of Cannabis in Canada Part 3," *Cannabis Canada* #14, p. 71; C. Cosh, "All thanks to a Hysterical Lady Judge," *Alberta Report*, V. 24, N. 36 (Aug. 18, 1997), p. 33; M. Jacobs, "It's Time to Stop Calling the Pot Black," *Edmonton Sun*, Nov. 10, 2001, p. 11; and J. Beltrame, "Grass, Pot, Ganja – Reefer Madness: The Sequel," *Maclean's*, Aug. 6, 2001, p. 22. The same issue of *Maclean's* also printed an excerpt of Murphy's chapter on marijuana. See "They Become Raving Maniacs," p. 25.

Dr. Alexander Sumach also reprinted this passage in his article "Emily Murphy: Suffragette/Magistrate Racist/Prohibitionist" in *Cannabis Canada*, N. 9 (Summer 1997), consulted online at <http://cannabisculture.com/backissues/cc09/smokesignals/emilymurphy/index.html> (as last viewed on April 13, 2002). Marc Emery also read this quote, in quite a flamboyant and sensational manner, to me during our interview.

urges.[3] The addicts' blunted ability to feel pain makes them even more threatening; the idea that these addicts "could be severely injured without having any realization of their condition" not only elicits sympathy for the victims, but also dread of the fearless brutes who cannot be stopped by bullets or billyclubs. With their self-control undermined, these people can easily give into their primal urges for brutality, "using the most savage methods of cruelty." According to this account, "marahuana" can easily destabilize the apparently fragile control that individuals have over their "natural and normal will power," and "their mentality" after the use of this drug then becomes "that of idiots." Finally, if left unchecked, addicts will experience the ultimate loss of individuality: Death.[4]

Writers and activists have usually used this quote to underline the absurdity of the early twentieth century attitudes toward marijuana. Commentators who use the Murphy myth usually argue that no other information was available to Canadians, other than the chapter about marijuana in Murphy's book, and therefore the criminalization of marijuana the next year must have been Emily Murphy's doing. Yet an examination of the evidence and historical facts show this to be a tenuous conclusion at best. An overview of the history of Canada's drug legislation will help to contextualize the debate surrounding the establishment of marijuana laws and will situate Murphy's position within wider anti-drug efforts. In this chapter, I will introduce Emily Murphy herself, present a history of marijuana and drug laws in Canada, interrogate the text of *The Black Candle*, and address what Canadians thought of the book at the time. My aim is to make

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[3] I use the pronouns "them" and "their," though grammatically incorrect, to reflect the style of the original.
[4] This analysis is inspired by Gail Bederman's discussion of civilization discourse in *Manliness and Civilization: A Cultural History of Gender and Race in the United States, 1880-1917*, Chicago: University of Chicago Press, 1995. My analysis is also based on discussions of individualism within liberal ideology.

the story of Murphy's motivations and politics more complicated than previous writers have allowed and help to answer the question of why Murphy takes centre stage in the debate about marijuana criminalization in Canada. An examination of Murphy's biography and her drug writings will bring to the fore reasons why she was involved in this anti-drug activism. This chapter will show that the "myth of Emily Murphy" can be quite easily challenged.

Emily Murphy: The Woman behind the Myth

Literature on Emily Murphy in Canadian women's historiography mirrors that on first-wave feminism in general. In the 1960s, 1970s, and even into the 1980s, first-wave feminists were heralded as exemplary women of their generation who fought for and gained worthwhile rights for all women. They were held up as heroes worthy of statues, plaques and parks. In the general text for Canadian women's history, *Canadian Women: A History*, Murphy was presented in this positive light. She was first mentioned as an example of a female social reformer in the 1920s; her involvement in feminist organizations was described, but her anti-drug activism and nativist views were not.[5] In the second reference, *The Black Candle* was specifically discussed, but only in terms of how it described the younger generation of women in the 1920s.[6] In the last reference to Murphy, the text detailed her involvement in the "Persons" Case.[7] Another 1980s history text also did this in a way that seems quite ironic today. In Canadian historian Don Akenson's biography of Robert Ogle Gowan, the founder of the Orange Order in Canada

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See A. Arblaster, *The Rise and Decline of Western Liberalism*, Oxford, 1984, and S. Hall, "Variants of Liberalism," in *Politics and Ideology*, J. Donald and S. Hall eds., England, 1986, pp. 34-69.

[5] A. Prentice, et al, *Canadian Women: A History*, Toronto: Harcourt Brace Jovanovich, 1988, p. 203-204.

and Murphy's grandfather, he wrote about the then-iconic treatment of Murphy, who "became one of the stars of Canadian women's history."[8] Akenson marveled that "in four generations, from Hunter Gowan to Emily Murphy, a bloodline could go from hellbent bigotry, that everyone would like to forget, to a feminist icon, immortalized on a postage stamp."[9] Many Canadians today would hasten to clarify that perhaps the "hellbent bigotry" did not die off so quickly.

Murphy's own biographers have also written about her in this fully positive, rarely critical way. Both biographers had access to Murphy's private papers and family scrapbooks not available to the public, making them important, but unverifiable, sources. In 1945, Byrne Hope Sanders, a journalist and editor of the Canadian women's magazine *Chatelaine* from 1929 to 1952, wrote Murphy's first biography, *Emily Murphy: Crusader.*[10] Sanders wrote about Murphy in an uncritical and applauding way, saying little about Murphy's beliefs about race. What she did write portrayed Murphy as sympathetic and sensitive to the needs of Canadian immigrants. In fact, she even implied that Murphy's writing style – and thus possibly Murphy's extreme racism – in *The Black Candle* was a rhetorical device, and not illustrative of Murphy's true feelings. She wrote that in the book, "Janey Canuck, and her delicate craftsmanship, were not much in

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[6] This passage reads: "In her book, *The Black Candle*, Judge Emily Murphy combined anecdotes from her courtroom experience with national and international statistics to link contemporary evidence about youthful women's moral laxity to drug trafficking, prostitution, and the white slave trade." Prentice, p. 244.
[7] Prentice, p. 282.
[8] D. Akenson, *The Orangeman: The Life and Times of Ogle Gowan*, Toronto: Lorimer & Company Publishers, 1986. The Orange Order was a politically active Irish Protestant and anti-Catholic organization. Also consult S.W. See, "The Orange Order and Social Violence in Mid-Nineteenth Century Saint John," *Acadiensis*, V. 13, N. 1 (1983), pp. 68-92.
[9] Akenson, p. 312.
[10] V.J. Korinek, *Roughing it in the Suburbs: Reading Chatelaine Magazine in the Fifties and Sixties*, Toronto: University of Toronto Press, 2000, pp. 43-44.

evidence. This was Judge Murphy slashing hard at a seemingly hopeless problem, urging reforms in the face of a disinterested, careless public."[11]

In 1985, a second biography attempted to tell the story of Murphy's life. Essentially a condensed version of Sanders' work with some new information and anecdotes, Christine Mander's *Emily Murphy: Rebel* was written as a popular history of a feminist icon. Like Sanders, Mander is quite uncritical. Unlike Sanders, however, Mander repeated Murphy's opinion of drugs with approval. At one point Mander described a 1904 article on "the Chinese question" in which Murphy had argued that restrictions on Chinese immigrants should be lifted.[12] Mander later argued that Murphy's opinion of Chinese Canadians had changed by 1922 because "now she was faced daily with the human disasters which drug addiction produced."[13] Instead of arguing that Murphy's style of argument was simply a way for her to better persuade her readers, Mander argued that Murphy had a sincere change of opinion based on "objective" facts. Both of Murphy's biographies fit into the feminist body of work that created heroines.

A second group of women's history scholars in the 1980s and 1990s have questioned this unrelentingly positive approach, pointing out some of these women's now unfashionable views like eugenics and sterilization. For example, Canadian historian Carol Lee Bacchi exposed the racism and classism of first-wave feminists in her 1983 book, *The Ideas of the English-Canadian Suffragists, 1877-1918*.[14] Canadian historian Mariana Valverde also explored these women's ideas of race in her 1991 *The Age of*

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[11] B. H. Sanders, *Emily Murphy: Crusader*, Toronto: MacMillan Company of Canada Ltd., 1945, p. 211.
[12] Murphy had argued in the article (published in *National Monthly* in May 1904): "When we are so sparsely populated it is a grave error to exclude law abiding would-be citizens. The most serious offence against the Chinese is that they are too economical and send their wages to China." As cited in C. Mander, *Emily Murphy: Rebel*, Toronto: Simon & Pierre Publishing, 1985, p. 57.
[13] Mander, p. 102.

Light, Soap, and Water: Moral Reform in English Canada, 1885-1929 and in her influential 1992 article "'When the Mother of the Race is Free': Race, Reproduction, and Sexuality in First-Wave Feminism."[15] Canadian women's historians Karen Dubinsky and Lynne Marks have identified this overly negative interpretation and have called for a more thoughtful analysis: "[W]e need further work that moves us beyond Bacchi's simplistic blaming of 'bad' feminist foremothers for not sharing our politics, towards a sensitive understanding of how race shaped these women's world view and claims on social power.... [R]acial and ethnic *power* has not been written into the story of Canadian feminism, Canadian women, and Canadian society."[16]

A third wave of scholarship better addressing these issues is emerging in British and American women's history. Women's historians in those countries have gone beyond arguing whether first-wave feminists were progressive in their time or distasteful in ours, and have attempted to understand the reasons these women held such views, specifically questioning the ways in which they reconciled their perplexing thoughts about race with their more progressive thoughts about gender. British historian Antoinette Burton, for example, has argued that British first-wave feminists wanted to be

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[14] C. L. Bacchi, *The Ideas of the English-Canadian Suffragists, 1877-1918*, Toronto: University of Toronto Press, 1983.

[15] M. Valverde, *The Age of Light, Soap, and Water: Moral Reform in English Canada, 1885-1925*, Toronto: McClelland & Stewart Inc., 1991, and M. Valverde, "'When the Mother of the Race is Free': Race, Reproduction, and Sexuality in First-Wave Feminism," in *Gender Conflicts*, Franca Iacovetta and Mariana Valverde eds., Toronto: University of Toronto Press, 1992, pp. 3-26.

In her article, Valverde offered a questionable analysis of Murphy. First, she mistakenly asserted that most of the drug addicts featured in the photos in *The Black Candle* were Chinese men. The majority of the people in the book's photos were actually Black men and women, as I explore later in this chapter. Second, she singled out a "surprising" photo of a white woman in bed with a black man and concluded that "it is clear that white readers had their the anti-black racism fuelled by the book, along with their anti-Chinese prejudices." Yet she did not offer evidence for this significant claim. Her footnote simply told of Murphy's support for sterilization and offered a source for that assertion, but Valverde gave no proof for her claim that *The Black Candle*'s "anti-Black racism" had a demonstrable impact on white Canadians. Valverde, "'When the Mother of the Race is Free,'" p. 15.

included in the state, and thus its racial hierarchy, not to dismantle it.[17] She identified a "theme common among domestic female social reformers of the period: Women, by virtue of their caretaking functions and their role as transmitters of culture, were responsible for the uplift and improvement of the national body politic."[18] In the United States, historian Gail Bederman has come to a similar conclusion. She has discussed how American feminists tried to help plan the World's Columbian Exposition in Chicago in 1893. The exposition was to showcase the advancement of Western Civilization, and these women wanted to show that "civilization was as womanly as it was manly."[19] These women were not critiquing white supremacy, but wanted to be more fully included in the privileged elite.

A similar rethinking has not taken place to any great extent in Canadian historiography. However, historian Alisa Dawn Smith has tried to do this in her unpublished MA thesis. In "Rethinking First-Wave Feminist Thought Through the Ideas of Emily Murphy," Smith has attempted to grapple with these two scholarly interpretations. She argued that "Murphy's feminism ... could be inclusive of the needs of all women, while at the same time [it was] limited by her general acceptance of the racial stereotypes that were part of the common linguistic fund (and were also considered scientifically valid)."[20] Curiously, Smith concluded that "it was Murphy's feminist ideas

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[16] K. Dubinsky and L. Marks, "Beyond Purity: A Response to Sangster," *Left History*, V. 3/4, N. 2/1 (Fall 1995-Spring 1996), p. 216.
[17] Burton, p. 7.
[18] Burton, p. 12.
[19] G. Bederman, *Manliness and Civilization: A Cultural History of Gender and Race in the United States, 1880-1917*, Chicago: University of Chicago Press, 1995, p. 33.
[20] A.D. Smith, "Rethinking First-Wave Feminist Thought Through the Ideas of Emily Murphy," MA Thesis, University of Victoria, 1997, p. 6.

which were freest of racism, classism and other hierarchies of privilege."[21] Here the weakness of Smith's work is clearest. She seems to have used her present-day ideas of what constituted "feminist ideas" and applied this to Murphy's thought. With this logic, Murphy's "racism, classism and other hierarchies of privilege" were swept aside as "part of the common linguistic fund" and this allowed Smith to then classify Murphy's most appealing arguments as her "feminist ideas." Rather, one could suggest, as this thesis does, that Murphy's attitudes about race was an integral part of her feminism.

Smith's argument regarding Murphy's racism is more fruitful. She has looked at most of Murphy's published work and argued that Murphy's thoughts on race in the 1922 *The Black Candle* are more explicitly racist than her works either before or after. Smith wrote that Murphy's "assumptions of Anglo-Saxon superiority and her use of stereotypes to describe cultures and races were commonplace" in Canada in the early twentieth century.[22] Like Mander, Smith offered Murphy's 1904 article on Chinese immigration as an example of her more benign thoughts on race. In this article Murphy expressed no fear of Chinese Canadians, and "specifically denied the threat of white race degeneration."[23] Further, Smith added that the fear of Chinese Canadians Murphy expressed in *The Black Candle* was based on moral and cultural, not economic, issues.[24] Finally, Smith argued that in her anti-drug writings after *The Black Candle*, Murphy did not mention Chinese or people of colour. However, as Canadian historian Catherine Carstairs has pointed out, anti-drug writings in the late 1920s in general lost their racial

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[21] Smith, p. 6. Regarding Murphy's now distasteful thoughts on eugenics, Smith claimed that Murphy's position was actually progressive for the time. She argued that "[s]terilization – set in opposition to lifetime institutionalization of the unfit – was viewed as a liberal notion," but offered no evidence to support this argument. Smith, p. 93.

[22] Smith, p. 47.

[23] Smith, p. 7. Smith did recognize that, like many of her contemporaries, Murphy still used racial hierarchies to think about the issue. Smith, p. 51.

elements, as there was no longer any need to invoke anti-Chinese sentiment to convince Canadians of the dangers of the drug trade.[25] Smith herself even allowed that though Murphy's "race-based fears had subsided" this was replaced by a fear "of the dangers of the 'feebleminded.'"[26]

Smith also made the point that Murphy was not seen as racist by her contemporaries. This is significant in proving her point that Emily Murphy was not seen as exceptionally racist in her own time, regardless of the judgements of posterity. Smith examined book reviews of *The Black Candle* to establish this, pointing out that reviewers accepted and applauded Murphy's arguments based on race. From my own research, I have come to the same conclusion. Many of the book reviews heralded *The Black Candle* as a much-needed wake-up call for Canadians, and not one writer complained about Murphy's racial attitudes.[27] Many repeated these same ideas with relish. For example, Winnipeg's *Western Home Monthly* wrote that "[n]o one reading the 'The Black Candle' could fail to feel a tremendous desire to rise up and help Judge Murphy to stamp out this fearful scourge; to save our boys and girls from the downgrade from which

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[24] Smith, p. 51.

[25] C. Carstairs, "'Hop Heads' and 'Hypes': Drug Use, Regulation and Resistance in Canada, 1920-1961," PhD dissertation, University of Toronto, 2000, p. 45.

[26] Smith, p. 65.

[27] It should be noted that at least one contemporary of Murphy's took issue with her views of Chinese in *The Black Candle*. In 1924, a lawyer defending two Chinese men, Mah Doon and Mah Ling, who were charged with selling narcotics tried to stop the trial with claims of "bias" on the part of the presiding judge, Emily Murphy. The lawyer initially tried to dispute Murphy's right to sit on the trial on the grounds that "[t]he accused is a male and entitled to be tried before a male." In response, Mr. Justice Ives asked, "[w]hat evidence is there that the accused is male?" That tactic having failed, the lawyer took a different approach. After reading to the court numerous quotations from *The Black Candle*, the lawyer concluded: "I have read with the intent to show that the author has prejudice against Chinese and is so wrapped up in the subject as to be unable to give a fair trial to sellers of narcotics, if there is a bias, especially to Chinese." The judge decided in Murphy's favour, saying that he himself was "biased against those found guilty of murder, but that is not enough to prevent a fair trial." The lawyer's accusation of bias seems to have been a tactic to argue for the innocence of his clients (or at least to get a new trial), not a sincere concern about racism. "Woman to Try Two Chinese," Edmonton 1924. M.S. 2, Scrapbook 4, Emily Murphy Collection, City of Edmonton Archives. Mander has written about this case in her biography of Murphy, p. 103.

there is seldom a return."[28] A 1922 review from the Owen Sound *Sun-Times* was even more explicit. "It looks, almost, as if there were an organized conspiracy in operation to so demoralize the Anglo-Saxon races as to make them an easy prey to their enemies, who have never yet been able to beat them, otherwise."[29] One has to keep in mind, however, that all of these reviews were found in the Murphy family scrapbooks housed at the Edmonton City Archives; thus the family members who compiled them – Murphy's daughter Evelyn Gowan Murphy did much of the scrapbooking – may not have been moved to collect any negative or critical reviews, if they did exist. On the whole, Smith did not present a useful rethinking of first wave feminism. She offered some interesting thoughts and useful ideas, but ultimately went too far in defending Murphy. This literature on Emily Murphy illustrates her slow ascent from feminist icon to contemporary pariah.

Emily Murphy is perhaps most famous for her involvement in the women's movement, and more specifically, the "Persons" Case.[30] She spearheaded this campaign for women to be considered "persons" under Canadian law. In addition to Murphy, the

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[28] This review was found in the "Murphy, Emily - Drugs" clippings file, Emily Murphy Collection, City of Edmonton Archives.

[29] This review was found in the "Murphy, Emily and Arthur" clippings file, Emily Murphy Collection, City of Edmonton Archives.

[30] Emily Murphy was involved in much lobbying and activism for women's rights, especially after she moved to Edmonton in 1907. At this time she joined clubwomen society and attended balls and teas, and lobbied for such local issues as dower laws and women's homesteader rights. (Smith, p. 29) She was the president of the Canadian Women's Press Club (1913-1920), the Federal Women's Institutes of Canada (1919-1921), and the Women's Canadian Club (1911-1913), as well as vice-president of the National Council of Women (1918-1926), the Social Service Council of Canada (1920-1931), and the Canadian Social Hygiene Council (1921-1931). "Who's Who," Emily Murphy entry (date unknown), found in the "Murphy, Emily and Arthur" clippings file, Emily Murphy Collection, City of Edmonton Archives.

Biographer Sanders wrote that Murphy had a financially comfortable and educated upbringing. Born Emily Ferguson in 1868 in Cookstown, Ontario, her parents were prosperous immigrants from Ireland. Young Emily attended the Bishop Strachan School, a prestigious Toronto boarding school, and by age 19 was married to Arthur Murphy, an Anglican preacher. During the next 10 years, the family traveled throughout Northern and Western Ontario, with Arthur at first a minister and then a missionary. In the early 1900s, the Murphys moved to Swan River, Manitoba, and then to Edmonton, Alberta, in 1907. Emily Murphy died in Edmonton in 1933.

group of five women included suffragist Nellie McClung, editor Henrietta Muir Edwards, and Alberta politicians Irene Palby and Louise McKinney. Their original intention was to lobby for Emily Murphy's appointment as a senator, but hit a roadblock when they discovered that only "persons" could be granted these positions.[31] Murphy's motivations for this campaign can be traced back to her experience as a judge. As archivist Monique Benoit has described, "[o]n her first day in court, a disgruntled lawyer challenged her ruling against his client on the grounds that Judge Murphy, a woman, was not a 'person' and was therefore not able to perform the duties of a magistrate."[32] The Supreme Court of Alberta soon confirmed her judicial authority, but, as Benoit explained, this lawyer had "unwittingly given a boost to the women's case. During the following years, women's associations, newspapers, as well as men and women from all provinces, proposed and then demanded Emily Murphy's appointment to the Senate."[33] Failing to make progress within Canada, in 1927 the "Famous Five" launched a legal court challenge to Canada's top court at the time, Britain's Privy Council. Finally, in 1929, the Council ruled that Canadian women were, indeed, persons and could sit on the Senate of Canada.[34] However, Murphy did not become Canada's first female senator. That privilege was granted to Cairine Reay Wilson, as Prime Minister William Lyon Mackenzie King thought Murphy "a little too masculine and perhaps a bit too flamboyant."[35] A senator from Edmonton pointed to another reason Murphy likely did not get the appointment.

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[31] M. Benoit, "Are Women Persons? The 'Persons' Case," *The Archivist*, N. 119 (2000), p. 2.
[32] Benoit, p. 2.
[33] Benoit, p. 2.
[34] Benoit, p. 8. See also R. G. Marchildon, "The 'Persons' Controversy: The Legal Aspects of the Fight for Women Senators," *Atlantis*, V. 6, N. 2 (1981), pp. 99-113; F. Reineberg Holt, "Women's Suffrage in Alberta," *Alberta History*, V. 39, N. 4 (1991), pp. 25-31; and A. White, "The Persons Case: A Struggle for Legal Definition and Personhood," *Alberta History*, V. 47, N. 3, (1999), pp. 2-9.
[35] Benoit, p. 10.

"Oh, we never could have had Mrs. Murphy in the Senate. She would have caused too much trouble."[36]

Even without a seat on the Senate, Murphy caused a lot of trouble for Canadians fond of the status quo. She was involved in activities which, from a contemporary standpoint, can be seen as both progressive and perhaps subversive for the time, but also exclusionary and accommodating the racial status quo. Murphy was a leading suffragist, but she also participated in debates about eugenics and supported the Sexual Sterilization Act in Alberta, which allowed for the sterilization of the mentally disabled.[37] Though to a contemporary reader Murphy's anti-drug efforts may not seem subversive, she in fact believed drugs harmed the feminist cause. As will be discussed later, Murphy saw drugs as an obstacle to the equality of women, as they negated a white woman's claim to being a fully self-possessing individual. White women were a common figure in her drug narratives, and she seemed to have held drugs responsible for the "degrading" situations – such as interracial relationships – in which these women somehow found themselves. An account of Canadian drug legislation will help to contextualize Murphy's feminist anti-drug activism.

A Brief History of Drugs in Canada

Emily Murphy's feminist activism would lead her to the topic of the drug traffic and its effects on white women and children. Discussions likely prevalent in Canada in the early twentieth century would have informed individuals such as Murphy, as the quotation at the beginning of this chapter indicates. Some background information on the legislative changes and ideas Canadians had about drugs will be helpful at this point,

[36] Sanders, p. 259.

since they certainly would have influenced Murphy's understanding of drugs. *The Black Candle*'s chapter on marijuana showed that Murphy herself was informed by discourse about marijuana in the United States. She offered a number of examples to illustrate the "dangers" of marijuana as discussed in popular literature and by doctors and an American chief of police, and also wrote that California, Missouri and Wyoming had already legislated against marijuana.[38] Murphy was also likely aware of other American developments such as the 1914 federal Harrison Narcotic Act. American historian Jill Jonnes has argued that this legislation initially included marijuana, "but its medical uses for migraines and glaucoma had convinced lawmakers to keep it legally available."[39] The next year, she continued, complaints from Southerners about "the lower classes" using this drug prompted the US Treasury to prohibit the importation of marijuana for non-medical purposes.[40] Murphy would have also been keenly aware of Canadian anti-drug actions.

Canada's first law against drugs was passed in 1908, in response to a report written by then Deputy Minister of Labour William Lyon Mackenzie King. King had visited Vancouver for the purposes of investigating the 1907 anti-Asian riots to determine whether the Chinese and Japanese businesses targeted by white rioters were eligible for

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[37] Carstairs, "Hop Heads and Hypes," p. 31.

[38] Murphy, p. 331. The Le Dain Commission found that hemp first came to Canada with Louis Hébert, Samuel de Champlain's apothecary, in 1606 in what is now Nova Scotia. Soon after, hemp cultivation was required by law in New England in order to help outfit British ships in sails and ropes, and by 1630, *cannabis sativa* was a staple crop in the area. Le Dain Commission (Commission of Inquiry into the Non-Medical Use of Drugs), *Cannabis*, Information Canada, 1972, p. 13.

[39] J. Jonnes, *Hep-Cats, Narcs, and Pipe Dreams: A History of America's Romance with Illegal Drugs*, Baltimore and London: The Johns Hopkins University Press, 1999, p. 127. The Le Dain Commission also found that the recreational use of marijuana was first introduced to the United States in 1910 by Mexican workers, but was largely restricted to the jazz scene, especially in the New Orleans area, until the 1930s. Le Dain, *Cannabis*, p. 185.

[40] Jonnes, p. 127.

financial compensation.[41] King was reportedly quite surprised to discover that two of the businesses requesting assistance were opium manufacturers, and he set out on his own private investigation of the opium trade in British Columbia. He was also approached by members of a Chinese anti-opium league who asked him to put a stop to the opium trade in their community.[42] King's subsequent report "On the Need for the Suppression of the Opium Traffic in Canada" warned that opium use was no longer simply a Chinese activity, as it was spreading to white women and girls.[43] Within weeks, the Minister of Labour introduced the *Opium Act*, which meant to prohibit the importation, sale, and manufacture of opium for non-medicinal purposes, and it passed without debate.[44]

Most scholars who write on this subject do not explain why this legislation passed in the House of Commons with no discussion, usually implying that King's personal crusade was so effective and anti-Chinese sentiment so strong that King's proposal was met without comment. However, Canadian historian Dan Malleck has offered a better understanding of why Parliamentarians accepted the logic of this new law. He has shown that Canadians, especially doctors and to a lesser extent feminists, had been pointing out the dangers of opiates long before 1908.[45] As Malleck demonstrated, when King presented his report in 1908, he was repeating ideas with which Canadians were already

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[41] Le Dain Commission (Commission of Inquiry into the Non-Medical Use of Drugs), *Interim Report*, Information Canada, 1970, 173.
[42] Carstairs, "Hop Heads and Hypes," p. 24; Boyd, p. 115.
[43] Carstairs, "Hop Heads and Hypes," p. 24.
[44] Carstairs, "Hop Heads and Hypes," p. 24; Solomon and Green, p. 89.
[45] For example, in an 1892 edition of the Ontario *Women's Journal*, a Woman's Christian Temperance Union writer warned women away from tonics which listed opium as an ingredient. She wrote that it would be "better to endure pain than become a slave to the opium habit." D.J. Malleck, "'Its Baneful Influences Are Too Well Known': Debates over Drug Use in Canada, 1867-1908," *Canadian Bulletin of Medical History*, V. 14 (1997), p. 275.

familiar. Thus it was not simply King himself and anti-Chinese racism that led to Canada's first drugs laws.[46]

Malleck has shown that contemporary arguments that Murphy's *The Black Candle* was the only available information on marijuana in 1923 Canada were also mistaken. The medical industry had, in fact, discussed marijuana since at least the 1880s, and "Cannabis indica/Indian hemp/haschish had been on the list of poisons that pharmacists could sell only under certain conditions since the 1870s."[47] Further, Malleck pointed out that the same year the *Opium Act* was passed, another piece of legislation required pharmaceutical manufacturers to label patent medicines containing cocaine, morphine, heroin and cannabis.[48] Thus by 1923, the drug marijuana has already been discussed in professional medical journals and regulated in patent medicines in Canada. Yet Murphy's book has been targeted as providing the first source of information on cannabis in Canada. There had indeed been talk about the effects of marijuana usage in Canada by 1923, but the discourse regarding marijuana was dwarfed by the discourse about other drugs.

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[46] This initial legislation was not seen as effective and amendments were made in subsequent years before the 1920s. In 1911, the *Opium and Narcotic Drug Act* was amended to include the prohibition of opium smoking and possession, as well as extensions to police powers of search and seizure; it also added cocaine and morphine to the list of prohibited substances. Carstairs has explained that these changes were made because of police pressure and international commitments. Opium smoking had not stopped with the 1908 legislation, and William Lyon Mackenzie King had agreed to stricter resolutions for the opium traffic at the 1909-10 International Opium Commission in Shanghai. Both Carstairs and Canadian sociologist G.F. Murray have argued that cocaine was added to the schedule in part due to a cocaine panic in Montreal in 1910. Carstairs, "Hop Heads and Hypes," p. 24, 25 and G.F. Murray, "Cocaine Use in the Era of Social Reform: The Natural History of a Social Problem in Canada, 1880-1991," *Canadian Journal of Law and Society*. V. 2 (1987), pp. 29-43.

[47] Malleck, p. 283, f.n. 6. The articles Malleck cited are: W. Wright, "A Poisoning – Case [sic] from Haschish with Notes," *Medical Chronicle* (Canada), N. 5, V. 11 (April 1858), 479-486; Dr. A. Christison, "On the Therapeutic Uses of Indian Hemp," *Upper Canada Journal of Medical, Surgical, and Physical Science*, 1852, pp. 9-16; and W. Hodgson Jr., "Materia Medica – Cannabis Indica," *British American Journal* (August 1861), pp. 359-365.

[48] Malleck, p. 284, f.n. 11.

As Canadian historian Catherine Carstairs has pointed out, this early legislation was relatively minor compared to that of the 1920s, when legislators passed a number of amendments to the *Opium and Narcotic Drug Act*. For instance, in 1921, maximum sentences for trafficking and possession were increased from one to seven years. In 1922, judges were given the power to deport "aliens" convicted of trafficking or possession; a minimum penalty of six months was established for persons convicted of these offences; and all locations except a "dwelling-house" could now be searched by police if they suspected the presence of drugs.[49] A further legislative change in 1923 added marijuana and codeine to the *Act*, again without debate.[50] Carstairs argued that this "legislative flurry marked a significant turning point in Canada's approach to drug use. By the mid-1920s, drug use had been thoroughly criminalized, both by the law and within the public mind."[51]

Carstairs, the only historian to write extensively on the history of drugs in twentieth century Canada, has argued that a moral panic helps to explain this "flurry" of legislation. Carstairs used the term "moral panic" to describe the situation in the early 1920s in Vancouver when journalists, politicians, doctors and social workers, among others, participated in highlighting concern about drugs such as opium, cocaine, heroin and morphine. She explained that Canada's drug laws were among the harshest in the world and that this "highly racialized and gendered anti-drug campaign, which was tied in with the campaign for Chinese Exclusion" explains the unique situation in North

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[49] Carstairs, "Hop Heads and Hypes," pp. 25-26. For more information on changes in drug legislation in the 1920s, see also Trasov, p. 280; Boyd, p. 126-127; and Green, p. 56. The social service journal *Social Welfare* also talked briefly about this legislation. September 1923, p. 254.
[50] Carstairs, "Hop Heads and Hypes," p. 26.
[51] Carstairs, "Hop Heads and Hypes," p. 26.

America.[52] "After all, a vehement campaign against alcohol resulted in prohibition, but people were rarely incarcerated for using their drug of choice."[53] A demographic shift in drug users also allowed white Canadians to unproblematically demonize drug users. By the 1920s, drug use was shifting from upper and middle-class females to lower-class urban males, partly because of a decline in the practice of doctors prescribing narcotic drugs.[54] Throughout the nineteenth century, "narcotic" drugs had been available to consumers through the popular patent drug industry and were readily prescribed by doctors.[55] Carstairs pointed out that this demographic shift allowed "the drug panic to proceed apace unhindered by the knowledge that one's favourite aunt was a morphine addict."[56] At this time, discourse on drugs was increasingly taking a racist flavour.

Carstairs traced the Vancouver panic to 1917, when an African-Canadian drug user shot and killed the Vancouver Chief of Police.[57] The *Vancouver Daily Sun* launched a brief anti-drug campaign in 1920 – the same year Murphy published her *MacLean's* articles – which received support from the Child's Welfare Association, the Chief of Police, and the Kiwanis club.[58] The newspaper explicitly connected drug use to the presence of Chinese in Canada. In one editorial, the *Sun* declared that it is "absolutely necessary to prevent the degrading of white boys and girls who are being recruited into the ranks of drug addicts. If the only way to save our children is to abolish Chinatown,

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[52] Carstairs, "Hop Heads and Hypes," p. 20. Carstairs defined racialization as "the process by which attributes such as skin colour, language, and cultural practices are given social significance as markers of distinction," p. 28. She draws this definition from Kay Anderson's *Vancouver's Chinatown: Racial Discourse in Canada, 1875-1980*, Toronto and Kingston: McGill-Queen's University Press, 1991.
[53] Carstairs, "Hop Heads and Hypes," p. 28.
[54] C. Carstairs, "Deporting 'Ah Sin' to Save the White Race: Moral Panic, Racialization, and the Extension of Canadian Dug Laws in the 1920s," *CBMH*, V. 16 (1999), p. 67.
[55] Malleck, p. 271.
[56] C. Carstairs, "Innocent Addicts, Dope Fiends, and Nefarious Traffickers: Illegal Drug Use in 1920s English Canada," *Journal of Canadian Studies*, V. 33, N. 3 (Fall 1998), pp. 145-162.
[57] Carstairs, "Hop Heads and Hypes," p. 33.
[58] Carstairs, "Hop Heads and Hypes," p. 33.

then Chinatown must and will go, and go quickly."[59] The next year the *Sun* launched what Carstairs calls the first major campaign to stamp out the drug traffic, which was also infused with anti-Chinese imagery. A reporter hired to write specifically on the issue, former drug addict J.B. Wilson, wrote that although the RCMP was going to great efforts to stop the drug traffic, the "Chinese dope peddler is about the most cunning human being and the smartest of them all."[60] Emily Murphy's estimation of drugs may have formed from stories such as these.

These anti-Chinese drug fears were also expressed in government. For example, Vancouver Centre Member of Parliament, Henry Herbert Stevens, tied the illicit drug trade to Chinese in 1920. "We have seen in Vancouver almost innumerable cases of clean, decent, respectable young women from some of the best homes dragged down by the dope traffic and very, very largely through the medium of the opium dens in the Chinese quarter."[61] Calling on the threat to youth has proven to be an effective way of mobilizing people around issues which otherwise may not have caused much of a stir.

In January 1922, the *Vancouver Daily World* launched an anti-drug campaign much bigger than one in the *Vancouver Daily Sun* two years before and also blamed Chinese Canadians for the existence of drug use in Canada.[62] By 1923, Carstairs argued

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[59] As quoted in Carstairs, "Hop Heads and Hypes," p. 33.
[60] Carstairs, "Hop Heads and Hypes," p. 35.
[61] Anderson, p. 131.
[62] On the first day of this campaign, one article described white and Chinese drug users in very different ways. While Lim Gum was described as "an undersized bald-headed little Chinese," the white drug users on trial were described as victims. One white man was described as having the "sorriest case of all" and whose "white face, constricted knees and scarred limbs bear witness to his plight." Carstairs described how these differing treatments of men charged with similar crimes made the issues of "white" and "Chinese" drug use seem like separate problems. "The descriptions of the Chinese were meant to make the reader feel hostile, angry and disdainful. The portraits of whites ... provoked sympathy and compassion." Carstairs, "Hop Heads and Hypes," p. 37.

that this "moral panic" was apparent in Toronto and Montreal, as well.[63] She identified 1923 as the year that the panic died down, and that it was virtually gone by 1930, but "the tropes that guided it had been firmly established and regularly appeared in magazine and newspaper articles throughout the decade."[64] Parliamentarians again amended drug legislation in 1929, but interestingly race did not factor into this discussion. "By this time, the panic was over, but the public remained fully convinced that drug use was dangerous and drug traffickers immoral. Perhaps it was no longer necessary to exploit anti-Asian sentiment to pass strict laws against drugs."[65] But anti-Asian sentiment was still needed in the early 1920s, and Emily Murphy would exploit these ideas to argue for the strengthening of Canada's drug laws.

The anti-Asian ideas Murphy expressed certainly were not unique, nor did they originate with her. Fear of the "Yellow Peril" was rampant in the United States and Canada at this time, and was often connected to the drug traffic.[66] In fact, the very way

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[63] For example, "large meetings of prominent citizens were held at the Loew's Roof Garden Theatre in Toronto and at the Mount Royal Hotel in Montreal." Carstairs, "Hop Heads and Hypes," p. 44.

[64] Carstairs, "Hop Heads and Hypes," p. 47, 44.

[65] Carstairs, "Hop Heads and Hypes," p. 45.

[66] Anti-Asian sentiment focused mainly on economic competition, but also played on ideas of morality as well. Chinese came to Canada in large numbers between 1880 and 1885 when they were hired to build the Western section of the Canada Pacific Railway. When this project was completed and these men began to compete with white men for jobs, public sentiment turned sour. Chinese men were thought to drive down the working wage, since they rarely had families (Chinese workers were not allowed to bring their families with them to Canada) and would work for less pay than their white colleagues. A "head tax" of $50 was placed on Chinese immigrants in 1885; by 1903, it was a substantial $500. Anderson, p. 50, 58, 61-62. By 1923, virtually all Chinese immigration was halted by the federal *Chinese Immigration (Exclusion) Act* until 1947, when it was finally repealed. Anderson, p. 139.

Chinese immigration was also seen as a threat to white womanhood. American media and popular literature were full of "white slave" narratives, "stories of white women coerced into sexual slavery by the Chinese." J.E. Teng, "Miscegenation and the Critique of Patriarchy in Turn-of-the-Century Fiction," in *Asian American Studies: A Reader*. Jean Yu-wen Shen Wu and Min Song, eds., New Brunswick, NJ: Rutgers University Press, 2000, p. 96. Valverde has described how Europeans saw Chinese generally as a "race" which had lost its claim to virile manhood. "Central to this myth [of the 'Oriental'] was the view that Orientals were not savages (since Marco Polo, Europeans had has a certain awe of China) but were, on the contrary, so civilized that they had degenerated," p. 110. This fear of miscegenation was connected to drugs by the feminization of Chinese men. "In discussions of the opium trade ... Chinese sexual vice was not characterized by impulsive aggression but rather by a loss of manhood and consequent need for drugs to induce sexual desire." Valverde, p. 111.

Euro-Canadians characterized Chinese Canadians was problematic. As geographer Kay Anderson has pointed out, "[t]he European category 'Chinese' collapsed whatever distinctions people of Chinese origin made among themselves, to the service of one distinction – that of differentiating 'them' from 'whites' and white domains."[67] Though many Canadians like Murphy saw Chinese in Canada as a homogenous group, Chinese Canadians did not see themselves this way. Many Chinese immigrants were from completely different parts of China and would not necessarily even speak the same language or understand the various regional dialects.[68]

Many of the fears Murphy expressed in her anti-drug writings, such as that of miscegenation, were shared by many Canadians. The specific fear of white women and Chinese men associating with each other was legislated into law in British Columbia, Ontario, Manitoba and Saskatchewan in the early twentieth century.[69] Canadian Historian Constance Backhouse, who has studied the situation in Saskatchewan, has argued that these laws were enacted because of economic fears.[70] "The [1912] 'White Women's Labour Law' ... functioned as a critical tool enabling racially dominant groups to prohibit Chinese men from participating freely in the economic and social economies in which they lived."[71] The idea that Chinese men were somehow a threat to the white race and the Canadian nation fit very well in this context, and this is why the image of the

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[67] Anderson, p. 168.
[68] See Timothy G. Stanley's "'Chinamen, Wherever We Go': Chinese Nationalism and Guangdong Merchants in British Columbia, 1871-1911," *Canadian Historical Review*, V. 77, N. 4 (Dec. 1996), pp. 475-503 for more on the diversity of nineteenth century Chinese immigrants to Canada.
[69] Anderson, p. 159.
[70] C. Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900-1950*, Toronto: University of Toronto Press, 1999, p. 138.
[71] Backhouse, p. 171.

degenerate Chinese opium addict and wily drug trafficker had such currency.[72] Murphy did not create this stereotype or this climate, but she may have helped to popularize and strengthen these ideas in Canada through her anti-drug activism.

"Marahuana [sic] - A New Menace": Emily Murphy's Drug Writings

It was through her vocation as a writer that the feminist Murphy shared her thoughts on drugs with Canadians, though Murphy first became interested in the topic when she was a judge.[73] Unlike other people she saw before her in court, Murphy felt frustrated that she could not help the drug users who appeared before her and was upset that Canadians were not aware of what she considered to be a dire social problem.[74] Her *MacLean's* articles – "The Grave Drug Menace," "The Underground System," "Fighting the Drug Menace," and "The Doctor – And the Drug," – focused mainly on opium, but also talked about cocaine, heroin and morphine.[75] No mention was made of marijuana.

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[72] An amendment to the *Opium and Narcotic Drug Act* made drug-related criminal convictions subject to deportation, a change which specifically targeted Chinese Canadians. Anderson, p. 132. Carstairs has found that, between 1923 and 1932, two percent of the Chinese population in Canada was deported under this legislation. Carstairs, "Hop Heads and Hypes," p. 76.

[73] Murphy took up writing while she was a young mother, who had the privilege of a general maid and a nursemaid to help with her children. After her husband took ill at the turn of the twentieth century, Murphy's vocation as a writer soon turned into a successful career under her pen name "Janey Canuck." While Murphy was in Manitoba she reviewed 21 books a month, on average. (Sanders, pp. 39, 68, 82) Murphy also served as the literary editor of *Canada Monthly* (1902-1904) and the *Winnipeg Telegram* (1904-1912), and also published a number of books including *The Impressions of Janey Canuck Abroad* (1901), *Janey Canuck in the West* (1910), *Open Trails* (1912), and *Seeds of Pine* (1914). "Who's Who," Emily Murphy entry (date unknown), found in the "Murphy, Emily and Arthur" clippings file, Emily Murphy Collection, City of Edmonton Archives.

[74] Sanders, p. 195.

[75] E. Murphy, "The Grave Drug Menace," *MacLean's Magazine*, Feb. 15, 1920, pp. 1, 9-11; "The Underground System: Some Secrets of the Sale and Distribution of Drugs," *MacLean's Magazine*, March 15, 1920, p. 12,55; "Fighting the Drug Menace," *MacLean's Magazine*, Apr. 15, 1920, pp. 11-12; and "The Doctor – And the Drug," *MacLean's Magazine*, May 15, 1920, pp. 14-15. Murphy printed two more articles on the drug trade in 1922, which were essentially excerpts of the forthcoming *The Black Candle*. See "'Joy Shots' That Lead to Hell," *MacLean's Magazine*, June 15, 1922, pp. 9-10 and "Curbing Illicit Vendors of Drugs," *MacLean's Magazine*, July 15, 1922, pp. 18-19. She also wrote two final articles on drugs in the late 1920s: "How to Stay the Drug Traffic," *Social Welfare*, Feb. 1928, and "Drug Addiction – Is There a Cure?" *Canadian Home Journal*, 1928 (this article was also printed in *Social Welfare* in March, 1928).

The editors' note introducing the second article indicated a wide readership and enthusiastic response to the first installment. "Mrs. Murphy's first article on the drug menace created a great deal of interest and an equal degree of alarm. Newspapers in all parts of the country commented on the startling facts presented in that article.... Interest is growing also in official circles and reports are being sent out from Ottawa on the growth of the habit and the steps being taken to check it."[76] In the editors' note to the third article, the editors related that the response from readers was overwhelming. "It is astonishing also the number of letters that have been received, urging that the campaign be kept up until some definite goal is reached."[77] (See Appendix D) The editors also claimed in this article that Murphy's magazine series had a direct result on Canadian drug legislation. "Two weeks ago, Hon. N.W. Rowell announced in the House of Commons at Ottawa that more stringent measures were to be introduced to curb the sale and distribution of drugs in Canada. Such is the first direct result of the campaign that Mrs. Murphy is waging through the columns of 'MacLean's Magazine.'"[78] Of course, the editors may have been exaggerating the effect of the articles. As Carstairs has detailed, there was already an anti-drug campaign underway in Vancouver which the editors failed to note, and these legislative actions could have very well been taken due to the Vancouver efforts. However, as the editors also described receiving a number of letters in response to the magazine pieces, no doubt Murphy's articles added to, and as Carstairs has suggested, perhaps popularized, the Vancouver campaign.

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[76] E. Murphy, "The Underground System," *MacLean's Magazine*, Mar. 15, 1920, p. 12.
[77] E. Murphy, "Fighting the Drug Menace," *MacLean's Magazine*, Apr. 15, 1920, pp. 11-12.
[78] Murphy, "Fighting the Drug Menace," p. 11.

Emily Murphy's The Black Candle

Murphy published these articles as well as copious new material in her 1922 book *The Black Candle*. The *MacLean's* articles comprised "Part I" of the book, totaling 102 pages. Additional material, compiled from letters Murphy received in response to the magazine articles and interviews she conducted, made up the remaining 296 pages of the book.[79] Chapter titles ranged from "Traffic in the United States" to "Girls as Pedlars [sic]," "Drug Bondage," and "The Living Death." One of Murphy's new additions was a chapter on "Marahuana [sic] - A New Menace." In this seven-page chapter, marijuana was identified from the outset as a "foreign" substance. She introduced the chapter with a quote attributed to an "Afghan song" and on the next page wrote that this drug was "more commonly [known] as *Indian* hemp."[80] (Emphasis mine.) Murphy also connected marijuana to Chineseness in this chapter. She wrote that it "is a peculiarity of hasheesh that its fantasia almost invariably takes an Oriental form. 'It is hasheesh which makes both the Syrian and the Saxon Oriental,' quoth one of its habitués."[81] Thus even well-to-do Anglo-Saxons could apparently become dreaded Chinamen through the use of this drug.

Interestingly, Murphy actually wrote very little herself in this chapter, with most of her information coming from white male "experts" such as Los Angeles Chief of Police Charles A. Jones and a Mr. Hamilton Fyfe from *The Real Mexico*, a style she uses

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[79] Sanders, p. 208. Sanders wrote that Murphy compiled her research for the initial *MacLean's* articles from questionnaires she had sent out to 2,000 chiefs of police in North America, government reports, interviews with drug addicts, and letters she received from legislators, social workers, philanthropists and jail wardens. She also compiled information from a trip to Vancouver in 1921 when she accompanied local police on their rounds. In response to the published articles, Sanders wrote that Murphy received "hundreds of letters, many of them from drug addicts, asking [for] help, or telling their own experiences." Sanders, pp. 197-198, 202, 207.

[80] The quote reads: "My eyes are veiled, because I drink cups of bhang." Murphy, p. 331, 332.

[81] Murphy, p. 335.

throughout *The Black Candle*. Police Chief Jones informed her that people who use marijuana become "raving maniacs," "immune to pain," and eventually die from its effects.[82] Fyfe told her that "[t]hey (the Mexicans) madden themselves with a drug called Marahuana [sic]. This has strange and terrible effects. It appears to make those who swallow it do whatever is uppermost in their thoughts."[83] By relying so heavily on white male "authorities," Murphy cushioned herself from criticism, for it was not her making such claims. In this way, she seems to have acknowledged the tenuous power of her female voice, as she needed to gather this evidence from those who would be better respected by her audience.[84] Elsewhere in *The Black Candle*, Murphy does quote (white) women with the same authority, but the "experts" in her book are still for the most part white men.

Murphy's *The Black Candle* drew upon many ideas of Chineseness to make her overall argument against the drug trade. There are best illustrated through two recurring characters in her narratives, the Chinese drug trafficker and his victim, usually the white woman.[85] In Murphy's stories, the drug trafficker is usually a Chinese man, and he is usually peddling opium. Murphy described Chinese men as not only sinister and

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[82] Murphy, p. 332-333.
[83] Murphy, p. 333.
[84] Murphy acknowledged at times that she and her arguments may have been seen by others as flawed simply because they came from a woman or were otherwise "feminine." For example, when Murphy argued that judges should see to the destruction of confiscated drugs personally, she addressed what she seemed to think would be an immediate counter argument in the reader's mind. "Having said this, we are conscious that our view may be publicly stigmatized as 'domestic,' 'merely feminine' ... [A]t the thought we are filled with shame and confusion of face," pp. 82-83. As if to call upon the masculine authority of the mother country to strengthen her argument, Murphy went on to describe how drugs were being destroyed on a regular basis in London, the very act that she was calling for in Canada. If people in London deal with drugs in this way, then Murphy's solution must not be as weak and feminine as perhaps it had first seemed to the reader. Here Murphy, though claiming the authority to speak on public matters, at the same time recognized the position of weakness from which she spoke as a woman.
[85] Carstairs has written about the narrative tropes in early twentieth century anti-drug literature in Canada. See "Innocent Addicts, Dope Fiends, and Nefarious Traffickers: Illegal Drug Use in 1920s English Canada," *Journal of Canadian Studies*, V. 33, N. 3 (Fall 1998), pp. 145-162.

degenerate, but also clever and conniving. These were people who could outwit the police in their intricate drug operations. As she wrote in *The Black Candle*,

> [t]he Chinese, as a rule are a friendly people and have a fine sense of humor that puts them on an easy footing with our folk, as compared with the Hindu and others we might mention. Ah Duck, or whatever we choose to call him, is patient, polite and persevering.... Still, it behooves the people in Canada and the United States, to consider the desirability of these visitors – for they *are* visitors – and to say whether or not we shall be *'at home'* to them for the future. A visitor may be polite, patient, persevering, as above delineated, but if he carries poisoned lollypops in his pocket and feeds them to our children, it might seem wise to put him out.[86]

As Carstairs points out, this implied that Chinese men could seen both as weak and subordinate to the white race as well as a threat, for though they were good humored, they carried poison to harm the future of the white race.[87] Chinese men thus could not be trusted, and legislation – such as the drug legislation Murphy was calling for – was needed to protect "average" Canadians from them.[88]

Murphy played with this idea that Chinese men were at the same time spineless and crafty. She illustrated the incompetence of these men by presenting them as infantile foreigners. Whenever Murphy offered "quotations" from Chinese men to whom she had apparently spoken, she presented these men as having a pronounced accent. This implied that they did not speak "properly," in formal English. One such quote, from "the China boys," described addicts who called upon Chinese gods to cure them of "the opium need." This god usually "listens to their prayers, for he is 'good, good' – this high vermilion god – 'and likes evellybody, allee samee Chinee.'"[89] Murphy's decision to play upon what she saw as a Chinese accent made it clear that these men, because of their race, could not be considered equal to Anglo-Canadian men.

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[86] Murphy, pp. 187-188.
[87] Carstairs, "Hop Heads and Hypes," pp. 32-33.
[88] For an excellent analysis of the how Chinese men were seen by many white Canadians at the time, consult M. Pon, "Like a Chinese Puzzle: The Construction of Chinese Masculinity in *Jack Canuck*," in *Gender and History in Canada*, Joy Parr and Mark Rosenfeld eds., Toronto: Copp Clark Ltd., 1996, pp. 88-100.

This treatment is even more apparent when one compares it to the treatment of the white male "experts" sprinkled throughout Murphy's text.[90] Here there were no implied accents, and their words were premised with their first and last names and job titles. This indicated with respect and authority that these words were coming from an authoritative *individual*, while Murphy's treatment of Chinese men in the way she presented their words treated them *collectively*. When Murphy "quoted" from a person she described as "the China boys," she was assuming that one Chinese man would be representative of all "Chinamen." Not only does this treat Chinese Canadians as a group of people who think identically, but this is also a way of marking class. With white men, she respectfully pointed out their class attributes such as their job title; whereas with Chinese men, Murphy simply talked to the "average" Chinese man, since she understood there are no "experts" here as in the British race.

At the same time as Murphy was describing the weakness of Chinese men, she was also warning of their craftiness, though at times Murphy made an effort to sound apologetic. After a passage where Murphy took care to clarify that she did not wish to bait the "yellow races," she went on to explain that "[i]t is hardly credible that the average Chinese pedlar has any definite idea in his mind of bringing about the downfall of the white race, his swaying motive being probably that of greed, but in the hands of his superiors, he may become a powerful instrument in that very end."[91] She did not identify

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[89] Murphy, p. 97.
[90] See, for example, Murphy, pp. 48, 77, 120.
[91] Murphy, p. 188. Murphy may have taken pains to make excuses for her ideas about race because of a more general Canadian tendency to do so, partly in an attempt by Canadians to distance themselves from what they saw as "racism" in the United States. For more information on the idea of "British justice" and how this has affected the ways in which racism has manifested itself in Canada, see B. Walker, "The Tale of Idea Jane and George: Murder, Miscegenation, and Bastardy in 1893 Raleigh, Ontario," *Canadian Review of American Studies*, V. 30, N. 2 (2000), pp. 212-227.

who these "superiors" might be, but no doubt they were also Chinese. Tentatively, Murphy moved from this to a quote from a white male "expert" in order to make more explicit claims of Chinese slyness. "Major Crehan of British Columbia has pointed out that whatever their motive, the traffic always comes with the Oriental, and that one would, therefore be justified in assuming that it was their desire to injure the bright-browed races of the world."[92] Having established that she had come to these conclusions by reasoned consideration, not blatant bias, Murphy then related a story written during the Vancouver campaign. The story told about Chinese peddlers who "taunted" a white male addict "with their superiority at being able to sell the dope without using it, and by telling him how the yellow race would rule the world."[93] Murphy went on to write that "[s]ome of the Negroes coming into Canada – and they are no fiddle-faddle fellows either – have similar ideas, and one of their greatest writers has boasted how ultimately they will control the white man."[94] Thus Murphy warned about the crafty Chinese – and sometimes Black – drug trafficker and his aim to take over the white race. She wrote much about the trafficker of colour, but ultimately her concern was with the effect of the drug traffic on the white race and the mothers of that race – white women.

One of Murphy's main arguments was that the "problem" of drug use was of especial concern as it no longer was relegated simply to the Chinese or the lower classes, but was also beginning to affect the Anglo-Saxon middle and upper classes. Murphy argued that "[a]mong the public, the idea is held that the men who take to smoking opium are usually of the beachcomber type, scurvy, feckless fellows.... Once this may have

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Supporting this argument, at a later point Murphy cautioned Canadians not to "scapegoat" "foreign immigrants ... for the sins of ourselves or our children." Why not? "It is not the Saxon way." Murphy, p. 239.

[92] Murphy, p. 188.

been true, but of late, such is not the case."[95] She then quoted an "eminent American attorney," who reported that this vice had in fact spread to the higher classes: "Opium smoking among so-called 'highbrows' in Boston, has been increasing by leaps and bounds in recent years."[96] Thus, as Murphy presented the case, drug use had moved from simply an unthreatening vice of the underclasses to one which threatened the very core of the white, and more specifically British, race.

Anglo women were singled out in Murphy's narrative as "mothers of the race" whose health and well-being must be safeguarded if the British race was going to continue to be dominant.[97] At the end of her chapter on opium, Murphy cited a British doctor who warned that the British birth rate was falling and that "there are more Germans in Germany than there are Britons in the whole of our Empire, and [he] contends that in a generation or so, these prolific Germans, with the equally prolific Russians, and the still more fertile yellow races, will wrest leadership of the world from the British."[98] To this, Murphy added ominously, "Wise folk ought to think about these things for awhile."[99] This is a useful passage which clarified Murphy's thoughts on race. Murphy believed that the dominant race was not simply "white," it was British. Murphy was also concerned about the falling Anglo birthrate because of her concerns about miscegenation. She was especially concerned that white women were subdued by opium obtained by Chinese men, and became unwilling participants in sexual acts with these men. From Murphy's perspective, right-thinking respectable women of the British race

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[93] Murphy, p. 188.
[94] Murphy, p. 189.
[95] Murphy, p. 114.
[96] Murphy, p. 114.
[97] See Valverde, "When the Mother of the Race is Free," for more about this popular first-wave feminist argument.
[98] Murphy, p. 47.

could not possibly consent to relations with Chinese or other men of colour, and so of course they must have been on drugs.[100] Thus Murphy argued that the descent of the white woman was hastened and secured by the use of drugs.

Murphy also warned of the interclass mixing that drug use encouraged. White drug users "avoid those of their own social status. This explains the amazing phenomenon of an educated gentlewoman, reared in a refined atmosphere, consorting with the lowest classes of yellow and black men."[101] This consorting, she went on to say, explained "why sometimes a white woman deserts or 'farms out' a half-caste infant, or on rare occasions brings it to the juvenile court for adoption."[102] To Murphy, white women could not legitimately *choose* to have relationships with men of colour or use drugs. Thus if she was caught in such a situation, she was obviously forced or manipulated in some way. This logic is remarkably similar to that used by many white people in North America at this time, who often assumed that white women could not possibly want to have relationships or sexual relations with black men.[103] For example, police would often pull over a black male driver whose passenger appeared to be a white

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[99] Murphy, p. 47.

[100] In the "Girls as Pedlars [sic]" chapter, Murphy explained that she accorded some blame to the white women who were involved in relationships with men of colour. "The more one studies the subject, especially when all the facts are available, the more one is convinced, that in the marital relations between white women and men of color, the glove is always thrown by the woman, or at least deliberately dropped.... Usually, we shift the responsibility for [the white woman's] fall upon the shoulders of the alien where it does not necessarily belong." Smith has argued in her MA thesis that Murphy accorded white women agency in this way. However, it is important that, in *The Black Candle*, this was only a clarification; Murphy did not incorporate this understanding throughout the book. It is interesting that she made a point that many of her contemporaries did not, but on the whole she still portrayed white women as victims of the racialized Other.

[101] Murphy, p. 17.

[102] Murphy, p. 17.

[103] There has been a vast literature produced in the United States about miscegenation. See, for example, P. Giddings, *When and Where I Enter: The Impact of Black Women on Race and Sex in America*, New York: W. Morrow, 1984; M. Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South*, New Haven, CT: Yale University Press, 1997; and Teng, p. 96. For the Canadian context, see C. Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900-1950,* Toronto: University of Toronto Press, 1999.

female, on the assumption that he must have abducted her.[104] There is also extensive literature on the lynching of African-Americans which has pointed out that the protection of white women was often used to justify these brutal acts.[105]

Murphy seemed to justify her treatment of white women with the argument that drug use negated any claim white women had to full equality with white men. "Under the influence of the drug, the woman loses control of herself; her moral senses are blunted, and she becomes 'a victim' in more senses than one."[106] Perhaps this explains how Murphy resolved her negative treatment of white women in her text with her feminism: these substances undermined any claim to cultural authority, moral or maternal, that a white woman may have had. Further, not only were individual white women affected by this denigration, but the whole movement for women's equality was also stunted, for "no woman may become or remain degraded without all women suffering."[107] It thus seems that what scholars such as Valverde and Smith viewed as contradictions were not irreconcilable to Murphy herself. Rather, Murphy saw her feminism as working in the interests of *white* women, not *all* women. Drug use hurt the feminist cause by leading some white women to activities that, in Murphy's opinion, were both embarrassing and appalling.[108] She connected drugs with people of colour,

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[104] Shirley Taylor Haizlip, for example, has written in her biography that this happened to her parents (her dark father and lighter mother) on numerous occasions. *The Sweeter the Juice: A Family Memoir in Black and White*, New York: Simon & Schuster Trade Paperbacks, 1994.

[105] Bederman, p. 46. See also J. D. Hall, "'The Mind that Burns in Each Body': Women, Rape, and Racial Violence," in *Powers of Desire*, A. Snitow et al, eds., (New York: Monthly Review 1983), 328-349.

[106] Murphy, p. 17.

[107] Murphy, p. 17.

[108] Perhaps this was Murphy's reaction to the younger generation of white women in the 1920s who dismissed maternal feminism. Murphy could have been saying, essentially, that the new sexual "freedoms" of the flapper would lead to the end of the white race. This connection between the "flapper menace" and maternal feminists was made by Veronica Strong-Boag in "The Roots of Modern Feminism," in *Canadian History Since Confederation*, B. Hodgins and R. Page, eds. (Second Ed.) Georgetown, Ontario: Irwin-Dorsey Limited, 1979, pp. 403.

and particularly Chinese men, as "foreign" substances that would drag the white race down to the level of the savage primitive or the overcivilized degenerate.

While Murphy consistently presented both Chinese men and white women as less than full individuals, her justifications varied. One suspects Murphy's view of Chinese men would waver little if she were convinced that they had all quit opium cold turkey. Her feminism gave her more faith in the redemption of white women drug users. She clearly understood these women to possess the potential to be rational, full individuals. Though she spent much of her time describing the lurid vice of Chinatown and "Chinamen," Murphy's main concern seems to have been the future of the white race, and thus the health of its mothers, white women. Tying in nicely with the eugenic thinking of the time, Murphy painted a picture of a civilized race ripe with lurid threats to its ongoing dominance.[109] To Murphy, then, the "drug menace" in the Chinese community was not a problem *per se*, but rather its extension to white society was what alarmed her so. Thus Murphy adeptly used popular ideas about race to underline the urgency of her arguments for stronger drug laws.

The Black Candle *II: The Photographs*

One curiosity of *The Black Candle* is a disjunction between the text itself and the accompanying illustrations. This is significant because, as Canadian historian G. Bruce Retallack has argued, "numerous psychologists, anthropologists, sociologists and cultural

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Having said that, there is evidence that Murphy had a more complicated understanding of this younger generation of women. In 1926, The *Farmer's Advocate* printed comments from prominent Canadians, such as Nellie McClung and Emily Murphy, on the issue of "flaming youth." Murphy wrote that "[o]n the whole, the young people of the day are better in all respects than ever before. They are more in the limelight – that is all." Dec. 9, 1926, p. 1725. Found in the Emily Murphy Collection, Edmonton City Archives, M.S. 2, Scrapbook 4.

[109] For an account of eugenic thinking in Canada, see A. McLaren, *Our Own Master Race: Eugenics in Canada, 1885-1945*, Toronto: McClelland & Stewart Inc., 1990.

critics have repeatedly suggested that visual stimuli are often more potent, more emotionally laden, and more enduring [than] their verbal counterparts."[110] The fact that two book reviews of *The Black Candle* specifically mentioned the strength of its illustrations seems to indicate that readers did take particular note of the accompanying photos.[111]

While in the text Murphy usually associated drugs, and especially opium, with Chinese men, the pictures told another story. The black and white photographs rarely showcased Chinese Canadians; more commonly, people of African-Canadian descent were shown as typical drug users. (See Appendix E) The pictures which featured individuals present an interesting case study of what sort of people Murphy considered drug addicts. Twenty presumably different figures appeared in these 14 photos of people associated with the drug traffic.[112] The racial background of the figures in the photos is admittedly difficult to gauge, and, in fact, it is possible that these particular shots were chosen specifically because they did not clearly represent *particular* races, but instead signify a *general* "Other." The multiplicity of ethnic origins thus would be subsumed into a simplified notion of "white" and "non-white," instead of "white," "Italian," "Black," "Hispanic," "mulatto," *ad infinitum*. The mutability of race of the "non-white" Other may serve to emphasize a white/non-white dichotomy. Regardless, this does not negate the point that the strong emphasis in Murphy's text on Chinese men is not reflected in the accompanying illustrations. My own interpretation is that the photos

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[110] G.B. Retallack, "Drawing the Line: Cartoon Representations of 'Racial' Minorities in Canada to 1914," unpublished conference paper, Canadian Historical Association annual meeting, 2002.

[111] The references were made in a review in the *Montreal Witness* (date unknown) and "Fighting Dope Traffic," *The Beaver* (Nov. 15, 1928). Both were found in the "Murphy, Emily and Arthur" clippings file, Emily Murphy Collection, City of Edmonton Archives. The reference in *The Beaver* reads: "Mrs. Murphy shows, by her careful selection of facts and remarkable illustrations, the horrors of the drug traffic."

[112] Two of the photos possibly featured the same woman. See photos opposite pages 30 and 62.

showed four Black men and five Black women; five white men and two white women; two Chinese men and no Chinese women; one non-white man; and one man whose race was unclear. The two photos which did showcase Chinese men were less sensational than the other photos.[113] The racialized Other in these photos seems not to be Chinese men, but Black men and women.

The photos that included more than one person were remarkably similar. These photos repeatedly featured blank-faced, fully clothed "drug addicts" lying on beds and staring into the camera. The positions of the figures in the photos are so similar, in fact, one wonders if they were staged.[114] When people were shown on beds together, the insinuation seems to be that drug use leads to sex – and interracial sex, at that. Interestingly, both times white women appeared in the pictures were when they were on beds with men of colour. In the first photo, a white woman was shown with a Black man. (See Appendix F) The text below the picture read: "When she acquires the habit, she does not know what lies before her; later she does not care."[115] Like most of the captions for the photos in *The Black Candle*, this was a quote from Murphy's text and not specifically written for this particular illustration. As text, Murphy's words seem to simply be a metaphor for where this woman's life was heading. Next to this particular photo, however, one can take the words literally. When a white woman acquired "the habit" – as if every person's experience with drugs was identical – she did not know what lay before her, and what literally lay before her was a Black man. Later when she was hooked on drugs, she did not care that she was associating with men who fell short of her

[113] The first photo showed a lone Chinese man smoking a pipe, presumably of opium, and the second photo simply showed a profile of a Chinese man.
[114] I have found no indication as to where Murphy may have acquired these photos.
[115] Murphy, opposite page 30.

own class and racial status. Thus a Black man could take advantage of a class of woman to which he apparently would not have access without the aid of drugs. This could also be a reference to where Murphy saw the British race heading with the aid of moral laxity brought about by drug use: Toward a dystopian future of race suicide secured by intermarriage and interracial sex.

The second photo of a white woman also showed her with a non-white, dark-skinned man. (See Appendix G) The quote accompanying this picture offered another warning to those concerned with conserving the purity of the British race. "Once a woman has started on the trail of the poppy, the sledding is very easy and the downgrade all the way."[116] Again, on its own, the text is obscure and does not describe how this degradation would take place. With this photo, however, Murphy's words seemed to imply that the situation depicted was evidence of this white woman's "downgrade all the way," again because of the implied sexual conduct. The man beside her was evidence of how far the Anglo-Saxon race could fall with drugs. Ultimately, Murphy's concern lay with the physical manifestation of the horrific future of the white race in a society filled with drugs: The "half-caste infant."[117]

These "half-caste" infants, of course, become "half-caste" adults. Though Murphy did not talk extensively about interracial men and women, the photos seem to have addressed this worry indirectly.[118] Considering the fact that Murphy did not discuss women of colour extensively in her text, a startling number of Black women appear in the photos.[119] Of the 21 people in the illustrations, five were Black women. It is interesting

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[116] Murphy, opposite page 46.
[117] Murphy, p. 17.
[118] Murphy wrote about "a young half-breed woman" drug user on page 300.
[119] One example where Murphy does discuss a "colored woman" is on page 193.

that most, four of the five, Black women in Murphy's photos were light-skinned, whereas each Black man is clearly dark-skinned. As previously suggested, perhaps the examples of light-skinned Black women were meant to serve as a visual and concrete warning of where Murphy saw the British race heading when white women used narcotic drugs. As Carstairs has argued, "[i]n an age that paid great heed to the tenants of Social Darwinism and believed that the Anglo-Saxon race was superior to any other, women who slept with Black, Asian or Native men could only be regarded as deviants of the worst kind. They demonstrated exactly how far the drug addict could fall in social standing, moral worth and respectability."[120] Thus perhaps these photos addressed one of Murphy's worries, one that she did not express explicitly in her text.[121]

Though there were an equal number of white men and Black women in the photos, it is significant that these illustrations were organized throughout the book in ways that emphasized one group more than the other. While all five white men appeared on the same page, the pictures of the five black women were spread over four different pages. The five white men appeared on a page with one light-skinned Black woman in a collection of mug shots entitled "A Typical Group of Drug Addicts." (See Appendix K) This heading implies that the "characters" shown on the page were representative of, in Murphy's opinion, the demographics of drug users. Interestingly, there was no Chinese

[120] Carstairs, "Innocent Addicts, Dope Fiends and Nefarious Traffickers," p. 151.

[121] The remaining photos of Black men and women also fit with the bedroom theme. One "insensate" light-skinned Black woman was shown splayed on a bed, hand on chin, staring into the camera. (Murphy, opposite page 30; See Appendix H) Another photo depicted two Black women lying together on a bed. (Murphy, opposite page 62; See Appendix I) The picture of these two women seemed to hint at lesbianism, perhaps another of the "sins" to which drug use supposedly lead. Similarly, another photo featured three Black men and one Black woman, all darker-skinned than the images of the Black women previously discussed, fully dressed and sprawled on top of one another. (Murphy, opposite page 62; See Appendix J) This photo seemed to imply a sexual orgy. "Clannishness is one of the most notable features of opium smokers," the accompanying text explained. It is not clear what Murphy meant by "clannishness," but used to describe the accompanying photo, it may have implied an unhealthy (physical) attachment to others.

man in this "typical group of drug addicts." The one female pictured here seems to have represented both the "fallen woman" and addicts of colour.

Of the white five men in these mug shots, four were represented as unrespectable despite their race, their clothing denoting their class status. As John Berger has argued, men's suits can be used as a signifier of social status because "far from disguising the social class of those who wore them, [ill-fitting suits] underlined and emphasized it."[122] Three of the four "unrespectable" men were wearing suits that did not fit them properly; for example, a profile of one man showcased his tie, which jutted out almost comically in a perfect half circle. In this case, most of these photos of white male addicts identified them as lower class. Comparatively, the clothing of the final white male addict identified him as a "respectable" citizen. He was wearing a well-fitted suit with a straight tie and flat collar, and he had neat, well-groomed hair, high cheekbones, and a straight nose. The text on the overleaf identified this man as a college student when it explained that "[s]tudents 'cramming' for an examination will take cocaine until, ultimately, cocaine takes them."[123] Thus even a "respectable" citizen such as a college student could succumb to the allures, and the horrors, of drug use.

Overall, only five pages of Murphy's book pictured drug addicts, and each page featured at least one person of colour. This, too, can be read as reflecting Murphy's assessment of the demographics of drug users. To her, the majority of drug users were not respectable citizens, as their race and class placed them outside of this elite group. But she argued that the apparent fact that an increasing minority of drug users were white

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[122] J. Berger, "The Suit and the Photograph," in *Rethinking Popular Culture: Contemporary Perspectives in Cultural Studies*, Chandra Mukerji and Michael Schudson eds., Berkeley: University of California Press, 1991, pp. 424-431.

[123] Murphy, opposite page 191.

women and youth, and "respectable" white men was alarming. Further, Murphy provoked fears of miscegenation when she presented "proof" of the horrors of interracial sex on the bodies of these lighter-skinned Black women.

Did Canadians agree with what Murphy was saying? Though slavery was abolished throughout the British Empire in 1833, Blacks in Canada were often met with bigotry and intolerance.[124] By the time Murphy was writing in the 1920s, there was increasing anti-Black sentiment in Western Canada dating from the 1910-era immigration of Black farmers from the US to the prairies.[125] It seems quite likely Murphy's use of popular racial concepts to persuade Canadians of the horror of the drug menace would have found a receptive audience in Canada at this time.

The Reception of *The Black Candle*

Murphy's book helped to stimulate debate about drugs in Canada. In spite of its positive reception, Murphy's opinion regarding marijuana made relatively little impact. A review of how *The Black Candle* was discussed in newspapers and social service journals provides an indication of how Canadians may have reacted to the book. *The Black Candle* was reviewed extensively in the Canadian press. Toronto's *Mail and Empire*, for example, commended Murphy's monograph, writing that "[i]f we had more crusaders against the use of narcotics of the calibre of Mrs. Murphy, the drug ring would not be the great source of danger to the nation at large that it is today." The *Standard*,

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[124] See, for example, R.W. Winks, *The Blacks in Canada: A History*, Montreal and Kingston: McGill-Queen's University Press, 1997, second edition (first edition 1971); J.St.G. Walker, *The Black Loyalists: The Search for a Promised Land in Nova Scotia and Sierra Leone, 1783-1870*, Toronto: University of Toronto Press, 1992, second edition (first edition 1978); and A.P. Stouffer, "A 'Restless Child of Change and Accident': The Black Image in Nineteenth Century Ontario," *Ontario History*, V. 76 (1984), pp. 128-150.

from Kingston, Ontario, wrote that "[h]er book should do much to open Canadian eyes and minds to this grievous evil." Vancouver's *Western Woman's Weekly* applauded the book and repeated Murphy's call for action. "[A]t last we have facts. What we need now are 'acts'."[126] The Winnipeg *Tribune* wrote that *The Black Candle* "is a book to make one's very soul dissolve from shock. Yet such is her treatment of the subject that here is no tale for the battening of sensation lovers, but a plain statement of facts treated with a tenderly sorrowful humour that ... arouses every fighting instinct to go out and do battle upon this new dragon in our midst." *Saturday Night*, a national magazine published in Toronto, responded warmly to Murphy's call to preserve the white race. "We should be grateful to Mrs. Murphy for using [her] pen ... as a strong sword to protect our country from this insidious foe. She stands a second Horatius guarding the bridge which we – white Canada – may pass with safety."[127] The magazine's review went on to comment that if the drug traffic "goes on fifty years the Anglo-Saxon race will disappear from this continent." These reviews lauded Murphy's work as an alarming but welcome wake-up call to the menace that drugs posed to the white race.

References to *The Black Candle* were also found in the social service journal *Social Welfare*, which mentioned Murphy and her book numerous times in their own campaign to stamp out the drug traffic. *Social Welfare*, "the leading organ of the reformers and a strong voice against drugs," was the journal for the Social Service Council of Canada, which represented social service agencies such as the Young

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[125] R.B. Shepard, *Deemed Unsuitable: Blacks from Oklahoma Move to the Canadian Prairies in Search of Equality in the Early Twentieth Century only to find Racism in their New Home*, Toronto: Umbrella Press, 1997.

[126] These reviews were found in the "Murphy, Emily - Drugs" clippings file, Emily Murphy Collection, City of Edmonton Archives.

[127] M.S. 2, Scrapbook 4, Emily Murphy Collection, City of Edmonton Archives, p. 107 of scrapbook. Originally from *Saturday Night* (date unknown).

Women's Christian Association and the Salvation Army.[128] Writers in this journal periodically referred to *The Black Candle* with respect and authority. In the January 1923 issue, the editor explained that he had been fooled by a phony anti-drugs organization he had endorsed the previous issue, in part, because the organization had sent the journal an "invitation under an official letterhead quoting from Judge Murphy's book 'The Black Candle.'"[129] The editor implied that the writer had used the expertise and respect apparently given to Murphy's book to lend his organization legitimacy. The journal referred to *The Black Candle* again two months later in "Further Facts About the Narcotic Drugs Menace," written by F.W. Cowan from the Federal Department of Heath and Narcotic Drugs. He did not talk about Murphy as the only player in anti-drug efforts at the time, supporting Carstairs' argument in her thesis that Murphy was not the only, or even the major, actor in the early 1920s anti-drug campaign. However, he did give Murphy a significant role in his article. He told his readers that "a recent book dealing with the drug traffic in Canada has had a wide sale among all classes of people" and had successfully "roused public opinion."[130] Later in the article, Cowan referred directly to *The Black Candle*. "[A]s Mrs. Murphy says in her instructive and interesting book on this subject, an addict is never satisfied until he has passed the habit on to others."[131] Finally, Cowan offered a lengthy quote from Murphy's book at the end of his article in support of his argument for the treatment, not punishment, of (white) drug users, a major argument in Murphy's writings.[132]

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[128] Carstairs, "Hop Heads and Hypes," p. 47.
[129] *Social Welfare*, January 1923, p. 77.
[130] *Social Welfare*, March 1923, p. 114.
[131] *Social Welfare*, March 1923, p. 115.
[132] *Social Welfare*, March 1923, p. 131. As Carstairs has explained, "[e]xamining the racialization of drug panic helps explain why anti-drug crusaders called for strict penalties for possession and trafficking and at the same time wished to establish treatment facilities for the poor (white) drug addicts for whom they had

Dr. A.K. Haywood also referred to Murphy in an article in Toronto's *The Public Health Journal*, the transcript of a speech Haywood gave to the Montreal Canadian Club on January 8, 1923. In his lengthy speech on the menace of both drugs and prostitution, Haywood offered a statistic from *The Black Candle*. "Judge Emily Murphy, in her book, 'The Black Candle,' estimates that in Canada and the United States there are 2,000,000 addicts."[133] In this way, Haywood treated *The Black Candle* as an authoritative text which one could confidently cite. Though this was the extent of his reference to Murphy's text, it is significant that, more so than the book reviews and articles in *Social Welfare*, Haywood outlined each drug he addressed in detail. He named and elaborated upon the menace presented by opium, morphine, heroin, and cocaine.[134] He did not mention cannabis or its derivatives in his article, even though he was clearly familiar with *The Black Candle* and would have presumably also been familiar with Murphy's chapter on the "new menace" of this drug.

These Canadians seemed to accept what Murphy was saying on a general level. They repeated and further perpetuated Murphy's arguments about the drug menace, the unsettling foreign influence, and the need for stricter drug laws in order to protect Anglo-Canadian women and children. They also mentioned the pictures in *The Black Candle* as having particular importance. It is significant that these commentators did not write about Murphy's exposé of marijuana. Though *The Black Candle* may have been met with indignation about other drugs such as cocaine, opium, morphine, and heroin, this

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so much sympathy," p. 29. This call for the treatment of drug users was taken up in later *Social Welfare* issues. See "Reports of Standing Committees: Social Hygiene: Habit-Forming Drugs," *Social Welfare*, March 1924, p. 110-112.

[133] Dr. A.K. Haywood, "Vice and Drugs in Montreal," *The Public Health Journal*, V. 14, N. 1 (January 1923), p. 2.

[134] Haywood, pp. 2-3.

seems to have not been the case with marijuana. There is no evidence that this book raised Canadians' awareness about this drug.

Conclusion

This chapter has described the context of Emily Murphy's *The Black Candle* by discussing what people have said about Murphy, the history of drug legislation in Canada, the book itself, and the book's reception. *The Black Candle* was released during the early 1920s drug panic in Vancouver, and, as Carstairs has argued, Murphy seems to have incorporated ideas from that campaign in her book. Carstairs has shown that marijuana was not the subject of a moral panic as were other drugs such as cocaine, opium, heroin, and morphine. Murphy's exposé of the drug trade, in this book as well as in her *MacLean's* articles, received much attention from across the country. Nevertheless, even though *The Black Candle* did discuss marijuana in one chapter, the drug was not mentioned in either the Vancouver drug panic nor media stories written after *The Black Candle* was released. It seems to not have been an issue in 1920s Canada. This suggests that the many contemporary writers and activists who perpetuate the Murphy myth are mistaken in their assertion that Murphy's book likely led directly to marijuana prohibition. Rather, as Malleck and Carstairs have shown, marijuana was discussed by doctors in the nineteenth century, regulated in patent medicines in 1908, and mentioned at international drug conferences. There are thus a number of other places from which parliamentarians could have picked up the idea to prohibit marijuana. Nevertheless, by the twenty-first century, Emily Murphy continues to be an icon – positively or negatively – for a variety of Canadians. My next task is to examine the

reasons why the myth of Emily Murphy and the criminalization of cannabis in Canada has gained such currency.

CHAPTER THREE

"Heroine in a Black Hat": Historical Memory and Emily Murphy

> *What are we to do, chop the head off of the Emily Murphy statue in the [Edmonton city] park? In the face of multiculturalism we can't seem to brook the concept that Canadians have mistreated each other over the years. Yes, Murphy was a racist. (Humourist) Stephen Leacock was a racist, and so was (Prime Minister) John A. Macdonald. It would be more accurate to say, we're racist today, too. We just front it differently.*
>
> - University of Alberta Canadian Studies professor Ian MacLaren, as quoted in "Heroine in a Black Hat" by Paula Simons, (1998)[1]

> *What's the point of creating icons? You want to look at people with all their warts, or else they're not worth studying. You want to know why things happened, not have some romantic vision.*
>
> - Historian Alvin Finkel from Athabasca University, as quoted in "Heroine in a Black Hat" [2]

Emily Murphy has become a Canadian icon. At first romantically envisioned as a great heroine, she is now envisioned as a racist villain. The villainous figure of Emily Murphy explains to marijuana activists, for example, why their drug of choice is maligned by many Canadians and continues to be subject to criminal sanction. Thus they use history as a tool to inform their own activism. The popularity of the myth of Emily Murphy suggests that Canadians engage with history on a daily and intimate basis. In this chapter, I will discuss some of the ways scholars have thought about the concept of historical memory in order to begin to explore the ways the Murphy myth has been used in contemporary Canadian life. Then I will offer my own thoughts on historical memory and the meaning of history based on my own research. Finally, I will examine the reasons why Emily Murphy has become such a towering figure in scholarly and popular narratives of the history of drugs, and particularly marijuana, in Canada. This will be

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[1] P. Simons, "Heroine in a Black Hat," *Edmonton Sun* (Sunday, June 7, 1998), pp. F1-F2.
[2] P. Simons, "Heroine in a Black Hat," *Edmonton Sun* (Sunday, June 7, 1998), pp. F1-F2.

illustrated through the themes of Murphy's treatment as compared to other figures in these narratives, contemporary understandings of marijuana, and Murphy's easily established racism. My argument is that this myth provides a quick and simple rhetorical device for a variety of arguments. Many of the scholars invoking this myth use it to call for a rethinking of Canada's drug laws. Journalists have used this myth to achieve a number of ends, including the derision of present-day feminists and the left, and marijuana legalization. Marijuana activists have used the myth of Emily Murphy to establish the baselessness of Canada's drug policy and to then argue for a loosening of contemporary marijuana prohibition. Race is the common thread through each of these; it is Murphy's easily established racism that makes this myth so potent and politically effective.

Historical Memory I: The Theorists

A number of Canadians are thinking about, and reacting to, a figure in Canadian history, often doing so with such vehemence that one wonders what all the uproar over a long-dead historical figure is all about. The simple fact that so many Canadians care, positively or negatively, about a historical figure usually only known to history buffs or perhaps feminists, speaks to the contemporary positioning of historical thought in our society. This is also a time when – according to the national surveys that seem to be released each Canada Day – knowledge of Canadian history is apparently abysmal.[3] The Murphy myth illustrates that history is not simply an academic discipline, but is also a dynamic part of Canadians' lives, forming the basis of their political arguments and constantly infusing meaning on the events of the day. As Canadian historians Colin M.

Coates and Cecilia Morgan acknowledge, "history is fortunately not only the province of the professional historian."[4]

It would be useful at this point to embark upon a brief foray into the scholarly literature that has addressed historical memory. French academic Pierre Nora has edited a collection of volumes dedicated to the idea of "les lieux de mémoire," or realms of memory.[5] In his article, "Between Memory and History: *Les Lieux de Mémoire*," an English translation of the introduction to the French edition of his work, Nora distinguished between the concepts of memory and history. He argued that "true memory," characterized by "the ritual repetition of a timeless practice in a primordial identification of act and meaning," no longer exists.[6] History is thus "the reconstruction, always problematic and incomplete, of what is no longer."[7] Memory has now been "transformed by its passage through history," relying "entirely on the materiality of the trace, the immediacy of the recording, the visibility of the image."[8] Thus Nora presented "memory" as rituals unconsciously repeated in the present, and "history" as a conscious reconstruction of lost moments. I disagree. I would like to reconstitute his definition of history apart from his argument of "true memory." Instead I see both of these as subsets of a more broadly defined "history," which is everything before the present moment. Thus Nora's definition of memory can be seen as another facet of "history," while history

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[3] Canadian historian Jack Granatstein has written about his own theories for this apparent lack of historical consciousness in Canada. See *Who Killed Canadian History?* Toronto: HarperCollins Publishers, 1998.
[4] C.M. Coates and C. Morgan, *Heroines and History: Representations of Madeleine de Verchères and Laura Secord*, Toronto: University of Toronto Press, 2002, p. x.
[5] These volumes were recently translated into English. See P. Nora, *Realms of Memory: Vol. 1: Conflicts and Divisions*, New York: Columbia University Press, 1996. Volumes two and three were published in 1997 and 1998, respectively.
[6] P. Nora, "Between Memory and History: *Les Lieux de Mémoire*," *Representations*, N. 26 (Spring 1989), p. 8.
[7] Nora, p. 9.
[8] Nora, p. 13.

can be understood not only as an attempted reconstruction of the past, but as any engagements with a time and space before the present moment.

Historian John R. Gillis, building on Nora's work, has made some observations regarding historical memory relevant to this study. Gillis has argued that memory is not an unchanging object, but an idea constructed for human ends with inherent human weaknesses. "'[M]emory work' is, like any other kind of physical or mental labour, embedded in complex class, gender and power relations that determine what is remembered (or forgotten), by whom, and for what end."[9] Gillis has also pointed out that shared group memories are not constructed easily and without contest. "Commemorative activity is by definition social and political, for it involves the coordination of individual and group memories, whose results may appear consensual when they are in fact the processes of intense contest, struggle, and in some instances, annihilation."[10] Historical memory, thus, is not a set of "objective facts" about a common history; rather, people's remembrances and forgetfulness of the past both have motivations that can be uncovered. I believe that Canadians' remembrances and silences about Emily Murphy also have aims that can be uncovered.

History consists of every moment before *now*, and I recognize the tremendous advantage that distance of thought can provide historians. The discipline of history, unlike, for example, anthropology or sociology, uses temporal distance as one of its tools. As Nora has pointed out, it is ironic that "modern memory reveals itself most genuinely when it shows how far we have come away from it."[11] The cultural removal of the

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[9] J.R. Gillis, "Memory and Identity: The History of a Relationship," in *Commemorations: The Politics of National Identity*, ed. John. R. Gillis, Princeton, N.J.: Princeton University Press, 1994, p. 3.
[10] Gillis, p. 5.
[11] Nora, p. 17.

historian, the argument goes, gives her or him a more "objective" view of a past society's particularities and working assumptions. Of course there are plenty of these assumptions which may not have changed, but distance grants the historian a privileged place from which to begin to describe a society in all its luminous complexity.

However, I do not see how distance of *time* is more significant then other such distances: identity, observation, skepticism, distress, *anomie.* One can have a view somewhat divorced from the particularities of a situation without only looking back on it through a passage of years. A person can observe a culture not entirely her own and achieve a distance of culture. An example would be the German filmmaker living in Alberta who made a documentary for the CBC about the phenomenon of Western alienation in Canada.[12] Of course she was familiar with the themes of superiority and resentment of others that she examined in her film; so, too, is the historian. But her different cultural experiences allowed her to be somewhat removed from the situation and thus able to see it separate from the baggage someone growing up in the Canada may have had.

Perhaps history, the discipline, needs time to untangle itself from the mores of the present, but history, the everyday sense of the past, is in our every breath, every touch and every step. We know what we did yesterday; we have a sense of our own origins and childhood; we have a base understanding of the immediate past. And our ideas of the past – immediate and otherwise – lead us to our actions in the present. As Geographer David Lowenthal has pointed out, "[w]ithout memory and tradition we could neither

[12] TV critic John Doyle has written about this in the *Globe and Mail* (Tuesday, Nov. 12, 2002), p. R3. He related that, in *Crash Course Alberta*, "[Filmmaker Rosie] Dransfeld looks at Alberta and its people with the quizzical eyes of a relative newcomer. She asks questions that aren't loaded with the tired rhetoric of ancient battles and attitudes."

function now nor plan ahead."[13] People even make political arguments based on a certain version of history they present. As French sociologist Maurice Halbwachs has written, even what we think of as the "present" is heavily reliant on the past to the extent that many of our current understandings are an embrace of history. "[T]he present, if we consider the area of collective thought that it occupies, weighs very little in comparison to the past."[14] History – every experience before *now* – is thought about constantly, and forms the basis of even our most basic political arguments.

Historical Memory II: Applying Theory to Historical Practice

Historians have recently used these theories to explore historical memory in their studies. Two examples include Nell Irvin Painter's *Sojourner Truth: A Life, A Symbol* and Colin M. Coates and Cecilia Morgan's *Heroines and History: Representations of Madeleine de Verchères and Laura Secord.*[15] What these historians have to say about how these three women were made into myths may suggest reasons why Emily Murphy has been treated in similar ways. Painter's study of nineteenth century American anti-slavery feminist Sojourner Truth illustrated that popular historical narratives can be based more on myth than reality. In both women's and African American history, Truth is often used as a symbol of strong Black womanhood fighting for inclusion against a backdrop of white feminist hostility. Painter offered exhaustive evidence to show that this image was a fiction stitched together by two white female suffragists at the time for contemporary political purposes. Even Truth's infamous "Ar'n't I A Woman?" speech

[13] D. Lowenthal, "Identity, Heritage, and History," in *Commemorations: The Politics of National Identity*, ed. John. R. Gillis, Princeton, N.J.: Princeton University Press, 1994, p. 43.
[14] M. Halbwachs, *On Collective Memory*, Chicago: University of Chicago Press, 1992, p. 183.

was fictitious, made up by white feminists to serve their own ends. The story of Truth was one about a woman who actively reinvented herself and contributed a lifetime's work to a political movement.

Painter has taken a biographical approach, showing the ways in which Truth constructed herself. Isabella, the woman who would become Sojourner Truth, was a Dutch-speaking slave from New York. This was a contrast to contemporary images of Truth, which feminists Frances Dana Gage and Harriet Beecher Stowe created in the late nineteenth century. In their writings on Truth, they quoted her in Southern dialect and presented her as a Southern slave who had escaped to the North. Painter explained that, by the late nineteenth century, the North was seen as the "freedom" states, even though they, too, had slavery into the nineteenth century.[16] Gage and Stowe were probably aware that Northerners, great supporters of the abolition of slavery, would not be eager to hear the accounts and experiences of a Northern ex-slave. This is one example of how the mythical Sojourner Truth is markedly different than the historical Sojourner Truth. Painter's method of biographically illustrating where the fiction ends and Truth begins was sophisticated and successful in debunking the popular myth of Sojourner Truth.

Coates and Morgan have taken a different approach to the myths they examine. Instead of probing the lives of Laura Secord and Madeleine de Verchères biographically and thinking about how they may, or may not, have constructed themselves, they chose – perhaps because of available sources – a more sociological approach. With this broad

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[15] N.I. Painter, *Sojourner Truth: A Life, A Symbol*, New York and London: W.W. Norton & Company, 1996; C.M. Coates and C. Morgan, *Heroines and History: Representations of Madeleine de Verchères and Laura Secord*, Toronto: University of Toronto Press, 2002.

[16] For example, Sojourner Truth was freed in 1827 when slavery was abolished in New York state; however, the legislation included a clause which specified that "those born after 1799 might have to serve a further period of indentured servitude: until they were twenty-eight, if male, or twenty-five, if female,"

approach, they offered a description of the myths surrounding these women and then probed the use of these myths in Canadian society. The authors argued that it was not only state officials who were responsible for the commemoration of these mythic figures through actions such as erecting statues. Governments often did this as a result of public pressure from citizens such as professional and popular historians and journalists. I believe this point is applicable to my study, for the myth of Emily Murphy and the criminalization of marijuana is, as I have shown, the creation of a variety of actors, such as scholars, journalists, and marijuana activists.

Coates and Morgan have argued that, in the late nineteenth and early twentieth centuries, Secord and her infamous walk to Beaver Dams during the War of 1812 came to represent white loyalist pioneer women's claim to Canadian history. They also find that around the same time, the story of a young Verchères' defense of her family's fort in New France from an Iroquois siege was a popular nation-building narrative in Quebec. The authors conclude that in the late nineteenth and early twentieth centuries both French and English Canada were in the throes of nation-building and myth-making; thus they pillaged the past for heroic stories. These myths of the heroic female defender of the nation served these ends.

The stories of both Secord and Verchères are not as relevant today as they were at the turn of the twentieth century for different reasons. Laura Secord is known today mainly because of the candy company, and few people remember her walk to Beaver Dams. According to Coates and Morgan, this is because the story of the heroic housewife seems antiquated and stodgy today. Madeleine de Verchères is now virtually

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meaning there were likely slaves in New York state as late as 1855. Truth's five children, for example, remained slaves even as she herself was freed. Painter, p. 23.

unknown in Quebec, appearing perhaps in some children's schoolbooks about New France, and they argue that the reason for this disappearance can be found in the original myth itself. The fact that Verchères was fighting in the name of colonialism against a hostile First Nations "enemy" may have been appealing to Euro-Canadians one hundred years ago, but it certainly would not meet with such mass approval today. It is mainly this feature of the Verchères myth that makes it an irrelevant and even offensive story today, for nation-building or other purposes.

Such presently distasteful features do not always render once-popular historical myths forgettable, however. The participation of Native Canadians in the Secord story, for example, was not inherent to the narrative itself and could be whitewashed to affect a more palatable contemporary image. In the popular narrative at the turn of the twentieth century, Secord was said to have been frightened by an Iroquois man when she woke from a nap on her way to Beaver Dams. Implied, but not explicitly described in this tale, was the sexual danger the Native man presented to Secord's Anglo-Saxon womanhood. If this element of the original narrative was emphasized today, it would certainly stir controversy. Instead, the description of this encounter has changed. A recent "Canadian Heritage Minute" commercial has reformulated this encounter with the Other. Instead of waking to "hostile Indians," Secord's first reaction when she opened her eyes and saw a group of First Nations men was to politely ask them to take her to British soldiers. The scene closed with Secord and a First Nations man walking off together, hand-in-hand.[17] Thus the main elements of the Secord story can remain the same and its peripheral points

[17] One can view this commercial at <http://www.histori.ca/minutes/minute.do?ID=10118&sl=e>. The same web site also hosts the Emily Murphy Heritage Minute commercial about the Persons Case.

can be updated to suit modern sensibilities. The myth of Madeleine de Verchères does not enjoy this same elasticity.

Verchères shares similarities with the current waning popularity of Emily Murphy. Not only does Verchères' "opposition to Amerindians [make] it much more difficult to celebrate her virtues," but her own human flaws (she was later accused of cheating on her husband with her priest) make her a less straightforward figure.[18] "Ultimately," Coates and Morgan concluded, "the perceptions of Verchères' difficult adult personality rendered the commemorations of her adolescent heroism more complicated.... It became increasingly difficult to celebrate Verchères unreservedly as a heroic figure."[19] Forgetting is as meaningful as remembering, as both Nora and Gillis have pointed out, and the decline in popularity of figures such as Verchères and Murphy can tell us much about Canadian history. As Coates and Morgan have observed, "[w]hile much of the literature [on historical memory] looks at commemorations that have been successful and long-lived, examining the decline in a historical figure's popularity should also be part of a historian's task."[20]

The Historical Memory of Emily Murphy: From Heroine to Villain

Like Verchères, Murphy was once quite popular with historians, but today several elements in the story of Emily Murphy are no longer acceptable. Specifically, Murphy's distaste for Chinese Canadians as expressed in *The Black Candle* no longer resonates as a convincing argument for halting the drug traffic. This – coupled with the topical marijuana legalization issue – constitutes a "double whammy" for historical

[18] Coates and Morgan, p. 115.
[19] Coates and Morgan, p. 102.
[20] Coates and Morgan, p. 11.

rememberings of Murphy. As contemporary currents of popular and academic culture have lead to the disappearance of Verchères from French Canadian historical memory, so too do these appear to be hastening the disappearance of Murphy, the Good Feminist. However, unlike Verchères, these issues have not lead to Murphy's disappearance from Canadian history. Rather, Emily Murphy lives on as "the Bad Feminist." She is now remembered by some Canadians in new and unexpected ways.

The current popularity of the marijuana issue, the explicit racism of the historical Murphy, and the status of Murphy as a feminist foremother all combine to create an enduring new figure: the historical villain. Just as Secord and Verchères were hailed as heroes of the Canadian project of nation building, and Verchères' popularity waned as her relevance to the French Canadian project lessened, Murphy is now being hailed as a villain of the new Canadian project of multiculturalism. In contemporary times, the image of the staunch racist feminist who raves about the murderous qualities of a benign plant is met with distanced amusement.

Coates and Morgan have not chased the "truth" so much as they have tried to explain the necessity of these historical myths. The myth of Laura Secord was needed by Anglo-Saxon housewives, the women who resurrected her story to national prominence, as a way to insert themselves into the national narrative and Canadian political history. The myth of Madeleine de Verchères was needed by the Quebecois citizenry in order to validate their claims of statehood equal to that of the English. Coates and Morgan argued that the popularity of the myth of Laura Second has subsided because people today do not need this myth, and, in fact, neither this nor the Verchères myth naturally lend themselves to a contemporary purpose. On the other hand, the myth of the strong Black Southern

Woman is needed by many feminists today, explaining the continued use and popularity of the myth of Sojourner Truth even after it was effectively challenged by Painter in 1996.

A number of Canadians still need Murphy. Canadians who disagree with marijuana criminalization need to explain this archaic state of affairs; Canadians who think that contemporary feminist and left-leaning citizens are self-righteous and need a "riding down" are provided with a quick reminder that Canadian "progressives" were not always so. Today Secord is seen as frumpy, a quaint loyalist. Murphy is also seen as frumpy, but with a chilling layer underneath her bodice. The story of the racist Murphy can be exciting and titillating, and can remarkably serve the agendas of anti-feminists, marijuana activists, and even scholars who are at a loss for an adequate way to explain the seemingly staid notion of drug prohibition.

Why a Myth of Emily Murphy and the Criminalization of Marijuana?

In order to determine why the myth of Emily Murphy has gained such currency as to be taken up by scholars, journalists and activists alike, one must probe its uses. If there is little empirical evidence to back it up, why is this myth so popular? What does the myth allow the writer to do? Is there a rhetorical advantage it gives the user in an argument, for example? Most of the scholars who do discuss Murphy and her supposed involvement in the criminalization of marijuana also discuss Mackenzie King's involvement in the very first anti-drug law in Canada, the 1908 law against opium. Yet King and has not been demonized as the only reason that opium was criminalized. I have found no media stories whose main focus is on King and opium; he is always an addendum to the Murphy story. Neither are there pro-opium activists who travel the

country trying to pie statues of the long-dead Mackenzie King. It seems odd that a long-running and powerful Prime Minister would play second fiddle to an unelected woman.[21] By examining how scholars have told the stories of King and Murphy, one can better understand how ideas of gender and the nature of the sources themselves have shaped these accounts.

I. Why Not A Myth of William Lyon Mackenzie King?

As Coates and Morgan have pointed out, men and women are often remembered in different ways. "As women acting outside the usual fields of women's actions, [Secord and Verchères] also came to represent claims that European women could make on Canadian history and politics. Yet as women they were subject to denigration of their actions based on their sex. Ultimately, heroines face the trials of history – and historians' judgements – in ways that heroes do not."[22] Why is it that the racism of Emily Murphy is highlighted and debated when the racism of many of her male contemporaries is not, or is dismissed as normal for the era?

In narratives of the history of drugs in Canada, two figures are usually prominent: William Lyon Mackenzie King and Emily Murphy. Even though these two historical actors often appear in the same stories as figures active in early Canadian campaigns against drugs, scholars have treated Emily Murphy more harshly than her male counterpart. In R. Solomon and T. Madison's "The Evolution of Non-Medical Drug Use in Canada – Part I 1879-1929," Murphy came across as more zealous than King. The authors' most damning condemnation of King was that he was a "fervent moral

[21] King was Canada's longest-serving Prime Minister, holding office from 1921-1926, 1926-1930, and 1935-1948.
[22] Coates and Morgan, p. 274.

reformer" who was more concerned with the moral effects of opium than, they imply, the more "objective" issue of its health effects.[23] With both the 1908 and 1911 drug legislation, King was said to have "relied heavily on moral arguments and questionable sources of information."[24] The authors' account of King's involvement with the criminalization of opium and the establishment of drug prohibition in Canada is extensive but reads fairly descriptively, with few colourful quotes.

Their treatment of Emily Murphy in the same article, on the other hand, was less forgiving. The authors imply that Murphy, like King, was motivated by moral indignation more than factual evidence of any physiological effects of the drugs under consideration. They described her writings as "a blend of statistics, moral anecdotes, popular racial bias, fables and sensationalism"; while the authors conceded that this formula "gave her writing wide public appeal," they maintained that "it irrevocably tainted her research."[25] They then offered numerous pieces of evidence to illustrate this. Whereas with King they provided few colourful quotes for the reader to relish, they filled two pages full of Murphy's now ridiculous-sounding claims. "Mrs. Murphy," they declared, "described the appearance of all drug users in the most provocative language."[26] The first quotation they offered described the drug trafficker prowling on young white Canadians: "Let the people see the foul, slimy, poisonous thing that is laying its tentacles upon the youth of our land, sucking away their very life's blood. It must have the young boys and girls within its blood-sucking arms. It cannot thrive alone on the dried,

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[23] R. Solomon, and T. Madison, "The Evolution of Non-Medical Opiate Use in Canada - Part I 1870-1929," *Drug Forum*, V. 5, N. 3 (1976-77), pp. 263, 246.
[24] Solomon and Madison, p. 248.
[25] Solomon and Madison, p. 255.
[26] Solomon and Madison, p. 256.

shriveled and cavernous habitué, who is fast tottering to the grave."[27] They also offered Murphy's vivid description of a drug user, where she described the Chinese opium smoker as an "ashy-faced, half-witted drooler," who had "no more blood in his body than a shrimp."[28] Murphy's own rhetorical flourishes were used to showcase her as a sensationalist, racist writer with little basis in fact.

Part of the discrepancy between the authors' treatments of King and Murphy can be attributed to sources. King, after all, did not leave to posterity an entire volume dedicated to his moral indignation about drugs. Other scholars such as Catherine Carstairs, however, have shown that there are plenty of sensational quotes about drugs and Chinese Canadians which can be culled from the popular press and the parliamentary records of the day. In the end, Solomon and Madison's article emphasized Murphy's sensational claims while downplaying those of King. This can perhaps be partially explained by the hostility many people – even contemporary feminists – have for first-wave feminists. Indirectly, Solomon and Madison were tapping into this popular conception of the stern suffragette and, though King and Murphy shared a similar milieu, the authors let Murphy's male contemporaries like King off the hook. Murphy's involvement with anti-drug organizing seems much more interesting and titillating to contemporary readers and writers than does King's. This unbalanced treatment reflects a general trend in the literature. This disparity perhaps helps to explain the existence of the myth of Emily Murphy in popular and alternative media, and the lack of a similar myth regarding King and the criminalization of opium.

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[27] Solomon and Madison, pp. 255-256. As quoted in *The Black Candle*, p. 126.
[28] Solomon and Madison, p. 256. As quoted in *The Black Candle*, p. 16.

Examining the treatment of King versus Murphy in the cartoon history of cannabis discussed in chapter one is also illustrative. King was mentioned in the first installment as having been the first person to connect Chinese Canadians to opium in the minds of most white Canadians. Author Dana Larsen explained in the text that King was sent to Vancouver in response to the 1907 anti-Asian riots, which he wrote were caused by economic competition. "King discovered the use of opium among the Canadian Chinese, and hit upon a solution to the labour crisis" of sanctioning opium use so as "to eliminate the Chinese."[29] There was only one pictorial representation of King accompanying this text, and it showcased him in a similar portrait style as Murphy's first appearance later in the cartoon. King sat as if posing for a portrait in regal military uniform, his left arm draped casually over the chair. (See Appendix L) This was in contrast to the much larger portrait of Murphy.[30] Like King, Murphy was posing regally, but unlike him, she was also holding a bible to her chest.[31] The following panel illustrated the meaning of the bible reference; it showcased a righteous Murphy, complete with a halo over her head, preaching to a rapt and zealous church audience. It is clear that the cartoonist meant to equate the bible with close-mindedness and intolerance, and by extension apply this condemnation to Emily Murphy.[32] In relation, the cartoon King escaped this overt ridicule. Unsurprisingly, considering that this was a history of *cannabis* in Canada in an activist publication, both the text and the cartoon drawings took a more extreme and sarcastic approach to the treatment of Emily Murphy. Murphy is the "grandmother of marijuana prohibition"; King merely set the foundation for racist drug

[29] D. Larsen, "The History of Cannabis in Canada," *Cannabis Canada*, #12 (May/June 1998), pp. 72.
[30] The portrait of Murphy comprised one third of a page, while the King portrait only filled one sixteenth of a page.
[31] D. Larsen, "The History of Cannabis in Canada," *Cannabis Canada*, #14 (Sept./Oct. 1998), pp. 72.

laws in Canada. It does seem that heroines (or anti-heroines) really are subject to harsher judgements of posterity than anti-heroes.

II. Marahuana - The New Chic

The myth of Emily Murphy may also be explained by her unfortunate connection with a drug fashionable in contemporary Canada. It is marijuana, after all, and not opium, which is enjoying a cache in popular culture, numerous court cases intent on its legalization, and continued widespread use despite its criminal status. Had marijuana and, to a lesser extent, drug use in general, not gained the status of *cause celebré* that it had among some vocal quarters, perhaps a generation of social scientists would not have probed the origins of Canada's first drug laws and stumbled across Emily Murphy.[33] Perhaps if opium's use and allure as a sign of countercultural rebellion was as widespread as that of marijuana today, scholars in the archives would have discovered the heinous William Lyon Mackenzie King instead of the reprehensible Emily Murphy.

In the mainstream media articles that discussed Murphy and her impact on marijuana legislation, one can see how this myth has been used as a rhetorical device for legalization arguments. Of the articles found in my research, about half discussed Emily Murphy's racism without connecting her to the marijuana issue. In these articles she seems to have been resurrected as a backward feminist who exemplified racism and the ignorant thinking of "moral guardians" of all kinds of youth activities. The other half of

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[32] Murphy was shown preaching again with a bible in hand and halo over head on page 74.

[33] Some authors have acknowledged this outright. Shirley Cook, for example, explained in a paper written for the Le Dain Commission that a generation of youth in the 1960s made the topic of marijuana criminalization a pressing political issue. S.J. Cook, "The Social Background of Narcotics Legislation," housed at the National Archives of Canada, R.G. 33/101, V. 15, Sub. #1723, 1969, p. 13.

the articles specifically used the Murphy myth to argue for the legalization or decriminalization of marijuana.

The articles that exposed Murphy as a racist seem to be doing so for a variety of reasons. As Coates and Morgan have argued, "the past crops up in a number of places, being created and used (some might say abused) by a variety of actors.... What is interesting is the varied and multiple uses to which the same historical narrative may be put, as it shifts locations and contexts."[34] Three of the authors in my research have specifically used this idea of a "backward feminist" to attack contemporary feminist and left-wing Canadians. Columnist Rodney Quinn implied that the easily maligned Emily Murphy showed that feminists and left-leaning Canadians were not as progressive and noble as they themselves may have thought.[35] Another *Edmonton Sun* columnist, Ted Byfield, also derided feminist and left-leaning Canadians with the anecdote of the racist Murphy.[36] The conservative *Alberta Report* also ran a story which seemed to delight in rubbing these historical facts into the faces of liberal Canadians. In "All Thanks to a Hysterical Lady Judge," writer Colby Cosh told readers that the current "war on drugs [was] largely the work of two pioneering *liberal* politicians: William Lyon Mackenzie King and Emily Murphy."[37] (Emphasis mine.) Cosh traced the history of narcotics laws in Canada, and explained that King's problem with opium was not with the drug itself but rather with the interracial mixing between white women and Chinese men. All subsequent drug laws, he wrote, were "the work of Emily Muprhy," a "passionate

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[34] Coates and Morgan, p. 232.
[35] R. Quinn, "Eugenics Legacy Lingers in City Park," *Edmonton Sun* (July 7, 1995). This article was found in the "Murphy, Emily and Arthur" clippings file at the City of Edmonton Archives.
[36] T. Byfield, "Eugenics Truth Sinks Murphy," *Edmonton Sun* (May 24, 1998). This article was found in the "Murphy, Emily and Arthur" clipping file at the City of Edmonton Archives.
[37] C. Cosh, "All thanks to a Hysterical Lady Judge," *Alberta Report*, V. 24, N. 36 (Aug. 18, 1997), pp. 32-33.

eugenicist." Cosh took another swipe at liberal politics when he described *The Black Candle* as Murphy's exposé of the "threat to the 'race hygiene' her progressive contemporaries so treasured." Cosh then told readers that "[a]ll Judge Murphy's ideas – with the exception of whippings for convicted drug sellers – were implemented in the next decade," including the laws against marijuana.

The popular media articles which connected Murphy to marijuana prohibition also used the myth for political ends. Here the myth was used as a hook to argue for contemporary decriminalization or legalization of the drug, with Murphy a rhetorical device used to establish quickly and unquestionably the fallacy of current marijuana laws. *Edmonton Sun* columnist Mindelle Jacobs, for example, used Murphy as a springboard for her real argument: the legalization of marijuana.[38] *Maclean's* writer Julian Beltrame also utilized this technique.[39] Doug Mann, a writer for the *Kitchener-Waterloo Record*, also referred to Murphy in his own article, but, unlike Jacobs and Beltrame, this was not how he chose to start his story. Instead, his lead offered the example of the 1936 American anti-marijuana film *Reefer Madness*, which showcased marijuana users "turning instantly into violent, sex-crazed, piano-bashing maniacs."[40] The article then launched into a brief history of drugs in Canada. King was mentioned as having "propelled" the 1908 and 1911 *Acts* with his report on opium trafficking. "But the crunch came in the 1920s, largely thanks to Emily Murphy." Mann then offered Murphy's "raving maniacs" quote to illustrate her views on marijuana. "The result of Murphy's propaganda campaign was the *Opium and Narcotic Drug Act* of 1923, which outlawed

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[38] M. Jacobs, "It's Time to Stop Calling the Pot Black," *Edmonton Sun*, Nov. 10, 2001, p. 11.
[39] J. Beltrame, "Grass, Pot, Ganja – Reefer Madness: The Sequel," *Maclean's*, Aug. 6, 2001, p. 22.
[40] D. Mann, "Reefer Madness: Lumping Marijuana Users with Criminals is Archaic," *The Kitchener-Waterloo Record*, July 11, 1998, p. A19.

cannabis," Mann concluded. The remainder of this lengthy article debunked myths about marijuana and then summarized the Le Dain Commission's recommendation to decriminalize marijuana. Mann ended the article calling for the decriminalization or legalization of the drug. For most commentators, the argument is this: if current laws are based on this silliness, then they are less authoritative and subversion is more easily justified. This challenges the idea that the otherwise patriotic citizen should follow the law unquestioningly, or at least these laws in particular. As Coates and Morgan have found, "history [has been] used in a variety of ways to buttress and bolster modernity, not least as justification for change."[41]

Marijuana is a drug which has enough people supporting its use – for medical, industrial and/or recreational purposes – to spur these writers to argue for its legalization. Though still looked down upon by many Canadians, marijuana has inspired a national magazine, national discussion on its possible decriminalization, and one national and two provincial political marijuana parties in Canada alone. In this context, Emily Murphy's connection with the criminalization of marijuana is more detrimental to her memory than if she was associated with other drugs. The fact that there are a number of articles which discuss her racism separate from any discussion of drugs also illustrates that the marijuana issue alone does not necessarily make the Murphy myth. Perhaps her association with marijuana brought her into the limelight, but her racism alone is enough to challenge the once iconic figure of Emily Murphy.

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[41] Coates and Morgan, p. 13.

III. The Timeliness of Historical Racism

The lynchpin of the Murphy myth is Emily Murphy's easily evidenced racism. More than anything else, the simple illustration of Murphy the Bigot is enough to discredit and devalue Murphy's life and contribution to the feminist movement. Of all the groups examined in this thesis, it is marijuana activists who have most explicitly mobilized issues of racism to help substantiate their arguments for legalization.

Cannabis Canada editor Dana Larsen used evidence of Murphy's racism in a *Toronto Star* opinion piece to argue for the legalization of marijuana. Near the end of the article, after offering a number of pro-pot arguments, he offered Murphy, complete with verbatim text from *The Black Candle*, explicitly connecting the criminalization of marijuana not only with Murphy but with racism.[42] He told readers that "marijuana prohibition originated in anti-Chinese racism," and that Emily Murphy's *The Black Candle* was a "very popular" book which was "almost solely responsible for marijuana prohibition in Canada." Writing that Murphy blamed "the marijuana peril" on Chinese and Black men, Larsen offered two quotations from the book to illustrate that Murphy argued that both Chinese and Black men were using drugs in an attempt to take over the world. Larsen concluded that "criminal prohibition is an anachronism from the 1920s that is no longer appropriate for our society." Larsen used this simplistic deduction – "marijuana prohibition" equals "racism" which equals "wrong" – to try to convince Canadians that cannabis laws sorely needed an overhaul.

This line of argument was also utilized in the interviews I conducted. Each of my interview subjects who mentioned Emily Murphy repeatedly emphasized her misguided and racist notions. My interview with marijuana activist and BC Marijuana Party

President Marc Emery will be examined here for what Emery had to say about racism.[43] Near the beginning of our interview, Emery called Murphy a "racist crazy" who "just *reeks* of racism," and is "the reason marijuana's illegal." Later I asked him to elaborate on the reasons he thought marijuana was illegal today. "It's illegal because of a racist premise that marijuana was being use by Black people and Hispanic people, and that these people would bring it to Canada ... and seduce white women and lead people to a path of madness. [People thought this] because Emily Murphy was told that marijuana created sexual fiendism and madness and homicidal tendencies and all those horrible things." He concluded that "it was a law based on racism" and conjectured that "probably white people were never intended to be punished by the law ... but now, of course, it is almost its exclusive result." Thus he argued that Canadian marijuana laws were based on Murphy's own racism and misinformation.

The *Cannabis Canada* cartoon history of marijuana in Canada is also illustrative of activists' capitalization on Murphy's racism. The common theme of all three installments of this comic history is that of the racist motivations of national drug policy, especially against Chinese Canadians.[44] In fact, the second installment of this cartoon did not even mention marijuana, which is perplexing in a purported history of cannabis. Instead, the cartoon began by detailing the sufferings of the Chinese in Canada and the first opium laws. The cartoon explained that it was actually the British who first introduced opium to China, and that they enjoyed the riches from this trade so much that they declared war when China tried to ban the opium trade in the nineteenth century. The

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[42] D. Larsen, "Should Pot be Legalized?" *Toronto Star*, Jan. 5, 1998, p. A14.
[43] This information is based on my interview with Marc Emery on August 7, 2002, in Vancouver, BC.
[44] The comic strip was printed in issue #11 (Jan./Feb. 1998), pp. 66-69; #12 (May/June 1998), pp. 70-73; #14 (Sept./Oct. 1998), pp. 70-74; and #16 (Jan./Feb. 1999), pp. 70-73.

cartoon later related that, under the *Opium and Narcotics Drug Act*, many Chinese were convicted and deported. The accompanying illustration showed a Chinese man behind bars. He looked forlornly at the reader, a single tear running down his cheek. Behind him was a police officer, baseball bat in hand, rapping the bars of the cell. The officer's face clearly showed that he especially enjoyed taunting this inmate.[45] The drawings of the Chinese Canadian men in these cartoons clearly painted them as victims to the apparently vicious Canadian state intent on ravaging them of their one personal indulgence, opium smoking.

It is further significant that, in the cartoon's portrayal of William Lyon Mackenzie King and his report on suppressing the opium traffic and in every other *Cannabis Canada* account of Canadian drug history, the text did not mention that some members of the Chinese Canadian community, in fact, asked for King's help in fighting the traffic. This would be inconvenient to the portrayal of Chinese Canadians as victims; as victims, these representations can engender in the activist a protective instinct and an intimate identification with the "plight" of the racial minority. As marijuana activist Blair T. Longley told me during our interview, "[h]ippies [and, by extension, pot-smokers] are voluntary coloured people."[46] The point here, of course, is the word *voluntary*.

In my experience, Canadian marijuana activists are for the most part white men. Their interest in the history of a persecuted racial minority in Canada is intriguing. These activists identify closely with (what they imagine are) the trials of people of colour in Canada. Perhaps they see the topic of (overt) racism in Canada as a hot-button issue that Canadians can agree was a mistake one hundred years ago. Thus by making the

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[45] D. Larsen, "The History of Cannabis in Canada," *Cannabis Canada*, #14 (Sept./Oct. 1998), pp. 70.

argument that marijuana and drugs in general were demonized and criminalized by racism, they may think their case for contemporary legalization is automatically made. Ultimately, Emily Murphy's explicit views of racial order in *The Black Candle* make her especially easy to demonize today.

Conclusion

The myth of Emily Murphy has been used by scholars, journalists and marijuana activists for a variety of contemporary purposes. Most have utilized this anecdote as a rhetorical device, establishing something quickly and effectively before launching into their arguments. The purpose can range from trying to redeem Canada's political right-wing or pushing for the legalization or decriminalization of marijuana. The elements of this myth which make it attractive to such a wide variety of writers include the traditional maligning of female historical figures, the topicalness of the drug itself, and the overt racism of Murphy's own writings. This case study of contemporary memories of Emily Murphy can also be used to think about the status of history in Canada today. Instead of the discipline of history existing only in hallowed academic halls or in prestigious journals, this example of Emily Murphy and the criminalization of marijuana shows that history is an inherent part of our everyday lives, often forming the basis of the very arguments we make.

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[46] This information is based on my interview with Blair T. Longley on August 17, 2002 in Montreal, Quebec.

CONCLUSION

Emily Murphy has come to signify to many people a racist and meddlesome woman who was the central figure in the campaign to eradicate "narcotic" drugs, and specifically marijuana. However, not everyone today sees her this way. Many people still understand Emily Murphy to be a liberal feminist foremother, as illustrated by numerous instances in recent popular media. In 2002, *The Globe and Mail*'s Canada Day quiz included a question about "nation builder" Emily Murphy.[1] In the CBC's successful documentary series *Canada: A People's History*, Emily Murphy was also presented in this positive light.[2] She is also featured in a series of television commercials known as the Canadian Heritage Minutes which still air regularly today; in her segment, the actress playing Murphy talks about the Persons Case and describes Murphy as a "pioneer in the war against narcotics."[3] These recent examples of Murphy, the exemplary Canadian, illustrate that her "feminist foremother" image is still quite popular. The result of this, of course, is that there are two distinctive images of Murphy co-existing. No doubt this gives the "racist villain" story added poignancy, as it thus directly addresses, and delightfully debunks, a current popular Canadian narrative.

This thesis has shown that history and historical memory are ever present. Many people have created and reinforced the myth of Emily Murphy and the criminalization of marijuana. Canadian scholars, journalists and activists have engaged, and still engage, with a historical narrative with little basis in fact. As we have seen, many have done this for a rhetorical purpose: to argue for the liberalization of Canadian marijuana laws. This

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[1] The question read: "Who became the first female magistrate in the British Empire and on her first day on the bench was challenged by a lawyer who argued that she was not considered a person under British law?" "Globe Canada Day quiz – nation builders," *The Globe and Mail* (Mon., July 1, 2002), p. A5.

historical anecdote has thus effectively served as a tool to strengthen a variety of political arguments. In this way, history can be seen as forming the basis of our everyday activities. This case study, then, can serve as a counter-argument against the Canadians who undervalue the significance of history in our society.[4]

The myth of Emily Murphy gained prominence through her association with a drug popular in 1960s Canada, prompting people to ask how it came to be criminalized in the first place. Since then, the marijuana issue has remained more or less in the public eye, but has been particularly prominent this past year. In July 2002, Britain announced its decision to punish simple possession of the drug through confiscation and warnings rather than jail time.[5] Less than a week later, the Canadian government promised to consider following Britain's example.[6] In September, a Senate committee recommended the legalization – not just the decriminalization – of marijuana for Canadians aged 16 years and older.[7] This provoked a firestorm of debate across Canada as well as criticism from police groups and the United States.[8] A slew of court cases also threatens to push the government's hand on this issue.[9] Finally, federal Justice Minister Martin Cauchon

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[2] "The Great Transformation, 1896-1915," *Canada: A People's History*, CBC (first broadcast Monday, January 7, 2002).

[3] To view this commercial, go to <http://www.histori.ca/minutes/minute.do?ID=10205&sl=e>.

[4] This is usually done through the devaluing of an arts and social sciences education. The most notable and vocal opponent of an arts education in recent Ontario history was former Premier Mike Harris, who has said on numerous occasions that the sciences are more important than the arts in universities, and adjusted his funding priorities accordingly.

[5] A. Freeman, "Britain to let Pot Smokers off Lightly," *Globe and Mail* (July 11, 2002), p. A11.

[6] B. Laghi, "Cauchon says Pot Laws Could be Eased," *Globe and Mail* (July 16, 2002), p. A1.

[7] See K. Lunman, "Senators Want Pot Legalized," *Globe and Mail* (September 5, 2002), p. A1); T. MacCharles, "Make Pot Legal: Senate Panel," *Toronto Star* (Sept. 5, 2002), p. A1; and T. Naumetz, "Marijuana Should be Legal, Senate Committee Says," *Kingston Whig-Standard* (Sept. 5, 2002), p. A1.

[8] K. Lunman, "Senators admit Trying Cannabis in Distant Past," *Globe and Mail* (Sept. 6, 2002), p. A5. Editorials written in response to the report include: "Why Cannabis Should be Legal," *Ottawa Citizen* (Sept. 5, 2002); "Don't Legalize it," *Montreal Gazette* (Sept. 6, 2002); "Legalization Not the Answer," *Regina Leader-Post* (Sept. 6, 2002).

[9] Most recently, an Ontario Supreme Court judge struck down the marijuana possession law in January 2003; the judge determined that the federal regulations for medical marijuana were unconstitutional, as patients did not have access to a legal supply of the drug. The federal government has decided to appeal

has suggested that the government will decriminalize marijuana within the next year.[10] In light of these developments, the liberalization of Canadian marijuana laws seems more likely than ever. The myth of Emily Murphy and the criminalization of marijuana, then, may recede from public memory if writers and activists no longer need to argue for drug reforms. It may also become even more prominent should more Canadians want to know why prohibition began in the first place. Hopefully this thesis has shown that simple answers to this historical "puzzle" are misleading and inaccurate.

Some areas that I have not covered in this thesis are ripe for research. One could situate Emily Murphy's anti-drug writings within the context of her published works generally, specifically probing how her ideas of race and the "drug fiend" have changed over time. Canadian historian Alisa Dawn Smith has done some work in this area, which I have related in this thesis, but I have not surveyed all of Murphy's works to the point where I can offer my own interpretation. In light of the prominence of African Canadians in the photos, one could also read *The Black Candle* more closely for what Murphy has to say about African Canadians. Since they are not dealt with as extensively as Chinese men in Murphy's text, a closer study of how African Canadians are presented differently in the text and the photos may suggest further dimensions and ambiguities to Murphy's thought. Finally, there have been a number of works about heroic women such as Joan of Arc and Queen Victoria in Western history. More work needs to be done on the phenomenon of antiheroines in history. Why have some women been made out to be villains, for what purposes, and on whose behalf? As this thesis suggests, Canadians

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this ruling. J. Gadd, "Pot Regulations Violate Charter: Ontario Court," *Globe and Mail* (Jan. 10, 2003), p. A5; B. Laghi, "Ottawa to Appeal Marijuana Ruling," *Globe and Mail* (Feb. 11, 2003). Over 800 Canadians are licensed to possess marijuana for medical purposes. C. Abraham, "Seized Pot Packs Punch, Ottawa Finds," *Globe and Mail* (Aug. 19, 2002), p. A6.

have created villains – and indeed heroines – for very specific purposes and very immediate reasons.

[10] K. Lunman, "Ottawa Set to Ease Pot Laws," *Globe and Mail* (Dec. 10, 2002), A1.

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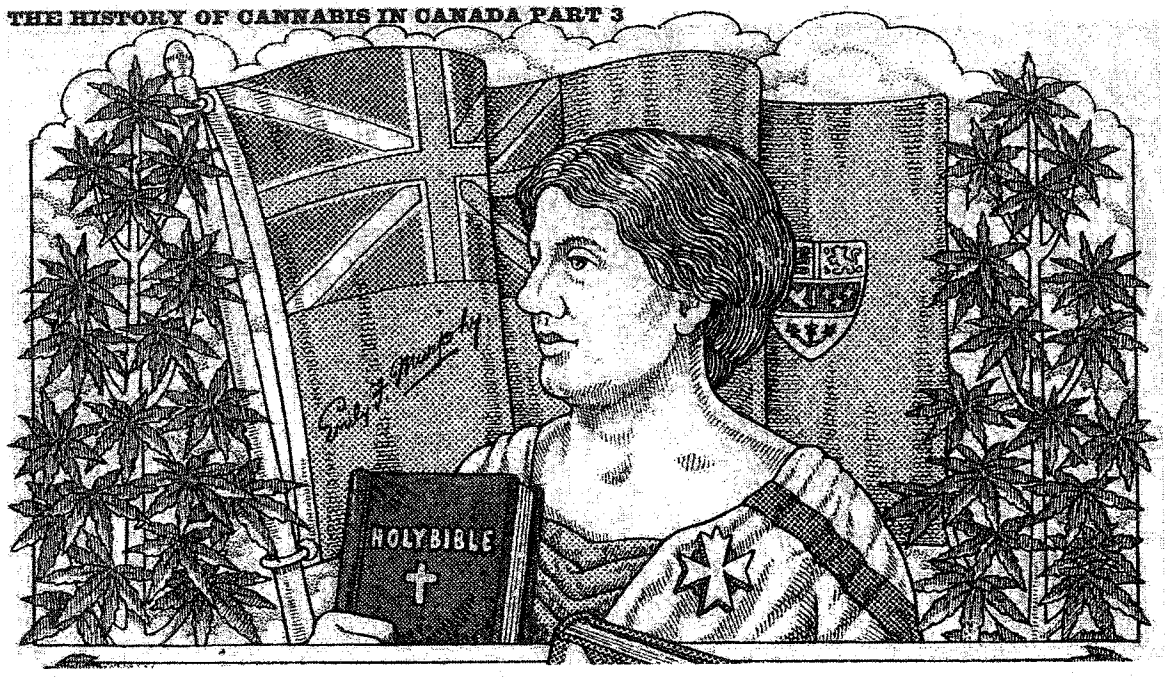
Appendix A


THE NEW MENACE
IS COMING!
CANNABIS
ENCYCLOPAEDIA BRITANNICA
A-Z
JUDGE EMILY MURPHY
A CHIEF OF POLICE FILE

Appendix B.1


These unfounded and racist laws were to find their way into Canada, assisted by Maclean's Magazine, which in the early 1920s ran a series of sensational articles about the illicit drug trade in Canada.
These articles were written by Mrs. Emily Murphy under the pen name "Janey Canuck," and were later compiled into a larger book entitled "The Black Candle."
The Black Candle
THE BLACK CANDLE
CHAPTER IV
PASSING ON THE HABIT
Opium pipe seized by police
Devious smuggling of illicit drug.
Cocaine found hidden in a doll and the heel of a shoe
DRUG ADDICT
PRISONER

Appendix B.2



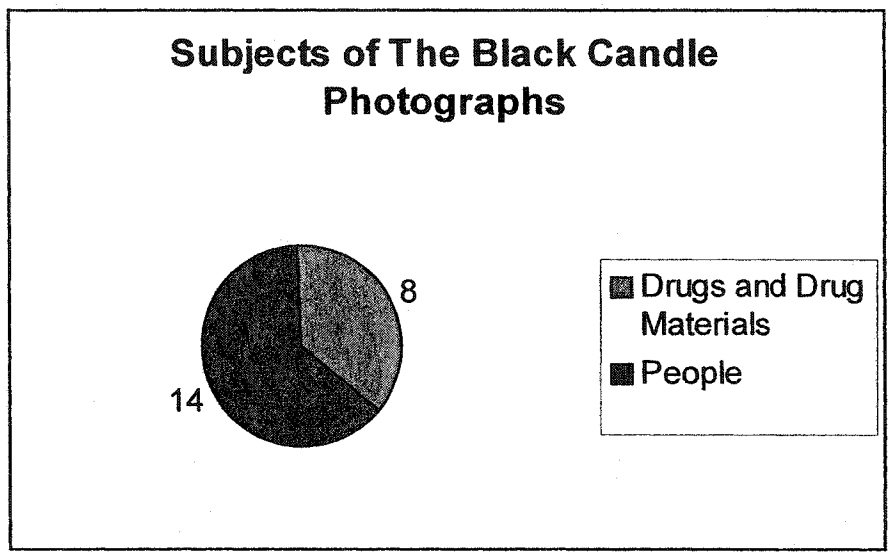
Appendix C

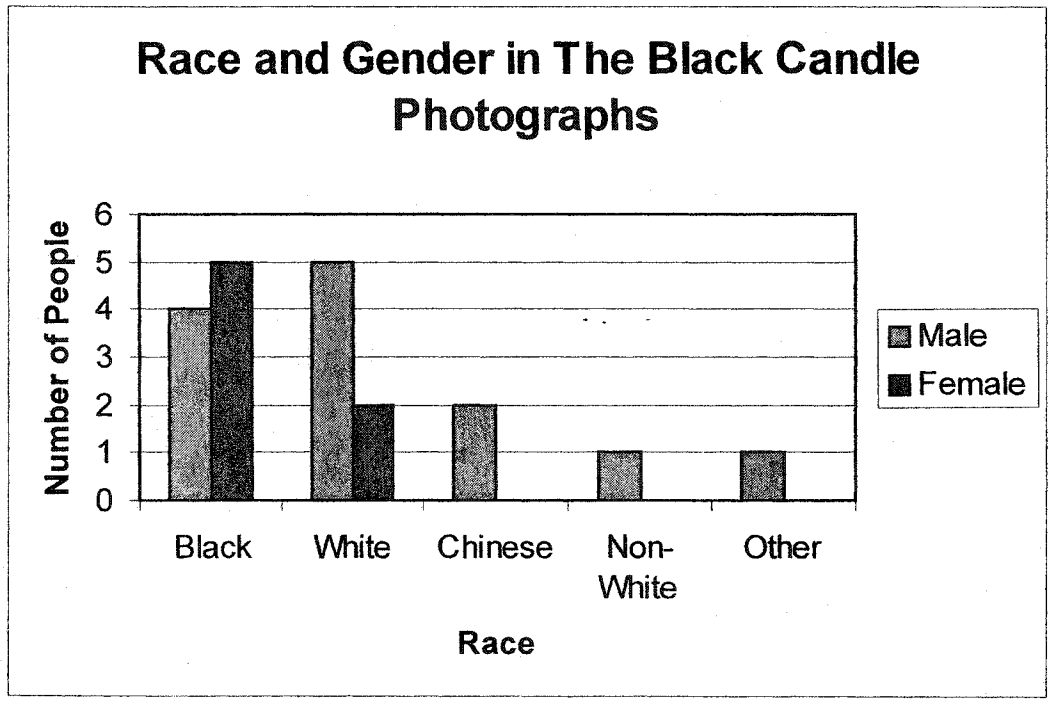
Appendix D

"Editor's Note: Mrs. Murphy's first article on the drug menace created a great deal of interest and an equal degree of alarm. Newspapers in all parts of the country commented on the startling facts presented in that article, which, quite apparently, had acted as a mental jolt. As the London Free Press expressed it: 'Have we swept our National house of one devil and garnished it thereafter, only to find seven other devils more wicked than the first entering in and taking possession?' Interest is growing also in official circles and reports are being sent out from Ottawa on the growth of the habit and the steps being taken to check it.... A great number of letters have been received from people in all parts of the country. This is encouraging, for it is only through an aroused consciousness of the gravity of the situation on the part of the public generally that the menace can be successfully grappled with. To obtain the first objective point – the passing of much more stringent prohibitory laws – it will be necessary of awakening the public to the extent that every man, woman, and child will know the danger and learn to shun it. The editors desire to suggest that the newspapers do their share."

- "The Underground System," *Maclean's Magazine*, March 15, 1920, p. 12.

Appendix E


Subjects of The Black Candle Photographs
8
14
Drugs and Drug Materials
People


Race and Gender in The Black Candle Photographs
Number of People
6
5
4
3
2
1
0
Black
White
Chinese
Non-White
Other
Race
Male
Female

Appendix F

"When she acquires the habit, she does not know what lies before her; later she does not care."—Chapter I, Part I.

Appendix G

"Once a woman has started on the trail of the poppy, the sledding is very easy and downgrade all the way."
—Chapter I, Part II.

Appendix H

"An open-eyed insensate in the dread Valley of the Shadow of the Drug."—Chapter I, Part I.

Appendix I

Pipe dreams.

Appendix J

"Clannishness is one of the most notable features of opium smokers."—Chapter IV, Part I.

Appendix K

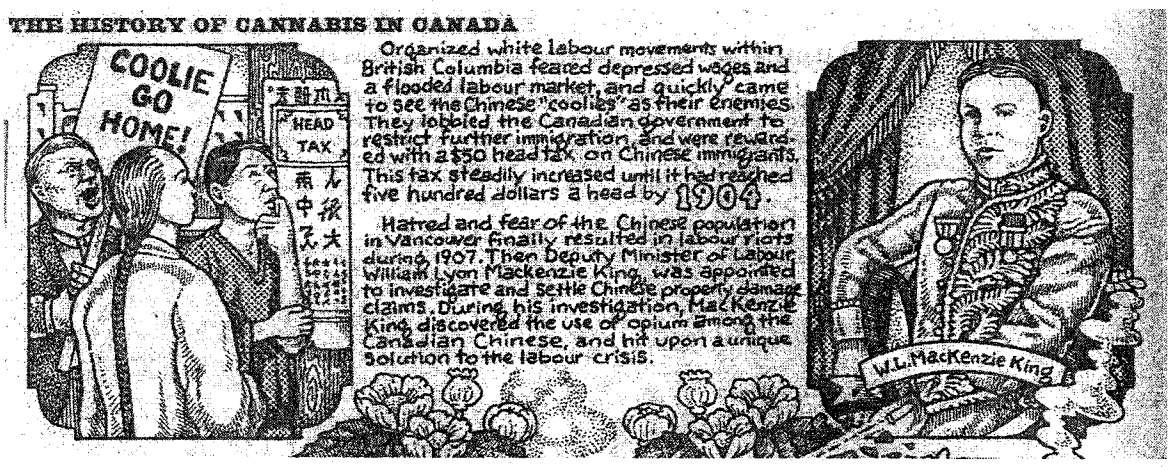
(1) (2) (3)

(4) (5) (6)

A TYPICAL GROUP OF DRUG ADDICTS

(See over)

Appendix L


THE HISTORY OF CANNABIS IN CANADA
COOLIE GO HOME!
HEAD TAX
Organized white labour movements within British Columbia feared depressed wages and a flooded labour market, and quickly came to see the Chinese "coolies" as their enemies. They lobbied the Canadian government to restrict further immigration, and were rewarded with a $50 head tax on Chinese immigrants. This tax steadily increased until it had reached five hundred dollars a head by 1904.
Hatred and fear of the Chinese population in Vancouver finally resulted in labour riots during 1907. Then Deputy Minister of Labour William Lyon Mackenzie King, was appointed to investigate and settle Chinese property damage claims. During his investigation, MacKenzie King discovered the use of opium among the Canadian Chinese, and hit upon a unique solution to the labour crisis.
W.L. MacKenzie King