

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-

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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

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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*

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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://hallnjan2.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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