

CanadaWatch

PRACTICAL AND AUTHORITATIVE ANALYSIS OF KEY NATIONAL ISSUES

DEBATING THE CONFEDERATION DEBATES OF 1865

Reconsidering the debates over Canadian confederation

A PRE-ORDAINED NORTHERN COUNTRY?

With the 150th anniversary of Confederation approaching, it is an appropriate time to review the processes and historical contexts that framed the formation of Canada in 1867. The Canada that took shape on July 1, 1867 looked very different from the Canada that we know today. Comprising only southern Ontario and southern Quebec and the provinces of New Brunswick and Nova Scotia, this new dominion accounted for less than 10 percent of the current land mass of the country. But as the essays in this publication show,

BY COLIN M. COATES
AND PHILIP GIRARD

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many politicians believed fervently in the expansion of the country. They may have embraced too readily a northern version of the “manifest destiny,” however, when they assumed that the creation of a northern country from sea to sea was preordained in the 1860s. Considerable opposition to the constitu-

tional arrangement of 1867 (enshrined in the *British North America Act*, passed by the British Parliament in 1866) existed: at the conclusion of the debates in the Canadian legislature that this collection of essays considers, politicians voted 91 to 33 in favour of Confederation in 1865. The other British colonies negotiated their entry later (British Columbia in 1871, Prince Edward Island in 1873, and Newfoundland and Labrador eventually in 1949), while title to other large tracts (the western prairies and the Arctic) was transferred with no consultation of the inhabitants. Some of the Métis

Reconsidering, page 3

The Atlantic provinces and the Confederation debates of 1865

THE EMERGENCE OF “ATLANTIC CANADA”

The phrase “Atlantic Canada” is of relatively recent vintage, having been coined as a convenient way of referring to the four eastern provinces after Newfoundland joined Confederation in 1949.¹ Before 1949 no one spoke of Atlantic Canada—in the debates of 1865 these colonies were referred to as the maritime provinces, the lower provinces, or the eastern provinces. After 1949, the Maritimes plus Newfoundland became “Atlantic Canada” in bureaucratic and eventually popular parlance.

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As purely geographic shorthand, the phrase cannot be objected to (though of course Quebec is an “Atlantic province” too). Nevertheless, insofar as it suggests a common identity, a common culture, the term must be approached with caution. There are certainly some unifying

features—people from one of these provinces generally feel more at home in the others than they do in the rest of Canada. But in the 1860s and still today, the region contains geographic variety, disparate resource endowments and economies, and considerable ethno-cultural

The Atlantic provinces, page 4

The contents of this issue are listed in the Features box on page 2.

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Debating the Confederation Debates of 1865

FEATURES

Reconsidering the debates over Canadian confederation
By Colin M. Coates and Philip Girard 1

The Atlantic provinces and the Confederation debates of 1865
By Philip Girard..... 1

An example for the world? Confederation and French Canadians
By Marcel Martel..... 7

Confederation as an intra-Christian pact
By David Koffman 10

Revisiting the 1865 Canadian debates on Confederation: Rights and the Constitution
By David R. Cameron, Jacqueline D. Krikorian, and Robert C. Vipond..... 13

Confederation and taxation
By Elsbeth Heaman 16

Canadian Confederation and democracy
By Dennis Pilon 18

“Canada was ... just like a farmer”: Confederation from the perspective of agrarian society
By Colin M. Coates..... 21

The nature of Confederation
By Sean Kheraj..... 24

A workingman watches
By Craig Heron..... 27

Gender and the Confederation debates
By Kathryn McPherson..... 30

Confederation comes at a cost: Indigenous peoples and the ongoing reality of colonialism in Canada
By Gabrielle Slowey 33

Using history to justify Confederation
By Marlene Shore 37

The Robert Harris group portrait
By Ged Martin 40

Suggested readings 44

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Reconsidering continued from page 1

inhabitants in the Red River region of current-day Manitoba objected to the process, and under the leadership of Louis Riel they staged a resistance that led to the entry of a small portion of southern Manitoba into Canada in 1870.

Beyond its geographical boundaries, Canada differed in many other ways from the country in 2016: it was less ethnically diverse, even though the politicians dedicated substantial efforts to bridge the chasm that was perceived to exist in the Western world at the time between Protestants and Catholics, and between English and French. The country was largely agrarian. Few Canadians lived in cities then, while the vast majority do so today. Women had a constrained political role, labour interests had little effective voice, and Indigenous peoples were defined outside of the polity, all with consequences that still require substantive attention today. Concepts and practices of democracy differed as well: to take one example from the 1867 general election, only slightly more than 5,000 voters participated in the election that returned Thomas D'Arcy McGee in the constituency of Montreal West in Canada's largest city, and the men would have voted in public for their candidate in conditions that we would fail to recognize today as democratic. In contrast, in the 2015 election, the smallest constituency in population was Nunavut, with over 18,000 voters.

REVISITING THE DEBATES OF 1865

As one part of York University's desire to recognize the 150th anniversary of Confederation, we convened a group of scholars to examine the same published source, the debates in the legislature of the United Canadas in 1865, and explore a series of important issues that arise from reading that document. As a result, the debates serve as a prism for examining some of the suppositions and the differences of opinion between the politicians. Although the idea of confederating the British North American lands



PROVINCES OF CANADA: July 1, 1867 to July 15, 1870.

had been raised in different guises for many years, historians often focus on two key meetings, Charlottetown in September 1864, where delegates from “Canada” (that is, Ontario and Quebec) took over another meeting planned to discuss the confederation of the Atlantic provinces. After achieving some level of agreement, delegates from the five British colonies in eastern North America convened in Quebec City in October 1865 to propose the specific details of a constitutional arrangement that would bring all the British North American colonies together. After three weeks, the delegates had hammered out a series of resolutions to take back to their legislatures. These were practical propositions. As Christopher Moore points out, “There is no poetry in the Quebec resolutions.”¹ Nonetheless, the Quebec meeting later inspired one of the iconic images of the Confederation process, the Robert Harris painting *The Fathers of Confederation*, which Ged Martin explores in detail in this collection.

From the Quebec meeting, the propositions were then debated, with no room for further modifications, in the legislature of the United Canadas. (The United Canadas comprised Canada East or southern Quebec, and Canada West or southern Ontario. The older terms Lower and Upper Canada remained in use.) The government of the day clearly, and not surprisingly, saw this debate as being worthy of a permanent record, and it supported the publication of those debates a short while afterward. Lasting from February 3 to March 13, 1865, and totalling over 1,000 pages in printed form, these debates are available for consultation in print and online. In the 1960s, at a time when the Canadian government was celebrating the Centennial of Confederation, Professor P.B. Waite of Dalhousie University, one of the leading specialists in the politics of the period, edited a condensed version of the debates.² In this edition, he appropriately dedicated much attention to capturing the words of the leading

Reconsidering, page 4

Reconsidering continued from page 3

figures, John A. Macdonald, attorney general for Canada West (Ontario), George-Étienne Cartier, attorney general for Canada East (Quebec), George Brown, leader of the Grit Party (a forerunner to the Liberal Party), Thomas D'Arcy McGee (Conservative politician and one of the most compelling speakers), and the (essentially titular) premier Étienne-Paschal Taché, a life member of the Legislative Council, which had a function similar to today's Senate. He also conveyed the opinions of some of the key opposition speakers—Christopher Dunkin and Antoine-Aimé Dorion, for instance. Many other members of the Legislative Assembly and Council contributed to the debates. We asked the contributors to this collection to read the Waite edition as a starting point, and some of them have chosen to privilege the longer edition of the debates. We believe that readers may benefit from reading the Waite edition, still accessible today in a second edition with a new foreword by Ged Martin. Janet Ajzenstat and her colleagues have provided a more comprehensive edition of the debates in the Canadas and elsewhere in British North America in their book *Canada's Founding Debates*.³

This publication of *Canada Watch* shows the variety of readings that the same document may inspire, depending upon one's focus and interests. The group of scholars assembled here,

We have attempted to read the document both for what the politicians expressed and for what they did not feel the need to express.

largely from York University, but also including scholars from other universities, chose a wide variety of topics. Some selected issues that were central to the discussions (the Atlantic colonies, definitions of democracy, religious minorities, French Canadians, and taxation). Others examined issues that were important in the context of the period and some of which would become central to subsequent understandings of the country, but which the politicians of the day may have discussed only obliquely (agrarianism, the environment, labour, Indigenous peoples, historical consciousness, rights, and gender). We have attempted to read the document both for what the politicians expressed and for what they did not feel the need to express. We have also tried to examine the debates in a longer time frame—the starting point of the project was to ask contributors the following question:

“From the vantage point of 2016, how can we read the Confederation debates in 1865 in the Canadian legislature from the perspective of the chosen topic?” The reader will readily see that many divergent readings of the same document are possible.

We would like to acknowledge the Robarts Centre for Canadian Studies and the Vice-President for Research and Innovation at York University for their support for this project, and of course all the contributors. Laura Taman, coordinator of the Centre, has overseen the publication process. We hope that this publication will help readers understand better the context of the central Canadian debate over the terms of Confederation and to reflect on the successes and the failures of the politicians who agreed to the constitutional arrangement of 1867. 

NOTES

1. Christopher Moore, *1867: How the Fathers Made a Deal* (Toronto: McClelland & Stewart, 1997), 129.
2. P.B. Waite, ed., *The Confederation Debates in the Province of Canada, 1865*, 2nd ed. (Montreal: McGill-Queen's University Press, 2006). Note that all page references to this version of the debates in subsequent essays are indicated in brackets within the text.
3. Janet Ajzenstat et al., eds., *Canada's Founding Debates* (Toronto: University of Toronto Press, 2003).

The Atlantic provinces continued from page 1

diversity: Acadians; African Canadians (Nova Scotia had the largest black community in Canada before the immigration boom of the 1960s); Mi'kmaq, Wulstukwiuk, Innu, and Inuit peoples; and the increasingly multicultural populations in the region's larger cities.

Most Canadians who live west of New Brunswick are not obliged to think of the Atlantic provinces of Canada very often. Today, their political weight is

fairly light. The Atlantic provinces hold approximately 6 percent of the Canadian population and their MPs fill 9 percent of the seats in the House of Commons.² The four provinces together represent only 32 seats out of the 338 in the newly enlarged House of Commons.

The situation was quite different in the 1860s, when both the population and the geography of the eastern colonies appealed to Upper and Lower

Canadians as reasons for entering into a larger union with them. The combined populations of the eastern provinces were much more important relative to the Canadas than they are today, and both the size and the character of that population were attractive. The relative populations of the colonies were as follows according to the 1861 census, except for Newfoundland, where figures from the 1869 census have been used:

Quebec	1,100,000
Ontario	1,400,000
New Brunswick	250,000
Nova Scotia	330,000
Prince Edward Island	80,000
Newfoundland	150,000
TOTAL	3,310,000
Total (minus PEI and NF)	3,080,000

During the debates of 1865, it was still possible that all four Atlantic colonies would join the new nation being discussed, though it was far less likely that Newfoundland would do so. The colonies possessed a population of 810,000, nearly three-quarters of the population of Quebec, and would have represented a quarter of the population of the new Canada. Even taking just Nova Scotia and New Brunswick, which actually joined in 1867, their combined population amounted to 19 percent of the total population of the new dominion, about the same as the proportion of Canadians who live in the three prairie provinces today.

AN EXPANDING MARKET

George Brown, leader of the Clear Grit (Liberal) Party, was thrilled at the prospect of this enlarged market. With the exaggeration characteristic of political debate, he asserted that “the addition of nearly a million of people to our home consumers [swept] aside all the petty objections that are averred against the scheme” (45). Other countries sought to enlarge themselves by war or purchase, but the new union represented an opportunity to do so in a peaceful manner—and for free! Brown faced an obstacle here. As he knew, there was relatively little trade between the Canadas and their prospective partners in the 1860s: only 5 percent of the Maritimes’ exports and imports involved the Canadas. The eastern colonies had thrived on oceanic trade with Britain, the West Indies, and the eastern United States.

Nonetheless, Brown predicted, a customs union would free up the trade of all

[T]he strength of the new union, he warned, would be “the kind of strength which a fishing rod would obtain by fastening to it some additional joints.”

the players: the wares of the Canadas would be carried “unquestioned into every village of the Maritime Provinces,” while they “shall with equal freedom bring their fish, and their coal, and their West India produce to our three millions of inhabitants” (46). Indeed, some have argued that Nova Scotia coal was a key reason the Canadas were interested in a broader union. But it was not just as suppliers of raw materials that the eastern region was valuable. According to Brown, with the large numbers of ships constructed in the Atlantic provinces, the new nation would be the third-largest maritime nation in the world, after Britain and the United States (46).

Beyond their abstract identities as consumers and producers, the inhabitants of the eastern provinces were also prized by Canadian statesmen for their character, at least on the public record. (George Brown was less flattering about the delegates from the Maritimes in private.) Proponents of Confederation such as James Ferrier, a Montrealer and member of the Legislative Council of Canada, thought they were “an energetic, active, industrious people, quite equal to ourselves” (13). In Thomas D’Arcy McGee’s view, their delegates to the Quebec City talks were “as able and accomplished a body as ... any new country in the world could produce, [while] some among them would compare not unfavorably in ability and information with some of the leading commoners [i.e., members of the House of Commons] of England”

(57). Moreover, as John A. Macdonald reminded his audience, Canada West shared ties of language and the English common law with the lower provinces. Although the two regions had remained relatively unknown to one another, advocates of Confederation sought to portray the population of the Atlantic colonies as possessing shared values that would make them desirable partners in the new nation.

COSTS AND BENEFITS OF GEOGRAPHY

Geography also seemed to point the way to the new union. No nation could be great, asserted Sir Étienne-Paschal Taché, if it “had not seaports of its own open at all times of the year” (2). The St. Lawrence might carry trade to the heart of the continent, but it could do so only seven months of the year. The American Civil War revealed the need for rail access to the sea within British North America, when it became more difficult for central Canadian produce to reach the Atlantic via the US rail route to Portland, Maine. With the Americans poised to abrogate the Reciprocity Treaty in 1866, which had freed up trade between them and the British colonies for a dozen years, the arguments of those favouring union seemed even more convincing.

But geography could be a double-edged sword. With the question of defence on everyone’s mind in light of the Civil War, the creation of a national military force produced by the union of four or more colonies could seem attractive. As Joseph Rymal of South Wentworth pointed out, however, the additional population would come with a huge amount of extra real estate to defend; the strength of the new union, he warned, would be “the kind of strength which a fishing rod would obtain by fastening to it some additional joints” (120). Relative to its defence needs, even the enlarged population of the new nation would be far less than what was required. Atlantic Canada offered opportunities to the Canadas, but these came with costs.

The Atlantic provinces, page 6

The Atlantic provinces

continued from page 5

In order to counter these doubts, John A. Macdonald raised the “what-if” question: what if a union with the seaboard colonies did not transpire? In that case, he thought, they would “revive the original proposition for a union of the Maritime Provinces. ... [T]hey will not remain as they are now, powerless, scattered, helpless communities, they will form themselves into a power, which, though not so strong as if united with Canada, will, nevertheless, be a powerful and considerable community” (22). Macdonald did not necessarily believe his own prediction: his veiled threat of maritime independence was made primarily to draw his listeners into the pro-Confederation camp. Still, it poses an interesting counterfactual. Without the Canadas, might some or all of the four Atlantic colonies have had their own confederation? If they did, would it have survived? Might we be marking “twin” confederations in 2017?

ALTERNATIVE OPTIONS LIMITED

Some thought the Atlantic colonies in the 1860s had no need of a union with the Canadas. With the “age of sail” at its height, the seaboard colonies had profited by building wooden ships in the hundreds of small coves in the region perfectly suited to this activity, and carrying produce in them all over the globe. Those most involved in this trade had the least interest in a larger union. However, others could see that with the constant movement of population westward, rail transport would become the pre-eminent mode of North American transport, a shift that would undermine the seaward-facing economy of the Atlantic provinces. If they rejected a union with the Canadas now, they might be obliged to join later on, on less advantageous terms, or might turn to the United States, where their proportional influence would be even less than in a new British North American union.

In spite of the Charlottetown meeting of 1864 at which maritime union was to be explored, the prospects of the Atlantic

Confederation ultimately had both benefits and drawbacks for the maritime provinces and Newfoundland.

colonies joining each other were never very bright. Prince Edward Island’s interest in the Confederation project waned in 1864-65 when it was clear that the Canadas were not prepared at that time to put money up front to buy out the island’s large landlords. It is unlikely that the other Atlantic provinces would have been able or willing to float the \$800,000 loan that the young nation of Canada was able to offer the island in 1873 to end landlordism and cement its entry into Confederation. Newfoundland’s decisive rejection of Confederation in the election of 1869 suggests that it was committed to its autonomy and would not have embraced a union with Nova Scotia and New Brunswick. Without the two island provinces, why would the two latter provinces have joined in a federal union with each other? A customs union, short of a political union, was possible. Their principal customers were not each other, however, but clients outside the region, making such a union of limited value.

The rhetoric of the Canadians might also have given pause to some in the Atlantic provinces. George Brown’s discussion of the union sometimes sounded as if it entailed an “acquisition” of the Maritimes by the Canadas, as the United States had acquired Louisiana from France, instead of the launching of a free and equal union of four autonomous entities. In some respects, this is an accurate portrayal of the events of 1864-1867: to many in the east, Confederation seemed more like a quasi-hostile takeover than a consensual merger, though of course we do

not hear these voices in the debates in the legislature of the Canadas. The Canadas were the dominant partner, and believed they had much to gain and little to lose from the union, while the Maritimers were more dubious but had few realistic options.

Newfoundland’s decision to go it alone ultimately had disastrous consequences. It essentially went bankrupt during the Depression and had to surrender self-government in 1934 to an appointed commission of three British and three Newfoundland officials, a situation that would last until Confederation in 1949. Would the Maritimes have suffered a similar fate had they remained outside Confederation? Their economies were somewhat more diversified than Newfoundland’s, and their populations better educated. Still, it is doubtful whether maintaining their autonomy, singly or together, could have impeded significantly the strong economic forces drawing people out of the region for employment elsewhere, or stimulating the centralization of capital and industry in central Canada. In the three decades after Confederation, 40 percent of the population of the maritime provinces left the region, most headed to New England’s thriving industrial towns. (Of course, rural Quebec too experienced strong out-migration.) Confederation ultimately had both benefits and drawbacks for the maritime provinces and Newfoundland, but their relatively small populations and internal divisions left them without a lot of bargaining power in the negotiations leading up to 1867. 

NOTES

1. Newfoundland was officially renamed Newfoundland and Labrador in 2001.
2. Manitoba and Saskatchewan are also slightly overrepresented in the House of Commons relative to their populations, as are the three territories.

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An example for the world? Confederation and French Canadians

A PEACEFUL UNION

While debating the merits of the new constitutional agreement in 1865, supporters in the Canadian Legislative Assembly focused on the difficult challenges involved in creating the larger federation and the various benefits that the new Dominion of Canada supposedly offered to all Canadians. George Brown, who was known for his hostility toward Catholics and minority rights in general, but who was also a strong proponent of Confederation, identified clearly what was at stake and why the Fathers of Confederation ought to be congratulated for resolving their differences through dialogue and negotiations:

Here is a people composed of two distinct races, speaking different languages, with religious and social and municipal and educational institutions totally different, with sectional hostilities of such a character as to render government for many years well-nigh impossible, with a Constitution so unjust in the view of one section as to justify any resort to enforce a remedy. (36)

Although the risks were great, Brown was not modest in assessing the accomplishments of the Fathers of Confederation, as he went out of his way to point out that the final agreement came about through peaceful means while similar tasks in other parts of the world often led to violence and armed conflict:

We are striving to do peacefully and satisfactorily what Holland and Belgium after years of strife were unable to accomplish. We are seeking by calm discussion to settle questions that Austria and Hungary, that Denmark and Germany, that Russia and Poland, could only crush by the iron heel of armed force. We are seeking to do without foreign intervention that which deluged in blood the sunny plains of Italy. We are striving to settle forever issues

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Opponents made their voices heard, despite the congratulatory tone adopted by those who favoured Confederation.

hardly less momentous than those that have rent the neighboring republic and are now exposing it to all the horrors of civil war. (36)

By referring to other countries that had to reconcile minority and majority rights and create political structures that were respectful of various national communities, Brown and others who were inspired by him raised the bar high enough to make it difficult for opponents to ridicule what the Fathers of Confederation accomplished. At the same time, this rhetorical argument took place in the context of parliamentary debates in which proponents had to “sell” the merits of their proposal, highlight its qualities, and minimize the appeal of counterarguments. Although the audience consisted primarily of elected officials in the House, the people of Canada also had to be reassured through the press that the creation of the Dominion of Canada was the best course of action available to them at the time.

PROTECTING FRENCH CANADIAN RIGHTS

French Canadian politicians, led by George-Étienne Cartier, and their allies,

such as John A. Macdonald and Alexander Tilloch Galt in the Assembly but also the Catholic Church in Quebec, insisted upon several key points during the debates over Confederation: the creation of political institutions that, under the new constitutional arrangement, would ensure the protection of French Canadians’ rights, most notably the exercise of their religion; language guarantees (albeit limited); and the preservation of their system of civil law. For Cartier and other members in the assembly, the political package was expected to address pressing issues among both French Canadians, especially those living in Canada East, and English Canadians. The presence of two national communities created tensions that interfered with colonial governance, since it made the formation of “stable” governments that enjoyed the confidence of the House almost impossible, particularly in the 1860s. Confederation also was in many respects a visionary project. French Canadian political and business elites were asked to take part in the creation of a dominion that would soon acquire the Northwest Territories, then under the control of the Hudson’s Bay Company, and open the region up to immigrants and native-born settlers alike.

Opponents made their voices heard, despite the congratulatory tone adopted by those who favoured Confederation. Among the strongest opponents were the Rouges, who were defined as radical liberals because of their views on the relations between the state and the Catholic Church. Their leader, Antoine-Aimé Dorion, questioned the merits of the new constitutional package. He delivered his criticisms in English and justified his conduct by the fact that the majority of elected officials did not understand French. What was the nature of the proposed confederation?

An example, page 8

Was it truly a federal union? Dorion argued that it was not. The power of disallowance that the federal government could exercise over any provincial legislation meant that “laws passed by the local legislatures and demanded by a majority of the people of that locality” would be ignored by federal authorities (66). He reminded everyone that he had been a strong advocate of a true Confederation where “all local questions could be consigned to the deliberations of local legislatures” and the central government would be dealing with issues of “general interest” (61). Also, he warned the Chamber that the union of British colonies would pave the way toward a legislative union that would be detrimental to French Canadians. For his part, Joseph-Xavier Perrault categorically stated that Confederation was “a political organization which is eminently hostile” to French Canadians (97). These criticisms of the dangers that the *British North America Act, 1867* posed for French Canadians re-emerged throughout the 20th century, especially when Quebec went through its Quiet Revolution in the 1960s. These attitudes have often fuelled a call for a reorganization of Canada’s constitutional structure.

A LIMITED CONCEPTION OF MINORITY RIGHTS

The debates in the Canadian Legislative Assembly suggest that the Fathers of Confederation had a limited conception of minority rights. Can we blame them? After all, most of these politicians were part of a legal culture based on the supremacy of Parliament that afforded courts very limited scope for reviewing governmental action. In addition, it must be noted that this was the age of empire building and national affirmation. In these circumstances, the idea that minority rights should enjoy some form of constitutional recognition and protection was often ignored.

Yet, despite their backgrounds and biases, the Fathers of Confederation did address the issue of minority rights to

While anglophones formed a majority outside Quebec, their minority status within that province led their representatives to seek a measure of protection in the new constitutional order. As for other minority groups, such as Jews, Indigenous peoples, and ethnicities other than British or French, they were ignored.

some extent. However, power relations between the main linguistic and religious groups in the colonies at the time often shaped their discussions. When the Fathers addressed minority rights, they debated the rights of two groups in particular: French Canadians and Catholics, who formed minority communities in every British colony except Quebec. At the time, there were about one million French-speaking people in the British colonies. The vast majority, more than 85 percent of them, lived in Canada East; about 90,000 Acadians lived in New Brunswick, Nova Scotia, and Prince Edward Island. There were about 40,000 French Canadians living in Canada West (the future province of Ontario) and 6,000 French Métis in the Prairies. There was also another linguistic group whose rights preoccupied the Fathers of Confederation: English speakers in Quebec. While anglophones formed a majority outside Quebec, their

minority status within that province led their representatives to seek a measure of protection in the new constitutional order. As for other minority groups, such as Jews, Indigenous peoples, and ethnicities other than British or French, they were ignored.

The issue of minority rights was divisive. George Brown, for one, rejected any form of constitutional protection for Catholics. We should not be surprised to learn, then, that the issue of minority rights for Catholics and French-speaking people in the British colonies (save Quebec) did not monopolize the attention of politicians. Except in the future province of Quebec, where Catholics formed a majority, they were minorities in the other colonies: about 18 percent in Canada West, 20 percent in New Brunswick, and 25 percent in Nova Scotia. In Prince Edward Island, Catholics comprised about half of the population.¹ The creation of a Senate and a House of Commons and the fiscal arrangements between the federal government and the provinces assumed much greater prominence in the debates than concerns about religious minorities.

QUEBEC-ONLY MINORITY RIGHTS

The debates over Confederation also suggest that the rights of French-speaking people, especially those who lived in the future province of Ontario, did not capture the attention of most MPs. How can we explain this lack of concern for them? According to historian Arthur Silver, the rights of French Canadians were not expected to go beyond the boundaries of the future province of Quebec.² French Canadian Fathers of Confederation were unwilling to sacrifice the autonomy and control that the future province of Quebec would have over its “local affairs” in exchange for stronger constitutional guarantees for minority groups. When Hector-Louis Langevin, one of the Fathers of Confederation, was in London in 1866 to oversee the adoption of the *British North America Act* by the British parliament, he rejected a pro-

While George Brown stated that the Fathers of Confederation dealt with delicate issues in 1864 at the Charlottetown and Quebec conferences and the constitutional package should be inspirational, the guarantees to minority groups failed miserably, when tested.

posal to give control over education to the federal government in order to protect the rights of Catholics in the new dominion. For him, this was a dangerous proposal that could jeopardize French Canadians' rights in the future province of Quebec.

In dealing with language and education, proponents of Confederation, especially French-speaking MPs, demonstrated that they understood what this new constitutional package meant, even though their understanding of minority rights was limited. Indeed, the constitutional guarantees apply to language and religion. In the *British North America Act*, section 133 recognizes French and English as official languages only in Quebec and federal institutions. When Acadians took part in the New Brunswick elections in 1865 and 1866, they noticed that the language provision that the Fathers of Confederation had agreed upon excluded them.³ With regard to education, section 93 protects public and separate schools and grants minorities the right to appeal to the governor general in council if a provincial legislature restricted access to these schools or abolished them. In the case of anglophones in Quebec, they received additional protections besides language and education. Quebec's provincial parliament initially included both a Legislative Assembly and a Legislative Council, the latter eventually abolished in 1968, and in 12 ridings, dominated by anglophones, the "boundaries could not be changed without the additional approval of a majority of their own MPPs."⁴ When the Dominion of Canada emerged in 1867, the rights granted to minorities

reflected the balance of power and influence between the dominant political groups of the time: Catholics and Protestants, but also French Canadians and English Canadians.

THE LIMITS OF CONSTITUTIONAL GUARANTEES

Catholics but mostly French Canadians would discover shortly that this balance of power and influence was not favourable to those living outside Quebec. In 1871, the province of New Brunswick decided to fund only non-denominational schools. Despite protests by Acadians and Catholics, the federal government agreed not to intervene. A few years later, the government of Manitoba abolished French as an official language in the province, and cut funding to separate schools in 1890. Despite favourable court decisions, the provincial government ignored them, and the federal government, led by Wilfrid Laurier, agreed to compromise on the issue of separate schools by negotiating an agreement with the Manitoba government, which allowed religious instruction for an hour a day. Finally, in 1912, the government of Ontario limited the use of French as a language of instruction in schools. Al-

though French Canadians in Ontario believed that section 93 protected French as a language of instruction, the courts stated otherwise. These school crises demonstrated the limitations of constitutional guarantees to minority groups and greatly influenced the discussions, started in the 1960s, that led to the patriation of the Constitution in 1982. While George Brown stated that the Fathers of Confederation dealt with delicate issues in 1864 at the Charlottetown and Quebec conferences and the constitutional package should be inspirational, the guarantees to minority groups failed miserably, when tested. However, for French Canadians in Quebec, the substantial powers over key institutions such as education, health, and welfare served to solidify the power and autonomy of French Canadians in Canada, and therefore largely fulfilled Cartier's dream of protecting French Canadians in his home province. 🍁

NOTES

1. P.B. Waite, *The Life and Times of Confederation, 1864-1867: Politics, Newspapers, and the Union of British North America* (Toronto: University of Toronto Press, 1962), at 117, 179, 193, and 229.
2. Arthur I. Silver, *The French-Canadian Idea of Confederation, 1864-1900* (Toronto: University of Toronto Press, 1982).
3. Gaétan Migneault, "Le Canada français et la Confédération : Les Acadiens du Nouveau Brunswick," in Jean-François Caron and Marcel Martel, eds., *Le Canada français et la Confédération : fondements et bilan critique* (Québec : Presses de l'Université Laval, 2016).
4. Silver, *The French-Canadian Idea of Confederation*, at 56.



Confederation as an intra-Christian pact

NASCENT PLURALISM

From the vantage point of 2016, the Confederation debates in the Province of Canada show remarkable clarity about and commitment to the ideal of religious accommodation and liberty. At the same time, the debaters' vision of pluralism and their policy for enshrining it was tightly narrow, and all but blind to the lengths and measures that would eventually ensure the religious pluralism Canadians now take for granted.

The debaters certainly shared a genuine interest in protecting the rights of the two dominant religious minorities, the Protestant minority in Catholic Lower Canada, and the Roman Catholic minority in Protestant Upper Canada. The debaters safeguarded these minorities constitutionally, setting the stage, in a limited fashion, for the myriad religious groupings to come. Though some statesmen voiced suspicion about how their traditions might be harmed by the pact, it was a relatively effortless achievement. Overall, the debaters viewed the compromise with a pride they felt was well earned, for they had overcome long-standing intra-Christian rivalries and achieved the mutually assured survival of Christianities. The efforts to preserve two spheres of religious autonomy unfolded with mutuality, with only a trace of acrimony. The Roman Catholic Church and a handful of Protestant churches (Anglican, Baptist, Lutheran, Presbyterian, and Methodist) would continue to receive some support from the new state. Practical and enlightened politics had triumphed over old differences.

The religious rapprochement between rival sects of Christians that emerged from the debates would profoundly impact policy and cultural life in the subsequent 150 years. Insofar as religion is concerned, the political and economic compact that made Canada was thus, on the one hand, a minorities protection scheme. It laid the groundwork for pluralism, a tradition of accommoda-

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There was virtually no mention, no provision, no acknowledgment of any religion other than the major Protestant denominations and Roman Catholics.

tion, and sowed the seeds that would later contribute to the weakening of Christian institutions and leadership in national public life altogether. The protection scheme served, imperfectly, as an expandable avenue for other religious minorities.

A NARROW WORLD

On the other hand, the debates show consideration for neither Indigenous religiosity nor the great explosion of non-Christian religious immigrant imports, which would begin to transform—even in the lifetimes of the Fathers themselves—the religious landscape we now know in Canada. The Fathers protected just two of the three groups we now consider to be the “founding peoples” of this country, Protestants and Roman Catholics, each in the others' domain. Indigenous religious actors, commitments, and interests—however internally diverse they were and however uncomfortably the category of “religion” fit into anyone's world view or lexicon—were entirely elided. The debates betrayed just how narrow a world the Fathers lived in, in terms of religious diversity. There was virtually no mention, no provision, no acknowledgment of any religion other

than the major Protestant denominations and Roman Catholics (the single largest religious demographic). The *only* named religious minority in the Waite edition of the debates were Irish Catholics, whom Christopher Dunkin insisted had distinct political interests. No mention was made of Buddhists, Confucians, or Muslims, some of whom had already settled in what was about to become Canada, or Jews, already a fairly prominent group in the country.¹ Smaller Christian minorities like Huguenots, Mennonites, Adventists, Mormons, Pentecostals, and Eastern, Russian, Ukrainian, and Greek Orthodox Christians went unmentioned too.

Still, Christianity was of central concern. The Confederation project, wrote George Brown, was meant to “establish a government that will ... strive to develop its great natural resources—and that will endeavor to maintain liberty, and justice, and Christianity throughout the land” (37). The part Christianity played in this semi-established government would be an axiom of coherency, both an afterthought and a natural, a given. Confederation, first and foremost, implied command over natural resources for trade. Second to resources were liberty and justice. “Christianity throughout the land,” though included as an essential element of the new national project, was listed last. The new state would be Christian, with partial and plural establishment, making it different from Britain, with its established Anglican Church, and from the United States, which had erected an explicit wall separating church and state.

In reading the debates 150 years later, one cannot help but sense how inadequately they reflect the profound ways that Christianity dominated and shaped 19th-century Canadian life, its customs, its culture, and its expectations for the future. Political elites—secular, deist, or Christian—spoke little of Christianity, despite the general commit-

ment of the vast majority of Canadians to it. Religion itself seems to have been far from central to the debaters, even those who considered themselves churched. The religious differences between Catholics and Protestants were generally subsumed under *national* and *linguistic* identities. John A. Macdonald, John Rose, A.A. Dorion, and Christopher Dunkin all shared the sense that religion was but one element of regional identities. George Brown, who fought against separate schools, celebrated the pact as compensation for all the strife of the previous years, making religious difference but a small part of the harmonious and peaceful union, composed, as he put it, of two distinct “races,” speaking different languages, with unique social, municipal, educational, and religious institutions.

EVANGELICAL CONSENSUS

The debates themselves were largely silent about their deep-seated assumptions, but Christianity was clearly an intimate partner of opportunity, expansion, and national self-possession. The central concern for fostering the autonomy of Britain’s remaining North American colonies included preserving their respective religious and legal differences, but the Fathers lived in a world of “evangelical consensus,” in John Webster Grant’s terms, one that crossed the Catholic–Protestant divide.² It was so obvious it didn’t need to be debated. Canadian Christians built temperance organizations, missionary associations, Bible and tract societies, and established the Lord’s Day Alliance and YMCA/YWCAs, all with both nationalistic and millennial overtones. Churches ran hospitals, orphanages, social agencies, and schools—Indian residential schools among them. The federal government consulted these semi-established churches about the levels and mix of immigrants who would be allowed to enter Canada. The Christianizing impulse profoundly impacted Indigenous–European relations, to put it mildly, just as it would impact later newcomers as well. But this consensus

One reads an impressive lack of religious enthusiasm for the project in the debates. Politicians likely cared a great deal about what clergymen, who had significant public clout in the 1860s, said in support of or against Confederation, particularly in Quebec. Though many consulted religious leaders, not one uttered a word about it in Parliament.

Christianity is notably absent from the debates themselves.

Yet another notable absence—reflecting the general absence in the subsequent course of Canadian religion—is the absence of *civic religion* at the genesis of the nation. Neither the Fathers of Confederation nor leaders in the young state used the tools of religion to develop federalism. Though some debaters discerned the hand of God in uniting political enemies, or sprinkled a reference to Psalm 72’s “God’s Dominion” in their speeches, as P.B. Waite’s introduction to the edited debates noted, the new national ideology, such as it was, did not evoke divine blessing. One reads an impressive lack of religious enthusiasm for the project in the debates. Politicians likely cared a great deal about what clergymen, who had significant public clout in the 1860s, said in support of or against Confederation, particularly in Quebec. Though many consulted religious leaders, not one uttered a word about it in Parliament.³ No one suggested the creation of new rituals or holidays. They cast no new symbols or anthems. The debaters did not even deploy religious tropes in their debate rhetoric to heighten the importance of the work or vest spiritual meaning in new statehood. They did not use the language of faith, salvation, or grace, so common in the “New Jerusalem” of the United States. Canadians imbued their new state with *less* religious meaning than Americans did, though para-

doxically, they were also far less radical in separating religion and statecraft. (The *British North America Act, 1867* included no disestablishment clause.)

THE SECULARIZING ROAD

As much as Christianity was a given and civic religion absent, the debates also provide some evidence of the diminishment of Christianity in the overtly political sphere, perhaps hinting at the secularizing road to multiculturalism ahead. Confederation itself devolved educational decisions to the provinces. With the exception of Quebec, which abolished its Ministry of Public Education in 1875 to turn over educational decisions to the Catholic Church and the “Protestants,” it was inside those provinces’ *secular* ministries of education—and not among Church leaders per se—that so many religious tensions would later play out. The courts, the state, and its provinces slowly but surely assured neutrality in matters of religion. The most obvious vestiges of Christian privilege—oaths, clergy salaries, state-funded theology schools, and prayer in civic ceremonies—were removed. (Since the 1960s, for instance, colleges and universities were forced to sever confessional ties in order to be eligible for provincial funding.) The *Charter of Rights and Freedoms*, much later, would consistently support the rights of individuals over and against the rights of

Confederation as an intra-Christian pact, page 12

particular religious communities whenever the two came into conflict. Scholar Lois Sweet has shrewdly observed that pluralism and the accommodation of religious minorities were achieved largely by ignoring religion altogether (except in Quebec).⁴ That de-Christianization would pave the path to pluralism might have shocked or disturbed the debaters of Confederation.

Finally, and most obviously, from today's perspective the debates show a glaring absence of representation of religious communities that are now at home in Canada. Of course, the religious pluralism of today was unforeseeable in 1865. Canada was visibly Christian until the end of the Second World War, despite large communities of Jews in the major cities. African, Asian, and Latin American immigrations brought religious traditions and variations of Christianity, as well as Baha'ism, Buddhism, Hinduism, Islam, Sikhism, and many other traditional religions or modern derivations thereof. New religious movements and spiritual groups have exploded. These religions and movements did not even appear as available categories in the 1941 or 1971 censuses. (The 1991 census had, for the first time, on the other hand, but one category for all Protestants.) That Christianity would have been woven into the social fabric of the nation in 1865 seemed a natural given in the debates; the short version of them made no mention of Jews, Africans, or Asians, despite having religious (as well as racialized) bodies on the ground.

"FREEDOM OF CONSCIENCE AND RELIGION"

Lest I paint a picture of a natural evolution of Protestant–Catholic coordination toward a broader religious pluralism, I should add by way of conclusion that religious groups (often as ethnic groups who minimized their own religious ideologies and the extent of their religious commitments in order to make their cases more palatable) fought and con-

It was religious communities who successfully lobbied to have "freedom of conscience and religion" included in the Charter. Since 1982 this key phrase has provided the legal basis for court challenges to legislation about religious rights.

tinue to fight for inclusion and redress of the many sins committed against them. Federal and provincial exclusions and race-based policies not only impacted the obvious realms of public education, immigration, and naturalization, but also drove policy limiting voting rights and public office limitations, as well as policy with regard to religious accommodations in gender, health, housing, and labour. These were all battles that had to be fought largely by religious minorities themselves. Religious minorities would have, in all likelihood, supported a fuller disestablishment from the very beginning. One of the main motivations for migrants to come to Canada was, after all, freedom from religious persecution. Many religious communities have wished for the same constitutionally guaranteed privileges that Roman Catholics have enjoyed (enshrined in the *British North America Act*) extended to their own groups. Chinese leaders, Jews, Muslims, and Sikhs led the charge for their own language and culture schools, for vouchers to remit school tax to pay for separate religious schools, and for charter schools. It was religious communities who successfully lobbied to have "freedom of conscience and religion" included in the Charter. Since 1982 this key phrase has provided the legal basis for court challenges to legislation about religious rights.

Over the last 150 years, the religious liberty clearly visible in the debates evolved in new directions and to further extremes than the debaters themselves could have known. 

NOTES

1. In the larger debates, over 1,000 pages, "religion/religious" comes up over 200 times: Catholics are referred to 110 times, "Papists" twice, Protestants 80 times, Church 41 times, God 17 times, and Presbyterian 6 times. Narcisse Belleau referred to Jewish emancipation in Lower Canada (183). Étienne-Paschal Taché echoed him (236), as did Alexander Mackenzie (432), and Charles Alleyne (672). Lotbinière Harwood referred to Jews (and religious diversity in Germany and England) (830, 833).
2. John Webster Grant, *A Profusion of Spires: Religion in Nineteenth Century Ontario* (Toronto: University of Toronto Press, 1988); see also "the shadow establishment" in Martin David, "Canada in Comparative Perspective," in David Lyon and Marguerite van Die, eds., *Rethinking Church, State and Modernity* (Toronto: University of Toronto Press, 2000).
3. Marcel Bellavance argued that the Catholic Church swung the argument (unfairly) in favour of Confederation in Quebec: Marcel Bellavance, *Le Québec et la Confédération: Un choix libre?* (Québec: Septentrion, 1992).
4. Lois Sweet, *God in the Classroom: The Controversial Issue of Religion in Canada's High Schools* (Toronto: McClelland & Stewart, 1997).

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Revisiting the 1865 Canadian debates on Confederation: Rights and the Constitution

On February 3, 1865, the legislators of the Parliament of Canada began discussing the merits of the proposed union of the colonies of Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island.¹ These debates were both framed and informed by 72 resolutions adopted at a colonial conference held in Quebec City four months earlier. Combined, the resolutions provided the basis for the proposed colonial government and effectively laid the foundation of what was to become the new nation's first written constitution, the *British North America Act, 1867*.² The debates about the resolutions are important because they give us an insight into the nature and expectations of the proposed new government, as well as a sense of how some key colonial politicians understood the meaning of the words they were putting down on paper.

Despite Lord Sankey's famous dictum that the Constitution was like a living tree "capable of growth and expansion within its natural limits,"³ those drafting it in 1865 were not thinking a great deal about its future evolution. Its proposed provisions were meant to address a number of contemporary problems and challenges, and designed to provide a fixed set of rules to govern the new nation. While many of the measures that were adopted proved to be enduring and "capable of growth" over the decades, others were less fecund and less able to rise to the historic occasion. This is particularly true with rights issues. Even the judiciary's liberal interpretations of the imperial statute have proven to be unable to address these deficiencies over time.

THE RIGHTS DISCUSSION

The issue of protecting rights was a focal point of the Canadian Parliament's 1865 debates on Confederation. But the nature of these rights discussions was

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[T]wo . . . issues dominated the discussions—minority education rights and the rights of French Canadians to protect their language, religion, and institutions in Lower Canada.

limited. Some rights issues were discussed explicitly, some were implicit, while others were outright ignored. The legislators assumed the existence of certain individual rights and civil liberties protected by the British constitution and the common law, such as the right to a jury trial in serious criminal matters, access to the writ of *habeas corpus* to test the validity of any imprisonment, and the right to hold and enjoy property. These rights had been elaborated on over the centuries, and while subject to some limitation by legislatures, had a relatively well-defined content. In the *British North America Act*, such rights were subsumed in the preamble's direc-

tion that the new dominion was to have "a Constitution similar in Principle to that of the United Kingdom."

Individual rights were thus not the primary focus of the debates. Rather, two collective or minority rights issues dominated the discussions—minority education rights and the rights of French Canadians to protect their language, religion, and institutions in Lower Canada. These issues were addressed extensively and passionately throughout the debates. With regard to minority education rights, for example, Aquila Walsh, member of the Legislative Assembly for Norfolk, reflected the views of many of his colleagues when he underscored that it was justice itself that necessitated the protection of denominational schools in the new nation.⁴

The rights of French Canadians in Lower Canada also were extensively addressed during the Confederation debates. To ensure that these rights were acknowledged and protected, several provisions were included in the resolutions to secure them—for example, article 46 guaranteed the right to use the French language in the courts and legislature of Lower Canada and in the federal courts and Parliament.

But specific provisions in the 72 resolutions were not the only features of the proposed new Confederation arrangements that were intended to address the interests of French Canadians in Lower Canada. Several features of the British system of government also were to be carried forward into the new order to support the protection of the rights of the French minority.

The British Crown, the parliamentary system, and the common law were to be retained. Legislators widely believed that the British system of government was preferable for the protection of French-speaking minorities. As the attorney general for Lower Canada,

Revisiting, page 14

George-Étienne Cartier, explained to his colleagues in the Legislative Assembly, French Canada learned early on that “it was better for them to remain under the English and Protestant Crown of England, rather than to become republicans” like their neighbours to the south.⁵ He emphasized that it was “precisely because of their adherence to the British Crown” that French Canadians had “their institutions, their language and their religion intact to-day.”⁶

HOW NOT TO PROTECT RIGHTS: THE AMERICAN EXPERIENCE

In fact, the American experience supplied a powerful example of how *not* to protect rights. Careening between “the tyranny of a single despot”⁷ on the one hand, and the tyranny of “mob rule”⁸ on the other, the events leading to the Civil War had underscored, as Cartier described, the “hollowness” of American democracy.⁹ The combination of the Crown, well-designed legislatures, and the common law provided a much better institutional recipe for protecting both individual and minority rights. The superiority of the British approach to what John A. Macdonald called “constitutional liberty” was so clear to most of the legislators that it required no elaborate defence.¹⁰

In addition to a British system of government, another feature of the proposed union that was designed to act as a guardian of the French Canadian community was federalism. As the premier of Canada, Sir Étienne-Paschal Taché, emphasized, a federal union “would be tantamount to a separation of the provinces, and Lower Canada would thereby preserve its autonomy together with all the institutions it held so dear, and over which they could exercise the watchfulness and surveillance necessary to preserve them unimpaired” (4). John A. Macdonald underscored that unlike a pure legislative union, a government formed upon federal principles “would give to the General Government the strength of a legislative and administra-

tive union, while at the same time it preserved that liberty of action for the different sections” (23).

In the 1865 Canadian debates on Confederation, the nature and scope of rights issues for the new nation were discussed extensively. Rights were to be addressed and protected in three ways: specific resolutions that eventually formed the basis of the country’s first written constitution, adoption of specific features of the British system (the Crown, parliamentary government, and common law), and a government founded upon federal principles. But make no mistake, the beneficiaries of these rights were limited and narrowly defined. Cartier emphasized that the 1865 Confederation scheme was designed to ensure that “there could be no danger to the rights of and privileges of either French Canadians, Scotchmen, Englishmen or Irishmen.”¹¹ George Brown underscored that “[o]ur scheme is to establish a government that will seek to turn the tide of European emigration into this northern half of the American continent ... and that will endeavor to maintain liberty, and justice, and Christianity throughout the land” (36). The new nation, in other words, was intended to safeguard the interests of French Canadians in Lower Canada, linguistic communities (the French and the English), and religious communities (Catholic and Protestants). But that was all.

Parliamentarians did not see this limited approach to rights as narrow or problematic. Indeed, they envisioned themselves as progressive liberals. Repeated references were made to the actions of Lower Canada in 1832 to accord legal rights to members of the Jewish community before most other governments had done so.¹² As Sir Narcisse F. Belleau, life member in the Legislative Council from Quebec City, explained, this measure underscored that, “far from wishing to oppress other nationalities, all that the French Canadians ask is to live at peace with the

world; they are quite willing that they should enjoy their rights, provided that all live peaceably together.”¹³

OPEN-MINDED TOLERANCE ... TO EQUALS

Canadian parliamentarians, however, were open-minded and tolerant only to those they deemed to be equals. The rights rhetoric of the period, and it did indeed exist, was layered and nuanced, targeted only to a select few. Rights protection was not envisioned to apply to racial minorities or women. A racial slur delivered in the form of a “joke” by Christopher Dunkin, member of the Legislative Assembly for Brome, against Asians was met with “Laughter” in the Legislative Assembly.¹⁴ Similarly, Joseph Dufresne, member of the Legislative Assembly for Montcalm, ridiculed one of his colleagues by making a negative comment about him in relation to black Americans. It, too, was met with “Laughter” in the chamber.¹⁵ And throughout the debates, women were either portrayed as damsels in distress or viewed through the lens of demeaning stereotypes. In other words, only some groups and communities were viewed as equals and thus deserving of rights. Others were disregarded altogether.

Indigenous people were likewise given no status or recognition whatsoever in the debates on Confederation. They were virtually invisible. No one spoke on their behalf. No one advocated for their rights. Indeed, at least as many references were made to the state of Indiana as to the condition of British North American Indians. While John A. Macdonald repeatedly made reference to the Confederation agreement as a treaty among the British colonies,¹⁶ he neglected to refer to any of the treaties between the British government and Indigenous people in North America. On the few occasions where Indigenous people were mentioned in the debates, there was nothing positive. Brown spoke about the importance of opening up the “Indian Territories” between Upper Can-

ada and British Columbia to “civilization” (37). He underscored the “vast importance that the [northwest] region should be brought within the limits of civilization, and vigorous measures had been taken to ascertain what could be done with that view.”¹⁷

In other words, the legislators of the Canadian Parliament in 1865 did believe in the importance of rights and the need to entrench them into the country’s new constitution. But they narrowly framed who would be the beneficiaries of those rights. Minority education rights were clearly spelled out in the 1864 resolutions and later in the *British North America Act*. Similarly, language rights were accorded to the French and the English in both the resolutions and the imperial legislation. Freedom of religion would be guaranteed, as long as one was Protestant or Catholic. Lower Canada was given the legislative authority to protect the interests of French Canadians via the federal structure of governance, and the continuing institutions of the Crown, Parliament, and the common law would be relied on to protect minorities more generally. But those outside the privileged Scottish, Irish, English, and French communities were not explicitly recognized as rights holders.

THE RIGHTS CONSTITUTION: INCAPABLE OF GROWTH

Looking back from the perspective of a century and a half of Canadian political experience, it is apparent that the country’s living constitution was not capable of addressing these deficiencies particularly well. Whereas the federal constitution was able to adapt to facilitate changes to federal–provincial relations throughout the 20th century (even with the stresses and strains associated with the sovereignty movement in the latter half of the century), the same cannot be said with regard to Canada’s “rights constitution.”

Although the courts and constitutional scholars envision constitutions as being capable of growth and change, the achievement of a more inclusive understanding of rights proved to be relatively

Federal and provincial legislatures remained virtually unchecked as they adopted a myriad of statutory and regulatory frameworks that discriminated against various groups or communities.

difficult. Federalism itself could occasionally be invoked to protect rights indirectly, as when the courts declared in 1899 that British Columbia could not pass a law prohibiting the employment of Chinese workers in mines because it dealt with the status of aliens, a topic of federal jurisdiction.¹⁸ However, litigation was expensive, inaccessible to most, and not a reliable vehicle for expanding the circle of rights protection.¹⁹ Federal and provincial legislatures remained virtually unchecked as they adopted a myriad of statutory and regulatory frameworks that discriminated against various groups or communities. Indigenous people, for example, were not entitled to vote in federal elections until 1960. It was not until the introduction of a number of human rights codes in the aftermath of the Second World War and the passage of the *Canada Act 1982*²⁰ that rights issues began to be recognized and addressed in a broader context in any meaningful way.

A HISTORICAL EFFORT TO ACCOMMODATE

There is, however, one way in which Canada’s relatively narrow 19th-century rights approach may have laid the foundation for a critically important dimension of Canada’s contemporary identity. Our historical effort to live with, and constitutionally accommodate, the French–English, Catholic–Protestant divide may have equipped Canadians with the capacity to accept and in fact welcome the more extensive cultural and religious diversity that has been the product of postwar immigration—an emerging social reality that has proven so vexing and difficult for many other Western nations to digest. 

NOTES

1. The debates are printed in English in their entirety in Canada, *Parliamentary Debates on the Subject of Confederation of the British North American Province*, 3rd Session, 8th Provincial Parliament of Canada (Quebec: Hunter, Rose, 1865). Quotations in this essay are cited either to the Waite edition or, where they are excluded from that edition, to the original record (herein referred to as *Debates*).
2. *British North America Act, 1867* (UK), 30 & 31 Vict., c. 3.
3. *Edwards v. Canada (Attorney General)*, [1930] AC 124 at 136-37.
4. *Debates*, 808.
5. Cartier, *Debates*, 57.
6. Cartier, *Debates*, 59.
7. Macdonald, *Debates*, 44.
8. Cartier, *Debates*, 59.
9. *Ibid.*
10. Macdonald, *Debates*, 44.
11. Cartier, *Debates*, 55.
12. Belleau, *Debates*, 183; Taché, *Debates*, 236; Alexander Mackenzie (member of the Legislative Assembly for Lambton), *Debates*, 432; Charles Alleyn (member of the Legislative Assembly for Quebec West), *Debates*, 672.
13. Belleau, *Debates*, 183.
14. Dunkin, *Debates*, 531.
15. Dufresne, *Debates*, 928.
16. Macdonald, *Debates*, 15, 16.
17. Brown, *Debates*, 18.
18. *Union Colliery v. Bryden*, [1899] AC 580 (JCPC).
19. For example, see *Cunningham v. Tomey Homma*, [1903] AC 151 (JCPC) and *Christie v. York Corporation*, [1940] SCR 139.
20. *Canada Act 1982* (UK), 1982, c. 11.

Confederation and taxation

Historian P.B. Waite, the authority on Confederation for a whole generation of Canadians, saw two Confederation debates rather than one. There was the maritime perspective, mentioned only glancingly by him here, which was interested in taxation; and then there was the debate in the Canadas, which was more concerned with difficulties around nationality (xli). As a consequence, Waite wrote concern for taxes out of the Canadian Confederation debates. But that's misleading. Maritimers argued about taxes more than did Canadians (mention of "taxes" or "taxation" occurs once every 4 pages in the Nova Scotia debates and once every 12 pages in the Canadian debates), but that's only to say that Canada had many more speakers who ranged over other questions. Some of the most important speakers addressed taxes at no small length, especially A.T. Galt and Christopher Dunkin from Lower Canada and George Brown from Upper Canada.

Brown put his cards on the table in the extracts printed in Waite's edition of the debates. "Had we continued the present Legislative union, we must have continued with it the unjust system of taxation for local purposes that now exists—and the sectional bickering would have gone on as before" (49). That is to say: the bickering does not follow nationality; it follows unjust sectional taxation. That was not an aside: Brown made the point repeatedly. The two great accomplishments of the proposed Confederation plan, he argued, were to remedy unjust representation (granting "rep. by pop.") and unjust taxation: "But, MR. SPEAKER, the second feature of this scheme as a remedial measure is, that it removes, to a large extent, the injustice of which Upper Canada has complained in financial matters. We in Upper Canada have complained that though we paid into the public treasury more than three-fourths of the whole revenue, we had less control over the system of taxation and the

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George Brown did not just want "rep. by pop."; he wanted something more like "rep. by prop.," or representation and influence according to property.

expenditure of the public moneys than the people of Lower Canada." Under the new scheme, by contrast, "the taxpayers of the country, wherever they reside, will have their just share of influence over revenue and expenditure. (Hear, hear.)" (41).

CONFEDERATION: A TAX REFORM

Brown and Galt together were the architects of the fiscal deal done at Quebec in 1864, and they described it similarly. Confederation was a tax reform because it made local expenses largely, though not exclusively, reliant on local (provincial and/or municipal) taxation. Federal governments would provide a top-up for provincial revenues, but their ability to transfer revenue from one jurisdiction to another would, Brown predicted, be severely limited. The top-ups and subsidies were necessary because only Upper Canada/Ontario had extensive direct taxation, exacted by local authorities, to build infrastructure and run schools. Quebec spent far less locally on schooling—there, the Catholic Church provided cheap schools run by priests and nuns

and agitated against much direct provincial involvement in education, while the province subsidized transport infrastructure. The maritime provinces also relied heavily on provincial spending for both education and infrastructure. Thus, George Brown remarked, though he had strongly advocated "defraying the whole of the local expenditures of the local governments by means of direct taxation," the thing was impossible. "Our friends in Lower Canada, I am afraid, have a constitutional disinclination to direct taxation. ... The objection, moreover, was not confined to Lower Canada—all the Lower Provinces stood in exactly the same position. They have not a municipal system such as we have, discharging many of the functions of government; but their General Government performs all the duties which in Upper Canada devolve upon our municipal councils, as well as upon Parliament" (42). Because those local governments would now lose their customs duties, the federal government must provide subsidies. But the subsidies were strictly limited to 80 cents a head, "in full settlement of all future demands upon the General Government for local purposes,"¹ and the sum would decline as populations grew. Brown admitted a short-term compromise to his tax project, expecting in the long term that people outside Upper Canada would gradually be educated up to Upper Canadian standards of direct taxation.

REPRESENTATION BY PROPERTY

George Brown did not just want "rep. by pop."; he wanted something more like "rep. by prop.," or representation and influence according to property. Once responsible government had given the colonial population control over policy, the great question of the day became how to balance the interests of the propertied against those of the scantily propertied or unpropertied. Tinkering with franchises was one mechanism; writing

Poverty has a claim that the Fathers of Confederation would never have granted it, but the seeds of that claim were laid in the fiscal arrangements of 1864.

caps on fiscal transfers directly into the new constitution was another. These debates squarely pitted the rich and the poor against one another, but in Canada, those socio-economic confrontations were always interlaced with the language of competing identities or “races.” Upper Canadians bought more imported goods than did Lower Canadians but customs revenue was disproportionately spent in Lower Canada. George Brown resented the transfer of Upper Canadian wealth to Lower Canadian pockets.

From the late 1850s, he kept up a string of tirades against that transfer in the *Globe* that made the United Province of Canada increasingly ungovernable. In the plan for Confederation, Brown sought to rein in those transfers. The maritime provinces threatened his fiscal austerity project because they clamoured for transfers from the beginning, but he was confident that they would be assimilated to Upper Canadian fiscal prudence over the long term. If Maritimers were like Lower Canadians in lacking infrastructure, they were like Upper Canadians in being substantial consumers, so they could confidently be expected to contribute to federal coffers by means of customs duties. Any subsidy would effectively be paid out of their own pockets, rather than as a transfer from Upper Canada. They too, in short, had an interest in federal austerity.

The member for Drummond-Arthabaska, Christopher Dunkin, was unpersuaded. Waite gives us the beginnings of a long speech on taxation (“But I have to turn now, MR. SPEAKER, to another branch of my comparison—the financial” (90-91)) but not the substance of it. Where Brown and Galt saw powerful restraints on local spending, Dunkin saw weak ones that let provinces demand subsidies instead of taxing directly: “The need of the neediest is made the measure of the aid given to all. The most embarrassed is to have enough for its purposes, and the rest are to receive, if not exactly in the same ratio, at least so nearly up to the mark as that they shall

all be satisfied; while, on the other hand, the debts of all the provinces are to be, for all practical ends, raised to the full level of the most indebted.”² Provincial politicians would campaign on their success in getting higher federal subventions and the system would encourage not cheap government but excess and debt.

PRINCIPLES OF TRANSFER

Dunkin proved prescient. As prime minister, John A. Macdonald found one justification after another for fiscal transfers, beginning with Joseph Howe’s demand for “better terms” for Nova Scotia. Every province had its own more or less expansive claims. In 1871, for example, New Brunswick pointed out that the federal government had paid for the lighthouses that the colony had built, but not for the *furniture* (“materials and stores”) in those lighthouses. Upper Canadian politicians and press spluttered with rage to see their tax reform go so badly awry and protested bitterly but fruitlessly. Macdonald and Cartier were, one suspects, somewhat less surprised to find federal powers of patronage largely enhanced.

The fiscal battles continued. But they continued, in part, because many found the austere liberal arguments behind the movement for Confederation increasingly repellent over time. Dunkin’s critical observation—that “[t]he need of the neediest is made the measure of the aid given to all”—fit with orthodox laissez-faire arguments to delegitimize the claims of the economically needy. Brown, Galt, and Dunkin resented transferring money from the rich to the poor, and they foresaw the inevitable consequence that rich and influential communities would demand comparable transfers (Macdonald had responded to Brown’s tirades by voting money toward

municipal debts in Upper Canada to justify his spending in Lower Canada). Principles of transfer have become political truths for 21st-century Canadians. Poverty has a claim that the Fathers of Confederation would never have granted it, but the seeds of that claim were laid in the fiscal arrangements of 1864.

CONFEDERATION: A QUANTITATIVE QUESTION

Reading taxes more explicitly into the Canadian Confederation debates has an important payoff. It shows that Canadians and Maritimers had more in common than the classic historiography suggests. The binary that contrasts Nova Scotia’s very material concerns with Canadian principled debates has always done a disservice to both communities. For both communities, Confederation was both an either/or question *and* a “how much” question. How much would this or that colony benefit from or lose by Confederation? That was a quantitative question, based on fiscal calculations, rather than a qualitative constitutional question. That was a point British economist Stanley Jevons was making about economic questions more generally in the 1860s: “There can be but two classes of science—those which are *simply logical*, and *those which, besides being logical, are also mathematical*. If there be any science which determines merely whether a thing be or not be—whether an event will happen, or will not happen—it must be a purely logical science; but if the thing may be greater or less, or the event may happen sooner or later, nearer or farther, then quantitative notions enter, and the science must be mathematical in nature, by whatever name we call it.”³ I do not suggest that the Fathers of Confederation read Jevons

Confederation and taxation, page 18

Canadian Confederation and democracy

DEMOCRATIC DISDAIN

In over a thousand pages of the original Confederation debates very little was said about democracy, and what did appear was almost entirely negative.¹ In 1865 politicians across the spectrum were united in their disdain for anything claiming to be “democratic,” with only a few Rouges in Canada East prepared to offer it some grudging and highly qualified consideration. What does emerge from the scant references to democracy in the debates is that the politicians themselves in this period did not have a clear idea just what democracy was or would amount to in concrete terms. For some, democracy was what the United States had, and in their view it had led to chaos, “mob rule,” and civil war. For others the concern was that democracy would put the uneducated and the poor in charge, resulting in larceny (i.e., a redistribution of wealth) and disorder. Still others spoke of democracy as if it were just one element in a larger governing system rather than the defining char-

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John A. Macdonald offered some of the clearest insight on democracy and why it was anathema to the Fathers of Confederation: it was seen as a threat to those with property.

acteristic of political rule. Thus speakers would refer to the “democratic element” of the British constitution that provided

electors with representation, even if such representation could not be said to have had decisive influence on what governments did. Perhaps not surprisingly, John A. Macdonald offered some of the clearest insight on democracy and why it was anathema to the Fathers of Confederation: it was seen as a threat to those with property.

The discussion was entirely in tune with the anti-democratic ethos of the era. While the Canadian British colonies had voting, a fairly broad franchise at various times and places, and government executives accountable to elected assemblies, this was not seen by colonial politicians as “democracy.” Democracy, as C.B. Macpherson once noted, would be “rule by the people or government in accordance with the will of the bulk of the people” and this was seen as a “bad thing, fatal to individual freedom and to all the graces of civilized living ... [a] position taken by pretty nearly all the men of intelligence.”² To forestall such

Confederation and democracy, page 19

Confederation and taxation continued from page 17

precociously; rather, I suggest that Jevons accurately described prevalent modes of economic reasoning of the day. The fiscal architects of Confederation took precisely that sort of quantitative approach when they reasoned about how the deal would work in practice. Confederation was and remains, to no small degree, a mathematical science.

But in Canada, the work of turning that quantitative question into a qualitative one went ahead more flamboyantly and effectively than in the maritime provinces. That was the task of the chief advocates of Confederation: John A. Macdonald, George-Étienne Cartier, Thomas D’Arcy McGee, and George Brown himself. They laboured to make Confederation not a careful calculus but a take-it-or-leave-it, once-in-a-lifetime deal that was simultaneously a great, patriotic

“yes” to the principle of coexistence, shared patriotism, and nationhood; not Jevons but perhaps something more like Molly Bloom’s great reaffirmation of conjugal union at the end of *Ulysses*: “yes and his heart was going like mad and yes I said yes I will Yes.”

TAXING THE STRONG

That primordial Canadian “Yes” still rings in our ears. It is important that some Canadians not pride themselves on being higher-minded than other Canadians. However, it is also important not to reduce politics to tax politics. Speaking historically, it may be precisely because Canadians have preferred to insist that higher principles were at stake, that Canadians have not seen such crippling debates around taxation as the United States. It was, perhaps, Macdonald’s

great insight that few things are cheaper than a bit of federal money. Although, where Macdonald only troubled to buy off the strong interests, neglecting the weak, his successors learned, very gradually, that they must tax the strong to provide for the weak. 

NOTES

1. The Quebec Resolutions, Resolution 64 (October 1864), online: <https://www.collectionscanada.gc.ca/confederation/023001-7104-e.html> (accessed April 27, 2016).
2. *Parliamentary Debates on the Subject of the Confederation of the British North American Provinces* (Quebec: Hunter, Rose, 1865), 517-18.
3. W. Stanley Jevons, *The Theory of Political Economy* (London: Macmillan, 1871), 8.

democratic outcomes, colonial elections at this time were often crude and open conflicts between rival factions, conducted without a secret ballot or clear administrative rules. Many historians have recounted the quite shocking violence and intimidation present at the hustings. A farmer who voted against the wishes of the local political leadership might find himself cut off from the crucial patronage that kept him quite literally alive in the off season, while a worker who could vote would find his boss sitting on the hustings ready to fire him for not voting the right way. Canada's founders were so concerned about too much public influence that they actually restricted the franchise in Ontario and Quebec even further before the first Canadian election. How and why they responded thus is not clear, as we know much less about the founders' ideas about democracy than is generally assumed, though the Confederation debates do make a small contribution to our knowledge.

OPPOSING UNIVERSAL SUFFRAGE

The Confederation debates began in the partially appointed, partially elected upper house of the United Province, the Legislative Council, with speeches promoting the initiative from most of the government ministers. John A. Macdonald, a Canada West Conservative, took the opportunity to clarify that "universal suffrage is not in any way sanctioned, or admitted by these resolutions, as the basis on which the constitution of the popular branch should rest" (35). He was keen to underline that "not a single one of the representatives of the government or of the opposition or anyone of the Lower Provinces was in favor of universal suffrage" because, in line with the British constitution, "classes and property should be represented as well as numbers" (39). His sentiments were echoed by Canada West Reform Party leader George Brown, who claimed that universal suffrage was the greatest defect

[Cartier] claimed proudly that French Canada had resisted the entreaties of the American revolutionaries to "cast their lot with the democratic element—they knew the hollowness of democracy."

of the American system (90). Canada East Parti Bleu leader George-Étienne Cartier went further, arguing that Confederation as a project was designed to oppose the democratic ethos of the United States by "perpetuating the monarchical element" (59). "I oppose the democratic system ... in the United States," he proclaimed bluntly in the House, associating it with the "will of the mob" (62, 59). Indeed, he claimed proudly that French Canada had resisted the entreaties of the American revolutionaries to "cast their lot with the democratic element—they knew the hollowness of democracy" (59). Canada East Conservative Thomas D'Arcy McGee echoed Cartier's view of Confederation as an anti-democratic project, declaring that the "proposed Confederation will enable us to bear up shoulder to shoulder to resist the spread of this universal democracy doctrine" (143).

The debate over Confederation in the Province of Canada's lower house, the elected Legislative Assembly, also tended to equate America with democracy and democracy with crisis. Parti Bleu member for Montmorency Joseph-Édouard Cauchon argued that "[w]e have also seen, not far from our own homes, that same democracy ... moving at a rapid pace towards demagoguery, and from demagoguery to an intolerable despotism" (561). Another Quebec member, Antoine Chartier de Lotbinière Harwood (representative for Vaudreuil), suggested that under American democracy "no man can venture to speak frankly what he thinks, and must take care that what he says is in the unison with the opinions of the majority of his

audience" because "the will of the majority is law" (827-28). Harwood and others felt that democracy as they understood it was inconsistent with the preservation of liberty. "Democratic institutions have no charms for me!" he told the Speaker, just before launching into a speech that blamed democracy for the terror following the French Revolution (828).

Other members did not seem so categorically opposed to democracy—for them it was more a matter of degree. For Thomas D'Arcy McGee, "universal democracy is no more acceptable to us than a universal monarchy in Europe," implying that a less than universal democracy might be acceptable (143). Here McGee and others were grasping for a way to describe what they understood as the British governing compromise, one that while linking royalty to a voting public was equally free from too much monarchical or public influence. At one point Cauchon even described it as "British democracy," a system of "monarchy tempered by the parliamentary system and ministerial responsibility" (561), though just a few pages later he would confusingly argue that England's upper house is a "great defence against democratic invasion" because of its wealth, land, and power (572). Thus it would appear that "British democracy" at this time was one that could defend itself against "democratic invasion." Stated plainly, such members clearly favoured the maintenance of the Canadian colonial status quo of responsible government combined with a restricted franchise.

PRO-DEMOCRACY— ANTI-CONFEDERATION

The few positive comments about democracy heard during the debates came from opponents of Confederation. L.A. Olivier, elected member of the Legislative Council for de Lanaudière, did not understand how stripping the proposed upper house of elected members was a good idea. To shift to a fully appointed second chamber was to take away a right the public had “acquired after long struggles,” a move he characterized as “retrograde” and a “step backwards.” By contrast, it was his view that “as much political liberty as possible should be conceded to the masses.” Though he prefaced his comments by noting that he “neither loved nor approved of mob-rule,” he was prepared to declare to the house that “I am favorable to democracy,” a very rare admission for a politician of this era (175). There were others, like Luc Letellier de St. Just (elected member of the Legislative Council for Grandville) and William McMaster (elected member of the Legislative Council for Midland), who also questioned removing elected members from the new upper house, claiming that such a move was against the trend of the age they were living in (186-87, 230).

Other opponents of Confederation, like Parti Rouge leader Antoine-Aimé Dorion, questioned whether most people really cared that much what kind of system they lived under, monarchy or democracy, as long as things were good economically and socially (869). He claimed that Canadians regularly heard first-hand from family and acquaintances in the United States that things were not so bad, that they had political rights and a degree of equality (867). This line of reasoning cut little ice with most members, who tended to characterize opponents of Confederation as closet annexationists and/or democrats. But Dorion was undeterred, informing members that they may “decry as much as you choose the democratic system, and laud the monarchical system—the

As for Confederation, Dorion thought “this scheme of an independent monarchy” would “lead but to extravagance, ruin and anarchy!”

people will ever estimate them both at their proper value, and will ever know that which will suit them best” (869-70). As for Confederation, Dorion thought “this scheme of an independent monarchy” would “lead but to extravagance, ruin and anarchy!” (870).

When the question of Confederation was finally put to the lower Legislative Assembly it easily passed, but its opponents continued to raise procedural objections about what should come next, with a number of members calling for an election or referendum so as to get some direct public input on the issue. In his response to the question of why such steps were unnecessary in the British system, John A. Macdonald offered up an extensive quotation from a British Liberal parliamentarian, William Henry Leatham, described as an “advanced Whig” in one volume of parliamentary biography.³ Leatham’s views nicely capture the governing and representative model preferred by the great majority of Canadian parliamentarians. Macdonald quoted him thus:

It is the essence of representative government that the electing class, which is analogous to the class paying the rates, shall possess no direct legislative power; and the principle of parliamentary repre-

sentation is that not even the representative principle shall alone legislate. We have taken the precaution to protect the rights and property of Englishmen by the prerogatives of the Crown, the privileges of the Lords, and the authority of a representative Assembly. All these constitute the three-fold and invaluable shelter which we have raised over the rights and property of the meanest subject in the realm. (1005)

Operating under such assumptions, it is hardly surprising that members of the Province of Canada’s parliament had so little (and even less positive) to say about democracy in their debates over Confederation. 🍁

NOTES

1. Canada, *Parliamentary Debates on the Subject of the Confederation of British North American Provinces*, 3rd Session, 8th Provincial Parliament of Canada (Quebec: Hunter, Rose, 1865). Unless otherwise noted, all citations refer to this source.
2. C.B. Macpherson, *The Real World of Democracy* (Toronto: CBC Enterprises, 1965), 1.
3. Robert Henry Mair, *Debrett’s Illustrated House of Commons and the Judicial Bench* (London: Dean & Son, 1881), 136.



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“Canada was ... just like a farmer”: Confederation from the perspective of agrarian society

“Canada was, in fact, just like a farmer,” stated Sir Étienne-Paschal Taché, premier of the Province of Canada, in opening the debate on the Confederation agreement in the Legislative Council in 1865 (2). His simile underlined how access to ice-free ports in the Maritimes could link the products of central Canada to external markets, just as a farmer needed roads to transport goods to market. The homey character of the metaphor would have made sense to his audience. Christopher Dunkin, a critic of the proposed Confederation from Brome, Canada East, employed a similar agrarian metaphor in expressing his fear that “the provincial constituencies, legislatures and executives will all show a most calf-like appetite for the milking of this one most magnificent government cow” (92). Although Dunkin’s and Taché’s fellow members of the Assembly were primarily small-town lawyers and businessmen, they lived in an overwhelmingly agrarian world. The agrarian nature of Canada was latent in their discussions. They did not foresee its eventual decline in preponderance, nor did many of them feel the need to emphasize it. Still, in recognizing that the laws relating to property could not be standardized throughout the new country, John A.

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The men who wrote the *British North America Act* lived in an agrarian world, and Canada would remain largely agrarian for many decades after.

Macdonald articulated this fact: “the agricultural class ... form the great body of the people” (21).

According to the 1871 census, almost half the population (48.4 percent) of Ontario and Quebec was listed as being members of the “agricultural class,” and the figures were only slightly smaller in Nova Scotia and New Brunswick. Almost 400,000 of 800,000 men and women to whom an occupation was

ascribed came from the agricultural class. (The “professional class,” the source of almost all the Fathers of Confederation, accounted for 4 percent of the population. See the accompanying table for the backgrounds of the Fathers.) The census of 1871 noted only 20 towns of over 5,000 inhabitants, 17 of them in Ontario and Quebec. Only Montreal, Quebec City, and Toronto had over 50,000 inhabitants, and agriculture was never far from even the larger towns. In 1871 there were 172,258 farms in Ontario and 118,086 in Quebec, and the numbers of individual farms increased after that decade in both provinces. Not until 1951 would the number of farms in Ontario drop below the figure for 1871; in Quebec, this process took one decade longer.¹ The men who wrote the *British North America Act* lived in an agrarian world, and Canada would remain largely agrarian for many decades after.

AGRICULTURE: THE CONCEPTUAL BASIS OF THE POLITICAL SYSTEM

The economic basis of Canadian society was therefore vastly different in 1871 from what it is today. Agriculture and the relatively low population density associated with it held implications for

“Canada was ... just like a farmer,” page 22

Backgrounds of the Members of the Assembly of the Province of Canada, 1865

	Lawyer -notary	Businessman -merchant	Journalist	Farmer	Educator	Physician	Surveyor	Civil servant
Canada East	26	33	10	11	7	7	1	6
Canada West	15	38	4	7	1	2	3	17

To provide a perspective on the backgrounds and interests of the elected members of the House of Assembly in 1865, Dr. Stacy Nation-Knapper compiled this list of occupations, largely from entries from the Dictionary of Canadian Biography or Wikipedia pages. Note that many of the members had multiple occupations, as was typical of the 19th century. One could be a farmer and a businessman at the same time, or a lawyer and a civil servant. The table shows the

importance of businessmen, members of the legal profession (particularly from Canada East), and civil servants from Canada West.

In addition, of the 130 elected members, 10 held largely honorific positions as justices of the peace (6 in Canada East and 4 in Canada West), 34 were involved in the militia (17 from each section), and at least 39 had significant interests in railways (20 in Canada East and 19 in Canada West).

“Canada was ... just like a farmer” continued from page 21

political, cultural, and social life. To make an obvious point, people living on farms would have seen the world differently than today’s Canadian urbanites do. Agriculture, involving a fairly dispersed population, provided the mainstay of the economy and formed the conceptual basis of the political system.

The property-owning male father-farmer was an ideal political subject in the 19th century: invested in the land, attentive to the whims of weather and market, yet to a large degree autonomous of the state. Farming, in Jeffersonian thought, served as the basis for a stable republic, and a similar agrarian dream underlay the thoughts of many of the Fathers of Confederation. The farm family reflected virtue and stability, in contrast to the dangers the city posed with its diseases, anonymity, and potential social unrest. Production largely depended on the labour of the family; in the 1860s, farms in the Canadas tended to focus on a mix of field crops and livestock, with some of the produce aimed at external markets. These were not the industrial-scale monoculture farms of the early 21st century. Nor were they the peasant holdings of pre-industrial Europe. Farmers never starved in mid-19th-century British North America—although many may have eked out a difficult existence on marginal soil. By the 1860s, much of the good agricultural land in the Canadas had already been occupied, leading thousands to leave from Canada West for the Red River settlement and much larger numbers to emi-

grate to the United States, to the chagrin of politicians like George Brown. Meanwhile, others took on waged labour in lumber camps or other resource industries that effectively subsidized marginal family farms.

LIVING LOCALLY

Because of the rural nature of the Canadas, people lived locally, that is, in small-scale settlements. One of the words that appears most frequently throughout the debates is “local.” (See the Wordle illustration.) While this was a code word for “provincial,” it also reflects the smaller-scale vistas of the men in the legislature. (Who in Ontario or Quebec today would refer to Toronto or Quebec City as their “local” government?) Of necessity, to convince the disparate parts of British North America to join in the new country, political elites had to balance the local with the national. This involved weighing the interests of different levels of government, provinces versus the federal government, for a group of men who were ultimately jockeying for power in the new polity, and many of whom distrusted the others.

The politicians of the 1860s may have differed on many issues, but they largely embraced a liberal view of the economy, where the state played a limited role, particularly in the redistribution of wealth. The *British North America Act, 1867* provided extensive powers to the “local” level of government, while keeping the major tax-raising powers at the level of the central government and leav-

ing municipal powers, the most “local” of all orders of government, to be defined by the provinces. The debaters in 1865 spoke at great length about the composition of the upper chamber, and the powers of the central and provincial governments. But they said little about the level of authority closest to the ground. Municipal and county-level governments were barely mentioned in the debates, and indeed there is still no distinct constitutional basis for municipal governments in Canada. This gap in the debates has consequences today, when the vast majority of Canadians live not only in cities, but in large conurbations. The numbers for 2011 are the exact opposite of 1871: 81 percent of Canadians are urban-dwellers today, while only 19 percent live in rural areas. Nor is the family farm at the centre of Canadian political thought today, with only 650,000 Canadians—2 percent of the population—living on farms.²

CONFEDERATION AS A BACK-TO-THE-LAND MOVEMENT

Yet the future that the politicians of 1865 foresaw involved even more agriculture than existed in 1865, and it implicitly revolved around the image of the family farm. In the Quebec Resolutions, the central and provincial governments were given shared authority over “agriculture,” but the order in which it was listed as a priority is telling: 36th of 37 for the central government, 4th of 18 for the provinces. Agriculture was one of the few areas of shared jurisdiction

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between the two levels of government, along with immigration, and public works. The collective interest in agriculture related to understandings of potential future development. After all, one way to conceive of Confederation was as a “back-to-the-land” movement, or perhaps more accurately, as a “make-farms” project. Brown saw the great promise of Confederation in opening up the west and north to economic activity, oblivious to any prior claims on that territory. If “Saskatchewan,” a territory he had never seen, could be settled by Euro-Canadian farmers (47), fields and towns would spring up, replacing the boundless forests (54). The settlement of western Canada was a “projet de société”: by attracting European immigrants away from the United States, Brown proclaimed Canada could “develop its great natural resources ... and that will endeavor to maintain liberty, and justice, and Christianity throughout the land” (37). Alexander Galt, the member for Sherbrooke and a railway investor, was a bit more financially practical in his assessment: the “valuable mines and fertile lands” in the west offered “additional sources of revenue for government” (32).

The creation of Canada, then, would allow business leaders to pursue and expand the same types of economic activities in which the population was already deeply engaged. Railways, another key component of the Confederation deal—how many countries have a clause for railways in their constitution?—could move the farmers’ goods to distant markets. Farmers could export their produce more easily (as they would in fact do in the late 19th century, sending wheat, cheese, pork, beef, and even eggs and livestock in large volumes across the Atlantic, to the United Kingdom in particular). Industries, largely unspecified in the debates, would employ labourers and, presumably, they would transform primary into finished products for local and distant markets. At the same time, “industry” may have equally referred to resource production, such as mining and forestry,

Well into the 20th century, the dynamics of the country tended to shore up agrarian and rural perspectives.

in which the raw products tended to be shipped to distant markets, having been only lightly transformed before export. Given the rhythm of much resource production, the family farm was the economic fallback for many male workers, with seasonal waged work in the lumber camps subsidizing a marginal agricultural holding.

Well into the 20th century, the dynamics of the country tended to shore up agrarian and rural perspectives. The population in the Prairies grew quickly after 1896, thanks to extremely high levels of immigration from Europe. By 1911, these homesteaders had enabled Saskatchewan to surpass Nova Scotia to become the third-largest province in population, and it would remain in that position until after the devastation of the Great Depression, which revealed that the overexpansion of farming had been a historical error of grand proportions. After the First World War, the federal government attempted to resettle veterans by providing them with access to land, even when it was located in marginal agricultural locations like Vancouver Island. Under the leadership of men like curé Ivanhoé Caron, the Catholic Church encouraged the settlement of the Abitibi district in northern Quebec, while further west, settlers moved into the Peace River district on the border between northern British Columbia and Alberta. By 1936, the three prairie provinces had over 300,000 farms.

THE FADING OF THE AGRARIAN VISION

In the late 1930s, the dangers of reliance on the family farm were readily appar-

ent, and political elites now determined constitutional revisions to be necessary. The Rowell-Sirois commission concluded that new approaches were required to provide security for the Canadian people: the “temporary retreat to the family homestead” could no longer serve as a safety valve for the population. The welfare state emerged largely out of the context of the Second World War, and the Rowell-Sirois commission provided a blueprint. Most strikingly, in 1940, in recognition of the fact that “local” (i.e., provincial) taxes had proved insufficient in dealing with the economic problems of the Great Depression, the *British North America Act* was amended to allow for the creation of a nationwide unemployment insurance scheme.

In 1865, such problems lay well into the future, and it would not be fair to criticize the politicians of 1865 for failing to foresee economic and environmental developments 70 years later. The local, agrarian nature of Canada in the 1860s produced a constitution that had to be dramatically reconsidered when the overextension of agriculture in Western Canada became apparent, the country had become more industrial, and taxes could not meet the needs of the citizenry as a whole. By the end of the 1930s, the agrarian vision of Canada lay in shambles, and the constitutional arrangements had to be renegotiated in order to erect the welfare state. Canada was no longer “just like a farmer.” 🍁

NOTES

1. Statistics Canada, “Section M: Agriculture,” in *Historical Statistics of Canada*, catalogue no. 11-516-X, table M12-22, “Farm Holdings, Census Data, Canada and by Province, 1871 to 1971,” <http://www.statcan.gc.ca/pub/11-516-x/sectionm/4057754-eng.htm>.
2. Statistics Canada, “Highlights,” in *Human Activity and the Environment*, catalogue no. 16-201-X, <http://www.statcan.gc.ca/pub/16-201-x/2014000/aftertoc-aprestdm1-eng.htm>.

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The nature of Confederation

Nature mattered to Confederation.¹ In the minds of many of the legislators from the Province of Canada in 1865, the union of the colonies of British North America was providential and evident in the natural environment. The land, minerals, forests, waters, and animals of the territories of British North America served as evidence of a geographic logic to the movement for Confederation. While the legislators' rhetoric was often exaggerated and overly deterministic, nature itself was one of the primary points of argument in the debates over Confederation in 1865, and it shaped the constitutional resolutions and vision for the future Dominion of Canada.

A "DEVELOPMENT ETHOS"

In 1865, when Canadian legislators spoke of nature, they did so in particular ways. The debates over Confederation did not include any consideration for environmental protection or stewardship. Instead, they focused solely on nature as a resource for exploitation. Broadly speaking, their collective views of the natural environment were driven by what Laurel Sefton MacDowell has called a "development ethos," a view of nature that, she argues, drove much of Canadian history in the 19th and 20th centuries.² The natural environment was a foundation upon which a nation would be built. As William McGiverin, member of the Legislative Assembly for Lincoln, said in his support of the Quebec Resolutions, "Nature has bountifully given us all she could well give towards making us a great and prosperous people."³ In thinking about nature in British North America, proponents of Confederation saw these resources as natural capital that could best be unlocked through political union and geographic integration.

The arguments many politicians made during the course of the 1865 Confederation debates in the Province of Canada concerning the natural resources of British North America would

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They were more akin to boosters, often exaggerating and overestimating the vastness of the natural riches of the country. In many ways, the nature of the Canada they envisioned was more caricature than reality.

sound familiar to later historians of Canada. Étienne-Paschal Taché, Alexander Galt, George Brown, Thomas D'Arcy McGee, and others could easily be mistaken for students of Harold Innis and Donald Creighton. For these political leaders, the exploitation of staple resources and the geography of the St. Lawrence–Great Lakes basin proved the wisdom of their Confederation scheme. But unlike Innis and Creighton, they saw no critical problems or weaknesses in an export-led economy based on the extraction and exploitation of staple resources. They were more akin to boosters, often exaggerating and overestimating the vastness of the natural riches of the country. In many ways, the nature of the Canada they envisioned was more caricature than reality.

GEOGRAPHIC LOGIC

Alexander Galt captured this sentiment completely in his first speech on the matter of Confederation. He outlined the following vision of Canada:

Possessing as we do, in the far western part of Canada, perhaps the most fertile wheat-growing tracts on this continent,—in central and eastern Canada facilities for manufacturing such as cannot anywhere be surpassed,—and in the eastern or Maritime Provinces an abundance of that most useful of all minerals, coal, as well as the most magnificent and valuable fisheries in the world; extending as this country does for two thousand miles, traversed by the finest navigable river in the world, we may well look forward to our future with hopeful anticipation of seeing the realization, not merely of what we have hitherto thought would be the commerce of Canada, great as that might become, but to the possession of Atlantic ports, which we shall help to build to a position equal to that of the chief cities of the American Union. (*Debates*, 63)

Thomas D'Arcy McGee described the proposed union as having a "natural oneness" to its geography:

There is not one port or harbour of all the provinces now proposing to confederate, which cannot be reached from any other by all vessels, if not of too great draught, without ever once leaving our own waters. From the head of Lake Superior the same craft may coast uninterruptedly, always within sight of our own shores nearly the distance of a voyage to England—to [St. John's], Newfoundland. (*Debates*, 139)

Galt and McGee were not the only ones to hold this geographic view of Confederation. Members of the Legislative Assembly who were not part of the ministry expressed similar views. For instance, despite his opposition to the Quebec Resolutions, Joseph-Xavier

Perreault, member of the Legislative Assembly for Richelieu, outlined nearly the same geographic concept of Confederation:

Those who consider the inexhaustible resources of the Provinces of British North America have no doubt that we possess all the elements of a great power. In territory we have a tenth part of the habitable globe, capable of supporting a population of 100,000,000 of persons. Bounded on the east by the Atlantic, on the west by the Pacific, our territory is further accessible by the navigation of the internal seas, which bound it on the south. Our rivers complete the incomparable network of communication by water, and, like vivifying arteries, bear on their bosom to the ocean and the markets of the world the heavy produce of the western plains, the lofty pines of our forests, our ores of gold and copper, our furs collected in our hunting grounds, and the produce of our fisheries in the gulf. In this vast field of productiveness, where all the materials of immense wealth exist, we need a moving power, and the inexhaustible coal fields of Nova Scotia are at hand to furnish it. (*Debates*, 585-86)

In this vision of Confederation, the proposed union of British North America was a natural system, like a human body, connected by the “vivifying arteries” of its lakes and rivers and its metabolism fuelled by its mineral wealth.

Each region of the proposed union brought with it an abundance of natural wealth. Canada was, to these legislators, the agricultural and emerging industrial heart of the proposed federation. New Brunswick, while geographically small and lacking in agricultural potential, offered rich stocks of timber and fish. As Taché described New Brunswick, “If it did not produce wheat, it produced timber in immense quantities. It had a very extensive fishing coast which was a source of great wealth” (*Debates*, 8). Nova Scotia also contributed its fisheries, according to John Jones Ross, life

Advocates of Confederation saw some of the greatest potential to exploit nature in the northwest, especially through agricultural colonization. It was in this region that legislators expressed their most explicit imperial ambitions.

member of the Legislative Council from Toronto, who argued that “[a] large portion of the population are devoted to fishing, and skilled in drawing from the bosom of the deep the inexhaustible treasures which will be a perennial source of wealth and prosperity to that country” (*Debates*, 831). But in addition to its fisheries, Nova Scotia would also fuel the industrial growth of the new nation with its mineral inheritance. Thomas D’Arcy McGee was just one of many in the Legislative Assembly to highlight the coal deposits of Nova Scotia. “But there is one special source of wealth to be found in the Maritime Provinces,” McGee exclaimed, “which was not in any detail exhibited by my hon. friends—I allude to the important article of coal. I think there can be no doubt that, in some parts of Canada, we are fast passing out of the era of wood as fuel, and entering on that of coal.” Not only would coal soon replace wood for heating, but it would fuel the growth of manufacturing in Canada (*Debates*, 141).

A VISION OF NORTHWEST EXPANSION

Advocates of Confederation saw some of the greatest potential to exploit nature

in the northwest, especially through agricultural colonization. It was in this region that legislators expressed their most explicit imperial ambitions. George Brown was a leading voice for western expansion. “What we propose now is but to lay the foundations of the structure,” Brown argued, “to set in motion the governmental machinery that will one day, we trust, extend from the Atlantic to the Pacific” (Waite, 38). In that enormous territory between the head of Lake Superior and the Pacific coast, Brown claimed, “vast sources of wealth to the fur trader, the miner, the gold hunter, and the agriculturalist, lie there ready to be developed” (*Debates*, 98). Brown, of course, was not alone in this imperial vision of Confederation. Robert MacFarlane, member of the Legislative Assembly for Perth, was one of many to hold similar ideas: “Before long we shall see population extending over these vast plains, across the basin of the Winnipeg [*sic*] and the valley of the Saskatchewan, and thence to Vancouver [Island], and all the sooner if this measure be adopted, supplying as it will a government for the encouragement of its settlement and the protection of its settlers; for the country is as fertile and productive as our own province, and its domain as wide” (*Debates*, 1024).

Nature would make Canada an empire. “With such an extent of territory and so fertile a soil,” Taché told the Legislative Council, he had “no doubt whatever that in less than half a century Canada would embrace a population equal to that of the large empires of the old world” (*Debates*, 6). The idea of nature as a divine inheritance and foundation for a new transcontinental empire animated the imaginations of Confederation’s vocal proponents in the Province of Canada. It was a view of nature that was often hyperbolic and overly optimistic. It was also singular in vision, driven by a development ethos without much concern for many of the problems associated with export-led natural resource exploitation or the need to conserve or even protect elements of

The nature of Confederation, page 26

A workingman watches

Tabernacle! Finally they're gone. Pity the poor caretaker! I've had to wait for these windbags to finish their speeches almost every night for six weeks before I could close up the Parliament Building. So, night after night, I've sat waiting and listening. Grab that broom and give me a hand to clean up all their mess, and I'll tell you about what's been going on.

So many speeches, hour after hour. All about trying to pull together the colonies to make a new country, a "new nationality," as some of them like to call it. I must admit that a few of them really know how to pitch an idea. That D'Arcy McGee can win a few hearts. But most of them didn't make much impact on this workingman. It's pretty clear that they don't care about those of us who earn our bread by the sweat of our brow anyway. Not one of them talked about how working people would benefit from this new "Confederation."

Oh, sure, lots of them wanted to convince the others that the economy would be in better shape if Confederation came to pass. More trade between the colonies, it seems, and maybe some new mines and logging camps in places pretty far from here. So I guess that will mean more jobs for the likes of us. That smooth-talker from Kingston, John A. Macdonald, talked about how this new deal will sweep away "the evils which retarded our prosperity," and that Scottish guy from Toronto, George Brown, had a lot to say about the great economic advantages of the colonies joining together. This union of the colonies "will give us control of a market of four millions of peoples," he claimed. It will be a "great gain to our farmers and manufacturers." I'm not sure what he thinks has been so bad up to now. Oh, to be sure, lots of our families have been migrating to the States to look for work. If the politicians are right, maybe my cousin Jean-François will find work here in Quebec and can return from Lewiston. But the reciprocity deal we signed

BY CRAIG HERON

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with the United States back in 1854 has brought us good trade, and there's been lots of work in the British colonies here during that civil war they fought in the States. In fact, we've got new manufactories popping up all across the colonies, and every week I see hundreds of workingmen and their families getting off the boats down on the waterfront, ready to get jobs in industry. There are moulders heading up to Montreal to work in the big foundries and carpenters and masons looking for work in every town along the lakes in Upper Canada. Lots of guys, like my cousins Benoît and Étienne, have been heading off to the lumber camps every winter too. Here in Quebec City, the shipyards and woodworking shops are booming. My niece Joséphine even got a job in one of the new shoe factories. The population has been rising by leaps and

bounds. Now we've got a railway connecting us with Montreal.

Câllice! I've heard a lot about railways here in this chamber over the past few weeks. The speakers on the government side liked to sing the praises of the new line to the maritime colonies, the Intercolonial, as they're calling it. It's part of the deal between the colonies. To be sure, there are men like my cousin Luc who will be glad to have work again as navvies building railways, and lots of towns down east will get a boost as those construction gangs pass through. But this Intercolonial idea sounds like a giant swindle. Who's behind it? Why, as Monsieur Antoine-Aimé Dorion, that smart guy from Montreal, said last week, it's the Grand Trunk Railway. They want the new government to foot the bill for a new line to the east that will boost the business of the Grand Trunk. He said that company's investors got assurances of "the enhanced value which will be given to their shares and bonds, by the adoption of the Confederation scheme and the construction of the Intercolonial." M. Dorion also thinks that the Hudson's Bay Company is behind that project, because they would like a line heading westward as well. As I look around that chamber over the past few weeks, I saw so many men with business interests that would benefit from Confederation. Take that James Ferrier in the Legislative Council, who everybody knows is a director of the Grand Trunk. He got up and declared: "We want the road at the present moment for the business of the country." And, of course, there's that fat cat George-Étienne Cartier, with all his connections to the banks and railways. This is what politics has become in our part of the world. The men who employ us have easy access to government and all the goodies that can flow their way. As I listened night after night to these guys, it sounded like they were working out a

A workingman watches, page 28

A workingman watches continued from page 27

big business deal to make everything easier for themselves and their friends.

As far as I could tell from all the speechifying, we workers will fall into the category of “property rights” in the new constitution, and they’re being left to the new provincial governments. That seems to be a way of saying we’re not too important, since the new national government is set to take on all the really big jobs like promoting the economy and defining criminals. Even policies about sending our kids to school will be left to the provinces.

Did we hear anything in these debates about workers’ rights? No! Actually, nobody seemed to want to talk about rights at all. They spent hours explaining how the new national government and the local provincial governments would get along. But, when it came to matters of political principles, all they talked about was the Queen and the “monarchical element” in government. The queen may be a fine, virtuous woman, but she’s the symbol of all the power and wealth sitting up there at the top of the pyramid. The folks at the top make all the decisions for us at the bottom. These Confederation men said they want to avoid the democracy and republicanism that exists in the United States. They’re afraid of “universal suffrage,” letting everybody vote. So, to keep the rabble in check, they want to create a new upper house in Parliament. It will be more like the House of Lords in England than the Senate down in the States. Everyone in it will be appointed for life, despite the fact that there have been elections for the upper house here in the Province of Canada’s Parliament since 1856. In the British colonies, we don’t have enough wealthy lords living on their country estates who can inherit their seats in Parliament. So I guess that means they’ll fill up the new upper house with rich businessmen and worn-out politicians, who will sit there vetoing what is passed in the lower house of elected representatives. They are just another kind of “aristocrat,” liv-

It’s no wonder that workingmen here in Quebec, and other places, are starting to think that they need to get together to protect their own interests from the likes of these bigwigs.

ing off the sweat of our labours. The governor general and the provincial governors will be appointed too. I wanted to cheer when I heard M. Dorion proclaim that “we shall have the most illiberal Constitution ever heard of in any country where constitutional government prevails.”

And not a word about who will be able to vote for guys who want to sit in the new House of Commons. Here in the Province of Canada, under the election act passed in 1859, you need to own, lease, or occupy property worth at least \$300. I can tell you that that excludes most of us workingmen down in Lower Town. I’ve never been able to vote, and didn’t hear any of those eloquent gentlemen promise to open up the voting to the likes of me and my neighbours. I’ve heard John A. Macdonald argue that only those with property should have a say in government, because otherwise property would be threatened. He believes that those with lots of property should rule the rest of us. He calls that “protecting the minority.” “Classes and property should be represented as well as numbers,” he argued here in these debates. He always seems worried that we poor folk are going to rise up and take over.

They aren’t even going to ask us to vote on whether we like this new Con-

federation. It’s too “complicated,” according to Macdonald. They’re going to whisk it off to London to get the British Parliament to pass it into law, leaving us to just accept what comes back down to us here on the St. Lawrence. There’s a lot about the way the new constitution is set up that seems paternalistic—leaving our betters to decide what’s best for us.

Sacrament! There are a lot of us who have had enough of the kindly, old-fashioned master and the patient, obedient servant. We know our masters have often looked out for our best interests, but we always have to let them decide what those interests are. Too often these days, they seem to be more concerned with their profits and less with taking care of us. I hear that that George Brown, for example, has turned his newspaper in Toronto, the *Globe*, into a roaring capitalist operation, with huge steam printing presses run by less-skilled men, rather than well-trained printers. I hear he’s also been hiring lots of boys and women to do the printers’ work. No respect for the craft.

It’s no wonder that workingmen here in Quebec, and other places, are starting to think that they need to get together to protect their own interests from the likes of these bigwigs. Here in Quebec City, the Ship Labourers’ Benevolent Society has more than a thousand members, and is standing up to the bosses with more guts. Those boys are mostly Irishmen, but now there’s a society for the French dock workers as well. The ship carpenters and sailmakers are well organized, and so are railway workers. The ships’ carpenters are planning to start a co-operative society to build ships on their own without any contractors. The cigar makers here are even hooking up with their brothers in the United States in a new kind of “international unionism.” The printers have been around since 1827, and have their own library. I’ve been to a couple of the lectures they hold. They’re really the intellectuals among us workingmen. They could have brought something

Confederation will be a way to promote business interests and take us for granted. We'll be the available "hands" to work in their companies, presumably doing well in the new markets, but we won't get to have a say in how the new country works.

special to the debates about Confederation. But nobody asked them.

My brother Henri worked for a while up in Hamilton and tells me there's a Trades Assembly that brings together all these groups in that town to work out what they have in common. The problem is that we have to be careful—

unions are illegal under the common law. Only 16 years ago, some shoemakers in Montreal got dragged into court on charges of criminal conspiracy for forming a society for helping each other out with mutual aid and trying to regulate their wages. We need a new law to take away that threat, but I don't

see any of these guys promising to set the workingman free.

So this Confederation will be a way to promote business interests and take us for granted. We'll be the available "hands" to work in their companies, presumably doing well in the new markets, but we won't get to have a say in how the new country works.

Ah, Confederation. *J'men câllice!* Who cares? It has nothing to do with us. Let's head down to the tavern and forget about it. 

NOTE

Quotations in order of citation from the Waite edition: Macdonald, 19; Brown, 44-45; Dorion, 64; Ferrier, 14; Dorion, 66; and Macdonald, 39 (from the longer 1865 edition).

A WIDE ARRAY OF FASCINATING PERSPECTIVES

YORK UNIVERSITY, in conjunction with its partners and co-sponsors the Archives of Ontario, Osgoode Hall Law School, and Seneca College, presents seven distinct but interconnected projects to be held in connection with the upcoming sesquicentennial of Canadian Confederation of 1867 in 2017. These programs will illuminate a wide array of fascinating perspectives about the events of the 1860s in what is now called Canada, and the implications of the events that have since arisen.

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Gender and the Confederation debates

The participants in the 1865 Confederation debates were divided by ethnicity, region, political opinion, and religion, but they shared class privilege, a racial identity we would now call “white,” and gender. They were all men.

This latter shared identity would not come as a surprise to feminist historians. The political revolutions of the late 18th and early 19th centuries may have eradicated (or eroded) the patriarchal authority of monarchs, but in turn invested political power in male heads of households—populist patriarchs who as fathers and sons united to exclude female participation from the body politic.¹ In the Canadas, Bettina Bradbury has shown, property-owning women struggled for and lost their voting rights in 1830s and 1840s Montreal.² Such processes helped consolidate the stark division between public and private that characterized 19th-century industrial societies. Elite women may have wielded considerable influence on the perspectives of husbands and sons—Gail Cuthbert Brandt argued such was the case in the 1864 Charlottetown negotiations leading up to Confederation—but influence in the social and personal realms did not translate into political power.³ As the 1865 Legislative Council and Legislative Assembly debates reveal, deciding the political future of British North America was an all-male affair. Is, then, gender a useful category of analysis for understanding the political dialogue of 1865?

CONSPICUOUS BY THEIR ABSENCE

Whether reading P.B. Waite’s 1963 edited selections of *The Confederation Debates in the Province of Canada* or the full text of the debates, now available digitally,⁴ the masculine character of the political discourse is unmistakable. Real women were conspicuous by their absence. The female monarch, Queen Victoria, to whom the plan for colonial union would have to be pres-

BY KATHRYN MCPHERSON

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None of this North American political agitation over women’s sexual, educational, property, and political rights made its way onto the tongues of the men who so loquaciously debated the merits of political union in British North America.

ented, was referenced fewer than two dozen times throughout the full text. Plebeian women appear even less frequently, emerging occasionally as characters in anecdotes used to bolster particular points of debate. Langevin, for example, recounted the story of 150 emigrants who travelled from Fort Garry to British Columbia in 1862. In the party were “a woman and three little children” who were well cared for on the journey. Langevin argued that just as these vulnerable travellers could traverse the northern half of the continent, so too could the political union between east and west be possible.⁵ Beyond such didactic tales involving members of the female sex, participants in the Confederation debates remained oblivious to the social, eco-

nomie, political, and cultural issues facing women of the day.

For instance, the 1865 debates make no mention of feminist activism of the mid-century, stories of which some of the learned men might have read in the transnational press. In 1848, Elizabeth Cady Stanton and her peers at Seneca Falls, New York had demanded rights for women. Stanton herself rewrote the Declaration of Independence to include female citizens. Closer to home, journalist Mary Ann Shadd Cary used her newspaper *The Provincial Freeman* (1853-1857) to demand the expansion of the franchise, the abolition of slavery, and temperance, making her the first female editor of a Canadian newspaper.⁶ Meanwhile, for several decades the Upper Canadian Protestant Church courts had been debating a single sexual standard, thereby challenging male sexual privilege.⁷ In 1865, Emily Howard Stowe applied for admission to the University of Toronto School of Medicine, and was denied on the basis of her sex; she went instead to the New York Medical College and Hospital for Women.⁸ In 1869 the Provisional Government of Assiniboia debated whether property-owning women (especially the Grey Nuns) would have voting rights.⁹ None of this North American political agitation over women’s sexual, educational, property, and political rights made its way onto the tongues of the men who so loquaciously debated the merits of political union in British North America.

MARRIAGE AS CIVIL CONTRACT

Marriage was the one exception. A relatively lengthy ten pages of discussion in the full version of the text—excised from Waite’s 1963 version of the Confederation debates—focused on which level of government would sanction marriage and, more importantly, whether marriages formed in one jurisdiction would be recognized across borders, and therefore be “indissoluble.” After all, argued Joseph-Édouard Cauchon, member for

Montmorency, marriage “constitutes the family and breaking that tie would destroy the family and strike a mortal blow at society, because family ties are its only base, its only foundation, its only element of composition.” In a speech frequently punctuated by applause and shouts of “Hear, hear,” Cauchon shifted his discussion from that of the religious sanctity of marriage to its status in civil law: “marriage considered as civil contract, becomes necessarily a part of these laws ... all the possible consequences that can result from marriage to the contracting parties, their children and their estates. (Hear, hear).” For Cauchon and his audience, marriage was “the natural mode of transmitting property, which is the fundamental basis of society and, to go farther, society itself in its constitution.”¹⁰ In subsequent decades, as historian Sarah Carter has shown, Euro-Canadian marital systems would emerge as powerful tools of sexual and racial governance in the new nation.¹¹ In 1865, though, it was the economic elements of marriage, and not its social practices or its cultural diversity or its profound effect on women, that animated political debate.

Of course, the exclusion of women or women’s issues did not mean that gender was not at play. Cecilia Morgan’s analysis of how diverse claims to masculine legitimacy shaped political reforms in Upper Canada in the 1830s is particularly helpful here. Morgan argued that Upper Canadian reform advocates like William Lyon Mackenzie claimed for themselves the status of “true men” who earned their place in public debate through their own merit. They stood in contrast to conservative opponents who had gained appointment to public office through family—including female—networks; they thus rode into public life on the “petticoats” of kin connections. Claims to public space were, Morgan shows, predicated on claims to distinctive masculine traits.¹²

“HONOURABLE GENTLEMEN”

Did the 1865 debates hinge on particular kinds of masculine identities? What is

[T]he nation was likened to a household, over which male statesmen would govern, while the land itself was female, fertile, and under masculine control.

striking about the Confederation debates was their civility. With only a few exceptions, the discourse was polite, articulate, learned. Shakespeare and Dickens were quoted. References to characters like Hercules and Mephistopheles were sprinkled throughout. Speakers consistently addressed each other as “honourable gentlemen” and applauded the “frank, bold, manly and statesmanlike manner” of their counterparts.¹³ Differences of opinion were respectful and interruptions were infrequent and short. On occasion, ribald comments were made. When Premier Étienne-Paschal Taché began to tell a story about meeting a “most interesting American woman,” his audience shouted “Hear, hear and Laughter.” Taché responded, “Honi soit qui maly pense” (“Shame on whomsoever would think badly of it”), which incited—in the words of the print version—“Continued laughter.”¹⁴

More likely, though, gendered references tilted toward chivalry. The debaters sought to be “dutiful subjects of the Queen,” praised “fealty to Queen and country,” and criticized any “insult to her majesty.” Joseph-Godric Blanchet, member for Lévis, endorsed a strong central government able to assist the “Mother Country” in the face of invasion by the Americans. For some debaters, political union was an act of patriotism.

This chivalry was extended not just to respect for the Crown, but also to the united territory being debated. The land was imagined as feminine, as a territor-

ial unit often called “she.” By contrast, Canada the political unit was imagined as male. For example, Taché claimed: “Canada was, in fact, just like a farmer who might stand upon an elevated spot on his property, from which he could look around upon fertile fields, meandering streams, wood and all else that was necessary to his domestic wants, but who had no outlet to the highway” (2). In this gendered figure, the nation was likened to a household, over which male statesmen would govern, while the land itself was female, fertile, and under masculine control.

Through their polite and cultured language, these “honourable gentlemen” sought to assert themselves as masculine statesmen, building what political theorist Jürgen Habermas would call a “public discourse of rationality.” Joan Landes explains that, for Habermas,

the modern bourgeois public sphere came into existence when private persons joined together to exercise their reason in a public fashion. Public opinion is the end product of all the dialogues between discoursing individuals, each one of whom is capable of reflexive rational discourse. ... Habermas’s individuals participate in the public sphere as speakers and readers (of novels and the press).¹⁵

From this perspective, the lengthy debates of 1865, with their repetitive references to and excessive pronouncements on (what Waite would later call “twaddle” (xlvii)) railroads, taxation, territorial boundaries, westward colonial expansion, representative government, and the threat of foreign invasion, should be understood not in terms of the substance of the debate, but rather in its form. The Confederation debates were a performance that helped produce the public sphere of rationale discourse.

A GENDERED PUBLIC SPHERE

The performance occurred once on the floor of the Legislative Assembly or

Gender and the Confederation debates, page 32

Legislative Council and then again when printed as an official record in 1865 (and then again in the late 20th century when published as a historical source). In his introduction to the 1963 version, Waite claimed: “The fact that debates were being reported fully, and officially, encouraged quantities of plain drivel ... [M]embers could correct their speeches before they were printed; this meant speeches were dressed up for public consumption.”¹⁶ Dressed up for public consumption, the speeches functioned as a performance of rational discourse, which in turn legitimized the shape and membership in the public sphere. Through this theatre both the rightful actors and the subject of federal governance were defined. The absence of women and, equally importantly, the privileging of male spheres of interest defined the state as a well-run household, even while female labour, opinion, or rights in that household were ignored.

The mutual constitution of “public men” and “a male public” set the political terrain on which Canadian women would fight an uphill battle for the next 150 years. State-funded child care, reproductive rights, protection from gender-based (and racialized) violence, equitable access to education, and the political valuation of care, pay equity, and equal opportunities for women at work and in political leadership are goals that Canadian feminists have demanded in different measure over the past century and a half. By and large, those goals continue to elude us. 🍁

NOTES

1. Joan B. Landes, “The Public and the Private Sphere: A Feminist Reconsideration,” in Joan B. Landes, ed., *Feminism: The Public & the Private* (New York: Oxford University Press, 1988), 135-63.
2. Bettina Bradbury, *Wife to Widow: Lives, Laws, and Politics in Nineteenth-Century Montreal* (Vancouver: University of British Columbia Press, 2011).
3. Gail Cuthbert Brandt, “National Unity and the Politics of Political History” (1992) 3:1 *Journal of the Canadian*

The absence of women and, equally importantly, the privileging of male spheres of interest defined the state as a well-run household, even while female labour, opinion, or rights in that household were ignored.

Historical Association 3-11. Brandt argued that “the success of the political discussions at Charlottetown was directly related to the dazzling and exhausting round of social events filling the interstices of the formal sessions,” social events at which wives of prominent politicians used their social skills to build personal and political bridges while possibly also providing strategic advice to their husbands.”

4. All page numbers for the debates are from the full-text, digital version. See Canada, *Parliamentary Debates on the Subject of Confederation of the British North American Province*, 3rd Session, 8th Provincial Parliament of Canada (Quebec: Hunter, Rose, 1865) (herein referred to as *Debates*), available at *Early Canadiana Online*: http://eco.canadiana.ca/view/oocihm.9_01461/96?r=0&s=1 (accessed April 14, 2016).
5. *Debates*, 382.
6. Jane Rhodes, *Mary Ann Shadd Cary: The Black Press and Protest in the Nineteenth Century* (Bloomington: Indiana University Press, 1998).
7. Lynne Marks, “No Double Standard? Leisure, Sex and Sin in Upper Canadian Church Discipline Records, 1800-1860,” in K. McPherson, C. Morgan, and N. Forestell, eds., *Gendered Pasts: Essays in Femininity and Masculinity in Canada* (Toronto: Oxford University Press, 2003), 65-79.
8. Veronica Strong-Boag, “Canada’s Women Doctors: Feminism Constrained?” in Linda Kealey, ed., *A Not Unreasonable Claim: Women and Reform in Canada, 1880s-1920s* (Toronto: The Women’s Press, 1979).
9. Jean Hall, “Consideration of the Political Position of Women During the Resistance” (February 24, 2013), *Provisional Government of Assiniboia*, <https://hallnjean2.wordpress.com/the-red-river-resistance/women-and-the-resistance/consideration-of-the-political-position-of-women-during-the-resistance> (accessed April 14, 2016). An 1870 article of Winnipeg’s newspaper the *New Nation* addressed “Women’s Privileges” and referenced “Mrs. Stanton.” In 1871, Stanton’s friend and ally Susan B. Anthony toured North America, including a long journey to Victoria, BC, where she gave a public lecture. See Adele Perry, *On the Edge of Empire: Gender, Race, and the Making of British Columbia, 1849-1871* (Toronto: University of Toronto Press, 2001).
10. *Debates*, 577-78.
11. Sarah Carter, *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada to 1915* (Edmonton: University of Alberta Press, 2008).
12. Cecilia Morgan, *Public Men and Virtuous Women: The Gendered Language of Religion and Politics in Upper Canada, 1791-1850* (Toronto: University of Toronto Press, 1996).
13. *Debates*, 903.
14. *Debates*, 241.
15. Landes, 145.
16. P.B. Waite, “Introduction to the First Edition,” in *The Confederation Debates in the Province of Canada, 1865* (Toronto: McClelland & Stewart, 1963), xlv.

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Confederation comes at a cost: Indigenous peoples and the ongoing reality of colonialism in Canada

In 2015 Justice Murray Sinclair, chair of the Truth and Reconciliation Commission, declared: “Reconciliation is about forging and maintaining respectful relationships.”¹ Why did he point this out? The reality remains that Canada and Canadians are not respectful of our relations with Indigenous peoples. As such, the relationship between Canada and Indigenous peoples (termed “Indians” in 1865—but a relationship that would also extend to and include Inuit and Métis) at present remains “unreconciled.”

A LAND OF MANY SOVEREIGN NATIONS

Today Canadians are on a journey to reconciliation because in the 1860s the Fathers of Confederation had no regard for the rights or interests of Indigenous peoples of Turtle Island (what most of us call Canada). What is most striking, though not surprising, is the absence of Indigenous peoples (and perspectives) from the debates in the Canadian Parliament in 1865. At that time, Indigenous people comprised many sovereign nations, all of which had very different political, economic, and social structures. They were self-governing, with sophisticated land and resource management regimes. There were multiple Indigenous nations spread across the country, some having already negotiated “peace and friendship treaties.” In the 1860s, the Indigenous peoples in the Prairies, much of British Columbia, and the North still dominated the local economies, and maintained their access to buffalo, fish, and fur-bearing animals. This access would diminish after Confederation.

In 1865 Indigenous constitutions and Indigenous laws were rooted in a deep and reciprocal relationship with the land that prioritized people, place, ani-

BY GABRIELLE SLOWEY

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[S]ettlers believed so firmly in their own superiority and civilization that they were unable to see the importance of the contributions of their Indigenous hosts. Instead, “Indians” were a problem that had to be solved.

mals, nature, and respect for the earth. Indigenous scholar Kiera Ladner contends that, despite Canadian claims of sovereignty, Indigenous constitutional visions did not simply disappear. Rather, the new state acquired lands, rights, and resources through what she terms “magical ways.” Even though Indigenous peoples were absent from the minds of those that would ultimately lay the foundations for the Canadian nation, Indigenous lands (and the resources contained therein) were not. Indeed, the opposite: Indigenous lands were and remain central to the Canadian Confederation project.

Mired in colonial mindsets and European Christian values, the men in attendance at the debates were con-

cerned about matters of race, by which they meant Irish, Scottish, French, and English. They considered issues of jurisdiction and the division of powers between the new provinces and a central government. They debated whether to form a unitary or federal nation. Ultimately, they were blind to their own prejudice and ignorance. While Indigenous peoples were cast as subhuman and “savages,” the settlers saw themselves as the great White saviours who would save the Indigenous peoples from themselves. Indeed, settlers believed so firmly in their own superiority and civilization that they were unable to see the importance of the contributions of their Indigenous hosts. Instead, “Indians” were a problem that had to be solved.

A PROBLEM TO BE SOLVED

Since before Confederation, the long-term and stated goal of Euro-Canadian settlers had been to bring the Indigenous peoples from their “savage and unproductive state” and force (European-style) civilization upon them, thus confirming Canada’s place among European Christian nations. Despite the civilization project goal of the newly arrived settlers, the only explicit reference in the Waite version of the Confederation debates to “Indians” addressed the “Indian territories” that fell between Canada West and British Columbia. The politicians saw these territories as obstacles to be overcome rather than the rightful territories of Indigenous peoples to be negotiated and acknowledged—this, despite the fact that in 1763 King George III had proclaimed that all Indigenous territories remained the land of Indigenous peoples unless otherwise ceded, surrendered, or purchased. The Royal Proclamation was issued to prevent the unlawful theft of

Confederation comes at a cost, page 34

Confederation comes at a cost continued from page 33

Indigenous lands throughout the new empire. In practice, in large parts of Canada, particularly the Maritimes and British Columbia, government officials and legal authorities assumed that European settlement superseded Indigenous rights to territory.

Upon Confederation, the Constitution of 1867 assigned exclusive responsibility for Indians to the federal government. Section 91(24) of the *Constitution Act, 1867* makes the federal government responsible for “Indians, and Lands reserved for the Indians.” Shortly after Confederation, the new Dominion government passed the *Indian Act* (1876), consolidating an array of colonial statutes passed by the former Province of Canada. This all-encompassing legislation set out to “remake the Indian” into a European. Known as the gradual civilization act, the legislation was broad. Most significant among the provisions, it defined who was and was not considered to be an “Indian” by the federal government, set out the band council system of government, and also established the conditions by which Indians could be enfranchised (namely, if they voluntarily gave up being Indian). Duncan Campbell Scott, who joined the civil service in 1879, famously stated why he thought the residential school legislation was a good idea, as follows: “I want to get rid of the Indian problem. I do not think as a matter of fact, that the country ought to continuously protect a class of people who are able to stand alone. ... Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department, that is the whole object of this Bill.”²

THE INDIAN ACT

The *Indian Act* has been amended many times over the past 150 years, but it remains in existence today. It is the only piece of colonial legislation enduring today that specifically aims to assim-

The *Indian Act* remains critical evidence that colonialism is alive and well today. It is a constant reminder that the state of Canada is premised on the theft of Indigenous lands.

ilate and control a specific group of people. No settler group, no newcomer to Canada, is subject to such scrutiny and control by the state as Indigenous peoples are. This is one of the ways we perpetuate an inherently disrespectful relationship. This is one reason why Indigenous peoples are not and should not be considered simply another cultural group that makes up the multicultural fabric of Canada. They are not immigrants to this land; this has been their land since time immemorial. The *Indian Act* remains critical evidence that colonialism is alive and well today. It is a constant reminder that the state of Canada is premised on the theft of Indigenous lands. Given this enduring colonial reality, it is easy to see why we are in an era focused on reconciliation with Indigenous peoples.

At the same time, reconciliation remains a contested concept. Indigenous scholars like Taiaiake Alfred and Jeff Corntassel³ and more recently Glen Coulthard⁴ caution that reconciliation is not a gift that can be offered by the state. Rather, it must begin with Indigenous peoples themselves and be rooted in Indigenous concepts, knowledge, and traditions. Frustration with reconciliation emerges, in part, out of multiple failed efforts by the state to address

Indigenous concerns. Since Confederation, various national governments have endeavoured to solve the “Indian problem” through legislation. Most notable is Pierre Trudeau’s first “just society” measure. On the anniversary of his landslide election, in 1969, Trudeau, along with his minister of Indian affairs Jean Chrétien, proposed the now infamous “White Paper,” which contained three main proposals: (1) abolish the *Indian Act*; (2) transfer responsibility for Indians to the provinces; and (3) close the doors of the federal Department of Indian Affairs. Indigenous peoples from across the country were appalled at the proposal, which had been drafted without their input or consent and which threatened to eliminate the fiduciary duty owed them by the federal government. Indigenous peoples mobilized nationally to challenge the legislation, and the government withdrew it.

ATTEMPTS AT RECONCILIATION

In 1982, Trudeau’s patriation of the Constitution entrenched the term “aboriginal” to mean “Indian, Inuit and Métis” peoples in Canada. This “catch-all” term was hailed by settler society as a step toward recognizing Indigenous peoples in Canada, yet at the same time the reality is that it lumped multiple nations and peoples together under a single rubric that could not and does not reflect the reality of diversity. The new Constitution also ensured that historic and existing Indian treaties were both recognized and protected. It would be easy to point to this constitutional change as a seismic shift in federal policy, especially in comparison to the language of Scott and the 1969 White Paper. However, accommodation and inclusion must not be mistaken for change or for decolonization. As Frantz Fanon⁵ famously wrote, beware of the gifts of the oppressor, for they continue to oppress. Indeed, Coulthard and Alfred caution against such efforts. In their view, state-offered reconciliation perpetuates state dominance via state institutions. They sug-

gest that the term “reconciliation” remains a ruse to perpetuate the original assimilationist agenda. In this and in many other important ways, Canada and Canadians and Confederation continue to fail Indigenous peoples in an apparent desire to “solve” the problem without meaningfully altering our systems, values, and institutions to reflect and engage with Indigenous knowledge, norms, and ways.

Another example of a failed attempt at reconciliation was the Royal Commission on Aboriginal Peoples (RCAP). Launched in 1990 in response to the Oka crisis,⁶ the RCAP was a major and costly undertaking that produced a five-volume, 4,000-page report with 440 recommendations on how to renew the state-Indigenous relationship. Ladner suggests that the form of reconciliation recommended in the RCAP report is not about promoting Indigenous governance but rather is tantamount to a relationship based on “negotiated inferiority.” She writes: “We need to create a renewed relationship based upon a true partnership in Confederation, which is based upon a realization of a post-colonial vision and not a perpetuation of colonialism.”⁷ Indigenous legal scholar John Borrows adds, “A faithful application of the rule of law to the Crown’s assertion of title [and thus, sovereignty] throughout Canada would suggest Aboriginal peoples possess the very right claimed by the Crown.”⁸ Therefore, as Ladner concludes, we must begin the process of thinking against colonialism to create a post-colonial future.

So, where to begin? Many Canadians simply do not know enough about Indigenous culture and values to appreciate the important contribution they could make to settler institutions and ways of knowing. Many more continue to believe that Indigenous knowledge and institutions are merely relics of the past or that they are not as sophisticated as those of settler society. They are wrong. Instead, settler understandings of Canada constructed at Confederation were entirely premised on the dis-

While the state has arguably made space for Indigenous peoples to participate in contemporary society, in many more important ways the state remains a barrier to the real inclusion of Indigenous knowledge and an obstacle to real reconciliation.

possession of Indigenous peoples and their institutions. Clearly, Confederation came at a cost. In addition, it was not simply a constitutional compromise between provinces and races. Indigenous peoples whose lands and rights were whittled away as a result of the colonial enterprise were in fact, and remain today, the “biggest losers.” Today, as has been the case since Confederation, much of the Canadian economy (and those employed in it) is based on the exploration and extraction of resources on Indigenous lands for which Indigenous peoples receive little or no compensation. Canadian citizens continue to enjoy a standard of living that stands in stark contrast to the standard of living experienced by many Indigenous peoples.

While the state has arguably made space for Indigenous peoples to participate in contemporary society, in many more important ways the state remains a barrier to the real inclusion of Indigenous knowledge and an obstacle to real reconciliation. The lack of equal education, the failure to adequately finance

health care, and the issues of overcrowded and inadequate housing in Indigenous communities reflect an ongoing failure to commit to real and meaningful change and to treat Indigenous peoples with the same level of respect and in the same manner as settlers are treated (though the recent election of the Liberal government offers potential hope for the future).

ACKNOWLEDGING COLONIALISM

In the end, Canada’s Confederation documents were written in a colonial era in which the “Fathers” of Confederation worked to unite a nation and build a country predicated on the displacement and dispossession of Indigenous peoples. It is impossible to celebrate Confederation without acknowledging the fact that it came at a cost. Inherently, Confederation was a colonial project, claiming territory in the name of the Crown and assuming ownership of it. At no point were Indigenous nations or their rights acknowledged. Implicitly, though not in law or in practice, Confederation is based on the principle of *terra nullius*—literally, land without people. Indigenous peoples were not considered the rightful owners of the land. Yet, Indigenous people were and are connected to the land in ways in which the Fathers of Confederation did not, and many Canadians still do not, recognize or appreciate. Today, Canada remains a nation entrenched in colonialism, all rooted in a colonial document. If we are to venture down the path toward real reconciliation, we need to rethink how we govern and how we conceptualize ourselves, perhaps even alter Canadian institutions and norms to embrace Indigenous ideas and institutions that can better shape the journey, going forward. So as the country celebrates Confederation, it is important that we pause to confront the reality of the past and the colonial relationship with Indigenous peoples to put into stark focus Canada’s journey toward reconciliation. 🍁

Confederation comes at a cost, page 36

Confederation comes at a cost continued from page 35

NOTES

1. Truth and Reconciliation Commission of Canada, <http://www.trc.ca/websites/trcinstitution/index.php?p=3> [archived site] (accessed April 14, 2016).
2. Scott, quoted in E. Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986), 50.
3. Taiaiake Alfred and Jeff Corntassel, "Being Indigenous: Resurgences Against Contemporary Colonialism" (2005) 40:4 *Government and Opposition: An International Journal of Comparative Politics* 597-614.
4. Glen Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014).
5. Frantz Fanon, *The Wretched of the Earth* (New York: Grove Press, 1963).
6. As the Oka crisis reminds us, colonialism is a violent process and throughout Canadian history Indigenous peoples have been the victims of violence inflicted on them by the state. For more on the events that took place at Oka, refer to Geoffrey York and Loreen Pindera, *People of the Pines: The Warriors and the Legacy of Oka* (Toronto: McArthur, 1999).
7. Kiera Ladner, "Negotiated Inferiority: The Royal Commission on Aboriginal People's Vision of a Renewed Relationship" (2001) 31:1-2 *American Review of Canadian Studies* 241-64.
8. John Borrows, "Questioning Canada's Title to Land: The Rule of Law, Aboriginal Peoples, and Colonialism," in *Recovering Canada: The Resurgence of Indigenous Law* (Toronto: University of Toronto Press, 2002), 113.

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A 2016 workshop/conference, and 2017 scholarly book publication, that explores Canadian Confederation from global perspectives. The conference will host scholars from around the world (as well as Canadians with expertise in non-Canadian settings) to present research findings on the ways in which peoples, colonies and foreign governments understood and considered the changes that were taking place in British North America in the 1860s. Was the emergence of the Canadian nation an issue of interest during this period? How was the new colonial government perceived by others—with enthusiasm, disregard or trepidation? To what extent was the creation of Canada considered a possible threat or model for future nation-building?

Using history to justify Confederation

History was frequently invoked in the Confederation debates by both pro-confederates and anti-confederates to justify their positions. All parties realized that they were at a pivotal juncture, when a new set of constitutional arrangements would alter the destinies of the new country's inhabitants, even though it was politically expedient for some to downplay the prospect of change. Speakers recognized that the American Civil War and the processes of state formation in Italy and Germany constituted part of the context, but in placing the Confederation process within a larger historical narrative, most politicians did not delve very far into the past. There might have been allusions to Shakespeare and the Bible, but members generally focused on how recent concerns—the clergy reserves or political deadlock—provided a justification for Confederation. Apart from George Brown, who articulated the Confederation pact as a key historic moment, the legislative debates reflect an attitude that Confederation would come about in a sequential process responsive to circumstances.

HISTORY AS PROGRESS

Members of the Legislative Council and Legislative Assembly held a typically 19th-century view of history as the unfolding of progress. History would reveal whether the Confederation scheme was progressive or retrogressive, or whether it guaranteed connection with the British empire, its institutions, laws, and remembrances of the past. History would provide lessons for devising a union without the defects that had afflicted Canada East and Canada West, led the United States to civil war, and other countries to internecine conflict. For some, Confederation meant a natural step in the progressive development of the colonies, and its rejection pragmatically unwise and backward-looking. John A. Macdonald observed that although political dead-

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lock, anarchy, and lack of prosperity could be ended through the dissolution of the union between Upper and Lower Canada, leaving them as they were before 1841, that was a “retrograde step” with no supporters (19). George-Étienne Cartier remarked on how easily the colonies could secure national greatness through Confederation, contrasting the process with ancient times, when warriors struggled for years to add a single province to their territory. In modern times, he noted, nations were formed by the agglomeration of communities with similar interests and sympathies (28-29).

George Brown's appeal to history likely alienated a good proportion of Lower Canadian representation. Glancing back on the time that had passed since the provinces became by conquest part of the British empire, he claimed to be recalling the “olden times” to highlight how the descendants of the victors and the vanquished, as dif-

ferent in language, religion, civil law, and social habit as they were a century ago, were now trying, amicably, to find a remedy for constitutional evils and injustice complained of not by the vanquished but by the victors. Together with the people of four other colonies, he opined, they all avowed attachment to the British Crown, and were trying to determine how to extend the blessings of British institutions so that a great people with close and hearty connection to Great Britain could be established in North America. He doubted whether there was a parallel to be found in history. When the United States seceded from England, and for many years after, their population, trade, and commerce did not equal that of the Canadas (36-37).

A SCHEME WITH A HIGH PURPOSE

Brown elevated Confederation as a scheme filled with high purpose, unlike the “petty politics of the past.” Not to be realized in a lifetime, it set in motion governmental machinery that would one day gradually and efficiently extend from the Atlantic to the Pacific. The emergence of “a great and powerful people” in a land whose boundless forests would give way to smiling fields and thriving towns, forming one united government, under the British flag, extending from shore to shore, was for him, “an over-ruling Providence placed upon them” (38, 54). This providential mission involved carrying out the great duty of developing the colonies’ “teeming resources,” including the fur trade and the opening of the northwest territories—the latter a task he had been negotiating with the government in England. His familiarity with old northwestern lore (narratives of history and struggles for commercial dominance in the fur-bearing regions) told him that it should also have been a cherished project of Lower Canada, and a source of pride for French Canadians (46-47).

Using history to justify Confederation, page 38

Using history to justify Confederation continued from page 37

Brown's utterances paralleled the Puritans' "errand into the wilderness," which later took shape as the American idea of manifest destiny. His view also reflected Canada's perceived role as the source of resources for the metropole, while pointing toward the nationalist-imperialist vision, articulated more strongly after Confederation, that Canada would ultimately take its destined role at the centre of the British empire (47-49).

History provided the politicians with more practical tools as well. The Confederation scheme was advanced as one that would resolve internal political difficulties, restore harmony between the Canadas, and maintain British institutions. Without it, Premier Étienne-Paschal Taché warned, the colonies would be forced into an American union either by violence or by "an inclined plane" carrying them there insensibly. Because the union between the two Canadas had failed to resolve differences, "the fairest portion of the country" had been ruined by three years of conflict and "barbarous acts" akin to those in the darkest ages. Legislation had been stymied as Lower Canada continually refused Upper Canada's demand for representation according to population because, since the union was a legislative one, a preponderance to one section would have placed the other at its mercy (1-3). David Reesor, the elected member of the Legislative Council for King's in Canada West, noted that with neither party able to rule, political adversity caused political desperation, with some calling the great constitutional change necessitated by the numerous political crises "a political millennium" (8-9). James Ferrier, life member of the Legislative Council from Montreal, observed that once the Seigneurial Question in Lower Canada and the Clergy Reserves in Canada West had been settled, with no great issues of public interest occupying attention, political warfare was destroying all political and moral principles within the legislature

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and beyond. People holding government offices were attacked by the Opposition or their papers, and visitors to the legislature heard tales of political crime, bribery, and corruption. This demoralizing influence was felt by every parliamentary member, especially at the polls (11). Statements such as these reveal that many members did not reach very far into the past to bolster their arguments.

After hearing concerns about the Confederation scheme, John Rose, member of the Legislative Assembly for Montreal Centre, suggested it would be better to examine its merits, forget the past, former differences and recriminations, and not revive old animosities. In the impending new era of national existence, it would be unsafe for anyone who did not change their opinions to guide a nation's affairs. "Such a man is like an old sign-post on a road that existed twenty years ago, but which no one could not pass over" (71). In this spirit, he recounted that when Lower Canada's English Protestants were a minority in the hands of the French Canadian population, they were accorded the right of separate education long before the union of the provinces. The liberality shown in the past, he believed, was a guarantee for the future.

LEARNING GLOBAL LESSONS

George Brown added a global dimension to the discussion, extolling the harmonious way in which "a people of two distinct races, with different languages and institutions, and sectional hostilities" were dealing with greater difficulties than had plunged other countries into civil war in order to achieve peace-

fully and satisfactorily what Holland and Belgium, after years of strife, were unable to accomplish; settle questions that Austria and Hungary, Denmark and Germany, Russia and Poland, could only crush by armed force; avoid the foreign intervention that deluged the sunny plains of Italy in blood; and settle issues hardly less momentous than those that led to civil war in the neighbouring republic (36).

The American Civil War loomed large in the debates. The history of the United States suggested an unworkable governmental structure. Though many pointed to the American constitution's defects, Macdonald called it a skilful work of human intelligence. Modelled on Great Britain's constitution, it was adapted to the circumstances of a new country in the only practical way then possible. Time and events had exposed the problem of making each state sovereign with all the powers incident to sovereignty, except those conferred upon the general government and Congress. As a corrective, Macdonald explained, the Confederation scheme made the general government stronger, giving it all the subjects of general interest, thereby making one people and one government, instead of five peoples and five governments tenuously connected (23-24). In the Legislative Council, Louis-Auguste Olivier, elected member for de Lanaudière, argued that the scheme was politically retrogressive because it gave too much power to the central government, especially since it had the power of the purse and control of armies. The adoption of Confederation would see the local governments

crushed by the general government, he warned (9-10).

Cartier believed that ongoing struggle in the United States augured trouble for the colonies because it was not clear if the war would end in the establishment of two confederacies or one. If Canada's five colonies did not come together under one general government as a British American confederation, they would be absorbed into an American one (28). D'Arcy McGee warned about the territorial acquisitiveness of the United States: "They coveted Florida, and seized it; they coveted Louisiana, and purchased it; they coveted Texas, and stole it; and they picked a quarrel with Mexico, which ended by their getting California." Sometimes they pretended to despise these colonies, "as prizes beneath their ambition," but Canada would not have a separate existence, he continued, had it not been for England's protection. The first—and ongoing—ambition of the American confederacy had been to acquire Canada, even when she had a handful of troops and her navy was just a squadron. With guns afloat by the thousands and troops in the hundreds of thousands, was she now to be stopped? he asked (56, 57).

Often regarded as the most articulate opponent of Confederation, Christopher Dunkin wanted to avoid raising the ghost of past animosities by arguing for

"Things done cannot be undone," [Dunkin] said. "In a certain sense, whatever is past is irrevocable, and it is well it should be."

another way to be found out of the political impasse (80). In discussions leading up to the union of the Canadas, he noted, no one spoke about a union of the provinces by Confederation or otherwise. "The child was still-born." Old issues and crises persisted until the last session of Parliament when George Brown moved for and obtained a committee on the subject of constitutional changes. "We have yet to see, in the first place, whether the thing is done, and then, if it is done, whether it succeeds," Dunkin remarked (83). In response, D'Arcy McGee (echoing Macbeth's soliloquy while contemplating the plan to assassinate King Duncan) interjected, "If 'twere done, 'twere well 'twere done quickly." "The Minister of Agriculture is too good a Shakespearian [*sic*]," Dunkin responded, "to need to be reminded that the thing to be done in that case was something very bad" (83). Later, Dunkin asked whether the past was so bad that, on pain of political annihilation and ruin, it was necessary to adopt the precise scheme being put forward. He favoured continuing with a legislative

union, which had worked for almost 25 years. Could they not stay as they were, nor yet go back nor forward in any way but through the Confederation scheme? Things were not so bad that they had to fear going back to a "bugbear past." They could not do that even if they wanted. "Things done cannot be undone," he said. "In a certain sense, whatever is past is irrevocable, and it is well it should be" (92-93).

A SERIES OF ACCIDENTS

Both sides used historical references in their arguments. From the perspective of 2016, the proponents' invocations of history seem better justified than the opponents'. Dunkin's warning about the irrevocability of the past, however, has certainly been tested in the 150 years since Confederation. More significant perhaps is that the speakers, Brown aside, did not cast Confederation as a foundational moment for Canada but, rather, a matter of exigency, an attitude perhaps best reflected in Cartier's comment: "It is said that the world was made by a series of accidents" (84). 🍁

MOBILIZING INUIT CULTURAL HERITAGE

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The Robert Harris group portrait

Editors' introduction: One of the most enduring images of Confederation is the Robert Harris group portrait of the Quebec constitutional conference of October 1864. Having agreed on a draft document, delegates then returned to their home colonies to debate the propositions. This collection of essays uses the debates in the legislature of the United Canadas as a starting point for reconsidering specific historical themes. This excerpt from a longer essay about the Fathers of Confederation explores the creation and reception of this iconic group portrait. The longer essay may be found at <http://gedmartin.net/martinalia-mainmenu-3/236-time-to-retire-canada-s-fathers-of-confederation>.

The founding, in 1880, of the Royal Canadian Academy of the Arts no doubt represented a landmark in recognition and encouragement of the visual arts in the Dominion. Unfortunately, it was not easy to advance its cultural agenda, especially the central aim of creating a National Gallery. A cramped room on Ottawa's Bank Street was designated as the Gallery's first home in May 1882, and it may be that the idea of acquiring a large picture of national import was attractive as a means of forcing the issue of a permanent location. In April 1883, the Academy's president, Lucius R. O'Brien, submitted a wordy memorandum to the government calling for artistic commemoration of "the meeting of the Conference at which the foundation was laid for the Confederation of the Provinces constituting the Dominion of Canada." O'Brien did not specify which conference he had in mind, and the project began as a tribute to the meeting in Charlottetown. However, wherever it happened, O'Brien argued that it was "an event of such importance in the annals of the country" that a monumental canvas was required to keep alive the memory of the participants. O'Brien added two further points. One was a hurry-up reminder that the delegates were already dying off. The other was that Robert Harris, "a Canadian artist of ability," had recently re-

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[T]he Academy's president, Lucius R. O'Brien, submitted a wordy memorandum to the government calling for artistic commemoration of "the meeting of the Conference . . ."

turned from Europe and was "fully competent to paint such a picture."¹

Sir John A. Macdonald's Cabinet was apparently uncertain about how to respond to O'Brien's plea. To refuse to support a Canadian artist in the commemoration of a Canadian national landmark would seem narrow and philistine. But to endorse a proposal that would necessarily feature current members of the government would equally appear self-serving. They were rescued from their dilemma by Liberal frontbencher Wilfrid Laurier, who raised the matter in the Commons on May 14, 1883. Laurier no doubt believed in what he was doing, but it is likely that embracing the issue was also convenient to him. First, it gave him the opportunity for a frank avowal that he had opposed Confederation at the time, while making a characteristically eloquent avowal of his subsequent conversion. Second, it enabled him to adopt the mantle of a supporter of Canadian culture, his words of praise for Harris being deftly

mingled with a tribute to the work of Quebec sculptor Louis Hébert. His comments suggest that he envisaged a work of art that would contribute to the portraiture in the hoped-for National Gallery. Perhaps above all, the implicit message of Laurier's intervention was that his sunny ways could get things done: the project, he estimated, would cost only \$3,000 to \$4,000.

Laurier was seconded by a prominent Conservative, the Ottawa Valley entrepreneur Alonzo Wright, who saw himself as a gentlemanly figure in politics. Wright specifically had the 1864 Quebec Conference in mind, praising its participants in grandiose terms as "animated by a lofty patriotism and a far-seeing statesmanship" in their design of the new nation. His wide-ranging tributes were slightly undermined by his accidental omission of Liberal hero George Brown, and both oratorical efforts were hampered by the notoriously poor acoustics of the House of Commons. New Brunswick's Peter Mitchell, who would appear in the memorial canvas, complained that he could not hear whatever was under discussion, and that members generally should "speak a little louder"; Laurier apologized that he was "suffering just now from an affection of the throat." Macdonald wound up the discussion, in full statesman mode, calling the exchanges "really one of those occasions in which the asperities of politics are forgotten": he even praised the contribution to the achievement of his long-time enemy George Brown, who was conveniently dead, and "the present premier of Ontario," who was inconveniently alive and not necessary to name. The prime minister deflected the potential objection that he would himself necessarily feature in the proposed picture: a jocular allusion to the cartoons of John Wilson Bengough enabled him to insist that "I can have no objection to have another artist try his hand upon myself." Harris had won his commission.

The debate, although relatively brief, had rung the changes of praise for (to quote O'Brien) "the distinguished statesmen who took part in the deliberations." "There were giants in those days," said Wright, while Laurier referred to "the event which gave birth to Confederation." But nobody mentioned the Fathers of Confederation. The phrase did not arise in connection with the Harris picture until April 1884, when former Liberal finance minister Richard Cartwright spotted the item in the estimates, and was apparently troubled by the thought that the politicians involved could be depicted for as little as \$100 a head. Cartwright, who had been out of the House the previous year, asked: "Who is to commemorate the Fathers of Confederation, and are they being done cheap?"

Sir Leonard Tilley assured him that Harris had the work in hand, and that no money had yet paid out.²

It is only fair to acknowledge that Harris's picture was a remarkable achievement. He had to construct an essentially imaginary scene, dominated by carefully contoured heads. Images of



Confederation! The Much-Fathered Youngster:
1886 cartoon by John Wilson Bengough.

some of the faces were difficult to track down. When Bernini was commissioned to produce a bust of Charles I, with the subject unseen, Van Dyck supplied three portraits of the king, full face, in profile, and at an angle. Photographers like William Notman, who assisted Harris, snapped their sitters

head-on, and the artist evidently had to work with the available material. Thus Adams G. Archibald, surely the only Canadian to have served as lieutenant governor of two provinces, appears to cold-shoulder his immediate neighbour, John A. Macdonald, as he stares directly at the viewer: no doubt, a solemn full-face photograph was the only source available. Harris set his scene in a lofty chamber in the old Quebec parliament buildings—which burned in 1883. This enabled him to use three high windows as the background light source: Harris enlarged the centre window, presumably to emphasize the background panorama of the St. Lawrence River. "The sight was one to stir the dullerest imagination and warm the coldest heart,"

wrote W.M. Whitelaw. The Canadians, Whitelaw suggested, would have felt the essential unity of their two provinces, while the Maritimers "must have been stirred ... watching the tide come in from the gulf."³ In reality, Canada's coalition Cabinet needed no such reminder,

The Robert Harris group portrait, page 42



Photograph of 1884 Robert Harris painting.

while the Prince Edward Islanders and Newfoundlanders, whose provinces most closely felt the Gulf currents, would become the least enthusiastic participants in the project. These comments by Whitelaw, generally an objective as well as a careful scholar, illustrate how the Harris portrait became back-projected into the story of the Quebec Conference, until it would become difficult to disentangle the actual hard bargaining from the subsequent sentimentality. The more practical aspect of the Harris design was that the huge windows provided light sources, which made it possible to silhouette those secondary figures who were still active two decades after the event. Although the picture was 3.58 metres long by 1.55 metres high, the delegates occupied only the lower half of the canvas, giving the throng the appearance of a crowded corridor rather than a constitutional convention. Ostensibly, the participants were grouped around a long table, but there was not enough room to seat them all. To ensure the visibility of the major players on the far side of the table, only 7 of the 34 figures, all of them in profile, occupy the side nearest the viewer. Necessarily, the lesser participants had to stand around the fringes of the scene.

Harris himself called the commission “the government picture,” and there can be no doubt that his was a representation of 1864 seen through the political priorities of 1883. Although Harris did attempt to replicate the general seating plan of the meeting, so far as it was reported at the time, his canvas was in every sense a central Canadian picture. Around the middle section of the table, where the real decisions are being made, not one single delegate from the Atlantic region can be seen.⁴ The standing figure of Macdonald dominates the scene, as he expounds from a charter-like scroll. Leaning toward him is his French Canadian ally, George-Étienne Cartier, in the body language of nation-building partnership. Slightly farther

The two Newfoundland delegates, F.B.T. Carter and Ambrose Shea, stand awkwardly at the back, like two embarrassed tourists who have stumbled into an ethnic wedding.

away is Étienne-Paschal Taché, premier of the Great Coalition and hence president of the Conference, who had died in 1865: the imperatives of 1864 meant that he had to be depicted, the demands of 1883 ensured that he need not be emphatically central. In the foreground, the only figure permitted to obscure partially Macdonald is Hector-Louis Langevin, who had taken over Cartier’s role as Quebec lieutenant, and was one of the possible candidates to succeed Macdonald if the Old Man ever decided to step down. George Brown and Oliver Mowat are close by, in the vanguard if perhaps not entirely on the team. Alexander Galt merits his near-central location, both as the wizard behind the 1867 financial settlement and for his continuing prominence in public life. But the location of Alexander Campbell close to the heart of events reflected the fact that he had led the Conservative party in the Senate since 1867. He played only a minor role at Quebec, largely because his skills as a Tory lawyer replicated Macdonald’s own qualifications.

In flanking positions are Leonard Tilley of New Brunswick, comfortable and confident in his chair, and the characteristically imposing standing figure of Charles Tupper. Indeed, it is not wholly clear whether it is Tupper or Macdonald who addresses the meeting. To the left of Tilley, there is a rent-a-mob of miscellaneous Maritimers, with others straggling away to the right of Tupper. The two Newfoundland delegates, F.B.T. Carter and Ambrose Shea, stand awkwardly at the back, like two embarrassed tourists who have stumbled into an ethnic wedding. Two Maritimers still active in public life, Thomas Heath Havi-

land and Peter Mitchell—the New Brunswicker who had found it difficult to hear Laurier’s original proposal—are etched against windows, thus singling them out from the crowd. One of the oddest portrayals, at the extreme right of the canvas, is that of New Brunswick’s John Mercer Johnson, who leans forward attentively, in a manner that almost suggests he is gate-crashing the picture. His positioning understated his role in the 1860s. Attorney general of his province, Johnson had attended all three conferences, forming part of a small subcommittee in London that had worked with the British to draft the *British North America Act*. But he had died in 1868—Johnson’s lifestyle was not conducive to longevity—and did not merit a prominent place 15 years later: perhaps, too, Harris had encountered difficulty in locating a likeness, and hence had been forced to relegate him to the sidelines.

There are other levels of symbolism in the canvas—for instance, in those participants shown handling documentation. It is difficult to explain why Edward Palmer of Prince Edward Island is apparently reading a newspaper. Perhaps his body language suggests detachment, for Palmer did declare against the Quebec scheme. As he was still alive in 1883 and living in Charlottetown—where Harris began work on the painting—it can hardly be the case that the artist was constrained by only having access to a pensive profile. But another Islander, journalist Edward Whelan, and John Hamilton Gray of New Brunswick are both apparently taking notes: each would later publish a book about the movement for Confederation. D’Arcy McGee holds a pamphlet, perhaps one

of his inspirational speeches (although it seems a very small pamphlet for a McGee oration). Otherwise, Macdonald and Tupper grasp resolutions, while Tilley has inserted his fingers in a reference book, marking points for citation.

If, overall, the Harris painting must be regarded as an achievement, it is hard to acclaim it—artistically—as a success. It lacks the spontaneity, warmth, and wit of his other well-known group picture, *A Meeting of the School Trustees*, which followed in 1885.⁵ His Quebec Conference painting did not necessarily ensure

the success of the concept of the Fathers of Confederation, but rather formed part of its gradual percolation of public discourse. For instance, a Nova Scotian MP, J.A. Kirk, referred in April 1884 to “those gentlemen, who are called today the fathers of Confederation.” But when the canvas had its public exhibition, soon after in Montreal, it was simply called “Meeting of the Delegates of British North America,” with a subtext that spelled out the location and purpose. In 1891, J. Pennington Macpherson referred to the “noble picture ... of the ‘Fathers of Confederation’ ... which now adorns the vestibule of the Houses of Parliament at Ottawa”⁶—for the politicians had been too smart to fall for any manoeuvre that might entrap them into erecting a purpose-built National Gallery. Unfortunately, the painting was destroyed in the 1916 Parliament fire. Harris sold the preliminary cartoon to the government, thus partly compensating him for an official decision to refuse him royalties on reproductions. Complaining about Mackenzie King’s unilateral redefinition of Canada’s relationship with Britain at the Imperial Conference of 1926, acting Conservative leader Hugh Guthrie pointed out that at Quebec, “all the great parties of Canada were represented. Look at that famous picture The Fathers of Confederation if you want assurance on this point.”⁷ Harris’s group por-



Rex Woods painting, commissioned by Confederation Life insurance company in 1964 as a tribute to Harris, and to replace the original Harris painting, which had been destroyed by a fire in 1916.

trait had become not simply an imaginative tribute but a documentary source of the concept of the “Fathers of Confederation.”

In 1964, the insurance company Confederation Life commissioned the artist Rex Woods to produce a tribute to Harris and replace the picture lost in 1916. Woods added three Fathers of Confederation at the right-hand side of the canvas, even though they had not been present at Quebec. Their addition subverted the balance of the original group, a disruption that Woods sought to disguise by placing a cameo from a Harris self-portrait on the wall behind them. (Aged 15 at the time of the Quebec Conference, Harris was in fact living in Prince Edward Island while the Dominion was in gestation.) Despite its resemblance to a gigantic cigarette card, the Woods revival of the Harris icon no doubt succeeded as a nation-building symbol. The downside was some of the individual figures were now third-hand—copies of interpretations of photographs—and several of the individual figures, notably Taché and John Hamilton Gray of Prince Edward Island, appear as spiritless caricatures. Woods captured a moment of breathless destiny at the price of rendering a collection of mainly lifeless figures. One unfortunate inheritance from Harris was that the participants all have their backs to the giant windows, as if ignoring the

inspirational panorama of seemingly endless river that symbolized the real Canada. Equally, the casual observer would have no idea that most of these black-coated figures were in fact men in their forties, not so much handing down a constitution to posterity as designing a stage on which they proposed to act themselves. 🍁

NOTES

1. O’Brien’s memorandum was quoted by Wilfrid Laurier when he raised the matter in the House of Commons in May 1883: *House of Commons Debates*, May 14, 1883, 1171-74: http://parl.canadiana.ca/view/oop.debates_HOC0501_02/433?r=0&s=1 (accessed March 2, 2016). The following section draws upon this debate.
2. *House of Commons Debates*, April 3, 1884, 1309-10: http://parl.canadiana.ca/view/oop.debates_HOC0502_02/515?r=0&s=1 (accessed March 2, 2016).
3. W.M. Whitelaw, “Reconstructing the Quebec Conference” (June 1938) 19:2 *Canadian Historical Review* 123-37.
4. I have used the key to the portrait in *Quick Canadian Facts*, 23rd ed. (Toronto: Thorndyke Press, 1967), 13. As of November 2015, there seems to be no key to the portrait on the Internet, but each sitter can be identified by “hovering” over his image: Parliament of Canada, The House of Commons

The Robert Harris group portrait continued from page 43

- Heritage Collection, http://www.parl.gc.ca/About/House/collections/fine_arts/historical/609-e.htm (accessed March 10, 2016).
5. Robert Harris, *A Meeting of the School Trustees*, 1885, National Gallery of Canada, <https://www.gallery.ca/en/see/collections/artwork.php?mkey=13043> (accessed March 10, 2016).
6. J.P. Macpherson, *Life of the Right Hon. Sir John A. Macdonald* (Saint John, NB: Earle Publishing House, 1891), vol. II, 288.
7. *House of Commons Debates*, December 13, 1926, 25: http://parl.canadiana.ca/view/oop.debates_HOC1601_01/27?r=0&s=1 (accessed March 2, 2016).

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