

Clerics and the Constitution: The Quebec Church and Minority Rights in Canada

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English-speaking Canadians living in central Canada generally have had little patience with constitutional questions. They have tended to feel that the country should be allowed to go about its normal business unhampered by such “academic” discussions best left to lawyers, historians, and political scientists. Since the Union of 1840, however, issues involving bi-national harmony, economic power, provincial and minority rights, like recurrent bad dreams, periodically press themselves on the country’s psyche and disturb that tranquillity and progress for which central Canadians yearn. It was during such a period of constitutional questioning some twenty years ago when Quebec was making demands for greater autonomy and the central government was investigating the bilingual and bicultural character of the country, that historians among others reassessed the meaning of Confederation with particular emphasis on minority rights. It is interesting to note that this discussion primarily occurred among English-speaking historians.

Their French-speaking counterparts had been vitally concerned with the survival of French-speaking minorities outside Quebec during the first part of the century. But after the Second World War, they came to question the viability of communities, especially those in the West and the Maritimes, that were prey to high rates of assimilation. This cultural erosion, considered by most to be irreversible, was attributed to legislation passed by a number of provinces in the fifty years after Confederation which suppressed the minority’s linguistic and religious rights. However, the gradual extinction of French-speaking communities outside Quebec was overshadowed by a more immediate concern. Quebec itself was threatened with cultural erosion as the French Canadian birthrate rapidly declined in the post-war period and immigrants to the province increasingly identified themselves with the powerful English-speaking minority. The very foundations of the French fact in North America seemed to be in danger. As a result, a majority of historians regarded increased autonomy for

Quebec as the key to collective survival.

Still, minority rights were a focal point of the constitutional and historiographical debate in English Canada. In a very influential article written in the mid-sixties, W.L. Morton maintained that the rights of minorities were historically opposed to those of the provinces.¹ The British North America Act, he affirmed, created a strong central government empowered to legislate in the national interest, including the protection of minority rights throughout the Dominion. This constitutional order was soon challenged by the New Brunswick legislature's institution of common schools which violated the Catholic minority's customary enjoyment of denominational education. When called upon to disallow the act, John A. Macdonald refused, stating that the issue was clearly one within provincial jurisdiction and unrelated to the national interest. The prime minister thus clearly placed provincial above minority rights. Although Morton deplored this diminution of the central government's power, he nevertheless accepted Macdonald's premise that provincial and minority rights were in opposition to each other. By force of circumstance, it seems, the prime minister favoured the rights of the provinces; while with the benefit of hindsight, the historian opted for those of minorities.

Morton noted, however, that throughout the religious and linguistic crises that rocked Confederation, a group of "ultramontane" French Canadian backbenchers upheld Ottawa's prerogative to defend minority rights. What he neglected to mention was that to these individuals, provincial and minority rights were not antithetical. In any event, their interpretation did not prevail because, as Morton implied, French Canadian political leaders like George-Étienne Cartier, anxious to preserve the political autonomy of their home province, subverted the highly centralized and national instrument which he called the "Macdonaldian" constitution. And it was another French Canadian politician, Wilfrid Laurier, who buried it.

This theme, although only implicit in Morton's analysis, was clearly articulated four years later in Peter Toner's treatment of the New Brunswick Schools Question.² Not only did Toner hold Cartier and his lieutenant, Louis-Hector Langevin, responsible for failing to entrench denominational schools in the Maritime Provinces during the London Conference of 1866-67, but he accused the Quebec hierarchy of exonerating French Canadian politicians

¹ W.L. Morton, "Confederation, 1870-1896: the End of the Macdonaldian Constitution and the Return to Duality," *Journal of Canadian Studies* 1 (May 1966), pp. 11-24; reprinted in B. Hodgins and R. Page, eds., *Canadian History Since Confederation: Essays and Interpretations*, 2nd ed. (Georgetown: Irwin-Dorsey, 1979), pp. 177-93. References will be cited from this latter source.

² P. Toner, "The New Brunswick School Question," *Canadian Catholic Historical Association, Report* 37 (1970), pp. 85-95.

during the crucial 1873 vote on the disallowance of the New Brunswick School Act. The bishops apparently placed their partisan interests above those of their New Brunswick co-religionists. This accusation has been repeated, most recently in a 1983 biography of the flamboyant “godfather” of Confederation, Thomas Louis Connolly, Archbishop of Halifax.³

Ideas at times develop in ways that would surprise their originators. How would W.L. Morton, for example, have reacted to Arthur Silver’s discussion of minority versus provincial rights?⁴ Silver contended that at the time of Confederation French Canadians considered Quebec to be their homeland and, as a result, were concerned with achieving the widest possible autonomy for their province. They ignored the existence of French minorities outside their borders and were therefore indifferent to their rights. But as the struggles for minority rights unfolded in the thirty years after Confederation, the French Canadians of Quebec gradually underwent a mental transformation. They identified themselves increasingly with these minorities and came to regard the whole of Canada as their homeland. With this thesis, Silver has taken us a long way from Morton’s Macdonaldian constitution with its inherent protection for minority groups. He has also pushed the argument about the initial indifference of French Canadians to the rights of these groups to its farthest limits, farther perhaps than Morton would have cared to go.

Silver is to be credited for revealing an ambiguity in this debate. In the writings of most historians, minorities are identified with French Canadian Catholics, but in Manitoba they were Métis, while in New Brunswick, many were Irish. This is why, according to Silver, French Canadians in Quebec did not

³ K.F. Trombley, *Thomas Louis Connolly (1815-1876) The Man and His Place in Secular and Ecclesiastical History* (Leuven: Katholieke Universiteit, 1983). See as well William Baker, *Timothy Warren Anglin, 1822-96. Irish Catholic Canadian* (Toronto: University of Toronto Press, 1977), pp. 162-63.

⁴ A. Silver, *The French Canadian Idea of Confederation, 1864-1900* (Toronto: University of Toronto Press, 1982). Silver’s overall view of this question is inspired by Morton’s article and by one which articulates Morton’s argument even more clearly: R. Heintzman, “The Spirit of Confederation: Professor Creighton, Biculturalism, and the Use of History,” *Canadian Historical Review* 52, no. 3 (September 1971), pp. 245-75. This article was in response to D. Creighton, “Confederation: The Use and Abuse of History,” *Journal of Canadian Studies* 1 (May 1966), and to his *Canada’s First Century* (Toronto: Macmillan, 1970), both of which maintained that the Fathers of Confederation had never intended to create a bilingual and bicultural country. This point of view was further developed by D.J. Hall, “The Spirit of Confederation: Ralph Heintzman, Prof. Creighton, and the Bicultural Compact Theory,” *Journal of Canadian Studies* 9, no. 4 (November 1974) reproduced in Hodgins and Page, *Canadian History*, pp. 54-77. References will be taken from the latter source.

identify with these groups nor, initially at least, did they champion their cause. It is true that French Canadian politicians did not have any sustained contact with Catholic minorities in the other British North American colonies. There were, after all, no official English-speaking Catholic delegates to the London Conference, which is perhaps why Archbishop Connolly lobbied the Colonial Office on behalf of Maritime Catholics. As well, in the immediate post-Confederation period, the spokesmen for these minorities in the Canadian Parliament were either rebels like Louis Riel, anti-confederationists like Timothy Anglin, or powerless backbenchers like John Costigan.

Yet Silver's argument remains unconvincing. His perspective betrays a tendency which is the secular equivalent of *nulla salus extra ecclesiam*: outside of politics, there is nothing, as if the political life encompassed all aspects of civil society in Victorian Canada. This approach is reflected as well in Silver's dependence on sources that are the public political documents of the period, largely newspaper articles and editorials, but also the occasional speech and pamphlet. It may be argued that political life being bipartisan, this documentation in theory would reveal a variety of views. In reality, however, it was in the interest of both political parties to ignore the existence and the cause of minorities which, after all, would only bring them marginal electoral returns, while jeopardizing the support of local majorities. In trying to assess French Canadian attitudes regarding their place and that of the cultural minorities within Confederation, it might be wise to look beyond the self-interested perspective of politicians and of the newspapers they controlled through patronage. By turning away from the limelight of public discussion, by probing behind the scenes, by searching for opinion independent of political parties, such as might be expressed in private correspondence,⁵ a different interpretation of the question is possible.

The Quebec Church, for example, was an institution that had had a long and intimate rapport with Catholic minorities in the British North American colonies. It is precisely within its ranks that one could find an alternative to the prevailing political discourse in the form of an early and consistent defence of minority groups outside the province. Whether or not the Church reflected popular aspirations regarding the constitutional order is certainly open to debate. But one thing is certain: there was within the Church a current of opinion independent of political parties and not likely to be aired in their newspapers. Yet

⁵ See Gabriel Dussault, *Le Curé Lahelle. Messianisme, utopie et colonisation au Québec* (Montréal; Hurtubise HMH, 1983). Dussault shows that Labelle's schemes of colonization were linked to his idea that French Canadians should expand their territorial base in Canada and thus overcome their minority status. This *idée force*, however, was only expressed in private correspondence, never in his public speeches and pamphlets for fear of antagonizing English Canadian opinion.

English-speaking historians have virtually ignored this institution when discussing minority rights, or worse still, have assimilated it to the political élite. When the role of the Church is examined, however, some of the major assumptions underlying the debate over minority rights are found lacking.

One such assumption is that there is a contradiction between minority and provincial rights. Another is that French Canadians had to have linguistic or ethnic affinities with these minorities and that in defending the latter's rights they expressed a particular view of Canada: that of a bilingual and bicultural entity stretching from sea to sea where French Canadians could feel at home wherever they lived.

Prelates like Ignace Bourget of Montreal and Louis-François Laflèche of Trois-Rivières, however, knew from direct experience that the Métis were different from French Canadians and that the Scots and Irish were important constituencies within Maritime Catholicism. When they defended these groups, it was not in the name of a bilingual and bicultural homeland. Rather, they regarded Quebec as a French and Catholic *patrie* where the rights of the Church were guaranteed by treaty and statute. By entering Confederation, Quebec enhanced the position of Catholic minorities throughout the country. In this perspective, any attack on the latter's rights was an attack on what they considered as the fundamental cultural characteristic of a major protagonist of Confederation. Just as Quebec over the years had developed a state of Catholic-Protestant toleration and even harmony, so too must Canada move in that direction. Their vision of Canada was not linguistic and ethnic, but rather religious, where the rights of each Church could not be diminished.

In this context, historian D.J. Hall should at least qualify his statement that French Canadians made unrealistic demands in the years following Confederation and used political power wrecklessly to achieve these objectives.⁶ Certain French Canadians, it seems, made eminently reasonable demands for religious tolerance and harmony. In the minds of Bourget and his followers, the power of Parliament and the rights of the provinces and of minorities were not antithetical, but rather supportive and complementary concepts. Their idea of Canada was not visionary as was Bourassa's; it was realistic, based on already existing diverse communities living together in mutual respect and forbearance.

Ignace Bourget had been bishop of the largest and wealthiest diocese of British America for over twenty-five years at the time of Confederation. A man of action who had little patience with delay and subtle thinking, a perfectionist who wished to recreate on the banks of the St-Lawrence a society reflecting the cultural forms and principles proposed by Pius IX, he was the architect of the Catholic Reaction in Quebec whose institutional foundations lasted for over a

⁶ D.J. Hall, "Ralph Heintzman," pp. 76-77.

century until the Quiet Revolution. Although the prelate was not head of a metropolitan see and others could certainly have claimed seniority in the ranks of the hierarchy, his energy, his persistence, his charisma made him the natural leader of the Church. While Bourget's difficult personality made him enemies within the Church, some of whom were very powerful, all French-speaking Catholics recognized his rectitude and purity of purpose.

Bourget was not a constitutionalist, and one would look in vain in his voluminous correspondence for expressions like residual power, concurrent authority, provincial autonomy, or cultural sovereignty. Léon Pouliot and Walter Ullman, two historians who some thirty years ago tried to determine whether the bishop was for or against Confederation, were engaged in a futile exercise.⁷ Bourget would never have spoken publicly on what he deemed to be a secular matter regarding the political reorganization of the British colonies in North America. Nevertheless, he had given serious thought to the status of the Church within the new arrangement, as well as to the position of Quebec as the French and Catholic homeland in Confederation, and to the enhanced status of Catholic minorities within the other colonies. As a man of the Church Bourget expressed himself in the language of the Church and it is the historian's task to decipher the religious idiom of the nineteenth century to discern its true meaning.

While the bishop never systematically and comprehensively expressed his thoughts on the position of the Church in Canada, he was nevertheless embroiled in a number of controversies regarding the status of Catholicism at the time of Confederation. These polemics made him seek out a layman who could articulate his ideas. The task was not easy, but he finally persuaded a young and ambitious lawyer by the name of Siméon Pagnuelo to do so and to write an important book, *Etudes historiques et légales sur la liberté religieuse en Canada* (1872). For his part, Bourget wrote a strong letter of approval printed at the front of the book which indicated that its contents reflected his own views.

Today this treatise is important not because of its questionable historical judgements and interpretations, but because of its vision of Quebec's place within Confederation. A modern Pagnuelo would argue that Quebec constitutes a distinct society with a special status within Confederation. A century earlier Pagnuelo used a religious idiom to express the centrality of the Church within Quebec society:

... l'Église Catholique Romaine, en Canada, est *pleinement libre*, ... elle vit de sa vie propre et se gouverne par ses propres règlements; j'en conclus que cette liberté doit être la clef de l'interprétation qu'il faut donner aux lois civiles

⁷ Léon Pouliot, "Mgr. Bourget et la confédération," Société canadienne d'histoire de l'Église catholique, *Rapport* 26 (1959). Walter Ullmann, "The Quebec Bishops and Confederation," *Canadian Historical Review* 44 (1963), pp. 213-34.

qui ont trait à notre organisation ecclésiastique et à toute matière religieuse.⁸

Pagnuelo went on to affirm that the central position of the Church in French Canadian society had never been altered. Within this context, the British Conquest was not a disruption but part of a continuum because the anti-Catholic laws of England never had been applied in the colonies. He affirmed that British public law as practised in colonial America sanctioned the principle of the free exercise of religion.⁹ In Quebec, this principle was recognized by the British in a succession of formal legal documents, from the Capitulations of Quebec and Montreal, to the Treaty of Paris of 1763, to the Quebec Act of 1774.

The author admitted that this principle had been restricted by phrases such as “insofar as the laws of England permit” or “subject to the King’s supremacy.” He maintained, however, that these limitations implied that Catholicism could not remain, as in the French régime, a state church and that Britain retained the right to establish the Church of England in the British colonies, without infringing upon the rights and privileges enjoyed by the Catholic Church in Quebec.¹⁰ Pagnuelo conceded that various officials in England and Canada had at different times tried to restrict these rights. But, as he put it, their evil designs had not prevailed against the force of law or the iron will of the French Canadian populace. Pagnuelo thus believed that Quebec, recognized as a Catholic entity by Britain, constituted a distinct society in the Empire, in North America, and among British colonies entering Confederation.

The jurist then claimed that in the 1850s the above-mentioned legal restrictions against the Church were nullified. In 1851, the Legislature of the Province of Canada officially recognized freedom of worship and the equality of all religious denominations before the law as fundamental principles of civil polity. Then, in the wake of the disestablishment of the Anglican Church, the State acknowledged the principle that all religious denominations were self-governing, the only restrictions being excessive licence and practices incompatible with peace and order.¹¹ According to Pagnuelo, this meant that the Catholic Church had full freedom of action to organize its life according to its own principles.

Although Pagnuelo’s treatise purports to deal with all of Canada (the title itself suggests this), it is obvious that his main thesis applied essentially to Quebec. It was in this province with its overwhelmingly Catholic population that the Church enjoyed a special place. Catholic minorities in the other provinces

⁸ Siméon Pagnuelo, *Études historiques et légales sur la liberté religieuse en Canada* (Montréal: Beauchemin et Valois, 1872), Avant-propos.

⁹ *Ibid.*, pp. 1-10.

¹⁰ *Ibid.*, pp. 11-22, 38-46.

¹¹ *Ibid.*, pp. 223-35.

could claim certain rights under the principle of freedom of worship; but their society could not be organized according to Catholic precepts. Quebec was the only province where the municipal system was based on the Catholic parish; where the parish priest held civil registers for births, marriages, and deaths; where the clergy had the legal right to oversee the educational system; where the payment of tithes was enforced by the State; where the Church, and not the faithful, was recognized as the legitimate owner of parish property. In this perspective, it is not only obvious that Quebec had full autonomy to legislate in these areas without outside interference, but that it should do so according to the precepts of canon law. Pagnuelo believed that all this could be accomplished without impinging upon the position of Protestants who also enjoyed the right of self-government. Thus to Bourget and his followers, Quebec was not only a distinct society, but one which had the power and the autonomy to organize itself according to Catholic precepts.

With these principles in mind, it is now possible to examine more closely Bourget's position regarding the constitutional changes of the 1860s. The bishop's main concern during the Confederation debates was the status of the laws relating to marriage. At first glance it may seem surprising that, on such a momentous occasion in the history of Canada, Bourget's concerns should seem so peripheral. It should be remembered, however, that his perspective was essentially religious and that implicit in this vision was a constitutional position.

Under the provisions of the new constitution, divorce was one of the powers to be assigned to the central government. This development sparked a sharp debate between the Archdiocese of Quebec and the Diocese of Montreal, the crux of which was constitutional and tactical. The controversy was not, as Andrée Désilets has suggested, about conflicting notions of nineteenth-century Catholicism as represented by the conservative Louis Veuillot and the liberal Bishop Dupanloup.¹² The Archdiocese of Quebec consistently misunderstood the views of Diocese of Montreal, preferring to justify the position taken by the politicians who maintained that divorce was an already established fact in the Canadas and that a power previously exercised by the province was now simply being transferred to the central government. To appease Catholic opinion, political leaders had argued that the transfer would make divorce more difficult to obtain in Quebec since the decision-making process would be further removed from the people. For the Archdiocese of Quebec, then, this question simply involved the toleration of an already existing evil.¹³

¹² Andrée Désilets, *Hector-Louis Langevin: un père de la confédération canadienne, 1826-1906* (Québec: Presses de l'Université Laval, 1969), pp. 140-49.

¹³ Archives de la Chancellerie de l'Archidiocèse de Montréal [hereafter ACAM], file 295.101, C.F. Cazeau à A.F. Truteau, 10 février, 17 février, 26 février 1865.

For Bourget and his entourage, however, the issue was two-fold: public recognition of a practice that had previously only been tolerated and the assumption by the central government of a power formerly under provincial jurisdiction. This last aspect infringed upon the Catholic character of the province of Quebec because it placed divorce in the hands of a Protestant majority and thus opened the door to the dissolution of Catholic marriages. Montreal feared Protestant persecution of Catholics under the new régime¹⁴ and would have preferred to “... laisser les choses sur ce point, comme elles étaient auparavant...,”¹⁵ that is in the hands of the province where the opportunities for divorce would be almost non-existent.¹⁶ The word ‘almost’ here is very significant because it clearly indicates that for Montreal the issue was not one of toleration but of the constitutional status and power of Catholics.

In this perspective, the duty of Catholic politicians was obvious. They had to vote against the divorce clause in the Confederation resolutions in accordance with the hierarchy’s directives. But the politicians contended that these resolutions had to be voted upon **en bloc**. While lawyers close to Bourget noted that this procedure violated the acquired rights of colonial Legislatures, the bishop simply asked politicians to protest formally against the transfer of divorce from the provincial to the central legislature. His request was short-circuited, however, when agents of the Archdiocese in Rome obtained formal approval of the politicians’ actions from canon lawyers.

The bishop’s second concern regarding the laws on marriage related to the reform of the Quebec Civil Code. Legislators were asked in 1865 to ratify the final draft of the new Code prepared after years of laborious study by three commissioners appointed by Cartier. The issue sparked another disagreement between the archdiocese and the diocese: Quebec maintained that the commissioners’ task was to collate already existing laws, not to amend them; Montreal argued that the commissioners were given leave by Cartier to incorporate into the new Code amendments that sought to clarify legislation.¹⁷

Bourget also considered the Code atheistic because it made no mention of God nor the Catholic religion which, after all, had been officially recognized by the British government.¹⁸ The new compendium, he argued, “violerait les droits bien acquis [de l’Église], dans notre Catholique Canada. Il faut donc que nos

¹⁴ ACAM, Registre de lettres de Mgr. Bourget [hereafter RLB] 14, Truteau A Cazeau, 20 février 1865.

¹⁵ ACAM, 420.005, Truteau à Bourget, 31 mars 1865.

¹⁶ ACAM, RLB 14, Truteau A Cazeau, 3 avril 1865.

¹⁷ ACAM, RLB 14, Truteau à Cazeau, 14 février 1865.

¹⁸ ACAM, Registres et Cahiers Divers [hereafter RCD] 107, Bourget au Cardinal Bamabô, Préfet de la Sacrée Congrégation ‘De Propaganda Fide’, 28 février 1865.

membres soient bien et dûment avertis de leurs devoirs et des conséquences qui pourraient s'en suivre pour eux, s'ils ne rendaient pas justice à la religion de leurs Commettants."¹⁹ The new version was a tragic departure from the old Code which reflected the rights and freedoms of "notre Catholique Canada" [read Quebec] and harmonized perfectly with Church laws.

Even though the bishop's critics within the Church shared his apprehensions,²⁰ it was thanks to Bourget that alterations to the Code eventually were made. His agents in Rome simply repeated the strategy learned from their opponents in the controversy over divorce and called upon the same canon lawyers to give their opinion of the Civil Code. The Roman jurists affirmed that while the Code avoided many modern errors and was in many respects inspired by Catholic principles, certain clauses on marriage impediments and the property rights of religious communities should be amended. "Si donc on en effaçait les quelques taches qui s'y trouvent, il pourrait être regardé comme un bon Code d'une nation catholique, en faisant bien entendu la part du fait, que cette législation est celle d'un peuple mixte en religion..."²¹ This was music to Bourget's ears. Soon after, an episcopal commission, set up by the Quebec Church, made recommendations to the provincial government regarding amendments to the Civil Code and to the Education Act. By the mid-1870s, Bourget's dream of a Catholic State fully in tune with ecclesiastical law and the ideals of Pius IX's Rome was a legislative reality.

Even before Pagnuelo's book was published, however, Bourget's struggles with the politicians and with some churchmen confirmed his belief that the Church's position rested "... sur des Traités de Paix, sur des Capitulations, sur un *Bill* du Parlement Impérial, sur les Statuts du Gouvernement Provincial etc. etc."²² Should these rights be restricted, Quebec churchmen need only follow the example of illustrious predecessors, Bishops Laval, Plessis, and Lartigue who fought valiantly for the recognition of Sacred Canons.²³ But the ultimate safeguard for such rights was a steadfastly Catholic population.

N'est-ce pas un fait notoire que ceux [politiciens] qui ont montré quelque propension défavorable aux Catholiques du Bas-Canada ont été obligés de

¹⁹ ACAM, 901.068, Bourget à Truteau, 4 mars 1865.

²⁰ Archivio delta Sacra Congregazione "de Propaganda Fide," in Roma thereafter APF], Scritture Riferite in Congressi [hereafter SCI 1862-65, Mgr. Horan de Kingston à Bamabô, 17 mars 1865.

²¹ ACAM, 752.705, Opinion du canoniste Filippo de Angelis sur le Code civil, 1871.

²² ACAM, RLB 16, Bourget à Joseph Desautels, 17 mai 1867.

²³ ACAM, BLB 19, Bourget à Charles Larocque, évêque de St-Hyacinthe, 11 février 1871.

reculer quand ils ont vu l'Opinion se montrer contraire? Encore, l'automne dernier, nos Ministres n'ont-ils pas été forcés de se déclarer en faveur des écoles séparées du Haut Canada, sur une simple adresse (des) Évêques de la Province?²⁴

The Catholic population of Quebec thus appeared to him as guarantors of the rights of the Catholic minorities in Canada.

Bourget was not alone in holding this view. One of the major protagonists of Confederation, Louis-Hector Langevin, agreed with him. Writing to his brother, Edmond, who was a priest, Langevin pledged: “nous accordons aux Protestants du Bas Canada la protection qu'ils doivent avoir et en considération de cela nous étendons notre protection aux 700,000 ou 800,000 catholiques du Haut Canada & des Maritimes.”²⁵ The protection to which he was alluding was political, namely that French Canadian members of Parliament would act as guarantors of Catholic minority rights, since the British North America Act would not substantially alter the status of Catholic education in the Maritime provinces. Langevin was prompted to make this pledge because the French Canadian clergy lobbied for Catholic minority rights.²⁶ It is therefore inaccurate to maintain as Toner does that this question left French Canadians indifferent.

What was actually achieved at the London Conference to secure minority rights in the constitution has led to a heated historiographical debate.²⁷ Before Confederation, Catholics had their own schools in the Maritime colonies, not by law, but by custom. In these establishments, members of religious communities wore their habits, prayers were recited, Catholic symbols were prominently displayed, and teachers were usually appointed by representatives of the local Catholic community. However, just prior to Confederation, Archbishop Connolly demanded that the rights accorded to minorities in Quebec and Ontario formally be extended to the Maritimes. To achieve this, he proposed that education become a federal responsibility and thus encountered the understandably firm opposition of French Canadian delegates. Some historians interpret this response as clear evidence that the interests of Quebec and those of Irish Catholics did not

²⁴ ACAM, RLB 16, Bourget à Desautels, 17 mai 1867.

²⁵ The letter is dated 27 December 1866 and is cited in Désilets, *Langevin*, p. 161.

²⁶ *Ibid.*, pp. 161-62. Désilets states that the Grand Vicar of the Archdiocese of Québec, C.F. Cazeau, personally asked Langevin to look after the educational rights of the Catholic minority in the Maritimes. Langevin himself, she adds, fended off an attempt by the French Canadian clergy to send an agent to London to argue for these rights.

²⁷ In the articles cited above, Heintzman and Morton argued that these rights had been substantially secured, while Hall and Toner maintained that the attempt to have these rights protected ended in failure.

coincide. Yet this interpretation ignores the fact that there were other means of securing the minority's rights in the Maritimes without jeopardizing those of Catholics living in the only province where they formed a majority.

It is only in retrospect, from the perspective of the New Brunswick Schools Question, that what was accomplished at the London Conference could be considered a failure. It would be incorrect to suggest that Archbishop Connolly was unhappy with his mission since he wrote to Carnarvon shortly after the London Resolutions had been drafted: "... [it] remains but to yield gracefully and be duly thankful for all that has been accomplished and that it is considerable I am constrained to admit."²⁸ [emphasis added]

Later on, Connolly confided to bishop James Rogers of Chatham: "...the B.N.A. Act as it now stands amended is far more favourable to our views than it was, but it is not all that one could wish."²⁹ Against Hall, it may thus be argued on the basis of promises made by Langevin and Cartier that Connolly and the French Canadian clergy had grounds to believe that Catholic educational rights in the Maritimes would be secure. Of course, Connolly was not completely satisfied, but he himself was partly to blame for what was not achieved in London. His demand that education come under federal jurisdiction showed an astonishing ignorance of Canadian politics in general and French Canadian opinion in particular. In addition, his servile and consistent support of the federal and provincial Conservatives even when they steadfastly refused to improve Catholic educational rights was at the very least a weak strategy. Thus Quebec should not be seen as the bogeyman in the minority rights issue, especially since the clergy did much to sensitize the politicians to the position of Maritime Catholics.

At this time, another question captured the attention of French Canadians, particularly the clergy, and that was the Red River Rebellion of 1869. While certainly not justifying the Métis' use of violence, the Montreal diocesan organ, *Le Nouveau Monde*, saw Louis Riel and his followers as champions of Catholic rights in the North-West. French Canadian priests serving in Red River urged the newspaper's editors to report on the crimes of Orangemen and their persecution of the Métis. "On voit clairement," wrote one observer, "que tout est mis en ceuvre pour chasser d'ici l'élément catholique."³⁰ Some members of the clergy apparently even tried to influence the federal election campaign of 1872

²⁸ The letter is dated 26 December 1866 and is cited in Trombley, *Connolly*, p. 333.

²⁹ The letter is dated 12 March 1867 and is cited in Toner, "New Brunswick," p. 89.

³⁰ Archives du Séminaire de St-Hyacinthe [hereafter ASSH], Boîte 9, A2R6, Papiers Godefroi Lamarche, G. Dugas A G. Lamarche, St-Boniface, 26 novembre 1871.

in favour of the Métis. A layman assured one of Bourget's Cathedral Canons: "je n'ai dans cette affaire que l'intérêt que vous avez vous-même, c'est-à-dire de voir le Gouvernement faire la meilleure nomination possible dans l'intérêt des Catholiques et Canadiens Français du Nord-Ouest."³¹

In that election, Bourget also made sure that the New Brunswick Schools Question would be at the forefront of political discussion. He commented at length on this "belle et sainte cause" from hospital where he was suffering from a serious illness that was considered terminal. The bishop expressed outrage at the cavalier attitude that French Canadian Conservative Cabinet Ministers showed in the parliamentary debate on federal action to restore Catholic education in New Brunswick. He wondered how they would have behaved if the victims had been Protestant. Indeed, would Protestants have accepted placidly and good-naturedly the Ministers' statements; would they have stood idly by as their co-religionists' rights were trampled under foot? Bourget clearly considered Catholics and Protestants to be on an equal footing in Canada, even though the former were "plus libéraux que les Protestants qui demandent sans cesse à tout avoir, tout en criant qu'ils n'ont rien et que les Catholiques ont tout." The two religious communities should therefore receive equal treatment from civil authority.

Les Ministres Catholiques de la Puissance ne doivent-ils pas craindre que Dieu ne les abandonne à leur propre sagesse, qu'il réproue comme opposée à la sienne, s'ils abandonnent les (Catholiques)... Ne doivent-ils pas tout faire et tout sacrifier pour que les faibles soient protégés contre les forts qui veulent les dépouiller d'un droit dont ils ne peuvent se départir?³²

Bourget ended his defence of Maritime Catholics by wondering whether Catholic newspapers could remain silent in the face of such injustice.

When the parliamentary debate ended, the bishop roundly condemned the Cabinet's failure to restore the rights of New Brunswick Catholics. Cartier, Langevin, and others had compromised themselves and their vote was tantamount to support for non-denominational schools. He urged his Roman agent to obtain an opinion from canon lawyers favourable to Pagnuelo's book, "car nous sommes à la veille des élections qui, en Bas Canada, vont se faire sur le principe qu'a violé notre Chambre fédérale. Il va être question de former l'opinion publique sur la liberté religieuse."³³ Meanwhile the *Nouveau Monde* flailed the Conservative government during the election campaign.

Bourget's hardline policy bitterly divided clerical opinion, even within his

³¹ ASSH, E. Barnard à Lamarche, 19 avril 1872.

³² ASSH, Bourget A Lamarche, 27 mai 1872.

³³ ACAM, RLB 20, Bourget A Desautels, 31 mai 1872.

own entourage,³⁴ and particularly upset members of the hierarchy. Jean Langevin of Rimouski did not appreciate his colleague's attacks on his brother the Cabinet Minister. Charles Larocque of St-Hyacinthe was the closest of friends with Cartier and privately expressed his mortification when the latter went down to defeat in his Montreal constituency.³⁵ Elzéar-Alexandre Taschereau was by temperament a man of quiet diplomacy and disliked displays of public pressure on politicians. These men tried to call Bourget to order; but he was unrepentant, believing that his colleagues were compromising Catholic principles in order to find favour with those in authority.³⁶

Bourget wanted an opinion from Rome that would force the episcopate of Quebec to state clearly the duty of the Catholic legislator on this issue. Bishop Laflèche who was visiting the Holy See at the time submitted the following questions to three prominent canon lawyers. Could a Catholic Cabinet Minister advise the government not to disallow the legislation? Could Catholic Members of Parliament vote to uphold the New Brunswick School law? The reply to both questions was negative.³⁷ In the wake of this consultation, things moved very rapidly. It is important to examine the events of May 1873 in some detail in order to assess the errors and half-truths conveyed by historians in this phase of the New Brunswick Schools Question.

Toner for example asserts: "Pressure was exerted on the Catholic Hierarchy of Quebec to issue a statement of support for the New Brunswick Catholics..."³⁸ This is an odd way of putting things since he seems to be suggesting that this pressure came from outside the Quebec episcopate, when in fact Laflèche and Bourget were the ones who pressed for reconsideration of the issue via the canon lawyers consulted in Rome. In addition, Bourget's newspaper, the *Nouveau Monde*, took an active part in the question and invited Bishop John Sweeny of Saint John who was in Quebec at the time to go to Ottawa to lobby Catholic M.P.s in favour of his co-religionists.³⁹ The Bishop of Montreal also encouraged Sweeny to attend the provincial council of the Quebec Church which was then in session to sensitize the other members of the hierarchy to the school question.⁴⁰ Meanwhile, Archbishop Connolly disapproved of these pressure

³⁴ ACAM, 901.079, Joseph Paré A Desautels, 31 mai 1872.

³⁵ Archives de la Chancellerie de l'Évêché de St-Hyacinthe, Larocque A Cartier, 1 septembre 1872. "Laissez-moi vous dire amicalement que je me sens humilié, quand je considère d'où est parti le coup qui a réussi à vous atteindre!"

³⁶ ACAM, RLB 20, Bourget à Desautels, 29 juillet 1872.

³⁷ ACAM, RCD 42, Laflèche à de Angelis, 19 février 1873.

³⁸ Toner, "New Brunswick," p. 91.

³⁹ Trombley, *Connolly*, p. 470.

⁴⁰ Grisé, *Les conciles*, footnote 19, p. 270.

tactics and remained outside the picture.⁴¹ On May 12, Archbishop Taschereau, clearly influenced by the canon lawyers' opinion and under pressure from Laflèche,⁴² told Hector Langevin that the Quebec episcopate would demand repeal of the New Brunswick legislation. A motion to this effect was presented in the House of Commons on May 14 and was carried, twenty French Canadian Conservative M.P.s voting in favour of it. Unwilling to recognize defeat, Prime Minister Macdonald temporized. Meanwhile, the Quebec episcopate issued their collective statement on May 19, the same day that moves were made in the House of Commons to present a motion of non-confidence against the government.

At this crucial juncture, Toner tells us:

Macdonald, perched on a procedural limb, was plucked back to safety by the support of the Quebec Hierarchy.... The close alliance between the Church in Quebec and the Macdonald party, for the second time in less than seven years, defeated the aspirations of the Catholic minorities in the Maritimes.⁴³

What Toner fails to mention is that on that fateful May 19, Macdonald promised Bishop Sweeny that he would pay for an appeal to the Judicial Committee of the Privy Council by New Brunswick Catholics. The prime minister also appointed Rodrigue Masson, a Conservative who had been very vocal in his support of the New Brunswick minority, as official government negotiator in talks aimed at reaching an understanding between the minority and the province. In light of these conciliatory gestures, the Quebec hierarchy decided to lift its pressure on the government at least temporarily. This decision was welcomed by both Sweeny and by his fellow bishop, James Rogers of Chatham.⁴⁴

Still, Bourget was unwilling to let the matter lie. In July he wrote to Sweeny: "Vous avez pu vous convaincre par vous-même, et nous croyons ici que, sans les votes de l'opposition, tant du Haut que du Bas-Canada, vous n'auriez point obtenu le succès qui a couronné votre voyage à Ottawa... quoique ce succès soit loin d'être complet."⁴⁵ These are not incidentally the words of a partisan bishop. In fact a few days after the provincial council, the prelate condemned the

⁴¹ Trombley, *Connolly*, p. 471.

⁴² Archives du Séminaire de Trois-Rivières, Écoles du Nouveau-Brunswick, Laflèche à Sweeny, 7 mai 1873.

⁴³ Toner, "New Brunswick," pp. 91-92.

⁴⁴ Gris , *Les conciles*, pp. 272, 282. Footnote 58 states: "Mgr. John Sweeny, encore pr sent   Qu bec, exprime ses remerciements aux  v ques du concile; Mgr. James Rogers, de Chatham, le fera quelques jours plus tard en termes tr s chaleureux."

⁴⁵ ACAM, RLB 21, Bourget   Sweeny, 4 juillet 1873.

Conservative organ, *La Minerve*, among other things for failing to support repeal of the New Brunswick law.⁴⁶ At the same time, his Roman agent once again sought the help of canon lawyers in view of the upcoming federal elections. The envoy tried to anticipate every possible argument politicians might make in public to justify their failure to act in May. He asked his legal advisers if a Member of Parliament in conscience could invoke the following excuses:

que cette loi des écoles n'est pas dans son opinion contraire à la Constitution, ... qu'il désire empêcher par son vote un changement de Ministère, ou ... que les raisons des partisans de cette loi lui paraîtraient au moins plausibles....⁴⁷

In the federal election of 1874, the twin issues of New Brunswick Schools and the amnesty for the leaders of the Red River Rebellion were fully exploited by the *Nouveau Monde*. The newspaper's unabashed support for some *parti national* candidates may even have helped the Liberal Party to power. Once in office, however, the Liberals reneged on their promises and adopted substantially the same policies as their Conservative predecessors. Bourget was determined to fight against this latest example of political manipulation and cynicism. It was during his epic struggle against the Liberal government that the Holy See finally accepted a resignation that Bourget had often proffered over the years.

Despite his departure, the prelate left the Quebec clergy a legacy. His political stand may have caused polarization of clerical opinion, yet a unified vision of the place of Quebec within Confederation and of the rights of Catholic minorities emerges clearly from the petitions and memoranda that rained on Rome in the wake of the bishop's resignation. Those who protested against Bourget's removal argued forcefully that the Church did not depend on the will of the majority; its rights and freedoms were entrenched in the Constitution which made it immune from persecution. Under the B.N.A. Act, "chaque Province forme en quelque sorte une famille politique à part, sous la Protection de l'Angleterre, qui respecte son Autonomie..."⁴⁸ Quebec was in this arrangement "... le boulevard du catholicisme dans la confédération..."⁴⁹ It was therefore the duty of the Catholic voter in Quebec and of his Member of Parliament to uphold these rights whether they were challenged in the

⁴⁶ APF, SC, 1872-74, Circulaire de l'évêque de Montréal à son clergé, 13 juin 1873.

⁴⁷ ACAM, RCD 41, Desautels à de Angelis, 20 juin 1873.

⁴⁸ APF, SC, 1877, Mémoire Godefroi Lamarche à la Propagande, 15 janvier 1877.

⁴⁹ Archives du Séminaire de St-Sulpice, Montréal, Projet de mémoire de la majeure partie du clergé du Bas-Canada, 19 mars 1878.

North-West or in the Maritimes.⁵⁰

It is interesting to note that throughout the struggles involving minority rights in the immediate post-Confederation period, the Church in Quebec acted as a natural leader. It had an organizational structure that made concerted action possible, whereas the English Canadian Church was divided into separate jurisdictions. The fact that Archbishops Connolly and John Joseph Lynch of Toronto were not on friendly terms did not facilitate cooperative strategies. In any case, Lynch seemed reluctant to speak out on issues that might provoke Orange reaction. As a result, he refused to support a petition circulated by the Quebec hierarchy in favour of an amnesty for Riel.⁵¹ Published material indicates that the archbishop did little or nothing to promote the interests of New Brunswick Catholics. Connolly for his part preferred to lobby with politicians over a glass of sherry. But it was undoubtedly the Caraquet Riots of 1875, rather than his brand of quiet diplomacy, which shaped the compromise that substantially restored the privileges enjoyed by New Brunswick Catholics prior to 1871. It is little wonder then that Bishops Sweeny and Rogers, and the Métis of the Red River, should turn to allies in the Quebec Church for support.

Bourget believed that Catholic minority rights in Canada were best protected by a strong Church which lived its life fully and freely in an autonomous Quebec. This vision did not suggest a model of Canada as a bilingual and bicultural entity from sea to sea. It did imply that the same measure of cultural autonomy accorded to the Protestant minority in Quebec should be enjoyed by Catholic minorities in other provinces. Since these communities included French-speaking Catholics, it was understood that this autonomy would extend to language. But this umbrella of protection was not primarily ethnic nor linguistic; it was religious. This may not have been *the* French Canadian view of Confederation; it certainly was a view that largely has been ignored by English-speaking historians. It had the merit of being consistent and, unlike the opinions of Silver's newspapermen and publicists, it did not shift with the prevailing wind of politics or of majority public opinion.

⁵⁰ APF, SC, 1872-74, Alexis Pelletier au Pape, 6 octobre 1876; SC, 1877B, Mémoire Pelletier A George Conroy, 1 septembre 1877. ACAM, 901.147, Godefroi Lamarche, Notes sur la politique de M. Tremblay, n.d.

⁵¹ T.G.L. Stortz, "John Joseph Lynch, Archbishop of Toronto: A Biographical Study of Religious, Social and Political Commitment" (Ph.D. thesis, University of Guelph, 1980), Chapter 2.