THE PROGRAMME OF 1871

A MODERN INSTANCE

OF NATURAL RIGHT ARGUMENTATION

By

PAUL BENOIT, B.A., D.P.A., M.A.

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AUTHOR: Paul Benoit, B.A. (Université de Montréal)

         D.P.A. (Carleton University)

         M.A. (Carleton University).

SUPERVISOR: Professor George P. Grant

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ABSTRACT

This thesis is a commentary on a newspaper editorial published in the _Journal des Trois-Rivières_ on April 20, 1871 and entitled "Programme catholique: les prochaines élections". The _Programme_ was composed by a group of French Canadian Catholic journalists who wanted to offer their compatriots practical political advice on the upcoming Quebec general election. In effect, their advice amounted to qualified support of the governing Conservative party.

The authors' statement of support for the Conservative party was preceded, however, by an argument that was the basis for their advice. The major premise of the argument affirmed that politics is subordinate to religion; the minor premise, that in a country like Canada every religious community should have the necessary practical freedom to exercise its form of worship.

In making this argument, the authors of the text took a stand on the age old question of Church-State relations. According to the _programmistes_, the State is "negatively dependent" on the Church. That is the essential relation making for order in society. Care must be taken, therefore, to have that relation reflected in society's institutions.

Study of the <u>Programme</u> is enlightening at at least three different levels. Historically, the text was a controversial issue in the 1871 general election: it revealed a deep division in the Conservative party in Quebec and affected that party's subsequent development. Politically, it presented a coherent account of the structure and operation of Parliamentary Government, with special reference to the constitutional position of Quebec after Confederation. Philosophically, it was a strong argument for an "authoritarian", as opposed to a "libertarian", society; and for the traditional "natural", as opposed to the modern "naturalistic" view of the world.

The bulk of my thesis is devoted, therefore, to explicating, at one level or another, the substance of the <u>Programme</u>.

In my approach, I have tried to combine a classicist's respect for the <u>text</u> before him with a jurist's respect for the <u>case</u> before him. This led me, in the first place, to be careful not to impose any artificial construction on the text. Instead, I have tried to allow the text to speak for itself as much as possible, and indeed even to allow its authors to make their own comments. At the same time, I had to do justice to the text's multidimensionality, and above all to its practical and moral thrust. These considerations resulted in an approach bearing some resemblance to

the "case study" method familiar to students of law and adminis-
tration. This method focuses on an event, on something that
presents a clearly defined and usually very limited surface area,
while often giving rise at the same time to far ranging considerations.
My concern, then, with the Programme both as a text and as a case
prompted me to label my approach "jurisprudential". It is an
approach which I believe could usefully be taken up by other students
of society.

ACKNOWLEDGEMENTS

This work is the fruit of my study of French Canadian

society, a study which I began as a graduate student at Carleton

University in 1966. Since then, many people have helped me along

the way: it is with gratitude that I acknowledge their assistance.

In the first place, I thank George Grant, who has guided

my thought all these years: first, as an author; secondly, as a

teacher: and finally, as my thesis supervisor. While the respon-

sibility for everything that is said in this work is mine alone,

let those who find any merit in it know that it is due to George

Grant.

Other men have also helped me. I thank Professors Carman

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whom gave me encouragement at a crucial moment. I want to thank

in a very special way my friend, Gary Levy, of the Library of

Parliament, who showed a continuous interest in my work, and who

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Finally, I should like to thank my wife, Barbara, who has had to put up with this idée fixe of mine, who typed the manuscript, and to whom must go credit for any literary merit the work may have.

TABLE OF CONTENTS

INTRODUCTION

(1) A general outline

St. Paul, in his letter to the Romans, articulates a
distinct theory of government: "There is no authority," he says,
"except from God; and those who are authorities have been appointed
by God. . . . Rulers are a terror not to good works, but to evil
ones. . . . It is not in vain that authority wears the sword,
for it is a servant of God, an avenger for wrath to him that does
evil." At the same time, St. Paul enjoins his correspondents to
adopt, in practice, a definite attitude towards government: "Let
every soul be subject to authorities above him. . . . So that he
who sets himself against authority resists the ordinance of God;
and they that resist shall incur judgement on themselves. Do you
wish not to be afraid of authority? Practice the good and you
shall have praise from authority. . . . But if you practise evil,
fear. . . . Therefore, it is necessary to be subject not only on
account of wrath, but also on account of conscience." (Romans, XIII,
1 - 5.)

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St. Paul's theory of government and his view of the soul's practical relation to government represent, at least for Christians, an archetypal affirmation of authority. In this light, society consists of rulers whose divinely ordained duty it is to deter men from evil and of subjects whose duty it is to conform, the subjects' conformity being motivated by a combination of fear for the rulers' avenging sword and of conscience that government is necessary for the effective working of the good. In practice, this combination of fear and conscience forms the heart of authority and manifests itself in an attitude of respect. As such, it becomes a principle of individual conduct and a basis for social order.

It is in the light then of St. Paul's theory of government that I propose to look at a text composed over a hundred years ago by a group of French Canadian journalists. The text first appeared on April 20, 1871 in the <u>Journal des Trois-Rivières</u>, and bore the title, "Programme catholique: les prochaines élections".

Only a few years before the publication of the <u>Programme</u>, St. Paul's theory of government had been reaffirmed by an English Canadian contemporary of the <u>programmistes</u>, Alpheus Todd, in his comprehensive book, <u>On Parliamentary Government</u>. It began:

Society. like the family, is of divine appoint-
ment: and headship, in either case, has a divine origin.
In a parliamentary government, rule and authority must
receive the sanction of popular consent, though it does
not necessarily emanate from the will of tne people. The
obligation of a king to rule righteously is as great as
that of a people to obey those who have the rule over them.[1]

Now a group of French Canadians sought to reaffirm this same theory of

government in the context of post-Confederation Quebec; more than that,

they tried to help it become an effective rule of conduct in practice.

(2) The terms of the discussion

The _Programme_ has not, to my knowledge, been looked at in

so general a light as that provided by St. Paul's theory of govern-

ment. Usually it is looked at from a more particular point of view.

Professors Neatby and Saywell, for example, see the _Programme_ as

marking the beginning of the gradual demise of the Conservative

party in Canada: "The _débâcle_ of the Conservative party in 1896",

they write, "might be said to have its origins in 1871 with the

publication of the _Programme catholique._"[2] Similarly, Professor

Monet attributes the demise of the Conservative party to men like

the _programmistes_, though he does not refer to them by name:

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[1]A. Todd, _On Parliamentary Government in England_ (London,
1867), Vol. I, p. 1.

[2]H. B. Neatby and J. T. Saywell, "Chapleau and the Conser-
vative Party in Quebec", _Canadian Historical Review_, XXXVII, 1
(March, 1956), p. 1.

> For years the <u>bleus</u> [the Conservatives of Lower Canada]
> and their Upper Canadian colleagues supported the same
> men. . . . But this was external appearance only: in
> reality, the party from which Lafontaine resigned in
> 1851 was assiduously becoming less concerned with the
> larger perspective than with the particular Church-State
> problems of French Canada; it was becoming decreasingly
> parliamentarian, increasingly authoritarian.[3]

Though appearing in the particular light of an historical
study, Professor Monet's remark has the great general merit of
introducing the two terms most capable of taking us to the heart
of the <u>Programme</u>: parliamentarianism and authoritarianism. At the
same time, however, Professor Monet does not do justice in this
passage to the two terms: he does not explicate their meaning, but
simply implies that of the two, parliamentarianism is "the larger
perspective"; and that the decline of the Conservative party in
Lower Canada can be explained by a decrease of the "larger"
parliamentarian perspective and an increase of the "narrower"
authoritarian perspective.

While grateful to Professor Monet for his choice of terms,
I submit, therefore, that his implications are ill founded with
regard to the <u>Programme</u>: I propose to show that the authors of

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[3]J. Monet, "French-Canadian Nationalism and the Challenge of
Ultramontanism", <u>Rapport de la Société historique du Canada</u> (1966),
p. 55.

the text, the _programmistes_, had a true and appreciative under-
standing of parliamentary government; that while they were
certainly authoritarian this did not conflict with their parlia-
mentarianism, nor did it undermine it; but that on the contrary
the authoritarian relation between ruler and subject --the basis
for social order according to St. Paul-- was the essential
relation underlying Canada's constitutional monarchy.

Parliamentarianism and authoritarianism are two terms which
one rarely encounters in writings devoted to explaining the con-
servatism of nineteenth century French Canadian society.[4] Other
concepts can more readily be found: the two most prevalent being
that of a "folk culture" and that of an "ultramontane ideology".
It seems only fair, therefore, to begin with these before saying
anything more about parliamentarianism and authoritarianism.

Before sketching a brief outline of the theories implied
in the concepts of a "folk culture" and of an "ultramontane ideology", I
want to make two points perfectly clear.

First, I am well aware that there are many variants to these
theories and that my outline will be somewhat simplistic; never-
theless, as it appears that one or other of the concepts, in an
explicit or implicit state, can be found in nearly all the writings
on French Canadian society of the second half of the nineteenth

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[4]For a survey of these writings, see Pierre Savard, "Note sur
l'étude de l'ultramontanisme au Canada français", _La société canadienne
d'histoire de l'Eglise catholique_, XXXIII (_Rapport_, 1966), pp. 13-15.

century, it seems important to me to arrive at formulations

capable of covering the writings as a whole. I am not attributing

the articulation of these concepts to any single author: authors

referred to in this connexion are cited therefore only à titre

d'exemple.

Secondly, I am not impugning these concepts as false: obviously they correspond to certain facts. And in this regard, a

brief elaboration of the two concepts may serve to give the reader

a glimpse or two of nineteenth century French Canadian society.

What I do claim, however, is that the perspectives from which these

concepts have issued do not open onto society as a whole: and that

in the case of the Programme they are unable, for reasons I shall

give later, to look upon the event of its publication in the right

context, let alone to render up its intrinsic textual meaning.

(i) From a sociological perspective

In the main, the concept of a "folk culture"[5] has been

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[5]As Professor H. E. Turner of the History Department of
McMaster University pointed out to me in a private communication
(January, 1978), if one is to look at traditional French Canadian
society from a sociological perspective, then the concept of "peasant"
takes into account more of the evidence than the prevailing concept
of "folk", which I am about to outline. See R. Redfield, The
Primitive World and its Transformations (Ithaca, 1967), pp. 39-40,
where he explains: "The peasant society exists by virtue of the
traditional moral solidarity to be found in any isolated folk society;
kinship relationships are still of first importance; the ends of
living are implicit and strongly felt. On the other hand the peasant

advanced by sociologists.[6] On field trips to the remote corners

of Quebec, these observers came upon a people with a unique way

of life. In the midst of the great industrial civilisation of

North America, here was a local culture that reflected pre-modern,

quasi-mediaeval institutions and mores. The explanation, the

sociologists discovered, lay in the fact that the basic institutions

of French Canadian society were implanted under the _ancien régime_;

a feudal colonisation system had been established under which, for

instance, settlers had to pay a _cens_ to a seigneur. With the

Conquest, however, that society was deprived, with one exception,

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makes certain elements of civilization a part of his life: a trading
spirit, money, formal and impersonal controls, whether economic or
political. In many peasant communities the division of labour has
produced many kinds of specialists. The peasant community has developed
in very important respects indeed away from the ideal type of folk
society. The peasant style of life is a balanced adjustment between
moral order and technical order. It is, probably, a form of living
which is adaptive in periods and places where the influence of the
city has spread, but not very rapidly, into precivilized communities.
"The necessary condition of peasant life is that the system of values
of the peasant be consistent, in the main, with those of the city
people who constitute, so to speak, its other dimension of existence."
This is a better account of traditional French Canadian rural life than
the "folk" account. In any event, it is the city, not the country dimen-
sion of French Canadian life that I am interested in.

[6]For a sample of such studies, see Marcel Rioux and Yves
Martin, _French Canadian Society_ (Toronto, 1965), Vol. I, Sections
i and ii.

of its traditional ruling classes.[7]   The one exception was the clergy, which found itself in a position to assume the full leadership of society. And so a great accommodation was struck between the French speaking Catholic clergy and the English speaking civil authorities. The English could pursue their commercial interests and be assured of the people's submission provided the Church were left to attend to all social matters. As a result of this accommodation, traditional French Canadian society was a society largely closed off from English speaking North America and relatively static with regard to the progressive developments of the age.

The major tenets of this "folk culture" were agriculture, the family, and the Church. Mixed farming --there was no crop specialization--, supplemented by lumbering in the winter, sustained the habitant. He was a jack-of-all-trades. There was consequently very little division of labour and very little trade. The habitant's large family formed not only the economic, but also the social unit. When people assembled for leisurely get-togethers or to celebrate some special occasion, it was a family affair.

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[7] For a survey of the various ways in which the Conquest has been interpreted, see Cameron Nish, The French Canadians 1759 - 1766: Conquered? Half-Conquered? Liberated? (Toronto, 1966), esp Part VII.

This familial self-sufficiency led to a suspicion of things beyond the pale of one's neighbourhood. Formal education which led one away from the country was of dubious benefit. This strong familial character of the culture was reinforced by the Church, which could be described as the family of families. The clergy was the guardian of society. Through a comprehensive network of institutions, its influence was felt everywhere and at all times (even at election time, as in the case of the _Programme_). As a result, the clergy looked after all the services of the State and made politics quite unnecessary.

This "folk culture", so the theory goes, worked well for a remarkably long time. Its fatal flaw was its dependence upon enough arable land to settle the growing population. Despite heroic efforts to set up farming colonies in the remote parts of the Province, the culture was waging a losing battle as modern industry began to provide an attractive alternative to young men starting out in life. Industrialization all but destroyed the culture of this "folk" society, and eventually forced it to face the reality of the modern world.

(ii) From an historical perspective

In the main, the concept of an "ultramontane ideology" has been put forward by historians.[8] For its elaboration, this concept turns to continental Europe and focuses our attention on the dramatic events which took place there in the last century. Indeed, Europe was the scene of a momentous conflict between the forces of Revolution and the forces of Reaction, forces equally doctrinaire, equally intransigent, and equally prepared to stake everything on the rightness of their convictions.

On one side were the liberals, men acting out the practical consequences of the theories put forth by the thinkers of the Enlightenment. They believed that people were basically free to determine their own political destiny. Consequently, they strove to inaugurate an era of universal suffrage and plebiscites. They wanted social institutions which were now in the hands of the Church to be secularized, believing that the Church's activities and influence should be kept outside the public realm. They

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[8]For an example of this theory, see Philippe Sylvain, "Libéralisme et ultramontanisme au Canada français: affrontement idéologique et doctrinal (1840 - 1865)". Bouclier d'Achilles (Toronto, 1968), pp. 111 - 138 and 220 - 255.

aspired towards a universal brotherhood of man, but were content, in practice, with the liberation of peoples from foreign domination and with the foundation, instead, of nation states.

On the other side were the ultramontanes, the men who clung to the traditional hierarchical structure of society. Bolstered by a world-wide Catholic Revival, they looked back to the Middle Ages, which seemed to them a golden period when the Church's dominant position in society was rightly acknowledged. These men, inspired by a sense of providential mission, strove to establish a theocracy which would grant the Roman Catholic hierarchy direct rule over society. Appropriately enough, these forces were referred to by a mediaeval term meaning "beyond the mountains" and implying submission to Rome.

France, as the eldest daughter of the Church and the birthplace of the Revolution, naturally played an important part in these dramatic events. This struggle between the two diametrically opposed forces was strangely embodied in the figure of Napoleon III, who was both a Prince and a President, and whose policies wavered from side to side. It was a struggle embodied more clearly in the figure of Félicité de Lamennais, who began his career as the hero of the Right and ended it as the hero of the Left.

. If France presented a somewhat ambiguous picture, such was not the case in Italy. There the whole world looked on anxiously at, even participated in, what was an armed struggle between those who supported and those who opposed the liberation of the Italian people and their unification in a nation state. On one side, we find the figures of the diplomat-politician, Cavour; the monarch, King Victor-Emmanuel; and the revolutionnary, Garibaldi. On the other side is the figure of the Pope, Pius IX, who throughout his long pontificate (1846 - 1878) sought to preserve his temporal estates, even after he had been defeated militarily. A climax in this struggle occured on September 18, 1860 at Castelfidardo, when 5,600 papal troops made up of French and Belgian soldiers and volunteers from the Catholic countries of the world went down to defeat before Victor-Emmanuel's 45,000 Piemontese troops.

This European conflict was closely followed in French Canada. More than that, it was imported to French Canada. Local events were seen and interpreted as minor reenactments of what was taking place on the Continent. This was especially true of the ultramontane side, which for its account of these events relied heavily on the writings of the energetic French reporter, Louis Veuillot, and his journal. L'Univers. Thus battle lines were drawn in Quebec which were every bit as entrenched as they were in Europe. On the one side figured the bishops of Montreal and of Trois-Rivières; on the other, the group of laymen associated with the Institut Canadien, who figured politically as the Rouges.

This ultramontane _vs._ liberal theory has been given a special twist in the last ten years by Marxist historians.[9] To these writers, ultramontanism and liberalism are ideologies. That is to say, they are theoretical superstructures articulated by two opposing social classes, each ideology being used for the purpose of advancing, consolidating, and justifying that class's particular interests and dominant position in society. What really took place therefore in Quebec in the middle of the nineteenth century was a class conflict between the clergy and the bourgeoisie. The clergy, representing the interests of a precapitalistic society, wished to preserve its direct hold on the people. However, with the rise of a bourgeoisie and a new mode of production, it was forced to share its power with a class of laymen. Members of the _grande bourgeoisie_, including the financiers, lumber kings, and the builders of canals, steamships, and railways, were nearly exclusively anglophone. In French Canada, therefore, the dialectically significant role devolved upon a _petite bourgeoisie_. A split occurred in this class, however: some members went over to the side of the Church, others formed the progressive element. The Church would support politically

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[9] For a brief statement of this version of the second theory, see Jean-Paul Bernard, "Définition du libéralisme et de l'ultramontanisme comme idéologies", _Revue d'histoire de l'Amérique française_. XXV (Sept., 1971), pp. 244 -246.

the right wing of the petite bourgeoisie (men such as the pro-
grammistes) if in return it could maintain its control over
society. In contrast, the left-wing of the petite bourgeoisie
strove for a democratization of politics and economic progress
and could thus quite logically advocate annexation to the U.S.A.

    This state of affairs, a situation of radical, intolerant
opposition, began to give way in the 1870's. And in Quebec, men
would soon come to power by proclaiming that the battles fought
in Continental Europe had no relevance to the Canadian scene, and
served only to divide the people and to sap the country's energy.

(iii) From a jurisprudential perspective

    The two theories I have just outlined,[10] those implied in
the concepts of "folk culture" and of an "ultramontane ideology", do
not provide, I submit, a satisfactory account of the kind of
conservatism embodied in the Programme. The reason, it seems to
me, is that both these theories ignore two elements which are
essential for understanding traditional French Canadian society in
general and a document such as the Programme in particular. The
first element is the legal: the second is the philosophic.

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    [10]For a strange mixture of these two theories, see Fernand
Dumont, "Quelques réflexions d'ensemble", Idéologies au Canada
français 1850 - 1900 (Quebec, 1971), pp. 1 - 12.

With regard to the first element, it seems that insufficient account is taken of the role played by lawyers in French Canadian society. After all, the people of French Canada were governed, not by the simple values of a folk culture, nor by the epic events of distant lands, but by laws: by laws that were studied, practised, taught, commented upon, instituted, amended, and applied by French Canadian laymen.

Indeed, de Lolme's work on the English Constitution[11], and de Tocqueville's work on America[12] influenced the development of a strong lay tradition of civics in French Canada. This tradition was embodied in the writings of such men as Jacques Crémazie[13] (1810 - 1872), Antoine Gérin-Lajoie[14] (1824 - 1882), Louis-Philippe

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[11] J. L. de Lolme, The Constitution of England (London, 1821). This work was first written in French at the time of the American uprising.

[12] A. de Tocqueville, De la démocratie en Amérique (Paris, 1961). This work was first published in 1835 - 1840.

[13] J. Crémazie, Manuel des notions utiles sur les droits politiques, le droit civil, la loi criminelle, et municipale, les lois rurales, etc. (Québec, 1852).

[14] A. Gérin-Lajoie, Catéchisme politique; ou Eléments du droit public et constitutionnel du Canada mis à la portée du peuple (Montreal, 1851).

Turcotte[15] (1842 - 1878), Gonzalve Doutre (1842 - 1880) and Edmond Lareau[16] (1848 - 1890). These men acquired a sound knowledge of the laws governing their society, and gave much thought to the strengths and the weaknesses of those laws.

The codification of the Civil Law of Lower Canada by Ed. Caron, A. N. Morin, and C. D. Day in 1866, for example, was an extraordinary accomplishment. Unlike the lawyers of many other countries at that time, who simply adopted the Code Napoléonien, the lawyers of Lower Canada gathered and ordered the best features of their own long, complex, rich, mixed, legal heritage. One of the programmistes, B. A. T. de Montigny, made a thorough study of the Code. In discussing the idea of simply copying the French, he wrote:

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[15]L.-P. Turcotte, Le Canada sous l'union 1841 - 1867 (Québec, 1871).

[16]G. Doutre and E. Lareau, Le Droit Civil Canadien suivant l'ordre établi par les codes. Précédé d'une histoire générale du droit Canadien (Montréal, 1872).

Mais la Législature ne l'a pas voulu: elle a
bien, à la vérité, indiqué le code français pour modèle
quant au plan à suivre, à la division des matières et
aux détails à fournir sur chaque sujet: mais tout cela
n'est qu'accessoire et ne regarde que la forme: quant
au fond, il est ordonné que le code à faire se composera
exclusivement de nos propres lois. Ce qui est loi en
force doit y être inclus: ce qui ne l'est pas doit en
être exclus, et peut tout au plus, être proposé à part
comme altération admissible.

Pour connaître les lois dont doit se composer
le code, il fallait en faire la recherche aux différentes
sources d'où elles originent, sources si variées et plus
nombreuses, peut-être, que dans aucun autre pays et dont
la longue énumération serait ici hors de place.

La recherche une fois complétée, commence le
travail non moins important et plus difficile peut-être,
de déterminer celles de ces lois qui, ayant été en force,
ont cessé de l'être par l'effet de la législation, de la
désuétude ou de la jurisprudence. A ces fins, il fallait
parcourir les Statuts Impériaux affectant le Canada, et
ceux passés par nos différentes législatures: rechercher
les décisions, les usages et la pratique de nos diverses
cours, et souvent les décisions, les usages et la pratique
de nos tribunaux en Angleterre et en France: et sur le
tout, consulter les rapports écrits et commentaires des
auteurs si nombreux et si variés.[17]

It is in this tradition of civilization, therefore, that the writings

of the programmistes should first be seen.

Following Confederation, the question of legislative

jurisdiction began to occupy the attention of civic minded Canadians.

This is not surprising: for Canada now had a federal constitution:

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[17] B.-A. T. de Montigny, Histoire du droit canadien (Montreal,
1869), p. 598,

the power to make laws for society was divided between a central
government and a number of local governments. Although the
British North America Act was a clear and eminently practical
text, it was only natural that certain doubts should arise over
such matters as the central government's right to make remedial
laws, or its right to disallow local legislation. In short, there
were areas of potential conflict where the legislative jurisdiction
of one authority could impinge on the legislative jurisdiction of
another authority. And indeed, no sooner was Confederation in
effect than a case arose to highlight this question of legislative
jurisdiction: the case of the New Brunswick Schools. The Roman
Catholic community believed that the legislation passed by the
local government of New Brunswick was an infringement of its
educational rights. Would the central government disallow it?
This was the kind of question which concerned all civic-minded
Canadians, French and English speaking, in the years following
Confederation.

The complicated question of legislative jurisdiction took
a further turn at the hands of the programmistes. For what
concerned them was not only conflict between different levels of
legislative jurisdiction, but also conflict between different kinds
of legislative jurisdiction. The programmistes sought to remind
their fellow citizens that it was not only the State, whether at a

local. Dominion, or Imperial level, but also the Church which had a right to make laws. This factor made the question of legislative jurisdiction doubly complicated. Before it could be determined what level of authority had the right to make a particular law, it was necessary to know what kind of authority had the right to make that law. To the problems of "overlapping" legislative jurisdiction between two levels of civil government there had now to be added, a host of others between civil government and ecclesiastical government.

At the same time, the programmistes were not only concerned with the letter of the law and its field of articulation: they were also concerned with the spirit of the law. That is to say, they were also concerned with that host of attitudes and assumptions which obtain prior to the enactment of any law. While it was important to reform laws which one considered unjust, it was equally important to reform concepts which one considered wrong. This concern with the spirit of the laws leads us to the second element, pertinent to my study of the Programme: the philosophic element.[18]

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[18] In the mid-1950's, the deans of the Philosophy Faculties of Quebec's two French speaking Universities published writings which continue to provide, to my mind, good introductions to what I have termed "the spirit of the laws" which traditionally governed Quebec. See Louis-M. Régis, "La religion et la philosophie au Canada français", Dualité canadienne (Quebec, 1960), pp. 56-77; and Charles de Koninck, "La confédération, rempart contre le grand état", Commission Royale d'Enquête sur les Problèmes Constitutionnels (Quebec, 1956), Annexe I (see also Vol. II of the Report).

It is often ignored, or conveniently denied, that there
is a philosophical dimension to the teachings of the Roman Catholic
Church. But the fact remains that, in addition to her special
teachings which presuppose a trust in the Word of God as revealed
to men by Jesus Christ, the Roman Catholic Church has a body of
general, philosophic teachings that address themselves to the
natural intelligence of all normal human beings. These teachings
reflect, as it were, a "primitive" revelation: they speak directly
to all men of all times and are therefore not dependent on any
special agenda. Now within this corpus of general teachings, that
part which touches upon the practical affairs of man is covered
by the doctrine of natural right. The term "natural" is used here
to signify the Church's philosophical as opposed to her theological
teachings; though the term "law" is frequently used, the term "right"
is to be preferred as it unequivocally signifies the Church's moral
teachings as opposed to her teachings pertaining to those "laws" of
nature common to all non-human things.

Due to the very natural character of these teachings, they
have received numerous articulations throughout the ages.[19] In no

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[19]For a survey of this doctrine, see A. P. d'Entrèves,
Natural Law: An Introduction to Legal Philosophy (London, 1967).

way is the doctrine of natural right peculiar to the Roman Catholic

Church. In the West, it originated with the rise of Greek philo-

sophy and received considerable elaboration at the hands of Roman

jurists. One of the best expositions of the doctrine of natural

right was made not by a Roman Catholic but by an Anglican.[20] In

the East. it appears that the Chinese also developed a doctrine of

natural right.[21] Hence, the societies envisaged by Confucius, by

Plato. and by Cicero may be viewed, in the light of the above, as

natural prefigurations of the divine society of Christ.[22] Of course,

it is not always an easy matter to draw a line between prescriptions

which are "natural" and prescriptions which are "divine". In the

phrase of one exponent of the doctrine of natural right, "The

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[20]See Richard Hooker. *The laws of Ecclesiastical Polity*, especially Chapters I - X of the First Book, in *Works* (New York, 1865). Vol. I, pp. 155 - 180.

[21]See Joseph Needham, *Science and Civilisation in China* (Cambridge. 1969). Vol. II, Section 18: "Human Law and the Laws of Nature in China and the West", pp. 518 - 583.

[22]See F. X. A. Trudel, "Quelques réflexions sur les rapports de l'Eglise et de l'Etat", *Revue canadienne*, VIII (1871), p. 259.

Scripture is fraught even with laws of 'Nature."[23] To discern the supernatural in the natural, to distinguish that which man could not have known save by the Word of God Himself from that which has always accompanied man's being is, in many cases, a difficult task.

To anyone interested in the philosophy of the law as well as in the actual operation of the law, French Canadian society of the latter half of the nineteenth century is a society chock-full of interesting cases. For the inhabitants of the Province of Québec were governed in spirit as well as in fact by an extraordinarily complex network of law. Rules for the governance of society emanated from many different sources and at many different levels. Rome, London, Ottawa, Quebec City --to name but the principal centres-- all had a voice and a hand in regulating the conduct of society. People were subject to laws that derived their legitimacy from the natural order of the world and to others that derived their legitimacy from the Word of God (or at least from a particular Church's interpretation of it). Thus there were cases in Quebec which required

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[23]R. Hooker, _The Laws of Ecclesiastical Polity_, Book I, Chapter XII in _Works_, p. 184. For more on the distinction between laws "natural" and laws "divine", see Chapters XI - XIV of Book I.

for their resolution a knowledge of the special tenets of the Roman

Catholic Church as well as a knowledge of the civil law of Lower

Canada. The cases which most interested the programmistes were preci-

sely those cases which involved both civil and ecclesiastical authorities.

One case which warrants special mention at this point is

the controversy which arose during the Vatican I Oecumenical Council

(1869 - 1870) over the definition of papal primacy and infallibility.

Two old terms were revived which vividly conjured up the opposing

parties: those who supported the pope's claims were "ultramontanes"

(or "centralists"): those who supported the bishops that wanted

more local autonomy were "gallicans" (or "decentralists"). Though

from a legal point of view this controversy was purely ecclesiastical,

it naturally engaged the attention of lay Catholics everywhere in

the world. Thus it will be appreciated that in a province as

thoroughly Catholic as Quebec at the time ·(over 85% of the population

in 1871[24]) these two partisan labels, "ultramontane" and "gallican",

were transposed from the realm of ecclesiastical politics into the

realm of civil politics, and there came to be used rather as were

the terms "Tory" and "Whig" in England.

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[24]Table II: Population by Religions, Census of Canada: 1870
-.1871 (Ottawa, 1873), Vol. I, pp. 214 - 217.

But to infer from this that French Canadian ultramontanes in general and the _programmistes_ in particular wished to impose a theocracy in the province of Quebec is ridiculous. Not only had the Roman Catholic Church rejected in principle direct rule of priests over all of society —which is what theocracy implies— but it has always looked askance at too close an identification of Church and State, which, in Roman Catholic eyes, tends to give the practice of religion too patriotic a colouring.

With regard to the _Programme_ in particular, the argument advanced by its authors was a "natural" argument in that its premises could be granted by Christians of all faiths, indeed even by non-Christians who believed in God and who practised a religion. Its major premise was that politics, or what one owed to one's neighbours, was subordinate to religion, or what one owed to God, (see Section IV of the Commentary): and its minor premise was that in a country like Canada all religious communities should have the necessary freedom to practise the exercises of their cult (see Section VII).

For the theoretical elaboration of these premises, the _programmistes_ relied on the Church's doctrine of natural right. As mentioned earlier, there have been many formulations through the ages of that doctrine, even within the Catholic Church itself. But

judging from the references to be found in the _programmiste_
newspapers, I would say that philosophically the authors were
especially indebted to the Jesuit periodical, _Civiltà cattolica_,
published in Italy since the middle of the last century. One of
the leading contributors to that periodical was Father Luigi
Taparelli d'Azeglio, and it is his monumental two volume _Essai
théorique du droit naturel_ which I would single out as the work
most relevant to the _Programme_ as an exposition of the doctrine of
natural right. To understand that comprehensive work is to
understand the philosophical basis of the _Programme_.[25]

Finally, another "natural" aspect of the _Programme_ was
its lay character. As the _Journal des Trois-Rivières_ reminded
its readers:

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[25]Luigi Taparelli d'Azeglio, _Essai théorique de droit naturel
basé sur les faits_ (Tournai, 1857). In a newspaper article defending
the _Programme_'s doctrine, Cléophas Beausoleil wrote: "Nous avons
peu de livres, mais ils sont excellents et suffiront nous en sommes
sûr, pour convaincre notre adversaire que notre doctrine n'est pas
nouvelle." "L'Eglise et l'Etat", _N.M._ (June 22, 1871), p. 1. Still
on the basis of the quotations made by the _programmistes_, I would
say that, in addition to Father Taparelli, the following authors
were also consulted: Marie-Stanislas Rattier, Camillo Tarquini,
and François-Louis-Michel Maupied. (See Bibliography).

> Il [Le Programme] ne s'offrait pas aux candidats comme
> programme épiscopal. Il n'était pas adressé au clergé
> et ne sollicitait pas son action. . . . C'est un article
> de journal. Ce sont des conseils qu'un journaliste
> catholique a cru devoir adresser à ses lecteurs en vue
> des prochaines élections. . . . C'était donc le droit
> du Journal des Trois-Rivières de donner à ses lecteurs
> les conseils qu'il jugeait utiles dans les circonstances;
> et il n'avait pas besoin pour cela de la participation
> de l'épiscopat. . . . Les lois que nous voulons amender,
> perfectionner sont des lois civiles. C'est nous laïques
> qui les avons faites: c'est nous qui pouvons les changer.
> L'épiscopat n'a pas le droit: il peut seulement condamner
> la loi civile lorsqu'elle est contraire à la loi ecclé-
> siastique.[26]

As laymen, the programmistes were interested primarily in the civil
laws of the Province of Quebec and, in the case of the Programme,
with those laws pertaining to marriage, education, the establishment
of parishes, and the registration of civil status.

A consideration of the above points should dispel from the
reader's mind any notion that the programmistes wanted to establish
a theocracy in the Province of Quebec. Their concerns, in the
case of the Programme, were legal and philosophic. And in the
course of this work, I hope to show how their concern with the
laws was bound up with a true and appreciative understanding of
the Canadian constitution, i.e., with parliamentarianism; and how

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[26]"Lettres Québecoises", J.T.R. (May 4, 1871), p. 2.

their concern with the spirit of the laws was bound up with a
true and appreciative understanding of the legitimating ground
of government. i.e., with authoritarianism (what Alpheus Todd
called headship).[27] The holding together of particular laws with
the general spirit of the laws, the coincidence of these two
concerns, is what is meant, it seems to me, by the word "juris-
prudence". It is this word which I would like to impress on
the reader's mind as the key to an understanding of the Programme.

(3) Some methodological consequences

The question which arises now is how best to approach a
text like the Programme. The facts are there to attest to its
significance for the men of the time, but how can it become
significant for us? How can we expose ourselves to the full
force of its message, and not treat it as something that it is
not, or that is no more?

The jurisprudential nature of the Programme entails a
first set of consequences with regard to the method most appro-
priate for its study. If one is to remain faithful equally to

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[27] The programmistes' parliamentarianism is laid out primarily
in Section I; and their authoritarianism in Section IX.

the legal and to the philosophic elements of the text, then it follows that one is going to have to proceed in such a way as not to become excessively preoccupied either with the particularities attending the letter of the law or with the generalities attending the spirit of the law. A balanced blend of the particular and the general is therefore a first methodological requirement.

The first requirement leads us to shun two possible methods of proceeding: the deductive and the empirical. To demonstrate the truth of the _Programme_ on the basis of a single rational intuition taken to be self evident, to deduce the _Programme_ from a single axiom, as is done in geometry, one must abstract from all the contingencies which so determined the _Programme_. This is what Marxists do when they explain the _Programme_ as nothing but the logical consequence of the struggle of social classes. On the other hand, a purely empirical method which restricts itself to arranging all the data of experience, while often useful and informative,[28] is bound to fail at some point to do justice to the forces which generate particular data and which move beneath the surface of human history.

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[28] I wish to express in this regard my debt to Marcel Hamelin, whose _Les premières années du parlementarisme québecois 1867 - 1878)_ (Quebec, 1974) provided the empirical basis for my study.

There remain, it appears to me, three possible ways of proceeding that do hold together the particular and the general. They are the inductive, the poetical, and the argumentative. A consideration of these methods entails a second set of consequences resulting in the issue of the most appropriate way. The inductive method holds together the particular and the general by formulating a general law or pattern of behaviour on the basis of particular observations. This is the experimental method of the modern sciences. It is the method used by those sociologists who formulated the concept of a "folk culture". Without resorting to a gross reduction, such a method is incapable of giving an account of any event which is unique· in this way, an event such as the publication of the <u>Programme</u> is simply miraculous. A second way of holding together the particular and the general is the poetical. Here the poet or the fabricator attempts to mould the particular material at hand in accordance with a general image in his mind. The poetical method has inspired those interpretations which would see in the <u>Programme</u> an attempt to mould French Canadian society along the lines of an imaginary theocratic mediaeval society. Fortunately, there is a third way of relating the particular and the general and that is the argumentative. The argumentative method arises out of a human predicament. Man finds himself in a

set of uncertain circumstances, the resolution of which is dependent
in part or human action. In order to help himself out of this
situation, in order to guide his conduct, man invokes a general
rule that, it is thought, covers the particular situation in which
he finds himself. This general rule becomes the mediating principle
of action. This is what the _Programme_ of 1871 was all about: what,
the authors of the text wondered, were the Catholic voters of the
Province of Quebec going to do on election day? The outcome was
not at all certain, and yet it depended on individual human action.
The _Programme_ was an attempt to guide that individual human action.
The uncertainty of the whole matter required that careful considera-
tion be given to all the relevant facts and that reasons be given
for choosing one principle and not another. In one word, the
Programme was an argument.

It is only by approaching the _Programme_ as an argument
that we will be able to do justice to its form, to its content,
and to its purpose.

Of course there are many kinds of argument: one can argue
over what is said or over what is done; one can argue with oneself,
or with others: about a private deed, or a public deed; about a
deed committed in the past or a deed about to be committed in the

future: and so on.[29] The _Programme_, as a newspaper editorial on
the coming elections, is to be classified, clearly, as a political-
rhetorical argument.[30] The _Programme_ is rhetorical by virtue of
its attempt to persuade in public: and political by virtue of being
concerned with the future, of aiming at establishing the expediency
or the harmfulness of a proposed course of action.

The fact that the _Programme_ is a work of political rhetoric
has determined, formally and materially, the presentation of my
work. Formally, it determined the basic outline of the thesis.
The text and accompanying commentary are thus presented in five
parts, in accordance with the five divisions customarily found in
a work of rhetoric and readily discernible in the _Programme_: Part
One is the _proem_ or clarification of the present situation; Part
Two, the _premises_ or establishment of the principles which are to
govern the action: Part Three, the practical _consequences_ or
consideration of the means available: Part Four, a _subsidiary
remark_: and Part Five, the _peroration_, a brief and stirring recapi-
tulation.

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[29] The reader is referred to the works of Chaim Perelman,
who has done so much to revive the ancient study of argumentation;
see especially his _La nouvelle rhétorique: Traité de l'argumentation_
(Paris, 1958).

[30] See Aristotle, _Rhetoric_, Book i, Chap. 3.

For the sake of greater clarity, I have subdivided the
first three of these five parts. The Proem is subdivided into
three sections: for in presenting the situation to their readers,
the authors allude to three different contexts: the constitutional,
the journalistic, and the moral. The Premises are subdivided into
four sections: the first containing the major premise, the second
and third important qualifications, and the fourth the minor
premise. The Consequences are subdivided into five sections, each
corresponding to a different degree of abstraction, starting from
a consideration of political parties in Canada and ranging on to a
consideration of the individual voter's freedom. The distribution
of sections is, therefore, as follows: the Proem, Sections I - III;
the Premises, Sections IV - VII; the Consequences, Sections VIII -
XII; the Subsidiary Remark, Section XIII; and the Peroration,
Section XIV.

In a work of rhetoric, the presentation of the argument or
the syllogism is not as thorough as in a work of dialectic: the
reasoning is not carried too far back, nor are all the steps put
in that lead to the conclusion. Technically, an argument of this
kind is called an enthymeme. Thus, a first reading of the Programme
all by itself gives one the impression that the text is nothing
but a conjunction of compatible propositions. The authors themselves
were aware of this characteristic feature of rhetoric; they were

prepared to meet objections, to provide clarifications, elaborations, and qualifications, for they appended the following statement to their text: "Nous développerons plus amplement dans une série d'articles les idées et les principes de ce programme."[31] And shortly after the publication of the text, one of the authors, Magloire McLeod, wrote:

> dans la série d'articles que nous avons promis de publier pour développer notre programme, on trouvera probablement les arguments nécessaires pour répondre aux objections qui ont été faites ou qui pourront être faites. Qu'on ne se hâte pas trop de blâmer, avant de connaître amplement notre pensée. Notre programme est large et on a déjà eu le tort de le croire basé sur des idées beaucoup trop étroites.[32]

It is in accordance, therefore, with the "reply" aspect of rhetoric and with the authors' own express wish that I have accompanied each formal section of the text with explanatory remarks and supplementary material drawn from other articles written by the _programmistes_. Such an elaboration makes it possible to discover the full scope of the authors' thought ("de connaître amplement notre pensée").

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[31] Following "et tout notre programme peut se résumer dans ce motto: 'Religion et Patrie'" (See Section XIV), the text, as it appeared in the _Journal des Trois-Rivières_ of April 20, 1871 continued:
"Tel est le programme que nous pensons devoir adopter pour les prochaines élections et qui, croyons-nous, devrait être adopté par tous les catholiques conservateurs de cette province.
Nous développerons plus amplement dans une série d'articles les idées et les principes de ce programme."

[32] _J.T.R._ (April 27, 1871), p. 2.

In order to remain as faithful as possible to the authors'
thought, I have limited the material for my commentary to what the
authors themselves wrote at the time of the Programme. This means
that only two kinds of material figure in the commentary proper:
(1) newspaper articles written by the authors and published within
six months of the appearance of the Programme (between April and
October, 1871) in the following four newspapers: Journal des Trois-
Rivieres, Nouveau-Monde, Ordre, and Courrier du Canada; and (2)
the following works published by the authors in the years immediately
preceding and following the Programme and relevant to it: de Montigny's
Histoire du droit canadien (1869), Catéchisme politique (1878), and
Qu'est-ce que le Programme catholique (1880); Pagnuelo's Etudes
historiques et légales sur la liberté religieuse en Canada (1872);
Routhier's Causeries du dimanche (1871); and Trudel's Discours sur
l'Affaire Guibord (1870), "Quelques réflexions sur les rapports de
l'Eglise et de l'Etat" in Revue canadienne (1871), Nos chambres hautes
(1880), and "Conciliation" in Revue canadienne (1881).[33] By
commenting from these two sources, I feel I have been able to do
justice to the thought of these men as formulated in the Programme.

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[33]   For more information on the sources, see the Bibliography.

To go much farther afield for material seemed to me a risky
enterprise, for of course the political situation was changing.
Cartier's death in 1873, Laurier's famous speech of 1877, the
rise to power of Chapleau in 1879: these were but some of the
events which altered considerably the Quebec political situation
from what it had been during the 1871 election campaign.

There is another aspect to a work of rhetoric that deserves
to be signalled here: it is that a work of rhetoric is often not
only an argument _for_ something, but also an argument _against_
something else. To put it succinctly, the _Programme_ was an
argument for a "natural", as opposed to a "naturalistic", view
of the world: for an "authoritarian", as opposed to a "libertarian",
society.

In a Prologue following immediately (and before the Text
and Commentary), I describe the events which led to the publication
of the _Programme_, and the reactions which that editorial elicited
from the moment of its publication until the final day of the elec-
tion. In an Epilogue following the Commentary I analyse the results
of the 1871 Quebec provincial election and describe the aftermath.
In a Conclusion, I attempt to draw on an historical, a political,
and a philosophic plane some of the salient points arising out of
my study of the _Programme_.

PROLOGUE

(1) The composition of the Programme

The final session of the 1st Legislature of the Province
of Quebec was prorogued on December 24, 1870. During that session
two young reporters in the press gallery had become acquainted.
One was Magloire McLeod, twenty eight years of age, editor of the
Journal des Trois-Rivières; the other, Alphonse Desjardins, twenty-
nine, associate editor of the Montreal newspaper, L'Ordre. The two
men had much in common in addition to their age and occupation.
For some time, McLeod had admired Desjardin's writings, especially
his defense of Confederation. Moreover, in discussing the affairs
of State, the two men agreed that a profound transformation was
taking place in the politics of the Province. Conservatives were
voicing opinions which sounded to them not at all conservative.
Opinions were being advanced in parliament, in the press, and in
the courts which, far from lending support to throne and altar,
worked to undermine them. This was especially evident on the ques-
tion of the relation between Church and State: the Roman Catholic
Church's teaching on the matter was being either ignored or

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distorted.[1]

McLeod suggested to his colleague that, as a general election was in the offing, the time might be ripe to reaffirm the Church's teachings. In McLeod's words: "Je crois avoir dit alors à M. Alphonse Desjardins qu'il serait utile et opportun de s'entendre avant les élections générales, alors prochaines, sur un programme uniforme basé sur la doctrine catholique."[2] Desjardins agreed to look after the matter on his return to Montreal.

At the beginning of April, 1871, Desjardins got in touch with François-Xavier-Anselme Trudel, thirty two, a lawyer who had distinguished himself in court by his pleadings in cases of "mixed" legislative jurisdiction (in cases, that is, involving both civil and ecclesiastical authorities). Trudel too thought that it would be useful if writers and journalists of French Canada who subscribed to the Church's teachings were to come forth with an agreed-upon programme. Desjardins told Trudel of two other newspapermen interested in such a project: McLeod of Trois-Rivières and Eugène Renault of the Quebec City newspaper, the Courrier du Canada. For

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[1]McLeod and Desjardins had in mind the case of the Guibord sepulture and that of the dismemberment of the parish of Notre-Dame in Montreal. They objected also to a book just published by Judge Baudry: J. U. Baudry, Code des curés, marguilliers et paroissiens (Montreal, 1870). For more on these questions, see Section X.

[2]Quoted by B. A. T. de Montigny, Qu'est-ce que le Programme catholique (Montreal, 1880), p. 20.

some reason, Renault had no more part in the proceedings.

Desjardins, in a letter dated April 7, invited McLeod to a meeting of the directors of the province's Catholic newspapers. McLeod consulted with the bishop of Trois-Rivières, Mgr Laflèche, and having received the latter's assurance that there was nothing inopportune in the undertaking, departed for Montreal. But before he left, he sent word to Desjardins, asking him to invite Adolphe Basile Routhier, thirty one, a lawyer practising at Kamouraska and a frequent contributor to the Courrier du Canada.

The first meeting took place on an afternoon in the second week of April at the home of Alphonse Desjardins. Present were Desjardins, his two out-of-town guests, McLeod and Routhier, Trudel, and Cléophas Beausoleil, twenty five, editor of the Montreal newspaper, the Nouveau-Monde. Thus four newspapers were represented from the three most important urban centres of the province.

Present at that first meeting in addition to the five was the censor of the Nouveau-Monde, the canon Godefroy Lamarche. It appears, however that Father Lamarche, aware no doubt that the action being undertaken was a lay initiative pertaining to the forthcoming provincial elections, was reluctant to take an active part in the discussion: "Tous les amis nommés ci-dessus y étaient présents ainsi que M. le chanoine Lamarche, censeur du Nouveau-Monde, qui ne consentit néanmoins à donner son opinion que sur de nombreuses

et puissantes solicitations."[3]

The purpose of the meeting was to compose a programme which would affirm Catholic principles in such a way as to have a healthy effect on public opinion in the country. As McLeod said, "L'objet de cette réunion était pour moi la rédaction d'un programme qui fût une affirmation solonnelle des principes catholiques, capable de produire un effet salutaire sur l'opinion publique de notre pays."[4] Basic principles were discussed. In this regard, it is clear that the five men were eager to affirm the social doctrines of the Roman Catholic Church, to which they all fully adhered, and which they took to be the criterion of truth. Hence, the first principle: "Adhésion entière à l'enseignement de l'Eglise catholique, lequel doit être, en tout, pour un catholique, le _criterium_ de la vérité."[5]

Given the plurality of religious persuasions in the country, it had to be made clear that the doctrines referred to in the first principle, far from being a threat to non-Catholic believers, in fact assured the latter, as much as Catholics themselves, of their religious freedom. Hence the second principle: the practical toleration of other religious cults: "Pour les protestants, liberté

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[3] _Ibid._, p. 21.

[4] _Ibid._, p. 21.

[5] _Ibid._, p. 15.

entière de leur culte et contrôle absolu de leurs affaires religieuses, tels que nous les réclamons pour les catholiques."[6]

But being practical men the five were not content with an enunciation of their convictions: they wished to see them instituted in the laws of their country. Thus the question of means arose. In Trudel's words, "il est de notre devoir d'appuyer le parti politique dont les idées et les principes se rapprochent le plus de cette doctrine."[7] Of the two vehicles of political power in the country, the Conservative party was obviously the one more sympathetic to their cause. Hence, a third principle: "Attachement dévoué et persévérant au parti conservateur que nous reconnaissons comme le seul parti dont les principes et les traditions puissent nous assurer la plénitude de nos droits religieux et nationaux."[8]

Given the practical importance of this question of political allegiance, Trudel thought it necessary that their statement contain explicit support not only of the Conservative party but also of its leaders. Hence a fourth principle: "Appui loyal donné aux chefs actuels de ce parti que nous reconnaissons comme ceux, de tous les hommes politiques du jour, qui nous offrent le plus de garanties pour la défense des intérêts ci-dessus mentionnés."[9]

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[6]_Ibid._, p. 15.

[7]_Ibid._, p. 14.

[8]_Ibid._, p. 15.

[9]_Ibid._, p. 15.

These then were the four principles agreed upon by the five laymen present at Desjardin's house.[10]

At dinner that evening a second group of men joined the first. This second group was comprised mainly of lawyers: Benjamin-Antoine Testard de Montigny, thirty two: Siméon Pagnuelo, thirty one; Louis-Olivier Taillon, thirty; and Sévère Rivard, thirty six. De Montigny, Pagnuelo, and Taillon had worked with Trudel on the case of the dismemberment of the Montreal parish of Notre Dame and brought with them practical knowledge of the civil laws of Quebec and in particular of those laws which touch upon the practice of religion. The tenth layman present that evening was the host's cousin, Louis-Edouard Desjardins, thirty three, an ophthalmologist.

The second group of men agreed with the principles enunciated that afternoon. In Trudel's words:

> Les nouveaux venus parurent animés des mêmes intentions, et adoptèrent nos vues. Tous s'accordèrent à dire que la publication d'articles de journaux, commentant les idées ci-dessus exprimées, devrait avoir pour effet d'assurer la reconnaissance des Droits de l'Eglise et de faire cesser de malheureuses divisions, en réunissant tous les vrais catholiques dans un même esprit sous le drapeau du parti conservateur.[11]

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[10] These four principles underlying the Programme were made known as such to the public in a letter Trudel wrote to the editor of La Minerve and dated Montreal, April 28, 1871. The letter was republished in O. (April 28, 1871) and in J.T.R. (May 1, 1871), p.2.

[11] de Montigny, Qu'est-ce que le Programme catholique, p. 15.

Two or three of the newcomers objected, however, to the principle
supporting the leaders of the Conservative party. They recalled
certain disagreements: for instance, the opposing counsel in the
case of the dismemberment of Notre Dame was led by none other
than George Etienne Cartier, the leader of the Conservative party
in French Canada. But Routhier, defending the principle, pointed
out to the newcomers that the opposition party would be the first
to benefit were their declaration to be interpreted in any way
as a rebellion within the ranks of the Conservative party. After
this argument, "ils adhérèrent cordialement aux idées exprimées
dans les propositions ci-dessus."[12]

The discussion that evening was informal. There was talk
of constituting themselves into a proper organization by electing
a president, a secretary, etc. But the suggestion was brushed
aside because again it might appear as if they were trying to form
a new party.

Looking ahead to the particular event of the forthcoming
election, the men debated whether to leave each to act on his own
judgement or to agree to common guide lines:

> Au sujet de la conduite à adopter immédiatement en vue
> des élections alors prochaines, il s'agit de décider
> s'il serait laissé à chacun de nous d'adopter, en temps
> et lieu, l'attitude qu'il jugerait opportune, ou bien
> de poser, pour nous guider dans la conduite à tenir,
> certaines règles communes à nous tous, afin de ne donner
> sûrement notre support qu'à ceux qui seraient les mieux

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[12]*Ibid.*, p. 16.

> disposés à soutenir les principes dont nous désirions
> le triomphe.[13]Nous nous décidames pour cette dernière
> alternative.

The group decided to establish common guide lines.

Trudel invited the company to reassemble the following day at his house. Of the ten laymen present at Desjardin's dinner party, five or six met at Trudel's. These were, probably, the five of the original group and, if there were someone from the second group, de Montigny, who felt concerned enough in the fate of the _Programme_ to give an account of the proceedings some ten years later.[14] Conversation centred on the practical task of adopting guidelines for the election of candidates: "La conversation s'engagea sur les règles qu'il serait à propos d'adopter pour nous guider le plus sûrement dans le choix des candidats auxquels nous accorderions notre support."[15]

Another meeting took place at Rivard's house, and a final one at Beausoleil's. These two meetings were friendly get-togethers rather than political reunions.

This is an important distinction: a leisurely discussion of ideas is one thing; concerted political action quite another. A few days after the publication of the _Programme_, a Trois-Rivières

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[13]_Ibid._, p. 16

[14]This is of course de Montigny's _Qu'est-ce que le Programme catholique?_, to which we have been referring.

[15]_Ibid._, p. 16.

newspaper, the <u>Constitutionnel</u>, charged Rivard with having held

a secret meeting at his house with the intention of forming a

conspiracy against the Conservative party. In a letter dated

Montreal, April 28, Rivard replied to the editor of the <u>Consti-</u>

<u>tutionnel</u>:

> jamais il n'a été tenu une réunion politique chez moi,
> secrète ou non, et que de plus jamais les personnes
> nommées dans votre article ne se sont rencontrées
> ensemble dans ma maison, ce dont j'aurais raison d'être
> flatté pourtant; qu'en outre je n'ai participé en rien
> dans ce programme qui n'a pas été préparé ou écrit
> chez moi.[16]

Rivard's letter reminds us of how important it is to distinguish

between theoretical formulation and practical action. We have

Rivard's sworn testimony of March 5, 1873[17] that he attended

Desjardins' dinner party and agreed with the principles enun-

ciated; yet it is clear from his letter to the editor of the

<u>Constitutionnel</u> that he had no interest in descending into the

political arena: "Mon nom n'ayant jamais été mêlé à la politique,

vous comprendrez combien je tiens a rester en dehors de toute

combinaison de partis."[18] In Sévère Rivard's mind, responsibility

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[16] reproduced in <u>J.T.R.</u> (May 1, 1871), p. 3.

[17] reproduced in de Montigny, <u>Qu'est-ce que le Programme catholique</u>, p. 18.

[18] reproduced in <u>J.T.R.</u> (May 1, 1871), p. 3.

for the <u>Programme</u> lay solely with the newspapermen who published it: "Je n'ai pas ici à juger ni à apprécier ce programme, je laisse ce soin aux journaux qui l'ont publié."[19]

Rivard's letter leads us to make the following distinction with regard to the term "<u>programmistes</u>". From a theoretical point of view, the term can be applied to the ten laymen who agreed to the four basic propositions enunciated at Desjardins' dinner party. We have sworn statements from eight of the ten testifying to what actually led to the publication of the <u>Programme</u>.[20] But from a practical point of view, the term should be reserved for identifying the five laymen present at that first afternoon meeting: McLeod, Alphonse Desjardins, Routhier, Beausoleil, and Trudel.

While still in Montreal, McLeod and Routhier, in the company of Beausoleil, paid a visit to the bishop of the city, Mgr Bourget. The bishop was pleased by the initiative taken by the group of young newspapermen and judged it opportune.

It was next decided that the guide lines agreed upon should take the form of an ordinary newspaper article. The young men hoped that, presented without fanfare, the text would address itself plainly and directly to the voters of the province. Routhier

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[19] <u>Ibid.</u>

[20] See de Montigny, <u>Qu'est-ce que le Programme catholique</u>, pp. 11 - 24.

a man of letters, was given the task of composing the _Programme_.
Furthermore, because the text quoted from a pastoral letter of
the bishop of Trois-Rivieres, they agreed that McLeod should be
the first to publish it.

But before publishing the text, McLeod paid another
visit to Mgr Laflèche, this time to show him the finished product.
The bishop suggested a few changes of expression for the sake of
greater precision. He also suggested that the following clause
be added: "que les modifications demandées au sujet de notre
législation seraient celles arrêtées par Nos Seigneurs les Evêques
de la Province de Québec"; thus implying that in certain matters
the authorities of the Church had priority over the authorities
of the State. McLeod wired Beausoleil to advise him of these
changes in the text.

McLeod gave the work its title and published it in the
Journal des Trois-Rivières on Thursday, April 20, 1871.

(2) Reaction to the _Programme_

What was the reaction in Quebec to this event? How was
the _Programme_ received by the churchmen and laymen of the province?
In the remainder of this Prologue, I shall survey the reactions
to the _Programme_ up until the final day of voting (July 14, 1871),
leaving an analysis of the election results to the Epilogue.

A few days after the publication of the _Programme_, the
Archbishop of Quebec, Mgr Taschereau, addressed the following
message, dated Quebec, April 24, to the clergy of his diocese:

> Je crois devoir vous informer que ce programme ne
> m'a été connu que par les journaux et que, par
> conséquent, il a le grave inconvénient d'avoir été
> formulé en dehors de toute participation de l'épis-
> copat. Je déclare donc qu'il ne saurait autoriser
> aucun membre du clergé de l'archidiocèse à dépasser
> les limites tracées par le quatrième Concile de
> Québec et que je vous ai rappelées dans ma circulaire
> du 3 courant.[21]

It is important to consider the archbishop's letter very closely
for, as we shall see, it played an important part in determining
the fate of the _Programme_.

In commenting on the letter, McLeod pointed out how
obviously right the Archbishop was in drawing the clergy's
attention to the fact that the _Programme_ had not been formulated
by the Church authorities:

> La circulaire, quoiqu'elle ait trait au programme
> catholique que nous avons publié dernièrement, ne
> s'adresse nullement à nous. Elle est adressée unique-
> ment au clergé de l'archidiocèse de Québec. Elle a donc
> été émanée pour la gouverne seule du clergé de
> l'archidiocèse. . . . D'ailleurs, la circulaire du
> plus haut dignitaire de la province ecclésiastique de
> Québec ne dit pas que notre programme est mauvais.
> Si nous le comprenons bien, elle dit purement et
> simplement que l'épiscopat n'ayant pas participé à

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[21] reproduced in _J.T.R._ (May 1, 1871), p. 2.

la rédaction de ce programme, il ne peut être un
mandement, une lettre pastorale: il n'est pas con-
séquemment revêtu du caractère de l'autorité
épiscopale et ne saurait autoriser aucun membre
du clergé de l'Archidiocèse à dépasser les limites
tracées par le quatrième concile de Québec. Or,
nous avouons, en toute humilité, qu'en le publiant,
nous n'avons jamais cru qu'il pourrait être pris
par quelque membre du clergé pour un mandement.[22]

In a word, the Programme was not an ecclesiastical document.

A correspondent from Quebec City offered the readers
of the Journal des Trois-Rivières the following explanation of
the Archbishop's letter:

Le programme catholique, touchant à certaines questions
religieuses, et étant publié par des journaux qui
ne sont pas sans relation avec les évêques, le
clergé de l'archidiocèse aurait pu se croire auto-
risé à prendre une part plus active, à déployer
un zèle plus ardent dans les élections prochaines.
Ce que Sa Grâce a dû craindre, c'est donc une
agitation religieuse, dans les rangs de son clergé
et c'est pour la prévenir et l'empêcher qu'Elle a
cru devoir informer ses prêtres que le programme
catholique avait été formulé en dehors de toute
participation de l'épiscopat, et qu'il ne les
autorisait pas à dépasser les limites tracées par
le quatrième concile de Québec.[23]

The purpose of the Archbishop's letter was to caution his clergy
against taking too active an interest in the forthcoming elections.

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[22]"Programme catholique", J.T.R. (May 1, 1871), p. 2.

[23]"Lettres Québecoises", J.T.R. (May 4, 1871), p. 2.

The Archbishop's letter was followed by two similar letters: one from the bishop of St. Hyacinthe, Mgr Larocque, and another from the bishop of Rimouski, Mgr Langevin. Addressed to the clergy of their respective dioceses, both these letters repeat nearly word for word the Archbishop's disavowal.

These three letters of clerical disavowal were followed by two letters of clerical approval.

In a letter to his clergy concerning the forthcoming elections and dated Montreal, May 6, Mgr Bourget had the following to say:

> Il est donc important qu'outre les voix des pasteurs
> il y en ait d'autres qui se fassent entendre tous les
> jours et en tous lieux, pour rappeler les enseignements
> de la Religion. Or, ces voix sont celles des journaux
> à bons principes qui forment l'esprit public et main-
> tiennent les populations dans la paix et la soumission aux
> autorités légitimes; qui expliquent, développent de
> toutes les manières les vrais principes et en font des
> applications justes et proportionnées à toutes les
> intelligences. Sans ce secours devenu en quelque sorte
> nécessaire, le peuple sera emporté à tout vent de doctrines,
> et grandement exposé à faire fausse route dans ses
> élections. . . . On ne peut donc que louer et approuver
> ceux qui, par les moyens de la Presse ou autrement, préparent
> les populations à faire de bonnes élections et consacrent
> leurs connaissances, leurs talents, leurs plumes, à
> travailler à remplir les chambres législatives d'hommes
> sincèrement dévoués aux intérêts religieux et civils et
> tout disposés à écouter la voix des évêques quand elle
> se fera entendre . . . [24]

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[24]reproduced in _J.T.R._ (May 19, 1871), p. 2.

Mgr Bourget, for his part, recognized the need for laymen to
defend in the realm of public opinion the religious point of
view and the interests of the Church.

One week later, on May 15, the bishop of Trois-Rivières,
Mgr Laflèche, addressed a letter to his clergy explaining how
the young men concerned were perfectly within their rights:

> Des hommes éclairés et dévoués à la protection de
> nos intérêts religieux, profitant de cette latitude
> quant aux moyens à prendre, se sont entendus et con-
> certés ensemble pour assurer davantage cet heureux
> résultat en travaillant à éclairer l'opinion publique
> sur les questions agitées et à lui donner une direction
> commune, toujours si puissante par la force de
> l'association. En cela ils n'ont fait qu'user d'un droit
> commun à tous les Catholiques.[25]

The concerted action taken by the _programmistes_ was a legitimate
means of protecting religious interests. The bishop went on to
recommend the text both for its content and for its form:

> Leurs écrits dans la presse n'ont sans douté rien du
> caractère de l'Autorité; ce qui est un inconvénient
> commun à tous les articles de journaux; mais ils ne
> laissent pas néanmoins que de se recommander à la
> confiance des Catholiques par la pureté de la doctrine,
> par le dévouement à l'autorité religieuse, par le
> respect de tous les droits, ainsi que par la modé-
> ration et la convenance des formes, en général.[26]

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[25]reproduced in _J.T.R._ (May 22, 1871), p. 1.

[26]_Ibid._

We notice in the bishop's letter of endorsement that the word "authority" appears twice, once capitalized and once not. We are told that as a newspaper article the _Programme_ has nothing to do with Authority, and yet it is full of respect for authority. . We shall have occasion later to explore the different meanings of the concept of authority.[27]

In time, both Mgr Bourget and Mgr Laflèche felt obliged to make their approval of the _Programme_ even more explicit. Both wrote letters to Trudel. In a letter dated Montreal, June 6, Mgr Bourget wrote:

> La présente est pour certifier à qui voudra l'entendre, que j'approuve en tout point le _Programme catholique_ et qu'il n'y a rien dans ce programme qui soit dans mon opinion digne de blâme, même au point de vue de l'opportunité.
>
> J'ajoute que je considère ce programme comme la plus forte protection du vrai parti conservateur et le plus ferme appui des bons principes qui doivent gouverner une société chrétienne.
>
> Je m'attache à ce principe parce que j'y vois le salut de ma chère patrie, qui ne sera véritablement libre qu'en autant que la liberté de l'Eglise y sera respectée avec tous les droits qui seront assurés et garantis.[28]

Mgr Laflèche's letter was dated La Pointe du Lac, June 7:

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[27]See below, Section IX.

[28]reproduced in an "Extra" published by the _J.T.R._ on June 14, 1871, and republished in _J.T.R._ (June 15, 1871), p. 3.

> Vous me demandez si ma dernière Lettre circulaire
> renferme une approbation du _Programme catholique_.
> Comme j'ai parlé pour être compris, je crois que
> l'on ne s'y est pas mépris et que l'on y a vu cette
> approbation. Je l'ai approuvé parce que j'y ai
> trouvé le but légitime et bon et que les moyens
> proposés pour atteindre ce but sont justes et
> honnêtes.[29]

Here then were two unequivocal letters of approval.

In summary, the Church's reaction to the _Programme_ was not uniform but varied: the _Programme_ was disavowed by three bishops, while it was approved by two others. ,The sixth bishop of the ecclesiastical·province of Quebec, Mgr Guigues of Ottawa, whose diocese was partly within and partly without the political boundaries of Quebec, made no comment.[30]

We turn now to the reception given the _Programme_ during the election campaign by the laymen of the province, to whom, after all, it was directed. As one newspaper editor wrote in response to the second letter of clerical disavowal:

> Tout désavoué qu'est que le programme par NN. SS.
> l'Archévêque et l'Evêque de St. Hyacinthe, cela ne
> nous oblige pas encore à le mettre de côté. Car
> après tout nous avons affaire à des laïques seulement
> et dans le domaine politique nous sommes juges de ce
> qui peut convenir à des électeurs pour les guider dans

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[29]_Ibid._

[30]For a fuller account of the bishops' reactions to the _Programme_, see André Levasseur,"Mgr Bourget et le _Programme catholique_", (M.A. thesis, Université de Montréal, 1972).

le choix de législateur. Personne d'ailleurs ne
prétend faire un cas de conscience à qui que ce soit
en s'écartant du programme qui n'est donné qu'à titre
de sages conseils et non comme une règle infaillible.
 Ce désaveu ne prouve pas qu'il y a du mal
dans le programme et s'il ne convient pas pour le
clergé, rien d'étonnant, c'est qu'il n'a pas été fait
pour lui. Il a été tracé pour les électeurs et nous
croyons qu'il aura son effet en dépit de la presse
qui se donne tant de mal pour l'écraser.[31]

As it did not emanate from the ecclesiastical authorities, the

Programme did not partake in the Church's infallibility: rather

it was simply wise advice offered by a group of civic minded

laymen to the voters of the province.

 Following, then, are the newspapers which seconded the

Journal des Trois-Rivières' Programme. On Friday, April 21,

L'Ordre reproduced the Programme, and added:

Tous ceux qui comprennent qu'avant la question du
choix personnel, il y a celle beaucoup plus grave
des intérêts religieux et nationaux à sauvegarder,
trouveront dans cet écrit un programme complet
d'action. Nous y voyons pour notre part le tracé
le plus sage de la ligne de conduite à suivre et
nousl'acceptons pour nous même, comme nous voudrions
le voir accepter par tous ceux qui seront appelés
à user de leur droit d'électeur. . . .

 . . . .
Nous aurons occasion de revenir sur cet article et
de lui donner les développements qu'il comporte.[32]

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[31] quoted from L'Union des Cantons de l'Est in J.T.R. (May
8, 1871), p. 2.

[32] O. (April 21, 1871), p. 1.

The Nouveau-Monde too published the Programme that Friday; and on Monday, April 24, its commentary began:

> Nos lecteurs ont sans doute mûrement médité cet
> écrit où chaque mot est mis à sa place après avoir
> été pesé et vérifié. Pour notre part, nous le
> jugeons excellent, et n'hésitons pas à l'accepter
> pour règle de conduite avec quelques restrictions
> de détail.[33]

On the same Monday the Courrier du Canada published the Programme and recommended it to its readers: "Ce guide que nos lecteurs trouvent sur notre première page, nous le recommandons à la sérieuse attention des électeurs qui ont la bonne volonté d'user consciencieusement et judicieusement de leur droit de suffrages."[34] In its commentary, it made use of Mgr Laflèche's Quelques considérations sur les rapports de la société civile avec la religion et la famille: "C'est ce livre que nous mettons à contribution pour donner quelque développement au 'Programme' du Journal des Trois-Rivières."[35] Out of respect, however, for the Archbishop's disavowal and not wishing to provide an occasion, even if unfounded, for scandal, the Courrier du Canada did not continue to publish articles defending and explaining the Programme.

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[33]"Les prochaines élections", N.M. (April 24, 1871), p. 1.

[34]C.C. (April 24, 1871), p. 2.

[35]Ibid.

Meanwhile, McLeod had been busy rounding up adherents
to the Programme from among the politicians of the Trois-Rivières
district. As one letter of adherence was dated before April 20,
it is possible that the following men saw the text before it
became public.

From Trois-Rivières on April 19, C. B. Genest, member of
the Legislative Assembly for the town of Trois-Rivières, wrote:
"Revendiquer, comme citoyen du Canada, pour l'Eglise catholique
le droit de se mouvoir en toute liberté, dans la sphère qui lui
est propre, est admettre, comme conséquence, la même liberté pour
toutes les autres églises. Je donne donc une adhésion pleine et
entière à votre programme qui, je l'espère, rencontrera l'assenti-
ment de tous les vrais amis de notre pays."[36]

Alexis L. Desaulniers, the member for Maskinongé, testified
in a letter dated Rivière du Loup, April 21, to his adherence to the
Programme.[37]

The Hon. John J. Ross, the legislative counsellor for
Shawinigan, in a letter of adherence dated Ste Anne de la Pérade,
April 25, wrote: "Je l'approuve et je serai toujours heureux de

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[36] reproduced in J.T.R. (April 27, 1871), p. 2.

[37] Ibid.

travailler à apporter dans nos lois toutes modifications demandées

par Nos Seigneurs les Evêques,"[38]

Joseph Gaudet, the member for Nicolet, wrote from Gentilly
on April 25, saying that he agreed perfectly with the views put
forth in the Programme.[39]

From St. Aimé on April 26, Pierre Gélinas, the member for
Richelieu, sent his letter of adherence to the editor of the
Nouveau-Monde.[40]

Other politicians also adhered in public to the Programme;[41]
and three other newspapers joined the four original programmiste
papers in defending the Church's rights:

The Union des Cantons de l'Est, a newspaper of Arthabaska-
ville, reproduced the Programme on the first page of its issue of
Thursday, April 27. It began its commentary of May 4, saying:

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[38]Ibid.

[39]Ibid.

[40]reproduced in J.T.R. (May 1, 1871), p. 2.

[41]For an example of how this came about on the hustings,
see N.M. (May 29 and 30, 1871), pp. 1, which describes a public
meeting in the county of Assomption, where the Programme was
debated and approved by the ministerial candidate, Onulphe Pelletier,
and by the independent candidate, Alexandre Archambault.

Il est fort singulier de voir autant d'acharnement contre
un écrit, quand on est incapable d'y trouver une seule
erreur! . . . . Rien donc ne nous empêche d'adopter le
programme et de travailler à le bien faire comprendre au
peuple, puisqu'il est fait pour les électeurs et non pour
le clergé que notre vénérable métropolitain désire voir
rester dans les limites du décret du 4me Concile de Québec. [42]

On Friday, April 28, the _Pionnier_ of Sherbrooke reproduced
the _Programme_ with the following particular comment:

on comprend que les Townships étant représentés, en
général, par les députés d'une autre croyance, de qui
les électeurs ne sauraient raisonnablement exiger qu'ils
souscrivent à tout ce programme, on doit les regarder
comme faisant exception à la règle générale. On y a
d'ailleurs sagement pourvu dans ces règles aussi simples
et faciles à comprendre qu'elles nous paraissent opportuns
et dignes d'attention. [43]

On Thursday, May 4, the _Franc-Parleur_ of Montreal, more a
journal than a newspaper, preceded its publication of the _Programme_
with the following:

Enfin la Presse Catholique de cette Province,
que l'ordre de choses tel qu'établi appelle à jouer un
si beau rôle par rapport aux destinées futures de notre
pays, vient de prendre l'attitude ferme, énergique et
déterminée qui seule lui convenait en vue des élections
prochaines de notre Législature locale.

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[42]_Union des Cantons de l'Est_ (May 4, 1871), p. 2.

[43]_Pionnier de Sherbrooke_ (April 28, 1871), p. 2.

Elle a lancé, ces jours derniers, son programme
qui est à nos yeux toute une profession de foi, franche,
honnête, et indépendante.

Les tempetes qu'il a soulevées dans les hautes
sphères de notre monde politique, ainsi que les adhésions
nombreuses, distinguées et actives qui ont accueilli son
apparition sont pour nous des signes déja évidents de sa
bonté et de son excellence.

Aussi le publions-nous aujourd'hui en son entier,
afin que nos lecteurs puissent apprécier à leur juste
valeur, les principes vraiment conservateurs et catho-
liques qu'il renferme.[44]

In contrast to these seven who endorsed it, a number of

other newspapers opposed the Programme. As Beausoleil explained:

Dans le commencement nous avons cru que notre pensée
serait partout comprise. La presse hostile se taisait,
les autres journaux donnaient tour à tour leur adhésion,
les députés aussi.

Ce temps d'arrêt et de calme ne fût pas de longue
durée. Il avait été employé par certains hommes à
mettre en jeu toutes les influences qu'ils pouvaient
contrôler.

Un beau matin, le torrent d'invectives, un instant
contenu, déborda encore. La Minerve nous traita d'illu-
minés, et le Journal de Québec oubliant son rôle de Jupiter
tonnant, se fit avant coureur et simple messager de la
foudre.[45]

The battle was on. One month after its publication, McLeod wrote:

"Le programme catholique que nous publiions il y a quelque temps

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[44]"Le Programme Catholique", Franc-Parleur (May 4, 1871),
p. 363.

[45]"La Question", N.M. (May 8, 1871), p. 1.

en vue des prochaines élections a été assailli de tous côtés."[46]

Without pretending to exhaust the matter, I shall attempt to describe these various sides of attack. Much of it was, as Beausoleil said, a torrent of invective: the programmistes were attacked personally for being ambitious, enlightened, and more catholic than the Pope: another part of the attack consisted in seeing in the Programme designs which were obviously untrue: that it was the foundation of a new, third political party, and that it was directed against the Protestant minority·of the province. A cursory reading of the text itself reveals the falseness of such claims. I shall ignore the attacks which were directed against the programmistes personally or which were obviously untrue, but shall attempt to present the more substantial arguments brought forth during the election campaign against the Programme. It should be kept in mind, however, that the programmistes themselves were not at leisure to make such abstractions: time which could have been spent developing points of the Programme was spent refuting rumours and accusations of all sorts.

At the risk of summarily categorizing these newspapers, it seems possible to discern in their editorials four different kinds of hostile reaction to the Programme, each representing a

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[46] J.T.R. (May 19, 1871), p. 2.

different sector of public opinion and an essentially different
school of thought.

The most fundamental attack came from the radical-liberal
Montreal newspaper, Le Pays. Le Pays, wishing for a thorough
secularization of society, was of course diametrically opposed
to the Programme. Its opposition was not surprising to anyone:
associated with the Institut-Canadien, it had been articulating
the libertarian doctrines of the Enlightenment for decades. It
displayed its Voltairian wit in an article entitled "Une campagne
électorale qui ne sera certes pas gaie":

> Les questions de la dette provinciale, de la
> colonisation, du calibre des chemins de fer, de l'espèce
> de lisses à employer, de la distribution des terres
> publiques, de l'encouragement de l'industrie, du
> perfectionnement de notre agriculture, des lois élec-
> torales, de l'économie dans le service public, devront
> se discuter uniquement sous leur point de vue gallican
> ou ultramontain. . . . Si les choses vont au gré des
> journalistes susnommés il pourrait arriver que notre
> parlement local se transformât en concile.[47]

The strength of Le Pays' position came from its appeal
to common sense. There can be no doubt that the programmistes'
concerns must have appeared eccentric to many voters. Did the
procedure for recording a man's civil status really matter,

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[47]"Une campagne électorale qui ne sera certes pas gaie",
Le Pays (April 25, 1871), p. 2.

compared to the building of a railway? To the programmistes it did, because it involved a question of jurisdiction. To the programmistes, the question of jurisdiction had to be settled before any other could be taken up. Liberals like those of Le Pays were impatient: they wanted to get on with the work of building a city; for the programmistes, such work could be undertaken only once the city's boundaries had been firmly established.

A standard argument put forth by radical liberals for ridding society of the Church's influence is that the Church fosters ignorance among the people and leads them to be docile and uncritical. Le Pays, in an article entitled "Le pont aux ânes", charged the Programme with encouraging stupidity:

> En effet cela les [les candidats] dispense totalement
> de se creuser le cerveau pour répondre aux questions
> impertinentes des électeurs, aux objections des
> adversaires. Si l'on demande à l'un d'eux ses vues
> sur le système protecteur comparé à celui du commerce
> libre il répond: J'adhère au programme du Nouveau-
> Monde et de ses chers frères.[48]

This is not a fair criticism. Although to the programmistes the jurisdictional question was most important, they were certainly not ignorant of the more mundane questions which concerned Le Pays.

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[48] "Le pont aux ânes", Le Pays (May 1, 1871), p. 1.

In fact, Beausoleil had published his views on the very question of tariffs.[49] Moreover, a whole passage of the _Programme_ is devoted to the need for instructed and intelligent representatives.[50]

Le Pays was the _Programme_'s most radical opponent; practically, however, it was perhaps its least important. The days of radical liberalism in Canada were coming to an end: anti-clericalism, its logical result, was disappearing as a force in French Canadian society. And indeed, 1871 was the last year of publication of Le Pays.[51]

A second position was adopted by newspapers such as L'Evénement of Quebec City, the Constitutionnel of Trois-Rivières, and L'Opinion publique of Montreal. Shunning the pungency of radical liberalism, they strove after a mitigated liberal position of what may be called sweet reasonableness. This cool attitude of detachment was expressed by L'Evénement:

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[49]C. Beausoleil, _Système protecteur ou De la nécessité d'une réforme du tarif canadien_ (Montreal, 1871).

[50]See below, Section XIII.

[51]For the demise of radical liberalism in French Canada at this time, see J.-P. Bernard, _Les Rouges, Libéralisme, nationalisme et anti-cléricalisme au milieu du XIXe siècle_ (Montreal, 1971).

> · En chroniqueur fidèle, nous ferons part à nos lecteurs
> des faits qui viendront à notre connaissance, de façon
> à les en laisser seuls juges. D'ordinaire ce qui manque
> dans les récits électoraux, c'est l'exactitude. Chacun
> tire de son côté. . . . Il nous semble qu'un journal
> qui garderait son sang-froid dans la tourmente . . . ne ·
> serait pas mal vu et comblerait une lacune.[52]

There can be no doubt that in the midst of polemical debate there

was something refreshing in such an appeal.

Underlying a certain amount of ridicule and a certain

number of inaccuracies, we discern in this group of papers the

following charge levied against the Programme: the publishing of

such a text appeared to these papers not, as to Le Pays, wrong,

but inopportune, and that for three reasons. The first was that

the facts did not warrant it. As the editor of the Constitutionnel,

E. Gérin, wrote:

> Y a-t-il lieu de se passionner ainsi que le font
> quelques-uns de nos confrères? Y a-t-il lieu d'entre-
> prendre d'agiter tout le pays?
> Coin de terre béni par la providence, le Canada
> jouit en paix de la liberté la plus illimitée. En butte
> aux persécutions dans presque tous les pays, l'Eglise
> catholique jouit ici de privilèges immenses . . . jamais
> l'autorité religieuse, parlant par la voix régulière de
> ses représentants, ne s'adressera à l'autorité civile
> sans être traitée avec tous les égards possibles.[53]

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[52]"Nouvelles Electorales", L'Evénement (May 3, 1871), p. 1.

[53]Constitutionnel (April 24, 1871), p. 2.

The fuss was unjustified. Catholics enjoyed tremendous freedom
in Canada: "Nous avons un code de lois que les autorités ecclé-
siastiques les plus élevées de Rome et de notre province, ont
accepté et déclaré plus parfait que celui d'aucun pays,"[54] wrote
L. O. David in L'Opinion publique.

The Programme was inopportune from a second point of view
in that it was simply unprecedented, at least in French Canada,
for laymen to determine the religious interests of society. David
wrote:

> La conduite des évêques qui ont dirigé l'église du Canada
> jusqu'à présent, avait toujours été si prudente, ils
> avaient si bien su trouver les moyens convenables d'ob-
> tenir ce qui était nécessaire au bien de la religion,
> qu'on refusait de croire à leur participation dans ce
> mouvement.
> D'un autre coté, on se mettait difficilement dans
> l'esprit que trois ou quatre jeunes gens, se substituant
> aux chefs du catholicisme en ce pays, entreprissent de
> réformer et l'Eglise et l'Etat, de leur enseigner leurs
> devoirs.[55]

It was foolishly daring of these young men to take up the cause
of religion. And referring to Mgr Taschereau, the Archbishop, he
added:

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[54]"Un Evénement Religieux et Politique", L'Opinion publique
(May 4, 1871), p. 205.

[55]Ibid.

> Il sait qu'il occupe en ce moment le siège archiépiscopal
> de Québec et si la religion est parvenue à un si haut
> degré de splendeur, c'est grâce au zèle intelligent
> des évêques, ses prédécesseurs, qui, comprenant la
> situation du pays et l'esprit de la religion, ont su
> éviter le bruit et l'éclat des luttes politiques et
> religieuses, au sein de nos parlements. C'est grâce
> à l'habilité, à la modération et à la sagesse surtout
> de Monseigneur Plessis, qui était non seulement un homme
> saint et zélé, mais encore un homme de génie.[56]

L'Evénement, edited by Hector Fabre, also objected that an initiative

in religious matters should come from laymen: "loin de laisser

l'initiative à l'Episcopat sur tous les points importants, on la

prenait. Il ne restait plus aux Evêques qu'à ratifier et à agir:

la route leur était toute tracée."[57]

Thirdly, the Programme was inopportune because it was bound

to stir up trouble between the Catholics and the Protestants of the

province: "On touchait à une de ces luttes fatales qui ont laissé

de si tristes souvenirs dans l'histoire de toutes les nations catho-

liques, et dont les résultats seraient si fatales au peuple canadien

à cause des circonstances où il se trouve placé."[58] The Constitu-

tionnel developed the same point in a pitying tone:

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[56]Ibid., p. 206.

[57]"Contrition Imparfaite", L'Evénement (April 28, 1871), p.1.

[58]"Un Evénement Religieux et Politique", L'Opinion publique (May 4, 1871), p. 205.

> Nous regrettons de voir les préparatifs que l'on
> fait pour créer de l'agitation religieuse. Nous
> le regrettons d'abord pour le clergé qui ne peut
> jamais plus qu'aujourd'hui jouir du respect et de
> la considération de tous, qui ne peut que perdre
> dans cette agitation; nous le regrettons ensuite
> pour notre monde politique, composé de races et de
> croyances diverses, et au sein duquel on veut in-
> troduire des ferments de discorde dont on ne peut
> prévoir aujourd'hui toutes les conséquences désas-
> treuses.[59]

The reaction of moderate liberals to the Programme was summed up

in spirit as well as in substance when L'Opinion publique wrote:

> Mais ne soyons pas trop sévères à l'égard de ces
> messieurs dont plusieurs n'étaient sans doute
> inspirés que par le désir de travailler au bien
> du pays et de la religion. Malgré tout l'esprit
> d'abnégation qu'on peut avoir, on ne renonce pas
> sans douleur à des idées favorites, à des projets
> dont la forme plutôt que la base était mauvaise
> et dangereuse.[60]

By playing down the intellectual implications of liberalism and by

emphasizing its moral appearances, by concentrating on the form

rather than the basis, newspapers such as L'Evénement, the Consti-

tutionnel and L'Opinion publique developed a new tradition in French

Canada. No doubt there was something attractive about moderate

liberalism; but Desjardins, for one, spotted its fatal weakness:

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[59] Constitutionnel (April 24, 1871), p. 2.

[60] "Un Evénement Religieux et Politique", L'Opinion publique
(May 4, 1871), p. 206.

> L'Evénement le sait très bien lui, et nous sommes très
> aisé que notre confrère de St. Hyacinthe finisse par
> le comprendre, on ne gagne jamais rien à prendre une
> demi-position. Celui qui la prend finit toujours par
> s'apercevoir à ses dépens qu'une demi-position est
> toujours une position fausse.[61]

Despite Desjardin's remark, moderate liberalism's _demi-position_
was about to triumph. It scored its first victory in the summer
of 1872 when Louis Jetté, founder of the new Parti National,
defeated Cartier in the federal riding of Montreal-East.[62] It
received what was perhaps its finest articulation in 1877, when
Wilfrid Laurier, in his famous Quebec City speech of June 26,
separated the theory of liberalism from the practice of liberalism,
a distinction which was to pave the way for Liberal rule in
French Canada.

A third reaction to the _Programme_ was that of the English
newspapers of the province, a reaction which unfortunately one can
describe only as ignorant.

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[61]_O._ (June 12, 1871), p. 1.

[62]As Brian Young explained: "'Le parti national' was never
more than an adjunct of the Liberal Party. . . . The reorganisation
of the Liberals under the nationalist banner was part of a determined
effort by the Liberals to downplay their Rouge origins. It signalled
that the Liberals, hoping to attract nationalist and ultramontane
support, were abandoning their struggle with the Church." B. Young,
"The Defeat of G. E. Cartier in Montreal East in 1872", _Canadian
Historiacl Review_, LI (1970), p. 393.

The Gazette did not see fit to report on the Programme at all. Its readers, an influential segment of the voting population, were not made aware either of the text or of the controversy, and thus remained ignorant of an important election issue.

The Montreal Herald's policy seems to have been simply to translate articles at random from various papers and to publish them without a word of introduction, explanation, or comment under the heading, "French Press". On April 27, under the title "French Press: The Approaching Elections", the Herald presented one of Beausoleil's finest articles on the supremacy of Parliament and the rights of the Church; the next day, under the same heading and still without a word of explanation, it reprinted an editorial from the Echo de Lévis criticizing the Programme. A fortnight of silence, and then under the heading "French Press: The Political Programme" there appeared an editorial from L'Evénement. And so it went. What any of the Herald's readers could have made of this defies the imagination.

The Daily Witness took an active interest in the Programme, and in strong terms made known its own opinions. But in view of the blunders it committed, it might better, like its colleagues, have kept silent. In an editorial of considerable length, it began by attributing the Programme to the bishop of Trois-Rivières:

> The Bishop of Three Rivers has issued a Pastoral
> Letter on this subject, which has been read in all
> the churches of the diocese under his control, giving
> directions as to how the faithful are to vote . . . [63]

It went on to confuse the fourth Provincial Council with the

first Vatican Oecumenical Council and concluded with the following

rallying cry:

> It remains for Christians of all parties, who love
> either political or religious liberty, to meet the
> attempt with a most emphatic and determined opposition.
> How can any Protestant conscientiously, after the
> Bishop's declaration, vote for a Conservative, seeing
> that party is the tool to secure Rome's objects? No
> lover of freedom can consistently lend his aid to the
> tools of a Church whose aims and objects are the
> destruction of freedom of thought and conscience among
> men, and their subjection to the most grievous eccle-
> siastical tyranny, involving, as a matter of course,
> the deepest civil bondage. [64]

A couple of days later, the _Daily Witness_ published the following

article, which I quote in full as evidence of its sloppy-mindedness:

> Through a misapprehension the article on this subject
> in the _Witness_ of Saturday last credited the whole
> matters of which it treats to the Bishop of Three
> Rivers' Pastoral Letter, whereas all after the first
> fifteen lines should be credited to the _Journal des_

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[63]"The Church of Rome and the Elections", _Daily Witness_ (April 29, 1871), p. 1.

[64]_Ibid._, pp. 1 - 2.

> Trois-Rivières. As that paper, however, is the Bishop's
> organ, and therefore in some sort his doubleganger, it
> does not make much difference. The Journal printed the
> Bishop's Pastoral and followed it by what he called some
> development of the ideas expressed there; but the French
> paper which republished the Journal's compilation, and
> from which the Witness article was taken, did not keep
> the two things distinct enough, and hence the confusion.
> The whole has been adopted by certain of the French
> clerical papers, and made into what they call the Catholic
> Programme for the coming election.[65]

Instead of retracting its previous article, the Witness compounded

its blunder by piling inaccuracy on top of inaccuracy. It gave a

distorted impression of the function of the bishop's letter in.

the Programme. It revealed its failure to take its information

directly from the source. While it might well have called the

Journal des Trois-Rivières and the other newspapers which adopted

the Programme religious, it could not accurately call them clerical:

the Archbishop of Quebec had made that very clear. Finally, it

made the Programme seem the result, not the cause, of the contro-

versy.

The very next day, forgetting all about its "misapprehension",

the Witness again attributed the Programme to the bishop of Trois-

Rivières. In introducing a translated article from Le Pays, it

began : "Le Pays criticizes the famous programme prepared by the

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[65]"The Church of Rome and the Elections", Daily Witness
(May 1, 1871), p. 2.

Bishop of Three Rivers for the guidance of faithful Catholics
in the coming elections . . . "[66]

It is perhaps too much to expect that an English newspaper
of Quebec should have entered into a reasonable dialogue with a
French paper: but what does seem incredible is that none of them
seemed to be aware of the fact that with Confederation the Protes-
tants in Quebec had become a political minority. McLeod's words
are as pregnant with meaning today as they were over a hundred
years ago: "Ce n'est pas des hommes qui sont franchement catho-
liques que la minorité protestante doit s'attendre à ne pas avoir
justice. Au contraire."[67]

The fourth position vis-à-vis the Programme was that
adopted by the two Conservative party newspapers, La Minerve of
Montreal and the Journal de Québec of Quebec City. From a political
point of view, their reaction was the most important. For by its
authors' own admission, the usefulness of the Programme depended
on its reception among the Conservatives of the Province. From
no other sector of public opinion could there have been any expec-
tation of support. In fact, both La Minerve and the Journal de
Québec vehemently attacked the Programme and its authors. "Mais

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[66] "The Pons Asinorum", Daily Witness (May 2, 1871), p. 2.

[67] J.T.R. (May 22, 1871), p. 2.

alors qui êtes-vous?" asked La Minerve; "Quelle autorité supérieure
vous a envoyés sur la terre comme anges de bon conseil? Vous plus
éclairés que nos évêques, plus autorisés que nos ministres." And
seeking to isolate the programmistes, it proclaimed: "Nos chefs
religieux ne veulent pas de vous; nos chefs politiques ne vous
ont jamais demandés."[68] By and large, the task of isolating the
programmistes from the political leaders fell to La Minerve; that
of isolating the programmistes from the religious leaders, to the
Journal de Québec.

According to La Minerve, the programmistes were guilty
of undermining the unity of the Conservative party: their endeavours,
therefore, were to be resisted:

> Puisque vous travaillez à détruire l'harmonie et l'union
> dans le parti conservateur, nous sommes forcés de vous
> traiter, vous et les vôtres, comme des êtres malfaisants.
> . . . Nous repousserons donc la nouvelle attaque qui nous
> arrive et le parti conservateur va se réunir en phalange
> plus serrée pour résister à l'assaut. Les amis du pro-
> gramme seront nos adversaires, nous les traiterons comme
> tels. Que cette chose soit bien comprise. Puisqu'il
> faut trancher dans le vif, nous trancherons. Il n'y a
> qu'un parti conservateur. Que ceux qui soutiendront le
> programme ne s'attendent pas à recevoir l'appui du parti;
> ce sont les auteurs du programme qui nous y forcent.[69]

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[68] "L'école des illuminés", La Minerve (May 8, 1871), p. 2.

[69] Ibid.

La Minerve appears to have taken quite personally the Programme's

remark that by "conservative party" it did not mean any group

of men having no end other than that of interest and personal

ambition (See Section IX), for it retorted:

> Il n'y a qu'une catégorie de conservateurs: les
> distinctions du programme ne sont qu'une tentative
> de division; car le parti conservateur n'aurait plus
> sa raison d'être, si l'on venait à pouvoir dire que
> dans ce sein du parti on admet la résistance aux
> justes volontés de l'épiscopat.[70]

To which, Beausoleil replied:

> Il y a un proverbe qui dit: In cauda venenum. Cela
> est très vrai de l'article d'hier de la Minerve. Dans
> le parti conservateur on n'admet pas, dit-elle, la
> résistance aux justes volontés de l'épiscopat.
> Précisément, nous y voilà. Le secret est dé-
> couvert. Voilà ce que c'est que d'écrire trop longuement.
> Les hommes de la Minerve, ceux qu'elle appelle
> conservateurs, se constituent les juges des évêques.
> Ce sont eux qui détermineront si ce que nos pasteurs
> demandent est juste ou injuste, raisonnable ou non.
> C'est dans leurs mains que la jurisdiction ecclésiastique
> repose en dernier ressort.
> C'est pour combattre cette propension chez
> quelques hommes publics à se faire les juges dans les
> matières placées en dehors de leur contrôle direct que
> nous luttons.[71]

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[70]"Le programme des illuminés", La Minerve (May 8, 1871), p.2.

[71]"Un chapitre de contradictions", N.M. (May 11, 1871), p. 1.

In the heat of polemic, the arrogance and presumption of La
Minerve were discovered: it was precisely this propensity of
politicians to stand in judgement over things that lay beyond
their legitimate field of jurisdiction that the programmistes
strove to curb.

To the embarassment of La Minerve, which had been trying
to isolate the programmistes, the Conservative leader, Sir
George Etienne Cartier, declared in the riding of Beauharnois
toward the end of his campaign: "qu'il admettait tous les principes
qui forment la bâse du programme et qu'une de ses maximes politiques
était d'accorder aux évêques tout ce que les évêques peuvent juger
nécessaire au plus grand bien de l'Église."[72]

The Journal de Québec, for its part, made much of the
Bishops' letters of disavowal:

> Dans l'état actuel de la question, cinq évêques sur six
> ont parlé; sur les cinq, trois, parmi lesquels se trouve
> le métropolitain, ont déclaré à leur clergé et, par lui,
> aux fidèles que le programme, qui fait aujourd'hui tant
> de bruit, a été formulé en dehors de l'action de l'épiscopat,
> qui seul peut avoir sa raison d'être, et lui ont recom-
> mandé d'écouter la seule voix qui avait droit de parler
> sur les questions générales soulevées par le programme,
> le concile provincial.[73]

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[72]quoted in J.T.R. (July 10, 1871), p. 2.

[73]Journal de Québec (May 25, 1871), p. 2.

As for the other two ᴾishops, Mgr Bourget and Mgr Laflèche,
who, according to the Journal de Québec, were not content to
abide by the decisions of the Provincial Council: they were
opening the way for secularization and disrespect for authority:

> Ils ouvrent à deux battants les portes de l'Eglise
> non seulement au laïcisme instruit, savant et soumis,
> mais encore à l'ignorance, à la calomnie, à l'impudence,
> à la résistance, à l'outrage et à la grossière insulte
> à l'autorité partout ailleurs qu'autour d'eux![74]

Shocked by the accusations launched against the Bishops of
Montreal and of Trois-Rivières, McLeod reminded the Journal de
Québec's editor, Joseph Edouard Cauchon, that it was quite
within the duties of a Catholic lay journalist to take up questions
affecting the general well being of the province:

> Le Journal de Québec prétend que parce que les questions
> mentionnées dans le programme sont générales, c'est-à-.
> dire regardent toute la province, nous devons attendre
> comme journaliste catholique, l'action d'un concile
> provincial. . . . La Confédération a-t-elle été adoptée
> en concile provincial? C'était pourtant une question
> générale. Ce qu'il faisait en 1867, ne pouvons-nous
> pas le faire en 1871, sans etre traité d'ignorant,
> d'hypocrite, d'ambitieux?[75]

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[74]Ibid.

[75]"Le scandale du Journal de Québec", J.T.R. (June 1, 1871),
p. 2.

I shall have occasion to return to this polemic between
the Conservative newspapers of Quebec; for how, it is necessary
to remark only that one may.sense in _La Minerve_'s charge of
insubordination and in the _Journal de Québec_'s charge of _laïcisme_,
an anxiety to confine the discussion of important political
questions within private circles.

THE TEXT

Programme Catholique.

LES PROCHAINES ELECTIONS.

Notre pays, soumis au régime constitutionnel, aura dans peu de temps à choisir ses représentants. Ce simple fait soulève nécessairement une question que notre devoir de journalistes catholiques nous oblige de résoudre, et cette question doit se poser comme suit:

Quelle doit être l'action des électeurs catholiques dans la lutte qui se prépare, et quelle doit être leur ligne de conduite dans le choix des candidats qui solliciteront leurs suffrages?

Nous croyons pouvoir répondre à cette question d'une manière satisfaisante en donnant quelque développement aux idées exprimées par Sa Grandeur Mgr. l'Evêque des Trois-Rivières dans sa dernière Lettre Pastorale.

Voici les lignes que nous y trouvons:

"Les hommes que vous envoyez vous représenter dans la législature sont chargés de protéger et de dé-fendre vos intérêts religieux, selon l'esprit de l'Eglise, autant que de promouvoir et sauvegarder vos intérêts temporels. Car les lois civiles sont nécessairement en rapport sur un grand nombre de points avec la religion. C'est ce que les pères du Concile disent clairement dans leur décret.

"Vous devez donc vous assurer prudemment que le candidat à qui vous donnez vos suffrages est dûment qualifié sous ce double rapport, et qu'il offre, morale-ment parlant, toutes les garanties convenables pour la

protection de ces graves intérêts.

"Nous devons sans doute rendre grâce à Dieu,
de la pleine et entière liberté que la constitution
de notre pays accorde en droit au culte catholique
de se régir et de se gouverner conformément aux règles
de l'Eglise. C'est par un choix judicieux de vos
législateurs que vous pourrez vous assurer la conser-
vation et la jouissance de cette liberté la plus
précieuse de toutes, et qui donne à vos premiers
pasteurs l'immense avantage de pouvoir gouverner
l'Eglise du Canada selon les prescriptions et directions
immédiates du Saint Siége et de l'Eglise romaine, la
mère et la maîtresse de toutes les églises."

Ces conseils, dictés par la sagesse, seront compris, nous
l'espérons, par tous les électeurs catholiques de la Province de
Québec. Il est impossible de le nier, la politique se relie étroite-
ment à la religion, et la séparation de l'Eglise et de l'Etat est
une doctrine absurde et impie. Cela est particulièrement vrai du
régime constitutionnel qui, attribuant au parlement tout pouvoir
de législation, met aux mains de ceux qui le composent une arme à
double tranchant qui pourrait être terrible.

C'est pourquoi il est nécessaire que ceux qui exercent ce
pouvoir législatif soient en parfait accord avec les enseignements
de l'Eglise. C'est pourquoi il est du devoir des électeurs
catholiques de choisir, pour leurs représentants, des hommes dont les
principes soient parfaitement sains et sûrs.

L'adhésion pleine et entière aux doctrines catholiques
romaines en religion, en politique et en économie sociale, doit
être la première et la principale qualification que les électeurs
catholiques devront exiger du candidat catholique. C'est le critérium

le plus sûr qui devra leur servir à juger les hommes et les choses. On comprend qu'il ne peut être ici question des protestants auxquels nous laissons la même liberté que nous réclamons pour nous-mêmes.

Ces prémisses posées, il est facile d'en déduire des conséquences qui serviront de guide aux électeurs. Mais pour établir des règles pratiques dont l'application soit facile, il faut tenir compte des circonstances particulières où notre pays est placé, des partis politiques qui s'y sont formés et de leurs antécédents.

Nous appartenons en principe au parti conservateur, c'est-à-dire, à celui qui s'est constitué le défenseur de l'autorité sociale. C'est assez dire que par le parti conservateur nous n'entendons pas toute réunion d'hommes n'ayant d'autre lien que celui de l'intérêt et de l'ambition personnelle, mais un groupe d'hommes professant sincèrement les mêmes principes de religion et de nationalité, conservant dans leur intégrité les traditions du vieux parti conservateur qui se résument dans un attachement inviolable aux doctrines catholiques et dans un dévouement absolu aux intérêts nationaux du Bas-Canada.

Dans la situation politique de notre pays, le parti conservateur étant le seul qui offre des garanties sérieuses aux intérêts religieux, nous regardons comme un devoir d'appuyer loyalement les hommes placés à sa tête.

Mais ce loyal appui doit être subordonné aux intérêts religieux que nous ne devons jamais perdre de vue. Si donc il existe dans nos lois des lacunes, des ambiguités ou des dispositions qui

mettent en péril les intérêts des catholiques, nous devons exiger de
nos candidats un engagement formel de travailler à faire disparaître
ces défauts de notre législation.

Ainsi, la presse religieuse se plaint avec raison que nos
lois sur le mariage, sur l'éducation, sur l'érection des paroisses
et sur les régistres de l'état civil sont défectueuses, en ce qu'elles
blessent les droits de l'Église, gênent sa liberté, entravent son
administration ou peuvent prêter à des interprétations hostiles.
Cet état de choses impose aux députés catholiques le devoir de les changer
et modifier selon que Nos Seigneurs les Evêques de la Province pour-
raient le demander afin de les mettre en harmonie avec les doctrines
de l'Eglise catholique romaine. Or, pour que les députés s'acquittent
plus diligemment de ce devoir, les électeurs doivent en faire une
condition de leur appui. C'est le devoir des électeurs de n'accorder
leurs suffrages qu'à ceux qui veulent se conformer entièrement aux
enseignements de l'Eglise relativement à ces matières.

Concluons donc en adoptant les règles générales suivantes dans
certains cas donnés.

1° Si la lutte se fait entre deux conservateurs, il va sans
dire que nous appuierons celui qui acceptera le programme que nous
venons de tracer.

2° Si, au contraire, elle se trouve engagée entre un con-
servateur d'une nuance quelconque et un adepte de l'école libérale,
nos sympathies actives seront pour le premier.

3° Si les seuls candidats qui s'offrent à nos suffrages dans un comté sont tous libéraux ou oppositionnistes, nous devons choisir celui qui souscrira à nos conditions.

4° Enfin, dans le cas où la contestation serait engagée entre un conservateur rejetant notre programme et un oppositionniste quand même l'acceptant, la position serait plus délicate.

Voter pour le premier serait nous mettre en contradiction avec la doctrine que nous venons d'exposer. Voter pour le second serait mettre en péril ce parti conservateur que nous voudrions voir puissant. Quel parti prendre entre ces deux dangers? Nous conseillerions alors l'abstention des électeurs catholiques.

On comprend néanmoins que ces règles posées laissent encore aux électeurs une certaine liberté d'action qui dépendra des circonstances particulières de chaque comté et des antécédents de chaque candidat. Au reste, nous avons tenu à mettre surtout en évidence les convictions et les qualifications religieuses que les électeurs doivent exiger de ceux qui sollicitent leurs suffrages. Il est utile d'ajouter que, pour faire prévaloir leurs convictions religieuses, il faut, chez les députés, l'intelligence et l'instruction. Après s'être assuré des principes religieux des candidats, il faudra donc, en second lieu, s'efforcer de faire parvenir en chambre la plus grande somme possible d'intelligence et d'instruction.

Nous réprouverions donc toute action ministérielle qui tendrait à éliminer de l'arène parlementaire des hommes capables de

rendre service à la cause catholique et nationale, sous le prétexte qu'ils gêneraient quelques ambitions. Composer la représentation de nullités dociles et impuissantes serait certainement un grand mal qu'il faut éviter.

En deux mots, nous voulons sauvegarder à la fois l'honneur de la Patrie et la liberté de l'Eglise, et tout notre programme peut se résumer dans ce motto: "Religion et Patrie ".

THE COMMENTARY

PART ONE: THE PROEM

An Introduction

to the Constitutional (Section I)

Journalistic (Section II)

and Philosophic (Section III)

Contexts of the Argument

I

NOTRE PAYS

"Notre pays, soumis au régime constitutionnel, aura
dans peu de temps à choisir ses représentants."

The <u>Programme</u> opens with the presentation of a simple
fact: the people of the Province of Quebec would go to the polls
in two months time to elect their representatives for the local
Legislative Assembly. (The <u>Programme</u>, we recall, was published
on April 20: the voting, which then occupied a month, was to last
from June 16 to July 14.)

Behind the simple act of voting, however, lay the country's
whole constitutional background: if the voting were to be done
seriously, the electorate would have to have some grasp of the
principal features of that background. The authors of the <u>Programme</u>
devoted, therefore, a number of articles to explaining to their
readers the political and legal framework which constituted the
stage for the forthcoming act.

(1) Our country

Immediately, the first two words of the text introduce the

86

reader into the world of politics. Indeed, it is difficult to
imagine two more basic political words than "our" and "country".
"Our" is possessive and plural, suggesting that the subject matter
of the text is not going to be the object of a disinterested study
carried out by some neutral observer. On the contrary, we gather
that its subject matter is something of immediate concern to a
number of men, being something that belongs to them.

The second word reveals to us what that possession is: it
is some men's country. "Country" is a collective term which gathers
together what one lives in the midst of, what one inhabits in common
with other men, and what, consequently, everyone has an equal share
in. For that reason, it is a thoroughly political word. "Country"
is also political in that it is pregnant with the present: in this,
it is very different from such words as fatherland or nationality,
which, having to do with one's origins, reflect a concern more
with history than with politics.

It is of course of the greatest practical political impor-
tance to know just who and what is encompassed by a country. It is
a question over which wars are fought. That is not to say, however,
that a country's limits need always be determined univocally. The
extent implied sometimes depends on the context. For example, in
England and France the word "country" or "pays" can denote a local
region, the territory under the jurisdiction of the State, or even
a vast imperial realm. Such a fluid notion of what makes up one's
country could also be found in Canada, especially after Confederation.

The common concern implied in the expression "Notre pays" extended
on some occasions --as in the Programme-- to the boundaries of the
Province of Quebec· on other occasions --as in the case of the New
Brunswick Schools-- it extended to embrace the expanding new
Dominion. This fluid contraction and expansion of the notion of
country was reflected finally in the custom of the double mandate.
At the time of the Programme, a man devoted to serving his country
could represent the common interests both of his Province and of
the Dominion.

(2) Its constitutional regime

In both the contracted and the expanded view, the political
entity defined as "our country" was subject to law: the people
inhabiting it were subject to a regime of government. Cléophas
Beausoleil. in an article published only a few days after the
Programme. wrote that "Le régime constitutionnel implanté en Canada
par l'Angleterre nous a été transmis avec les maximes et les tradi-
tions anglaises."[1] As a result, the Canadian constitution consists,
on the one hand, of Statutes enacted at various times: and·on the
other, of Customs which, though unwritten, serve nevertheless to
determine and to guide the practice of government.

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[1] N.M.(April 24, 1871), p.1.

These two sources of Canadian law were described by
Benjamin-Antoine Testard de Montigny in his monumental Histoire du
droit canadien:

> La Constitution du Canada n'est pas une constitution écrite,
> comme celle des Etats-Unis ou celle de la France, bien que
> plusieurs statuts du parlement impérial, et certaines réso-
> lutions sanctionnées par le gouvernement de la mère patrie,
> servent à diriger jusqu'à un certain point le gouvernement
> de cette province.
> Cette partie écrite de notre constitution se compose
> des dispositions encore en force. . . .
> Tout ce qui n'a pas été prévu et déterminé claire-
> ment par ces actes doit être réglé conformément aux coutumes
> suivies dans cette colonie ou aux lois et usages établis
> pour des fins analogues en Angleterre. La partie non écrite
> de notre constitution se compose de ces coutumes, et de ces
> règles constitutionnelles, en autant qu'elles ne sont pas
> incompatibles avec notre condition de colonie, avec les
> droits particuliers qui en résultent, ou avec les moeurs et
> le caractère de la population, ou avec les circonstances où
> nous nous trouvons.[2]

Of the six principal features of the Canadian constitution
reviewed below, some, therefore, are written and others unwritten.

(i) Representative Government

For the first feature, we have to refer to a written law:
with the passage of the Constitutional Act of 1791, Canada's consti-
tution, in the general sense of the word, became Constitutional, in
the specific.

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[2]B.-A. T. de Montigny, Histoire du droit canadien (Montreal,
1869), pp. 513-514.

In the general sense of the word, as simply rule-by-law, the inhabitants of this country had been living under a constitutional regime long before the implantation of British rule. As French colonists along the St. Lawrence, they had been governed for a century by decrees and ordinances duly made and promulgated by a council appointed by the king.[3] But with the Constitutional Act, these settlers were granted something new and special: they were granted representative institutions. And therewith the ground was cleared for an understanding between the government and the people, for co-operation between the Crown and the country. Through their chosen representatives, the people's voice was heard; and even if their advice was not always taken, they could participate in government in a way not possible under the *ancien régime*. In de Montigny's words: "Tel fut l'Acte constitutionnel, qui donnait un gouvernement dans lequel le peuple était appelé à jouer un rôle, et au moyen duquel il pouvait faire connaître tous ses griefs, si on ne lui donnait pas le pouvoir d'obliger absolument l'exécutif à les redresser."[4]

The people's participation in government through its choice of representatives is the chief characteristic of Representative or, in the special sense of the word (which is the sense in the text of the *Programme*). Constitutional Government.

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[3] For a history of the law of New France, see de Montigny, *Histoire du droit canadien*, pp. 1 - 199.

[4] de Montigny, *Histoire du droit canadien*, p. 505.

(ii) Parliamentary Government subject to Natural Law

.For the next feature of Canada's constitution, we have to
refer to an unwritten axiom. Beausoleil continued in the article
already quoted: "C'est un axiome du droit constitutionnel anglais
que le Parlement est tout puissant et que son domaine s'étend à
toute chose dans les limites du royaume excepté à celles qui sont
contraires aux lois de Dieu et de la Nature."[5] There are two
propositions in this statement: that Parliament is supreme: and
that this supremacy is subject nevertheless to the laws of God and
to the laws of Nature. Let us examine each proposition in turn.

In British constitutional law, Parliament is supreme in
two senses of the word. In a legal sense, Parliament is supreme
because the products of its law-making, its statutes, overrule
all other forms of law-making, such as royal proclamations, judicial
decisions, or statutory instruments. In a political sense,
Parliament is supreme in that the combined power of the Queen and
the two Houses is greater than the combined power of the queen and
her servants.

The second proposition, as to whether or not Parliament is
subject to a higher law of divine origin in one case (the laws of
Nature) and of divine prescription in the other (the laws of God)
has been a subject of great controversy since the seventeenth

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[5] N.M. (April 24. 1871), p.1.

century. This is not the place to enter fully into this controversy. But because of its importance in the programmistes' argument, and because it has been contested, it is necessary to demonstrate how the claim that Parliament's power to enact laws is limited in Nature has been put forth by a long and illustrious line of commentators on the English constitution. In quoting from these men's works, I realise that I am departing from my general rule of quoting only from the programmistes themselves, but there seems to be no other way of showing that their claim is not the result of some misconception or illusion on their part.

Fortescue. in his De Laudibus Legum Anglie, classified all laws as being natural, customary, or statutory.[6] Statutory law was the reduction to writing of customs and the rules of the law of nature. And of these two sources of written law, what characterized the former, customs, was their particularity: whereas what characterized the latter, natural law, was its universality. Chapter XVI, entitled "The law of nature is the same in all regions", begins: "The laws of England, in those points which they sanction by reason of the law of nature, are neither better nor worse in their judgements than are all laws of other nations in like cases. For. as Aristotle said in the fifth book of the Ethics, 'Natural law is that which has the same force among all men.'"[7] The enacted

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[6]Sir John Fortescue. De Laudibus Legum Anglie (Cambridge, 1940). Ch. XV. p. 37.

[7]Ibid. Ch. XVI, p. 39.

statutes of a particular country are subject therefore to the universal laws of nature.

Calling the Law of Nature the Law of Reason, Hooker developed the same point: "generally all laws human, which are made for the ordering of political societies, be either such as establish some duty whereunto all men by the law of reason did before stand bound· or else such as make that a duty now which before was none." Hooker calls the first type of law "mixedly" human because "whereas men before stood bound in conscience to do as the Law of Reason teacheth, they are now by virtue of human law become constrainable, and if they outwardly transgress, punishable"· the second type of law, which Hooker calls "merely" human, corresponds to Fortescue's customary law: "the matter of them is any thing which reason doth but probably teach to be fit and convenient· so that till such time as law hath passed amongst men about it, of itself it bindeth no man."[8]

Blackstone wrote: "This law of nature being co-eval with mankind and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times: no human laws are of any validity, if contrary to this: and such of them as are valid derive all their force, and all their authority, mediately or immediately, from this original."[9]

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[8]Richard Hooker, Works (New York, 1865), Vol. I, Bk. I, Chap. X, sec. 10, b. 178.

[9]William Blackstone, Commentaries on the Laws of England (Oxford, 1765), Bk. I, Sec. ii, p. 41.

Dicey. in his constitutional lectures delivered about the time of the _Programme_. broke with this tradition and asserted that Parliament's power is not subject to any limitation in Nature or in Reason. To illustrate the "Unlimited legislative authority of Parliament", Dicey made use of De Lolme's famous saying: "De Lolme," says Dicey, ."has summed up the matter in a grotesque expression which has become almost proverbial. 'It is a fundamental principle with English lawyers, that Parliament can do everything but make a woman a man, and a man a woman.'"[10] In the same lecture, Dicey went on "to examine into the validity of the various suggestions, which have from time to time been made, as to the possible limitations on Parliamentary authority. and to show that none of them are countenanced by English law."[11] To the claim that Parliament "cannot make a law opposed to the dictates of private or public morality", he answered: "there is no legal basis for the theory that judges, as exponents of morality may overrule acts of Parliament"[12] —thus giving the claim of Natural Law advocates a most peculiar twist. In the first place, the advocates of Natural Law do not put into question the _legality_ of Acts of Parliament, but rather their _legitimacy_. In the.second place, they do not expect anyone, let alone one particular class of society, to be

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[10]A. V. Dicey, "Second Lecture: The Sovereignty of Parliament". _Lectures introductory to the study of the Law of the Constitution_ (London. 1886), p. 57.

[11]_Ibid._

[12]_Ibid._; p. 58.

an exponent of morality· but rather that everyone, in so far as
he is an intelligent human being, be subject to morality.[13]

Referring to the modern trend to play down Parliament's
limitation in Natural Law, Magloire McLeod wrote: "On trouve dans
tous les auteurs constitutionnels anglais cette maxime que l'on
invoque assez souvent pour exagérer les pouvoirs des corps délibé-
ratifs: 'Le Parlement est tout-puissant, hormis de changer un homme
en femme et une femme en homme'."[14] In contrast to Dicey, and not
holding the traditional view, McLeod went on to interpret this
maxim in the sense of a natural limitation to man's concerted
powers: "Cette maxime renferme une grande vérité que les auteurs
qui l'invoquent ne font pas ressortir dans toute sa force, dans
toute son étendue. Que veulent dire en effet ces mots 'hormis de
changer un homme en femme et une femme en homme' sinon que le
parlement a une limite, une borne dans la loi naturelle."[15] Aware
too of the maxim's deficiency, McLeod concluded: "Mais cette borne,
la maxime citée ne la pose au parlement que dans l'ordre physique
naturel: tandis qu'elle doit être posée dans l'ordre moral naturel,

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[13]The difference between the legality of an act and its
legitimacy, how the former is related to conventional institutions
and the latter to a judgement of the intellect, will be discussed
in Section IX.

[14]J.T.R. (October 5, 1871), p.2.

[15]Ibid.

tout aussi bien que dans l'ordre physique. Il y a même beaucoup nlus de raison de la respecter dans l'ordre moral que dans l'ordre physique, le premier étant supérieur au dernier."[16]

During the course of this commentary we shall hear more about Natural Law· for now, we need only keep in mind that, for the _programmistes_, and in accordance with the traditional interpretation of the English constitution, Parliament's power to enact laws was essentially limited by what was "naturally" right.

(iii) Parliamentary Government subject to Religious Freedom

Not inherited as an unwritten axiom, but gradually acquired from England through a series of deliberate Acts was yet another limitation to Parliament's power: the religious limitation. Whereas in England Parliament's jurisdiction (through the monarch who bears the title of Defender of the Faith) extended over the entire moral order· in Canada Parliament was obliged to tolerate, in matters of faith and therefore to a certain extent in matters of morals, the rulings of others. To return to Beausoleil's article:

> La constitution anglaise reconnaît au souverain la suprématie sur les âmes comme sur les corps. Il est juge en dernier ressort des questions de foi, de morale et de discipline. . . . Au Canada, ces principes ne peuvent être reçus, parce que le pouvoir du Parlement est limité par la constitution et par les traités, qui garantissent aux catholiques la liberté de leur culte.[17]

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[16] _Ibid._

[17] _N.M._ (April 24, 1871), p.1.

The freedom of His Majesty's new subjects to practise their religion was laid out in the following documents: the Articles of the Capitulation of Quebec of 1759: the Peace Treaty of St.-Germain of 1763: the Quebec Act of 1774: and the Constitutional Act of 1791. Article V of the Quebec Act "accorde la jouissance du libre exercice de la Religion Romaine et 'le clergé de la dite Eglise pourra tenir, recevoir et jouir de ses dus et droits accoutumés, eu égard seulement aux personnes qui professeront la dite Religion'": while Article VII "exempte les Catholiques de prendre le serment ordonné par acte passé dans la première année du Règne de la Reine Elizabeth."[18]

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[18]de Montigny, _Histoire du droit canadien_, p. 237. As my uncle pointed out in his history of Sir Guy Carleton (later Lord Dorchester), "l'Acte de Québec a représenté l'apparition d'un nouveau principe: le droit qu'auront les peuples de l'Empire britannique, alors en pleine formation, de conserver leurs lois, leur langue et leur religion." Indeed, of this Act, "le chapitre consacré à la religion accorde aux catholiques une grande latitude et confirme la protection de l'Église romaine, déjà garantie par traité. Le serment du Test, qui a jusque-là écarté nominalement les catholiques des postes publics sera remplacé par un simple acte d'allégeance sans allusion à la suprématie de l'Eglise protestante. Cette importante réforme, par laquelle les canadiens vont obtenir leur émancipation plus de cinquante ans avant les catholiques de Grande-Bretagne, a été adoptée par la Chambre sans conteste. . . . Carleton a aussi obtenu le privilège de régler à sa discrétion les relations avec les ecclésiastiques. En dépit des objections du gouvernement, il réussit à libérer l'évêque de toute soumission à l'autorité civile." Pierre Benoit, _Lord Dorchester_ (Montreal, 1961), pp. 72 - 78.

This religious limitation to Parliament's power received further recognition in 14 & 15 Vict. chap. 175, passed in 1851. Section I of that Act reads:

> Whereas the recognition of legal equality among all Religious denominations is an admitted principle of Colonial Legislation: and whereas in the state and condition of this Province, to which such a principle is peculiarly applicable, it is desirable that the same should receive the sanction of direct Legislative authority, recognizing and declaring the same as a fundamental principle of our civil polity: Be it therefore declared and enacted by the Queen's Most Excellent Majesty . . . . that the free exercise and enjoyment of Religious Profession and Worship, without discrimination or preference, so as the same be not made an excuse for acts of licentiousness, or a justification of practices inconsistent with the peace and safety of the Province, it is by the constitution and laws of this Province allowed to all Her Majesty's subjects within the same.[19]

For Siméon Pagnuelo, that act affirmed "le principe fondamental de notre constitution politique".[20]

Thus by a series of legal enactments —two of them having constitutional status by virtue of being Imperial statutes— the Roman Catholics of Canada, and the members of other religious persuasions, were granted in law the right to worship in freedom.

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[19]14 & 15 Vict., cap. 175, s. 1.

[20]S. Pagnuelo, Etudes historiques et légales sur la liberté religieuse en Canada (Montreal, 1872), p. 258.

(iv) Constitutional Monarchy

Given these two limitations --the one "natural" and unwritten, the other religious and statutory-- to Parliament's exercise of power, we turn now to examine Parliament's constitution in the strictly legal sense of the word. Beausoleil explained how it was of a mixed form: "Mais le roi n'est lui-même qu'un des trois éléments qui composent le parlement. Les deux autres sont la Chambre des Lords et la Chambre des Communes. L'une ou l'autre isolément de ces trois branches ne peut rien, et leur accord seul peut donner naissance à une loi."[21] Legally, the regime constituting this country is a monarchy, tempered with aristocratic and democratic elements. In a political handbook he wrote for popular use, Benjamin-Antoine Testard de Montigny expressed his admiration for this form of government and his pleasure that the people of Canada should partake of it:

> considéré dans son application la meilleure des trois
> formes de gouvernement est celle qui se trouve le
> mieux en harmonie avec les besoins du peuple auquel
> elle s'applique. Mais heureux les peuples qui sont
> dignes de participer à la royauté par un gouvernement
> tempéré car, prise en soi, c'est la forme la plus par-
> faite et qui offre le plus de garantie.[22]

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[21] N.M. (April 24, 1871), p.1.

[22] de Montigny, Catéchisme politique (Montreal, 1878). p. 1.

By·legally preserving a monarchical form of government, the
Canadian constitution avoided a weakness of the American consti-
tution:

> Cette constitution canadienne adhère ainsi au principe
> monarchique et évite une faiblesse inhérente à la constitution
> américaine, où le président est élu pour une courte
> période par un collège électoral nommé par chaque Etat,
> et ne peut jamais être regardé comme le souverain de la
> nation. Cette anomalie s'aggrave encore davantage par
> le principe de la réélection, puisque pendant la durée
> de ses fonctions, il travaille pour lui et son parti à
> se maintenir au pouvoir pendant une autre période.[23]

Thus de Montigny explained how Canada, by remaining a monarchy,
avoided the anomaly of a governor's (or a President's) being
subject to the people.

(v) Responsible Government

Legally, then, this country's constitution can be described
as a monarchy mixed or tempered with aristocratic and democratic
elements. This, however, is to take a rather abstract view of the
matter. In reality the legal element is influenced by the political.

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[23]Ibid., p. 99. This is a very important point which de
Montigny is making, for it reflects the fact that the Canadian
and American constitutions are based on opposing views of the
people's relation to government. In Canada, people are subject
to government, and hence the relation underlying the constitution
is, as we shall see in Section IX, one of authority. In the
U.S.A., government is "of the people, by the people, and for the
people", and hence the relation underlying the constitution is
one of liberty.

The granting of representative institutions in 1791 led naturally to an increase in political activity. Indeed, it may be argued that the Constitutional Act signalled the beginning of political life in Canada. In any event, it soon became apparent that the government of the British North American colonies would have to meet with the approval of the people's representatives assembled in parliament. And thus Responsible Government was granted in the years following the Act of Union of 1840. Before then, as de Montigny explained:

> les gouverneurs ne se croyaient pas tenus de choisir leurs conseillers parmi les hommes qui jouissaient de la confiance du peuple; ce qui fût la cause de l'antagonisme qui exista si longtemps entre la chambre de l'assemblée et le conseil exécutif.
>
> L'établissement de ce que l'on appelle "gouvernement responsable" a eu pour but de remédier à ce mal, en obligeant le gouverneur à choisir ses conseillers parmi les hommes qui possèdent la confiance du peuple, ou au moins de la majorité des représentants: de manière à faire régner entre les diverses branches de la Législature et du gouvernement, cette harmonie nécessaire à la prospérité de la province.[24]

Since 1848, Canada has been governed on principles first

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[24] de Montigny, _Histoire du droit canadien_, p. 525.

instituted in England in 1688. Developed only gradually, these principles ingeniously held together Crown and Country.[25] Thus, out of the meeting ground established in 1791, there emerged in Canada in the 1840's a clearly defined human link between Crown and Country. Henceforth, there would be a readily discernable group of men who would be both servants of the Crown and representatives of the Country. It would be difficult for this small group of men, having twofold power and forming what is called the ministry or cabinet, to evade responsibility. Thus it may be seen that the genius of the English and Canadian regimes lay not in the separation of powers, as in the United States, but in the coupling of powers. It is this coupling of powers which best expresses the working of our constitution and gives special resonance to the term Responsible Government.

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[25] In the words of Lord Durham: "I know not how it is possible to secure harmony in any other way than by administering the government on those principles which have been found perfectly efficacious in Great Britain. I would not impair a single prerogative of the crown; on the contrary, I believe that the interests of the people of these provinces require the protection of prerogatives which have not hitherto been exercised. But the crown must, on the other hand, submit to the necessary consequences of representative institutions: and if it has to carry on the government in union with a representative body, it must consent to carry it on by means of those in whom that representative body has confidence." Lord Durham's Report. ed. and intr. by G. M. Craig (Toronto, 1963), p. 139.

McLeod described how before the advent of Responsible Government, submission to authority had been for centuries the Canadien's sole political duty: but it was no longer:

> Or, c'est cet enseignment traditionnel et si court, que le clergé canadien, lui aussi a suivi jusqu'à ce temps, dans l'exposition des devoirs politiques des fidèles: et cet enseignement a pleinement suffi jusqu'à ces dernières années. c'est-à-dire tant que le gouvernement constitutionnel n'a été pour nous qu'une utopie, et que la majorité des députés de la nation n'avait pas le pouvoir de contrôler efficacement les actes du gouvernement. Le peuple se trouvant en face d'un pouvoir qui ne lui était point responsable, n'assumait aucune part dans la responsabilité de ses actes: et les devoirs qu'il avait à remplir envers un tel gouvernement étaient les mêmes que ceux qu'il avait remplis au temps de la royauté.
>
> Mais depuis que le gouvernement constitutionnel est passé dans le domaine des faits, c'est-à-dire, depuis que sa responsabilité, envers le peuple, est devenue une réalité, il est facile de comprendre, il est évident même que les rapports du peuple avec un gouvernement ainsi constitué ont subi des altérations profondes, et qu'ils ne consistent plus simplement dans une obéissance sans réserve, sans restriction comme auparavant. Puisque le peuple a le contrôle réel et absolu de la législation et des actes du gouvernement par la majorité de ses députés, il s'en suit nécessairement qu'il en a la responsabilité non-seulement devant les hommes, mais aussi devant Dieu, qui dans les dispositions de sa Providence Souveraine, lui a départi cette forme de gouvernement.[26]

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[26] J.T.R. (September 25, 1871), p.2. The programmistes' efforts at explaining Responsible Government to their compatriots are all the more remarkable in the light of Sir John Bourinot's comment that: "Canadian writers entirely ignore the fact that the system of Responsible Government had been only working itself out under many difficulties since 1688, and was not yet perfectly well understood even in the parent state, and certainly not by the people at large. Even writers like De Lolme and Blackstone, whose works were published a few years before 1792, never devoted even a footnote to a responsible cabinet or ministry: and no constitutional writers, until the last half of this century, attempted to formulate the rules and conventions

Under Responsible government, the Catholic subject now partook
not only in the operation of government, as he had done since
1791, but also in the moral responsibility of government. In
this regard, he had of course to continue to conform to the
rulings of government· but his obedience was qualified by the
decisive approval (or disapproval) which he could voice through
the majority of representatives.

(vi) Confederation

In order for Responsible Government to work well, the
ministers must have the confidence and the support of a majority
of the representatives. Otherwise, it becomes impossible to
enact any legislation. This is what happened in Canada when
less than fifteen years after the granting of Responsible
Government it became apparent that the structure of the country
would have to be altered to achieve a stable majority in the House.

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which regulate this system of unwritten law." In a footnote, Bourinot
added: "It is a fact of which Canadians should be proud that the late
Dr. Todd, librarian of the parliament of Canada, wrote the fullest and
ablest exposition of the principles and workings of parliamentary
government that has yet appeared in any country." J. G. Bourinot,
"Parliamentary Government in Canada --a Constitutional and Historical
Study". Annual Report of the American Historical Association (Washing-
ton, 1891). p. 317. We know for a fact that Trudel, for one, was well
acquainted with the works of Alpheus Todd.

The political interests of the united province were too diverse:
the majority from one section of the province was at odds with
the majority from the other. As one correspondent to the Journal
des Trois-Rivières wrote: "Il y a quelques années, notre union
avec le Haut-Canada rendait impossible, ou du moins excessivement
dangereuse. une législation du genre de celle que nous souhaitons."[27]
Embodying the principle of federalism, the British North America
Act distinguished common interests of a local nature from those
extending to the Dominion as a whole. thus allowing Responsible
Government to take an effective shape. De Montigny, in a mood
suited to the occasion, said of Confederation:

> Le Monde a été témoin d'un des plus beaux spectacles
> auxquels il ne lui a jamais été donné d'assister: celui
> de voir différentes nations, d'extraction, de moeurs et
> de religion différentes. averties par leurs législateurs
> que les rouages du gouvernement s'arrêtent, se soumettre
> volontairement au remède indiqué sans qu'il en coutât une
> goutte de sang à l'humanité.[28]

Having inspected briefly the principal features of this
country's regime. we find that we are now back before what is
perhaps its most striking feature: namely, the periodical elec-
tion of representatives. In the words of our text. "Notre pays
. . . aura dans peu de temps à choisir ses représentants."

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[27]J.T.R. (May 8, 1871), p. 2.

[28]de Montigny. Catéchisme politique, p. 52.

Louis Olivier Taillon, speaking to the two thousand people assembled in front of the village church of Epiphanie to nominate candidates for the riding of Assumption, summed up the situation in these words: "Possédant le gouvernement responsable, les ministres sont soumis au contrôle de nos représentants que nous contrôlons nous-mêmes par nos votes. Nous pouvons donc dire que les destinées du Pays sont entre nos mains. Le moment de prononcer un jugement est arrivé."[29] Limited as it was to choosing their representatives, the people's subsequent political freedom was nevertheless awesome.

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[29]Quoted in N.M. (April 30, 1871), p. 1.

II

UNE QUESTION . . . DE JOURNALISTES

"Ce simple fait soulève nécessairement une question
que notre devoir de journalistes catholiques nous
oblige de résoudre."

The striking feature of this country's constitutional
regime is its periodic election of representatives. We hear
first that this fact invariably gives rise to a question, and
secondly that it is a question which Catholic newspapermen have
a duty to resolve. I shall now consider these propositions for
the special light they may shed on the context of the _programmistes'_
argument.

(1) The uncertainty of an election

Why should the fact of choosing representatives necessarily
give rise to a question? It is clear that under a regime of
Responsible Government, the main stage of political action is the

House of Commons: there the government must face public scrutiny:
there it can lose the confidence of the majority of the members,
with the result that a new government must be formed. Periodically,
however. the government must face the even more formidable
opposition of the people themselves. It is at that moment that
the government's fate really hangs in the balance. At no time
is the prospect of an alternative more imminent than during an
election campaign. This makes for the uncertainty of an election,
an uncertainty which is not so much of an intellectual order as
it is of a practical order. The question, therefore, arising
for the _programmistes_ was the moral ambiguity inherent in a
general election. Depending on the deliberate action of a certain
number of individual human beings --the voters-- the situation
could change for the better or for the worse.

Of course as long as it is abstracted from the scene of
action and beheld simply in the context of a constitutional regime
(as it was in Section I). the choosing of representatives remains
only a fact. It may remain only a fact even for those on the
scene of action in the sense that perhaps for some voters the
result of the election is a _fait accompli_. But such was not the
case for the _programmistes_. Out of the _fact_ of an election arose
for them the _act_ of electing.

It is this moral and practical element which we must bear in mind if we are to understand the _Programme_.

(2) The part played by journalists in modern society

Turning now to the subordinate clause of this sentence of the text, we learn that it is not only as journalists, but as Catholic journalists that the authors feel entitled and obliged to resolve the uncertainty of the forthcoming election. They derive the justification for publishing their programme from the role which they are called on to perform in society.

People communicate ideas and opinions in society in many different ways, through, for example, ordinary conversation, works of art, religious exhortation, and philosophical commentary. But in contrast with these old-fashioned ways, journalism appears to be a specifically modern form of social communication. The development of journalism is of course a complicated one: but it is necessary if we are to arrive at a full understanding of the _Programme_ to attempt here to outline briefly the political significance of this new form of social communication.

The novelty of journalism can be appreciated from different angles. To begin with, journalism was a new phenomenon in a technological sense, in that it required for its success a series of

mechanical and then electrical inventions: it was a new develop-
ment in a sociological sense in that it captured the latent force
of public opinion and established it as a positive institution.
Of course there has always been public opinion, but prior to the
advent of journalism, it usually emerged only in the form of
some violent manifestation, when it had been subject to outrage.
Journalism organized public opinion in society, and set it up
with more or less respectable credentials.

Not surprisingly, this new social force soon made itself
felt as a political power. By the end of the eighteenth century,
public opinion had become a political fact of great importance.[1]
This development is well expressed in the phrase, "the fourth
estate". The representatives of this estate, the publicists,
the pamphleteers, the journalists, and all those who shaped public
opinion, were to be reckoned with as a body constituting part of
the state.

In fact, the development of journalism paralleled, at
least up until the time of the Programme, the development of the
bourgeoisie, the most powerful element of the Commons or the third
estate. Where the two developments can be seen to converge and to

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[1] J. J. Rousseau saw this clearly: "I speak of manners and
morals, customs, and more than all, of opinions: these are means
unknown to our political thinkers, but on which the success of
everything else depends." Social Contract, ed. and trans., F. Fran-
kel (New York, 1964). Bk. II. Chap. xii. p. 49.

feed on one another is in the growing importance of representative

institutions.

In the days of prerogative government, members elected to
the House of Commons, that model of representative institutions,
could act --indeed, were expected to act-- independently of public
opinion. They were meant to exercise their own judgement on the
various questions submitted to them, and not merely to express
the opinions of the several bodies of constituents by which they
were returned. Yet it may be said even of these independent
members that they nevertheless performed a mediating function
between public policy and public opinion in at least one important
area. That the Crown's policies have from the earliest times been
subject to the financial approval of the House of Commons is a
recognition that public opinion, at least in money matters, is to
be taken into account.

Now what journalism did was to seize on that element of
mediation and to expand it tremendously. Since the voters were
not present in Parliament to observe for themselves the performance
of their representatives, there existed, if only in potentiality,
the need to report back to the electorate the political happenings
of the day. Thus the mediating role of public opinion initiated
by the electorate was expanded and brought around full circle by
the media representatives. What was cast with one's vote every

four or five years could now be retrieved on one's doorstep six days a week.

In this regard, it is worthwhile (recalling that the _Programme_ was initiated by two members of the local parliamentary press gallery, A. Desjardins and M. McLeod, who had observations to convey to the public on the performance of the 1st Quebec Legislature.

Not surprisingly, the clergy and the nobility, the first and second Estates, viewed all these developments with grave misgivings. But by the nineteenth century public opinion had become a political force that one could no longer ignore or attempt to repress. A group that disagreed with the way the press moulded public opinion had to establish an alternate press. By the middle of the nineteenth century, the Catholic Church had seen the necessity of fighting fire with fire.

In 1853 Pope Pius IX, in a bull entitled _Inter Multiplices_, encouraged Catholic laymen to take an active interest in journalism, which had been on the whole until then subversive of throne and altar. That bull became the charter under which laymen defended in the realm of public opinion the points of view and the interests of the Church.

In Canada, public opinion had become even more influential since the granting of Responsible Government. Thus the Council of

Canadian bishops urged the development of a Catholic press in
1854 and again in 1868.[2] Routhier summed up the Church's point
of view at that time when he wrote: "Je ne suis pas de ceux qui
admirent outre mesure cette institution puissante qu'on appelle
la presse. Le bien qu'elle fait est loin d'égaler le mal qu'elle
nous cause. Mais puisque cette puissance existe, il faut la
faire servir au bien."[3]

In summary, it was necessary in a society of representative
institutions where public opinion had become a political factor,
for any group with interests to defend to take part in the forma-
tion of public opinion. In the nineteenth century this meant having
a hand in journalism, for people had come to rely on the press
for a first hand account of the day's political events, and a
newspaper editorial was a resolution as important politically
in its own way as a government bill introduced in a legislature.
And so it may be appreciated that though the Programme's argument
was an old one, the manner of its presentation was thoroughly

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[2]See P. Savard, "Un type de laïc au Canada français tradi-
tionnel: le journaliste catholique", Le Laïc dans l'Eglise canadienne-
française de 1830 à nos jours (Montreal, 1972), pp. 175-183.

[3]A. B. Routhier, Causeries du dimanche (Montreal, 1871), p.
126.

contemporary. The _Programme_ was an old wine in a new bottle.

Further light may be shed on the _programmistes'_ under-
standing of the role of journalists in society if we turn now to
their own account of what it was they were doing. Reviewing his
career as a journalist, McLeod quoted from the statement he made
at the time he founded the _Journal des Trois-Rivières_:

> 'si nous tenons à formuler nettement notre programme et
> si nous avons l'intention non moins nettement arrêtée,
> de rester dans nos principes, nous tenons également à
> conserver notre indépendance, et la plénitude de notre
> libre arbitre à l'égard de toutes les questions qui se
> produiront à mesure que nous avancerons vers l'avenir.
> Nous les examinerons à la lumière de la vérité, des
> événements et des besoins nationaux.' Voilà sous quel
> drapeau nous nous placions, il y a plus de six ans et
> sous lequel nous avons toujours combattu dans l'humble
> mesure de nos forces.[4]

Though he had a programme and principles, McLeod promised his
readers that he would maintain his independence and his freedom.
Far from being doctrinaire, he would strive to meet each question
in its own time. Once a question did arise, he would have it
emerge from its uncertainty to appear clearly defined in the light
of the truth, of the events and of the needs of the community.

Adolphe Basile Routhier's engagement in journalism was of
a very different sort: for him writing was a leisure time activity:

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[4]_J.T.R._ (October 23, 1871), p. 2.

> La profession d'avocat, qui n'est plus guère qu'un
> métier, ne m'a jamais charmé que médiocrement, et j'ai
> toujours eu à lutter contre la tentation d'écrire. . .
> . Contrairement à ceux "qui s'en font un état" écrire
> en amateur, par plaisir et par devoir, pour la défense
> des principes que l'on croit vrais, me semble un rôle
> moins dangereux et plus plaisant: c'est celui que
> j'aime à remplir quand mes loisirs me le permettent.[5]

According to Routhier, one is more likely to remain open to the questions of the day if one greets them in one's leisure time. It was in this spirit then that he frequently contributed articles to the Courrier du Canada.

The difference between McLeod's testimony and Routhier's is the difference between a professional and an amateur. But however interesting this difference of approach, it is more important to see what McLeod and Routhier had in common: as members of a society alive to the unsettled state of public affairs, both of them saw in journalism a powerful means of contributing to a settlement of those affairs.

A journalist's task is, as the word itself suggests, a daily task. But it was opportune that the Programme should have appeared during an election campaign, for as we saw, it is then that the affairs of state are at their most unsettled. Choosing the right man and the right party to represent one's political

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[5]A. B. Routhier, Causeries du dimanche, pp. 118-119.

interests and opinions is a difficult business. Consequently, one
is in need of all the informed and intelligent advice one can get.

But it was especially opportune that the advice contained
in the Programme should have appeared during the 1871 provincial
election campaign. For that election marked, for the French Canadian
people. the practical culmination of two important political
developments: Responsible Government and Confederation. The insti-
tutions required for embodying either of these two developments,
let alone both together, were complex and sophisticated. In de
Montigny's words: "le peuple canadien, encore dans l'enfance, a
mérité de jouir des institutions politiques qui conviennent aux
peuples sages."[6] Of course the honour of setting in motion what
had never before been tried --namely, the synthesis of the principles
of Parliamentary Covernment with the principles of Federal Govern-
ment-- belongs, strictly speaking, to the 1867 general election.
But the setting in motion then was more of a _mise en place_ than of
a practical operation. It was only in 1871, after the experience
of the 1st Legislature, that a French Canadian Catholic journalist
could assess the performance of a predominantly French Canadian
Catholic ministry having the support of a predominantly French
Canadian Catholic Assembly of representatives.

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[6]de Montigny, _Catéchisme politique_, p. i.

III

QUELLE DOIT ETRE . . . ?

"et cette question doit se poser comme suit:
       Quelle doit être l'action des électeurs
catholiques dans la lutte qui se prépare, et quelle
doit être leur ligne de conduite dans le choix des
candidats qui solliciteront leurs suffrages?"

In the formulation of the question is evidence of the
authors' practical concern: the emphasis is placed clearly on the
voters' action and conduct. Moreover, this emphasis is accentu-
ated by the authors' insistence on man's duty: the verb _devoir_ is
repeated three times. (The authors, we recall, conceived of their
role as journalists also in terms of duty.) Now why is the whole
discussion opened up in terms of what one _should_ do, as opposed,
say, simply to what one _will_ do?

Fortunately, a series of articles written by Routhier
some time before the publication of the _Programme_ help to answer this
basic question. These articles, which first appeared in the
Courrier du Canada, were gathered together in 1871 and published

117

under the title. _Causeries du dimanche_. As the title suggests,
the articles were of a more leisurely and philosophical nature than
most of the _programmistes'_ writings of that time, and are therefore
well suited to clarifying what we may call the _programmistes'_
over-all view of the world. Before taking up their answer to the
question they raise in this section, I shall conclude my com-
mentary on the text's proem, therefore, by examining the authors'
concept of duty as the key to a general understanding of their
thought.

(1) Duties before rights

It is strange to come upon such insistence on man's duties:
one is more accustomed to hearing of man's rights. And such must
have been the case in Routhier's time, for he exclaims at one
point, "Ces droits de l'homme m'agacent les nerfs, et l'on n'a
pas fini de nous ahurir avec cette fameuse déclaration des droits
de l'homme que la révolution française a léguée à ses enfants."[1]

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[1]Routhier, _Causeries du dimanche_, p. 95. At a theoretical
level, the _Programme_ may be seen as a counter-attack on the principles
enunciated in the articles of the _Déclaration des droits de l'homme
et du citoyen_ adopted by the French Assembly of 1789. See the ar-
ticle on the _Déclaration_ in Pierre Larousse, _Grand Dictionnaire Uni-
versel du XIXe siècle_ (Paris, 1866), Vol. VI, pp. 240 - 241.

Routhier's strong objection to the French revolution's insistence
on man's rights leads us directly to the core of the programmistes'
thought. For the concept of rights and duties is basic to the
concept of social order. It is of the greatest consequence for
society whether its members consider their occupations and acti-
vities as essentially the fulfilling of a duty or as the enjoy-
ment of a right. The one, of course, does not exclude the other:
but the question arises, which of the two is the end and which the
means? Do members of society enjoy certain rights in order that
they may fulfil certain duties· or do they fulfil certain duties .
in order to enjoy certain rights? In practical matters it is
difficult. to imagine a more fundamental question, so profound and
so far-reaching is its logic. To the programmistes, a stand on
any practical matter implied an answer to that question. One
could trace in any particular position the supposition that man's
ultimate purpose in life was either to exercise certain rights or
to perform certain duties.

The supposition that man's rights are more important than
his duties was the one that the French revolution bequeathed to its
children. It expresses a "naturalistic" view of the world: that is,
it conceives of man as essentially free to determine his own being.
This, it is claimed, is the birthright which man's material entry

into nature entitles him to: though in fact man is everywhere so
bound in chains that his life becomes, in practice, an endless struggle
to break those chains, to repossess his birthright, and freely to
realize himself. Regardless of whether the self is identified
with the conscious or with the unconscious, with the individual
or with the collective, solipsism is the logical result of such
a view. Concentrated as it is on the self, it ignores the exis-
tence of others, let alone of what is owed to others. In Routhier's
words, the children of the French revolution "négligent toute une
face des questions débattues. Il n'y a pas de droits sans obliga-
tions."[2]

The supposition that man's duties are more important than
his rights reveals à "natural" view of the world. This view
conceives of man as a creature aware of his dependence on the One
who not only created him, but who continues to provide for him.
It follows that in this view man's primary responsibility is not
to himself but to the supernatural or providential forces which
sustain him. Thus, religion, or rendering these forces their due,
becomes man's chief concern. The enjoyment of all man's rights
is dependent, in the final analysis, on the performance of that
single duty. Routhier outlined the logic of this supposition:

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[2] _Ibid._, p. 96.

> C'est en passant par le devoir que l'on arrive au
> droit. Où le devoir manque le droit finiL Ainsi tout
> homme a son droit au ciel, et ce droit renferme pour
> ainsi dire tous les autres. Mais il dépend de l'ac-
> complissement d'un devoir: servir Dieu. Le droit est
> perdu si le devoir est négligé.[3]

Man's religious duty to serve God must come before his right to

enjoy happiness.

(2) The "natural" vs. the "naturalistic"

Let us look more closely at these two opposing views of

the world. With regard to the "natural", Routhier explained

that the whole purpose of his writing was to lead his readers to

consider everyday events of the world, such as the publication

of a book, the implantation of an industry, or, as in the case of

the Programme, the prospect of an election, in the light of religion:

> Il y a parmi nous des hommes . . . En un mot, le
> surnaturel les gêne et les ennuie, quand il n'a pas le
> malheur de les irriter. C'est particulièrement à
> cette classe de lecteurs que mon livre s'addresse.
> Je voudrais les convaincre que dans les temps où
> nous vivons, la question religieuse se mêle à presque
> toutes les questions et les domine.[4]

Religion, in this view, is not something to be held apart from

what is going on in this world.

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[3]Ibid.

[4]Ibid., pp. x - xi.

Of the opposing views which in various ways would deny or
at least diminish the supernatural in this world, Routhier wrote:
"qu'on les appelle _libéralisme_, _gallicanisme_, _césarisme_, _joséphisme_,
séparatisme, ou autrement, elles ont toutes leur source commune
dans cette grande hérésie des temps modernes qui se nomme le
naturalisme."[5] Of course there were differences here: gallicanism
and josephism were movements in France and Austria respectively
which sought to increase the state's role in the affairs of the
Catholic Church while diminishing that of the Holy See: caesarism
sought to identify the Church and State: separatism sought to
hold them as far apart as possible. In short, each of these move-
ments proposed its own distinct account of the relation between
Church and State. To Routhier, however, they were all manifestations
of the same movement called liberalism. A synonym for gallicanism,
for example, was Catholic liberalism. Liberalism was the formula-
tion in social matters of the metaphysical assumptions of natura-
lism. Whether liberalism appeared in Canada under a radical, anti-
clerical guise, as it did in the first half of the nineteenth
century, or under a moderate, "Catholic" guise, as it did in the
second half, to the _programmistes_, it was still liberalism: it
still placed man's rights above man's duties.

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[5]_Ibid._, p. ix.

Obviously, the term "naturalism" (or "naturalist") is not to be confused with the term "natural" (as found in the expression "natural law" or "natural right"). The term "naturalism", as we have just seen, is used by Routhier to characterize modern thought, which denies the governance of Providence. It is opposed to ancient or traditional thought, which is termed "natural", the term "natural" being taken here to refer to that which can be apprehended by ordinary human intelligence. The two opposing views of the world can be juxtaposed as follows: a "natural" view of the world "naturally" includes the supernatural: a "naturalistic" one "unnaturally" excludes it.

Routhier went on in the same introduction (addressed, by the way, to his brother) to contrast the "naturalistic" outlook with the "natural":

> Tous les progrès du XIXème siècle tendent à propager cette grande erreur. On nie le surnaturel, ou bien on limite le plus possible son action dans ce monde. On croit que les destinées des peuples sont liées à des lois immuables, promulgées par Dieu dès le commencement: que le monde est fatalement livré à une série d'événements irrévocables, et que Dieu n'a rien à faire dans le fonctionnement des lois qu'il a formulées. On s'imagine que notre seule mission sur la terre est de diriger, de coordonner et de faire servir à notre félicité matérielle les lois et les forces de la nature. On ne voit de bonheur pour l'humanité que dans les jouissances naturelles, et le génie humain se consume dans la recherche de ce qui peut multiplier ces jouissances. L'homme, se dit-on, pourra se passer de Dieu, lorsqu'il aura réalisé tous les progrès matériels qu'il rêve. Hélas! on veut oublier que le bonheur de l'humanité a commencé dans une crèche et s'est complété sur une croix!

Non mon cher frère, ni les nations, ni les individus
ne sauraient trouver le bonheur véritable dans le naturalisme.
Il faut admettre non seulement l'existence du surnaturel
mais son action persistante, continuelle, universelle
dans les événements de ce monde.[6]

Such a thoroughly providential view of the world may also be called
miraculous. To view the world in such a way is to be continuously
prepared for the unexpected: one beholds events not as the result
of some automatic process, or as a series of irrevocable events,
but as happenings of infinite improbability: the most improbable
being that mankind's happiness began in a crib and was completed
on a cross. For man, overwhelmed by the action of the supernatural
in this world, it is most "natural", therefore, to worship.

But there is a yet profounder dimension to this religious
view of the world: man can take it to be his duty to allow not only
for God's descent among men, but also for man's ascent towards God.
Here finally the moral perspective gives way before one of sanctity.
As Routhier explained: "Le progrès est le but des actions de l'homme:
mais le progrès véritable n'a qu'un nom: la sainteté! S'élever du
péché à la grâce, du mal au bien, de la perversité naturelle de
l'homme à la perfection surnaturelle de Dieu, voilà le vrai et
l'unique progrès qui renferme tous les autres."[7] If man's ultimate

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[6]Ibid., p. ix.

[7]Ibid., p. 97.

goal is the purification of his soul, then it follows that everything else should contribute towards the realisation of that goal: "Se sanctifier: voilà donc le progrès que chacun doit s'efforcer d'atteindre"; and, what is significant for our understanding of the Programme, even society is but a means for helping the individual on the path to salvation: "et il faut que la société, au lieu de l'entraver, favorise ce perfectionnement. La société est faite pour l'homme et non l'homme pour la société. . . . l'homme est donc supérieur aux sociétés par son immortelle destinée, et elles ne sont constituées que pour l'aider à accomplir sa fin."[8]

By now the reader should have an idea of the full force of the term "duty" as used by the programmistes: he should see how "natural" it was for the programmistes to consider religion, or one's duty to God, to be of paramount importance. The next step is to see how such a thoroughly religious view of the world can be related, in society, to politics.

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[8] Ibid., p. 99. For more on this trans-social dimension of religion, see Routhier's De l'homme à Dieu (Paris, 1913).

PART TWO: THE PREMISES

The Major Premise (Section IV)

Two Qualifications (Sections V and VI)

and the Minor Premise (Section VII)

of the Argument

IV

LA POLITIQUE SE RELIE ETROITEMENT A LA RELIGION

"Nous croyons pouvoir répondre à cette question d'une manière
satisfaisante en donnant quelque développement aux idées
exprimées par Sa Grandeur Mgr. l'Evêque des Trois-Rivières
dans sa dernière Lettre Pastorale.
        Voici les lignes que nous y trouvons:
            'Les hommes que vous envoyez vous représenter
dans la législature sont chargés de protéger et de
défendre vos intérêts religieux, selon l'esprit de
l'Eglise, autant que de promouvoir et sauvegarder
vos intérêts temporels. Car les lois civiles sont
nécessairement en rapport sur un grand nombre de
points avec la religion. C'est ce que les pères du
Concile disent clairement dans leur décret.
            'Vous devez donc vous assurer prudemment que
le candidat à qui vous donnez vos suffrages est
dûment qualifié sous ce double rapport, et qu'il
offre, moralement parlant, toutes les garanties
convenables pour la protection de ces graves intérêts.
            'Nous devons sans doute rendre grâce à Dieu
de la pleine et entière liberté que la constitution
de notre pays accorde en droit au culte catholique de
se régir et de se gouverner conformément aux règles
de l'Eglise. C'est par un choix judicieux de vos
législateurs que vous pourrez vous assurer la conserva-
tion et la jouissance de cette liberté la plus
précieuse de toutes, et qui   donne à vos
premiers pasteurs l'immense avantage de pouvoir
gouverner l'Eglise du Canada selon les prescriptions
et directions immédiates du Saint Siège et de l'Eglise
romaine, la mère et la maîtresse de toutes les églises.'
        Ces conseils, dictés par la sagesse, seront compris, nous
l'espérons, par tous les électeurs catholiques de la Province
de Québec. Il est impossible de le nier, la politique se relie
étroitement à la religion, et la séparation de l'Eglise et de
l'Etat est une doctrine absurde et impie."

At the close of this section, the authors of the _Programme_ affirm two things: one, that politics is closely related to religion; and two, that it is absurd and impious to maintain that the Church should be separated from the State. These two propositions make up the major premise of the _Programme_'argument; the examination of these propositions is therefore the proper task of my commentary on this section. But before that, I shall say a few words about the extract from the bishop's pastoral letter which makes up the bulk of this section.

(1) The bishop's letter

The passage from the bishop's letter must be seen in the context of a work of rhetoric. In rhetoric, it is customary to make an appeal to an authority whose word is trusted. Such an appeal lends credibility to one's own arguments. But strictly speaking, it is not part of the argumentation.

The original context of the bishop's address was quite different. Read in the pulpit by the parish priests of his diocese, it was advice given by a leading churchman to the members of his community: and, as such, the _programmistes_ wished it well: "Ces conseils, dictés par la sagesse, seront compris, nous l'espérons,

par tous les électeurs catholiques de la Province de Québec." But
here the context is different: the words are presented not
primarily as advice, but as ideas which the authors as journalists
wished to develop in their newspaper articles("en donnant quelque
développement aux idées exprimées par Sa Grandeur"). As laymen,
the programmistes had their own advice to give.

On this point, the Journal des Trois-Rivières reminded
those who thought that the Programme involved the clergy that:

> Il [le Programme] ne s'offrait pas aux candidats comme
> programme épiscopal. Il n'était pas adressé au clergé
> et ne sollicitait pas son action. . . . C'est un article
> de journal. Ce sont des conseils qu'un journaliste
> catholique a cru devoir adresser à ses lecteurs en vue
> des prochaines élections.. . . C'était donc le droit
> du Journal des Trois-Rivières de donner à ses lecteurs
> les conseils qu'il jugeait utiles dans les circonstances;
> et il n'avait pas besoin pour cela de la participation
> de l'épiscopat . . . Les lois que nous voulons amender,
> perfectionner sont des lois civiles. C'est nous laïques
> qui les avons faites: c'est nous qui pouvons les changer.
> L'épiscopat n'a pas le droit: il peut seulement condamner
> la loi civile lorsqu'elle est contraire à la loi
> ecclésiastique.[1]

It is quite wrong, therefore, to infer from the quotation of a
passage of the bishop's letter that the Programme was an ecclesi-
astical document or that its arguments depended on the special

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[1] "Lettres Québecoises", J.T.R. (May 4, 1871), p. 2.

tenets of the Roman Catholic Church. Rather, it should be seen that this quotation is simply a way for the authors to present their credentials and to bring forth the ideas or lines of their argumentation.

(2) The general proposition

In laying out the argumentation, the first idea brought forth by the _programmistes_ is that politics is closely related to religion. Let us consider this proposition carefully. The first thing to notice is that it is a general statement. What the _programmistes_ are affirming in this proposition, they would have maintained as a universal truth, relevant to all men in all ages. The terms of the proposition are not dependent on Christian revelation for their meaning. To speak of religion and politics is a thoroughly natural topic of discussion.

Turning to the relation between religion and politics, we should begin by remarking that for a long time man did not clearly distinguish the one from the other. What one owed to God and what one owed to one's neighbours were weighed together. As a result, when men assembled to choose a leader for the community, they did so "after the order of Melchizidek" (Psalm 110). They chose someone who could fill the office both of high priest and of king, who could serve the community by serving God and serve God by serving the community. Such societies, and they include

all prehistorical societies, are essentially theocracies.

It was the Greeks who discovered that a man's duty to serve his neighbours could be distinguished from his duty to serve God. In other words, a secular space and time was distinguished from sacred space and time. The dramatic tension resulting from this distinction was revealed in Sophocles' Antigone. A similar tension exists in Aristotle's distinction between the good citizen and the good man (Politics III, 4). Jesus' words to the Pharisees, "Render therefore to Caesar the things that are Caesar's, and to God the things that are God's" (Matthew XXII, 21), again presented the idea that there are two distinct realms which have a claim on man's sense of duty. In view of the relative newness of the idea, it is not surprising to learn that "When they [the theocratically-minded Pharisees] heard it, they marvelled" (Matthew XXII, 21). It would not be an exaggeration to say that this distinction is at the root of much of the uneasiness which has characterized the historical societies of the West (that is, those societies with a secular notion of time). The few remaining theocratic societies of the world, be it a tribe of African nomads or a kingdom in the Himalayas, have, not surprisingly, an idyllic fascination for historical man. In any event, the difficulty of justly incorporating this fundamental distinction between religion and politics into social institutions will be appreciated.

This difficulty, which the Greeks were the first to face,
was made still more complex by the fact that religion, by its
nature, is more universal than politics. All men are the same
in that they must render worship to God. Hence Jesus' words to
his disciples that, in revealing the Word of God, they should
bear witness to his message not only in Judea, in Jerusalem, and
in Samaria, but also "to the end of the world" (Acts I, 8); they
should "go therefore and make disciples of all nations" (Matthew
XXVIII, 19). In contrast, what men owe to other men is not at
all everywhere the same. Politics is subject to a host of differences
resulting from human inequalities. The fact that men are equal
before God makes for the essential universality of religion; while
the fact that men are not at all equal before each other makes for
the essential particularity of politics.

The distinction between religion and politics, the uni--
versality of the one, the particularity of the other, can easily
lead one to want to hold them apart intellectually and to have
them separated in practice. But if, like the programmistes, one
is concerned about human conduct in society, then it becomes
important to see how the two in effect are closely related and
how the two, as social institutions, can co-operate.

In modern Western societies, certainly in the second half
of nineteenth century Canadian society, religion was embodied in

the Christian Church[2] and politics in the State. Thus we come to
the old question of Church-State relations. It is in these specific
institutional terms that the _programmistes_ chose to restate their
first proposition.

(3) The specific proposition

In examining the _programmistes_' second proposition, that
the separation of Church and State is an absurd and impious doctrine,
I shall look first at the terms of the relation; second, at how
they are _finally_ related third, at how they are _concretely_ related;
and fourth, at how the relation culminates, in practice, in the
area of "mixed" legislative jurisdiction.[3]

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[2]In Quebec, in 1871, 99.8% of the population claimed to
practice some Christian creed. See "Table II, Population by Religion",
Census of Canada 1870-71 (Ottawa, 1873), Vol. I, pp. 214 - 217.

[3]Following, in chronological order, are some of the more
important articles on this subject written by the _programmistes_:
C. Beausoleil, "La clef de nos polémiques", _N.M._ (April 25,
1871), p. 1.
M. McLeod, "Les prochaines élections", _J.T.R._ (April 27,
1871), p. 2.
A. Trudel, "Quelques réflexions sur les rapports de l'Eglise
et de l'Etat", which began to appear in _N.M._ (May 4, 1871), and which
was also published in the _Revue canadienne_, Tome VIII (1871): I, pp.
202 - 220; II, pp. 252 - 272; and III, pp. 359 - 374.
C. Beausoleil, "L'Eglise et l'état", _N.M._ (June 22, 1871).

(i) The terms of the relation

François-Xavier-Anselme Trudel began his reflexions on

the terms of the relation by considering first the Church, the

institution founded by Jesus Christ.   To Trudel:

> il serait absurde de croire que cette fondation, en
> un mot, ne soit pas la société par excellence. . . .
> Cette appréciation de la divine société du Christ doit
> être la même pour les protestants comme pour les
> catholiques, car les protestants sincères croient que
> leur Eglise est la vraie Eglise de Dieu; et je ne
> conçois pas qu'un chrétien ait une moins haute idée de
> la société fondée par la souveraine Sagesse.[4]

This second sentence was, in the Canadian context, of great practical

significance.   In defining the Church, Trudel singled out its most

general aspect, the only one that is universally acknowledged by

all men who consider themselves Christian --namely, that it is

of divine institution.

Turning then to the State, the other term of the relation,

Trudel said:

> Que nous reconnaissons maintenant à l'Etat, dans le
> domaine civil, une organisation complète, une autorité
> souveraine, une liberté et une indépendance parfaites,
> les droits de posséder et de régir tous les biens
> séculiers, et nous aurons deux sociétés, toutes deux
> souveraines, chacune dans sa sphère: toutes deux indé-
> pendantes l'une de l'autre, dans leurs limites respectives:
> possédant chacune son autorité, sa hiérarchie, ses lois,

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[4]A. Trudel, "Quelques réflexions", Revue canadienne VIII, p.213.

> ses biens, sa liberté complète d'action, dans les
> matières de son ressort.5

The State, in the civil domain, enjoyed perfect independence. According to Trudel, therefore, each society, the civil as well as the ecclesiastical, was substantially independent.

(ii) The _final_ relation

If, however, these two substantially independent societies were to co-operate in their endeavours, the first step, according to Trudel, was to have well in mind the purpose of each:

> Or, pour créer cette union, cette harmonie; pour éviter
> tout empiètement de l'une de ces deux puissances sur le
> domaine de l'autre, il faut établir, d'une manière bien
> tranchée, la ligne de démarcation qui les divise. Or,
> il est nécessaire de considérer quelle mission chacune
> est appelée à remplir dans le monde, pour reconnaître
> sûrement cette limite, et préciser dans quelles bornes
> chacune doit exercer son empire souverain, afin d'éviter,
> par là, tout conflit de jurisdiction.6

Trudel then went on to outline the purpose of each society:

5Ibid., p. 260.

6Ibid., p. 261.

> Or l'Etat a pour mission de promouvoir les intérêts
> généraux de la société, et de les défendre contre les
> ennemis du dedans et du dehors; d'assurer à chacun de
> ses membres, l'exercise de la plénitude de ses droits,
> la jouissance de ses libertés, et pour cela, de sauvegarder
> la morale et de maintenir l'ordre dans la société. . . .
> De son côté, l'Eglise a pour but principal de rendre
> au vrai Dieu le culte qui lui est dû, et de conduire
> l'homme aux fins pour lesquelles il a été créé. Et
> comme moyen d'atteindre ce double but, d'enseigner aux
> hommes leurs devoirs envers Dieu, envers eux-mêmes et
> ceux qu'ils se doivent mutuellement entre eux; enfin,
> de présider à l'accomplissement de tous ces devoirs.[7]

In looking over the respective purposes of the two societies
as outlined by Trudel, the first thing to notice is the general
nature of the description: an orthodox Jew, for example, could
agree to the above were he simply to substitute Synagogue for
Church (both ἐκκλησία and συναγωγή mean assembly). The second
is that both Church and State have an interest in morality, the
interest of the one, however, being different from that of the other.
From Trudel's description, we see that man's sense of moral duty,
while it is only safeguarded by the State, is actually instilled
by the Church. Drawing the consequence of this distinction, Trudel
concluded:

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[7]_Ibid._, pp. 261 - 262.

> on voit par là que s'il y a une des deux sociétés qui
> soit dépendante de l'autre en quelque manière, c'est
> l'Etat qui est sous la dépendance, au moins négative,
> de l'Eglise comme gardienne de la morale, et des
> principes primordiaux de l'ordre social.[8]

The State is therefore negatively dependent on the Church.

Let us consider this relation of negative dependency more closely. To say that B is negatively dependent on A is to say, not that B is made up of A --that would be to deny that both A and B have positive independent existences of their own--, but rather that of the two A is more important than B, and so much so that if B were to overtake A or to withdraw from A, B would be no more. Proximity is the essence of the relation of negative dependency. The State, in this view, must remain in proximity to the Church; it must neither overtake the Church nor withdraw from it. This essential relation of negative dependency which the State has to the Church will be referred to in the remainder of this commentary simply as the essential _rapport_.[9]

McLeod expressed this essential _rapport_ in a pithy manner: "D'ailleurs le fondement de toute loi, qu'on le remarque, ne repose-t-il pas sur l'idée du juste ou de l'injuste, et sans la religion que deviendrait la justice?" How can humans have any idea of

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[8]_Ibid._, p. 262.

[9]I use this French word, a favourite term with the _program-mistes_, because there does not seem to be an English word that conveys the same sense of a justly proportioned correspondence between two entities.

what is owed to others if they don't know what is owed to God?
"L'ordre est-il possible sans la prédominance de l'influence
religieuse dans les sociétés?"[10]

(iii) The concrete relation

The relation between Church and State which formed, in the
minds of the programmistes, the essential rapport governing human
affairs in society must not be considered as simply an abstract
principle, but rather as something actually having a visible
presence in society. This visible aspect of the relation is
ignored by those who, taking literally the analogy which likens
the relation between State and Church to the relation between a
man's body and his soul, would confine all material "facts" to
the realm of politics and all spiritual "values" to the realm of
religion. Of this, Trudel wrote:

> Il existe une école qui interprétant à sa manière cette
> expression prétend soumettre à la jurisdiction exclusive
> de l'Etat, tout ce qui est corporel ou matériel, ou
> pouvant se rattacher, ne fut-ce qu'indirectement, à
> un intérêt civil quelconque, et ne laisser à la juris-
> diction de l'Eglise que les matières mystiques, et
> tout-à-fait étrangères à la vie actuelle. C'est bien
> là vouloir reléguer l'Eglise aux catacombes, ou la
> bannir complètement des sphères du monde visible.[11]

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[10]J.T.R. (June 9, 1871), p. 2.

[11]Trudel, "Quelques réflexions", Revue canadienne VIII, p. 267.

Trudel objected to those who would have the State tend to all

corporal matters and would reserve for the Church only mystical

matters.

To do justice to the actual existence of both societies,

Trudel proposed two things: first, that instead of speaking of

spiritual and temporal, one should speak of religious and civil:

> Il me semble que les deux expressions de "Religieux"
> et "Civil" pour distinguer les matières qui appar-
> tiennent exclusivement à la jurisdiction respective,
> soit de l'Eglise, soit de l'Etat, sont plus appropriées,
> et prêtent moins à une fausse interprétation;[12]

and second, that the following criteria be used to determine

whether a particular subject matter came under the jurisdiction of

the State or of the Church:

> A mon sens, il est un moyen bien sûr de distinguer
> clairement les matières spirituelles des temporelles:
> ou si l'on veut, le religieux du civil, et de connaître
> à quelle jurisdiction elles appartiennent: c'est
> d'étudier attentivement ce qu'il y a de religieux et
> de civil dans leur essence, leur nature et leur objet
> . . . quand bien même il se trouverait, dans une matière
> religieuse, quelques éléments accessoires qui fussent
> purement civils, cette matière n'en appartiendrait pas
> moins à la jurisdiction exclusive de l'Eglise, parce

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[12]Ibid., p. 268.

> qu'il est de principe que l'accessoire suit toujours
> le principal. Pour la même raison, les éléments religieux
> qui ne seraient que les accessoires d'une matière purement
> civile, tel que, par exemple, le serment ajouté pour
> valider certaines fonctions de l'ordre purement civil,
> n'empêchent pas cette matière d'appartenir exclusivement
> à l'ordre civil.[13]

To decide whether a subject should come under religious or civil

jurisdiction, one had to distinguish its essential features from

those that were accidental.

(iv) The area of "mixed" legislative jurisdiction

With these distinctions in mind, one can delineate more

clearly the area of "mixed" legislative jurisdiction:

> si, parmi ses éléments constitutifs principaux ou les
> attributs essentiels de son être il en est qui soient
> absolument civils et d'autres absolument religieux, et
> si de plus cette matière a un objet qui soit à la fois
> religieux et civil, il est évident que cette matière
> est mixte.[14]

In this remaining area of "mixed" legislative jurisdiction lies

the crux of the whole matter. As Beausoleil explained:

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[13] _Ibid._, pp. 268 - 269.

[14] _Ibid._, p. 269.

> .Toute la question véritable est de savoir, si le rayon
> de la jurisdiction de l'Eglise et de son autorité suprême
> s'étend au-delà de cet ordre purement spirituel des
> dogmes sacrés et de la morale, s'il atteint ou n'atteint
> pas, comprend ou ne comprend pas aussi tout le terrain
> des matières qui tiennent à la fois de l'Eglise et l'Etat,
> qui appartiennent au double for des cours ecclésiastiques
> et civiles et que pour cela on appelle mixtes.[15]

This is where all the controversy lies. According to the

programmistes, the Church's prerogative in this area of "mixed"

legislative jurisdiction is greater than that of the State because

its purpose is higher:

> Car l'élévation des pouvoirs et leur priorité dérivant
> de leur but final, l'Eglise prime et domine l'Etat de
> toute la hauteur qui distingue les intérêts éternels de
> l'homme de ceux de la vie présente, l'âme du corps et le
> ciel de la terre.[16]

Therefore in this crucial area, the Churchman's say is weightier than

that of the Statesman.

Now it follows that in this area of "mixed" legislative

jurisdiction, a man may be called to respond to two conflicting

claims, as the laws of the civil authorities may come into conflict

with the laws of the ecclesiastical authorities. If a man should

be placed in the situation of having to deny one authority or the

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[15]"L'Eglise et l'Etat", N.M. (June 24, 1871), p. 1.

[16]Ibid.

other, it is clear, in the light of the final relation expressed in the essential rapport, that he should choose to obey the religious before the political. He should choose to serve God before other men. Socrates, speaking at his trial before a court of Athenian citizens, said: "if you should let me go free on these terms which I have mentioned [that he no longer spend his time in this search or in philosophy], I should answer you, 'Many thanks indeed for your kindness, gentlemen, but I will obey the god rather than you'" (Plato, Apology, 29d). A few centuries later, Peter and the apostles, charged before the council and all the senate of Israel to stop their teaching, answered, "We must obey God rather than men" (Acts V. 29).[17] Thomas More's martyrdom was an especially fine testimony to the essential rapport, in that it demonstrated that man, in the end, can do justice both to the claims of religion and to the claims of politics: by his silence, More served his fellow men, and by his death, he served God.[18]

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[17]C. Beausoleil commented on this passage of the Bible in "La clef de. nos polémiques", N.M. (April 25, 1871), p. 1. Complementing his commentary were quotations from a number of Church fathers and doctors.

[18]When confronted by Henry VIII with a State policy which he held to be wrong, Thomas More allowed himself to be silenced, for he believed, as he. had stated in Utopia, that to preach publicly that which would undermine the government, as the heretics had done, was to be guilty of tumult and sedition. See R. W. Chambers, Thomas More (London, 1957), p. 367. The case of Thomas More is cited by F.-X.-A. Trudel in Affaire Guibord: Discours de F.-X.-A. Trudel (Montreal, 1870), p. 105.

By now, we should have some appreciation of the tense proximity which, according to the <u>programmistes</u>, should characterize the relation between State and Church.[19] But we have yet to understand why the <u>programmistes</u> give their second proposition such a polemical tone? Why do they consider the separation of Church and State to be intellectually absurd and morally impious?

(4) The modern danger

While Thomas More was exemplifying to the highest degree the essential <u>rapport</u> existing between a man's duty to his neighbours and his duty to God, a contemporary of his was doing everything in his power to undermine it. Niccolà Machiavelli upset this <u>rapport</u> not by directly attacking religion, but by introducing a new basis to politics. McLeod described this new basis of politics in the very first article he wrote to develop the <u>Programme</u>:

> Un des résultats funestes des principes modernes, des idées qu'on a propagées au nom de ces principes sur la politique, est celui de l'avoir trop matérialisée. On a fait de la politique, une science trop humaine, trop matérielle, trop basée, au nom du prétendu principe de la souveraineté du grand nombre, sur la force, et non sur la justice et la vérité. On s'est bourré l'esprit d'idées fausses et dangereuses sur ce que l'on appelle politique sans trop comprendre ce que c'est. On en a fait une science d'intrigues, si nous pouvons nous exprimer

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[19]In Section X, we shall see how the essential <u>rapport</u> works in particular cases of "mixed" legislative jurisdiction.

> ainsi, une science de diplomatie, où le succès est tout
> et la justice n'est rien. Cela est si vrai que ceux qui
> préconisent tout système politique de cette nature sont
> forcés eux autres mêmes de l'admettre et de dire pour
> tout argument à ceux qui ne pensent pas comme eux: 'Vous
> êtes des hommes impossibles, impracticables.'[20]

The difference between the "natural" and the "naturalistic" views
of the world, outlined in Section III, is implied here in McLeod's
definition of politics. In the former view, politics should strive
to approximate an order of justice; in the latter, it is reduced
to the successful deployment of force, to a science of intrigue,
a science of diplomacy where success is everything and justice is
nothing.

This new science sought to isolate politics from man's
moral sense of duty; which sense of duty, experience has shown,
can truly emanate only out of a religious view of the world.
Divorced from religion, politics becomes subject to man's basest
inclinations. McLeod contrasted the "naturalistic" approach to
politics with the "natural" in the following manner:

> Il est donc bien vrai qu'ils [les hommes que nous envoyons
> nous représenter dans la législature] doivent considérer
> la politique, non comme une _servante_ faite pour obéir aux
> caprices d'un maître, ou comme une _courtisane_ toujours
> disposée à plaire ou à corrompre, mais comme une _reine_,
> comme une _mère_ qui veut le bonheur de ses enfants.[21]

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[20] _J.T.R._ (April 27, 1871), p. 2.

[21] _Ibid._

Following Machiavelli's lead, other modern political theorists have attempted to found politics on various areligious, "naturalistic" principles, such as ambition, fear, comfort, greed, and envy. But Beausoleil knew what the invoking of atheistic political principles could lead to:

> La politique sans Dieu, d'ailleurs, est une politique infernale et payenne; c'est le règne du droit brutal de la force et son enseignement en dehors de la Foi est une école de libéralisme et d'incrédulité monstrueuse. Nous savons aujourd'hui où cet enseignement peut conduire: l'exemple de la Commune française en dit plus que les discours.[22]

The Paris Commune, which lasted from March 18, 1871 to May 28, 1871, coincided with the publication of the _Programme_ and provided the _programmistes_ with a tremendous example of what the teachings of atheistic politics could result in.

In summary, if politics was not to result in a rule of might, then it must be closely related to religion; or in other words, the State was negatively dependent on the Church for a rule of right.

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[22] _N.M._ (June 12, 1871), p. 1.

V

UNE ARME A DOUBLE TRANCHANT

"Cela est particulièrement vrai du régime constitutionnel
qui, attribuant au parlement tout pouvoir de législation,
met aux mains de ceux qui le composent une arme à double
tranchant qui pourrait être terrible."

Having laid out what they consider to be the normal relation

between Church and State, the _programmistes_ go on to consider that

relation in the context of their country's particular constitutional

regime.

(1) The essential _rapport_ in the Canadian context

We recall from Section I how Parliament is supreme in this

country. The laws which it enacts and which are called statutes

are superior to the laws that are made by the Governor-in-Council,

by judges, or by administrators. It is true to say, then, as the

programmistes do in this section, that the individuals who make up

Parliament wield a mighty power.

146

Traditionally, the British Parliament's jurisdiction extended over the entire social order. Parliament could pass laws, in England, not only to safeguard morality (the State's role) but also to instill morality (the Church's role). Parliament's power could be used not only negatively, to defend morality, but also positively, to induce morality: it was a double-edged blade.

But one of the Canadian Parliament's edges had gradually been blunted. As the Anglican State-Church was disestablished, and the independence of the dissenting Protestant Churches and the Roman Catholic Church came to be recognized in law,[1] the realm of religious prescription was left, in Canada, to independently constituted Churches.[2] Order in Canadian society appeared, therefore, to depend upon the Churches' actually fulfilling their positive role of instilling morality, and upon the State's limiting itself to its negative role of safeguarding morality.

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[1] For a summary of how the various religious cults in Canada gained their freedom and equality before the law, see S. Pagnuelo, Etudes historiques et légales sur la liberté religieuse en Canada (Montreal; 1872), pp. 256 - 269.

[2] It appears that no sooner had the various religious cults in Canada wrested their independence from the forces of intolerance than they had to contend with the forces of secularisation. At the time of the Programme, the latter had made more headway in Upper Canada than in Lower Canada.

There was a danger, however, in the Canadian arrangement. From a practical point of view, the plurality of Churches was a strength, in that it enabled communities to follow their religious beliefs; but it became a weakness whenever religious interests had to be defended vis-à-vis the State. Similarly, the plurality of legislatures in the Canadian federation was a strength in that it allowed the various regions to develop their own local institutions: it was a weakness, however, in that it increased the likelihood that a group of legislators might infringe on a Church's rights. However minor the encroachment, however local its effects, it could constitute a dangerous precedent for the country as a whole.

In addition to presenting the structural weaknesses of a plurality of Churches and a plurality of legislatures, the Canadian arrangement also contained a dilemma. If ever a legislature in Canada began to encroach upon the Church's jurisdiction, the Church would immediately find itself in the difficult position of being damned if it moved and damned if it stayed still. To remain silent would be to acquiesce in the transgression of its rights, to relinquish its positive role in the maintenance of morality in society; yet to call on that Legislature to remedy the situation, to request that it return to its negative role, would be to risk having the appeal interpreted as a sign of dependency on the State, and that would be a reversal of the essential rapport.

(2) The dilemma

Cléophas Beausoleil, in an article entitled "La raison du programme catholique", explained to his readers how just such a dilemma, which jeopardised the rapport between Church and State, was the reason for the Programme.[3]

The dilemma had existed for some time. As early as 1849, the Archbishop of Quebec had found it necessary to propose an amendment to certain civil laws which, it was found, impeded parish business. The Archbishop first presented his proposal, "Concernant les Assemblées de Fabrique pour l'élection des Marguilliers,et la reddition des comptes", for discussion to the bishops of his ecclesiastical province and then to other members of the Church's hierarchy, including over two dozen parish priests, at a meeting held at the bishop's palace in Montreal on February 1, 1849. There it was resolved, according to the minutes of the meeting:

> I. Que cette Assemblée regrette que l'on se soit cru forcé par les circonstances de soulever cette question pour la porter ensuite devant la Législature.
> II. Que malgré le regret ci-dessus exprimé, L'Assemblée a cependant jugé convenable de discuter le Projet de Loi

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[3]This article, along with "des pièces justificatives", was published in N.M. (May 3, 1871), p. 1, and republished in J.T.R. (May 8, 1871), pp. 1 - 2.

en question, et de lui faire subir toutes les modifications
propres à en faire une mesure plus complète.[4]

A committee of five ecclesiastics was appointed to study the bill in

more detail. Their report of the following day (February 2, 1849)

reaffirmed the resolutions of the general meeting:

I. Qu'il est à regretter, comme l'a fait la dite
Assemblée, que l'on se soit cru forcé, par de malheureuses
circonstances, de soulever cette question, pour la porter,
devant la Législature, parce que tout Bill de Fabrique,
demandé par le clergé, pour sanctionner l'admission des
notables dans les Assemblées de Fabrique est de nature à
la compromettre étrangement, après les réclamations si
justes et si solennelles qu'il fit en 1831 contre un pareil
Bill, et à exposer l'Autorité Ecclésiastique à des empiéte-
ments auxquels il ne lui serait plus permis de s'opposer
avec énergie, une fois qu'elle se serait livrée elle-même
à la discrétion de la puissance Civile.
II. Que si toutefois il fallait en venir à demander
un pareil bill, il serait absolument nécessaire de faire
subir au Projet de Loi en question des modifications
essentielles et propres à en faire une mesure complète,
comme l'a observé la dite Assemblée, pour qu'il ne fût pas
nécessaire d'appeler l'attention de la Législature sur nos
affaires de fabrique, parce que ces matières sont si déli-
cates qu'il est toujours souverainement dangereux de fournir
aux législateurs l'occasion de les discuter.[5]

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[4]The minutes of this meeting, along with the ensuing
committee report were contained in a letter addressed by Mgr
Bourget to his clergy and dated February 11, 1849; all of which
formed the "pièces justificatives" of Beausoleil's article.

[5]Quoted in J.T.R. (May 8, 1871), pp. 1 - 2.

To begin with, these resolutions remind us that the Church

is a government just as much as the State.[6] The Church too, we see,

has its offices of authority, its deliberative assemblies, its

procedures, and its committees: it too has the power to make laws

and to pass resolutions: and it too, in its own way, is able to

enforce them. But more to the point, these resolutions make clear

three facts. As Beausoleil said:

> Dès 1849, trois faits très importants étaient donc admis:
> 1° Que l'Eglise ne jouissait pas de toute la liberté
> à laquelle elle a droit:
> 2° Qu'une législation était nécessaire;
> 3° Qu'elle offrait beaucoup de dangers.
> Nous prions le lecteur de prendre bonne note de ces trois
> faits, et de celui que depuis lors, il n'y a jamais eu de
> législation sur le sujet mentionné, excepté ce bill de M.
> Loranger reconnaissant au-curé le droit de présider les
> assemblées de fabrique.[7]

This situation of long standing would have taxed the prudence of

the wisest of men. In Beausoleil's words:

> Un appel au Parlement est aujourd'hui deux fois dangereux.
> Il est à craindre que les députés regardent ce fait comme
> une admission que l'Etat a le droit de contrôler l'Eglise,
> d'amoindrir ou de fixer ses droits tandis qu'il n'a au
> contraire que celui de les reconnaître.[8]

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[6] For a survey of the French-Canadian layman's role in eccle-
siastical government, see the two articles by André Boucher, "La
fabrique et les marguilliers" and "Le rôle joué par les marguilliers"
in Le Laïc dans l'Eglise canadienne-française de 1830 à nos jours
(Montreal, 1972), pp. 147-173.

[7] J.T.R. (May 8, 1871), p. 2.

[8] Ibid.

An address by the ecclesiastical authorities to the Legislature

might be interpreted as a sign of the Church's dependence on the

State: that was the first danger of the dilemma; the second was

that some Parliamentarians might take advantage of the opportunity

to amend any proposed legislation in a way that would further

impair rather than remedy the situation:

> Il peut se faire qu'un homme mal intentionné profite de
> la circonstance pour s'emparer de la mesure, y introduire
> les principes faux ou dangereux, en s'appuyant sur
> l'ignorance des uns, la crainte des autres et la fausse
> science d'un certain nombre. C'est du sentiment de cette
> nécessité et de ce double danger qu'est né le programme
> catholique.[9]

(3) The solution

What was the solution? How could these dangers be avoided?

To do nothing would be to leave the Church-State relation in the same

unsatisfactory condition that it had been in since 1849. Further-

more, the fact that the Province of Quebec now had its own Legis-

lative Assembly with its own responsible ministry seemed to call

for a fresh affirmation of the essential _rapport_ governing human

affairs in society. The answer, the _programmistes_ discovered, lay

in appealing not to the members of the Assembly, but to those who

would be members of the Assembly. For it was they, the candidates,

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[9]_Ibid._

and they alone, who were in a position to acknowledge the relation
between Church and State without having the power to determine it.
The only way, under Canada's constitutional regime, that the pro-
grammistes could achieve their goal was by focusing people's
attention on the men running for Parliament:

> Car chaque fois que, dans un pays constitutionnel, les
> circonstances deviennent telles qu'une question d'une
> grande importance va plus que probablement être posée devant
> les Chambres, la meilleure, pour ne pas dire la seule garantie
> d'une solution satisfaisante, c'est pour les intéressés
> de veiller dans les élections à la composition des
> Chambres. Est-il donc un seul homme public qui ignore
> ce principe? . . . avant de livrer la question au vote
> du Parlement, il faut savoir quel Parlement nous aurons.
> Telle est la vrai raison du programme en question, et
> nous maintenons qu'elle est parfaitement légitime.[10]

It was up to the individual voter: the means for realizing a just
rapport between Church and State lay in his hands. Beausoleil
concluded his article on "La raison du programme catholique" by
asking:

> En quoi se résume-t-il?
> 1° A demander que le candidat . . . reconnaisse
> que l'Eglise est libre et indépendante per se, en vertu
> de sa constitution divine, et que le pouvoir de l'Etat se
> borne à admettre et à sanctionner ses lois.
> Ce premier principe obviait au danger signalé en
> premier lieu.
> 2° A reconnaître avec les évêques que quelques-
> unes de nos lois sont défecteueuses en ce qu'elles gênent
> la liberté de l'Eglise, ou prêtent à des interprétations
> hostiles.

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[10] Ibid.

3° A supposer très raisonnablement il nous semble,
en présence de la recrudescence des embarras, que les
évêques pourraient demander l'intervention du législateur.
4° A recommander aux électeurs d'exiger des can-
didats un engagement d'accorder aux évêques les amendements
désirés, s'ils en faisaient la demande.
Et ceci avait pour but de faire disparaître le
second danger signalé plus haut.[11]

In short, there were two things that the voter had to extract

from the candidate: one, the recognition, in principle, of the

Church's freedom and independence --that would obviate the

danger of misinterpretation; and two, the promise to comply in

practice with any request for an amendment that the Bishops might

make --that would obviate the danger of abuse.

It is interesting to note, by way of recapitulation, how.

in the programmistes' view of society the duties of one group are

related to the duties of another. The chain of events under con-

sideration began when the representatives of the Roman Catholic

Church made known their displeasure with certain civil laws of

Lower Canada. The resolutions passed by these clergymen were

then reported and publicized by a group of lay journalists, who

were obliged, by virtue of their role in a society of representative

institutions, to advise the electorate. The voters had then to

turn to the candidates: and then, out of that group, those elected

would be in a position, finally, to remedy the situation.

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[11] Ibid.

'In his speech to the voters of Epiphanie assembled to
nominate the candidates for their riding, Beausoleil underlined
once again the danger of the present situation:

> Mais un appel au Parlement est une chose dangereuse, à
> moins que ceux qui le composent ne possèdent des principes
> tels que ceux qui sont contenus au programme ou qui aient
> pris l'engagement formel de s'en rapporter complètement
> aux évêques.[12]

Thus did Beausoleil try to impress upon the voters the gravity of
the act they were called on to perform.

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[12] recorded in <u>N.M.</u> (May 30, 1871), p. 1.

LE CRITERIUM LE PLUS SUR

"C'est pourquoi il est nécessaire que ceux qui exercent
ce pouvoir législatif soient en parfait accord avec les
enseignements de l'Eglise. C'est pourquoi il est du
devoir des électeurs catholiques de choisir, pour leurs
représentants, des hommes dont les principes soient
parfaitement sains et sûrs.
    L'adhésion pleine et entière aux doctrines
catholiques romaines en religion, en politique et en
économie sociale, doit être la première et la principale
qualification que les électeurs catholiques devront
exiger du candidat catholique. C'est le critérium le
plus sûr qui devra leur servir à juger les hommes et
les choses."

Under Canada's constitutional regime, the would-be

Parliamentarians are the men appropriately placed to acknowledge

the essential rapport between religion and politics. But these

would-be Parliamentarians do not stand alone: as candidates for

election, they are engaged in debate with the voters. And so in

this Section, the programmistes gradually turn their attention

from the candidates to the voters, presenting the latter in the

end with a criterion which should serve them to judge men and things.

At first reading, this criterion appears to be rather naive. Will the election campaign not simply serve to ascertain a candidate's faith? Is the surest criterion not simply a testimony of faith in the Catholic church, made by the candidates at the voters' request? On closer examination, however, such a reading does not do justice to the text. It ignores two important aspects: it ignores first the realm in which the criterion is presented: and second, the men to whom it is presented. Let us return therefore to this section and examine it sentence by sentence, for each sentence represents one stage in what constitutes a three-stage argument.

(1) Stage One: a theoretical conclusion with regard to the candidates

The _programmistes_ began by saying: "C'est pourquoi il est nécessaire que ceux qui exercent ce pouvoir législatif soient en parfait accord avec les enseignements de l'Eglise." This first statement is a logical conclusion of the last section. As a result of the power parliamentarians wield under the Canadian constitution, it is important to know what doctrines they espouse. And if, during an election campaign, certain would-be parliamentarians claim to be members of the Catholic Church, then it is reasonable to expect that they espouse the doctrines of that Church.

It is important to notice that the Church's doctrines are
referred to here as teachings ("enseignements"). Nowhere in this
section is there reference to that other part of the Church's
doctrines which is summed up in the Creed and which constitutes
its beliefs ("croyances"). The _Programme_, being a lay document
and bearing on secular institutions, is grounded on a natural, as
distinct from a revealed, theology. As has been said, the _Programme_'s
argumentation belongs not to the realm of revealed theology, which
surpasses human comprehension and which can be appropriated only
in the element of faith, but rather to the realm of practical
philosophy, which is directly accessible to the human intellect,
and which can be appropriated in study.

As listed in the third sentence of this section, the
doctrines which the _programmistes_ are concerned about have to do
with the three main practical dimensions of human society, namely,
religion, politics, and economics ("aux doctrines catholiques
romaines en religion, en politique et en économie sociale"). The
relation between religion and politics, what I have called the
essential _rapport_, forms the crux of the Church's social teachings.
Were a candidate to acknowledge the Church's social teachings, he
would, _ipso facto_, have acknowledged the essential _rapport_.

(2) Stage two: a practical appeal to the voter's moral sense

The second sentence ("C'est pourquoi il est du devoir des électeurs catholiques de choisir pour leurs représentants des hommes dont les principes soient parfaitement sains et sûrs"), seems to repeat the first. In reality, there is a thorough turn of thought.

In the first sentence, the programmistes addressed themselves to their readers' intellect: they spoke of a logical necessity ("il est nécessaire") and of teachings ("les enseignements"); in this sentence, they appeal to their readers' will: the logical necessity has become the practical duty ("il est du devoir") and the teachings have become the principles ("les principes"). This turn from the theoretical to the practical reminds us of Aristotle's remark that virtue consists in being not only in accordance with the right rule but also in the presence of the right rule (οὐ γὰρ μόνον ἡ κατὰ τον ὀρθὸν λόγον. ἀλλ ἡ μετὰ τοῦ ὀρθοῦ λόγου ἕξις ἀρετή ἐστιν· Nic. Ethic., VI, 13, 1144[b]).

Another aspect of this turn is that whereas the theoretical necessity lay with the candidate, the practical duty lies with the voter ("il est du devoir des électeurs"). With this second sentence, the argument of the text appears clearly directed to the voters. If the programmistes want to have a local parliament composed of men who espouse the Church's social teachings, then they must first persuade the voters of the need for this. Before the candidates are to be persuaded by the voters, the voters must be persuaded by the journalists. The text has moved therefore from speculation about

the candidates to the practice of the voters.

What should the voters do? At this stage, the _programmistes_ simply say that it is their duty to choose for their representatives men whose principles are perfectly sound and sure. Such a general proposition is readily acceptable to all. It simply serves, in this second stage, to awaken the voters' moral sense, that intuitive and immediate sense which all men naturally possess and which urges them to do what is good and to avoid what is evil (what the school-men called _synderesis_).

(3) Stage three: a practical appeal to the voters' conscience

With the third sentence of this section ("L'adhésion pleine et entière aux doctrines catholiques romaines en religion, en politique et en économie sociale doit être la première et la principale qualification que les électeurs catholiques devront exiger du candidat catholique"), the authors take another step. They now define the voters' duty in specific terms; it is up to individual Catholic voters to make a specific request of their Catholic candidates.

In specifying what the voters' duty is, the _programmistes_ are making a greater claim on the voters. The third sentence of this section demands much more of the voter than the second. The practical difference involved corresponds to the difference between

man's moral sense and his conscience, a difference which is often lost sight of in modern times.[1] According to the traditional doctrine of natural right, man's moral sense provides him with a golden rule which can readily be acknowledged by everyone. Around this leading precept, there can be grouped other precepts, such as those of the Decalogue, which are also of such a general nature that they too are not subject to deliberation. Man's conscience, on the other hand, is by nature complex. In contrast to the moral sense, it is not a distinct faculty, but makes use rather of many faculties. The subject matter of man's conscience is always the concrete and singular case wherein it is difficult to discern the right course of action. And so with this third sentence, the *programmistes* open the door to conscientious deliberation.

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[1] Rousseau, for example, says: "Conscience! conscience! instinct divin, immortelle et céleste voix; guide assuré d'un être ignorant et borné mais intelligent et libre; juge infaillible du bien et du mal, qui rends l'homme semblable à Dieu, c'est toi qui fais l'excellence de sa nature et la moralité de ses actions; sans toi je ne sens rien en moi qui m'élève au-dessus des bêtes, que le triste privilège de m'égarer d'erreurs en erreurs à l'aide d'un entendement sans règle et d'une raison sans principe." Surely this instinct can refer only to man's moral sense, and not to his conscience. J. J. Rousseau, *Emile ou de l'éducation* (Paris, 1964), livre IV, pp. 354-355.

Now it is important to notice that the _programmistes_ do

not present their readers with a judgement already made; rather,

they present them with a basis or a criterion for making a judgement.

The criterion offered here is.the Church's social teachings.

Essentially, these teachings consist in a network of relations

which, it is claimed, must be duly maintained if there is to be

order in society. The crucial relation, as we saw, was the one

establishing harmony between the sphere of religion and the sphere

of politics. But there are other relations: as mentioned in the

third sentence, there is the whole sphere of economics, which

must also revolve in harmony with the other spheres of society.[2]

In signaling to their readers the different practical

dimensions in which a Catholic was expected to carry out the

Church's social teachings, the _programmistes_ revealed at the same

time what they held to be the right order in human affairs:

religion, or what one owes to God, is more important than politics,

or what one owes to other mortals, and what one owes to other

mortals in this world is more important than social economy or

what one owes to oneself as an animal needing to survive here on

earth.

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[2] The _rapport_ between the social economic sphere and the
political will be touched upon in Sections IX and XII.

. The reversal of this order was clearly argued by Marx.
Marx would have agreed with the programmistes 'that, within a
unified social whole, practical dimension A had priority over
practical dimension B, and that B, while still subordinated to
A, had priority over C. In this regard, it is interesting to
note that the programmistes and other Catholics who took the under-
lying unity of the Church's social doctrines seriously were called
"des intégristes", not unlike those who, having taken the underlying
unity of Marx's social teachings seriously, are called "communists".
Where Marx and the programmistes would have disagreed, however,
--and a more radical disagreement cannot be imagined-- is in the
foundation of that order. The disagreement lay in the definition
of A. To Marx, order in human affairs rested ultimately on what
everyone could see were the socio-economic conditions determining
man's life; to the programmistes, it rested on man's worship of
the divine.

To the programmistes, it was important that the French
Canadian Catholic voters of the Province of Quebec, who were about
to pronounce judgement in an important and relatively new (to them)
dimension of social life, namely, parliamentary government, have
this criterion in mind.

VII

LA MÊME LIBERTÉ

"On comprend qu'il ne peut être ici question des protes-
tants auxquels nous laissons la même liberté que nous
réclamons pour nous-mêmes."

This sentence contains the minor premise of the argument.
Here is the starting point which takes into particular account
the existing conditions. The _programmistes_ realised that indeed
the situation presented by the forthcoming elections would not
be the same for everyone. There would be places in the Province
of Quebec where the candidates and/or the voters would be Protestants.
As to what _they_ should do, that would be another question: "On
comprend qu'il ne peut être ici question des protestants."

But beyond that strict qualification, there is implied, in
the relative clause of the sentence, the statement that Protestants
and Catholics of the province share something in common. Both
groups, we learn, have an equal interest in the same freedom ("la
même liberté"). My task in commenting on this section of the text
will be to explore what the _programmistes_ understood that freedom
to be.

(1) A practical freedom

The word freedom, if not carefully qualified, is usually taken to signify either a licence to do what one wants or a capacity to believe or to think as one wants. Such unlimited freedom, however, was not the freedom the programmistes had in mind. To them, it was wrong to presume that man was so free as to be able to choose to believe in whatever doctrines he wished. As McLeod explained: "Nous ne pouvons pas admettre la liberté de croyance religieuse comme un dogme. C'est pour nous catholiques une erreur."[1]

The freedom the programmistes were concerned about was a limited, practical freedom. It was the freedom to perform the exercises of one's religious cult to the extent that they did not disturb the peace of society. This freedom was given legal sanction in the Quebec Act and in 14 and 15 Vict. cap. 175, which safeguarded "the free exercise and enjoyment of Religious Profession and Worship, without discrimination or preference, so as the same be not made an excuse for acts of licentiousness, or a justification of practices inconsistent with the peace and safety of the Province". It was the same freedom which became entrenched in the educational provisions of Section 93 of the British North America Act. As

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[1] J.T.R. (May 22, 1871), p. 2. To explain why this is so would take us beyond the scope of this work into a discussion of the Catholic Church's epistemological teachings.

Desjardins explained:

> Nous l'avons clairement exprimé dans notre programme et
> en cela nous ne faisions que nous conformer aux voeux de
> tous les Evêques des deux Provinces tels que nous les
> trouvons contenus dans cette requête qu'ils adressaient
> au Parlement Anglais avant l'adoption finale du Bill de la
> Confédération en réclamant en matières de religion et
> d'éducation pour les catholiques les mêmes libertés et
> les mêmes privilèges accordés aux protestants.[2]

These legal enactments reflected the fact that the people here ("ici") adhered in good faith to different doctrines; it was naturally as well as legally right therefore to tolerate the practice of other religious cults. McLeod went on: "Mais dans un pays comme le notre, où il y a diversité de croyances, diversité de cultes, nous laissons la liberté à tous les cultes."[3] Beausoleil made the same point a few days after the publication of the *Programme*:

> L'expérience est faite au Canada de deux grandes dénominations
> religieuses vivant à côté l'une de l'autre sans se quereller,
> ni se faire la guerre. Il a été trouvé bon, eu égard à
> l'état de choses sous lequel nous vivons, de laisser à
> chacune la plus entière liberté de se gouverner suivant ses
> principes et les lois de son église. Le temps des guerres
> religieuses est passé pour nous. La paix et la concorde
> entre les croyances comme entre les races, sont ici les
> meilleures garanties de la prospérité du pays.[4]

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[2] _O._ (June 12, 1871), p. 1.

[3] _J.T.R._ (May 22, 1871), p. 2.

[4] _N.M._ (April 26, 1871), p. 1.

Thus the _programmistes_ made very clear their support for the
principle of practical religious toleration.

(2) The political consequences of religious toleration

The political consequences of religious toleration were
touched upon in Section V in the discussion of Parliament's
power as a double-edged blade; but they deserve special treatment
here.

If it is granted that men should be allowed to govern
themselves according to the principles and the laws of their own
Church, then it follows that the State must desist from positing
its own laws in matters which come under the jurisdiction of the
different religious authorities. In matters of mixed jurisdiction,
as Trudel explained (see Section IV), the State should leave the
last word in each particular case to the Churches. Now of course
in practice there is bound to be some debate as to what is essentially
"mixed" and what is essentially civil, but it does not seem
possible to reconcile the principle of religious toleration with
a thoroughly "positive" view of the State. Once the freedom to
practise the religion of one's choice is acknowledged and established
in law, as it was in Canada at the time of the _Programme_, then the
State, whether at an Imperial, Dominion, or Provincial level, must
refrain from cutting with one edge of its blade.

At a local level, this meant that Protestants and Catholics of the Province of Quebec had an equal interest in seeing that the Legislative Assembly not initiate laws touching upon matters of a religious nature. As Alphonse Desjardins pointed out, Protestants who read the Programme attentively would discover

> que loin que les principes de liberté ecclésiastique qui y sont reconnus doivent porter préjudice à la liberté de leur propre culte, ils trouveraient au contraire dans leur adoption des garanties nouvelles d'une semblable liberté pour eux-mêmes. . . . Les protestants sincèrement désireux de voir leurs sectes respectées par l'autorité civile ne peuvent qu'applaudir à l'acte de ceux qui revendiquent le même privilège au nom d'une autre croyance.[5]

That Protestants and Catholics might form a common front for the safeguarding of their religious rights against encroachments by the civil authorities was hinted at by McLeod as well: "Ce n'est pas des hommes qui sont franchement catholiques que la minorité protestante doit s'attendre à ne pas avoir justice. Au contraire."[6]

(3) The co-religionists

Unfortunately, in the weeks and months following the publication of the Programme, its authors were left with little time to develop this idea of a common front. Because certain rival newspapers had so distorted the Programme as to excite the

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[5] O. (May 15, 1871), p. 1.

[6] J.T.R. (May 22, 1871), p. 2.

suspicion of the Protestant minority, the <u>programmistes</u> were

obliged to turn to the unpleasant task of denying false rumours.

McLeod began the article already quoted by saying: "On fait courir

le bruit que notre programme nous lie à rejeter partout les

protestants. C'est entièrement faux."[7] By the month of June,

McLeod, impatient at this wanton misinterpretation of the <u>Programme</u>,

wrote in an article entitled "Nos coreligionnaires":

> Quelques écervelés parmi nous, ne portant de catholique
> que le nom, s'étant chargés d'interpréter à nos concitoyens
> de croyance différente, notre Programme catholique et la
> lettre circulaire de Mgr des Trois-Rivières, dans le sens
> d'une croisade contre leur religion, nous pensons devoir
> désavouer cette interprétation, à la fois mensongère,
> malicieuse et absurde.
> Ni le Programme, ni la lettre de Mgr des Trois-
> Rivières ne demandent une législation contre les croyances
> de nos concitoyens: mais ce que le Programme demande avec
> l'approbation et de notre évêque et de nos conciles, c'est
> l'abolition des lois contraires au libre exercice de notre
> religion, et en affirmant cela nous défions les contra-
> dicteurs de dire que telle n'est pas la pensée du programme.
> Or, y a-t-il en cela quelque chose qui puisse
> blesser nos concitoyens ou préjudicier en aucune manière
> à leurs intérêts religieux? Nous connaissons trop l'esprit
> de loyauté qui les distingue pour leur supposer quelqu'in-
> térèt ou quelque désir de s'opposer à des demandes aussi
> justes de notre part.[8]

One week later, Beausoleil declared:

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[7]<u>Ibid.</u>

[8]<u>J.T.R.</u> (June 9, 1871), p. 2.

> Faut-il pour la vingtième fois démontrer que les protestants
> ne sont nullement concernés dans la législation mentionnée
> au programme, que celui-ci repose sur la liberté religieuse
> la plus étendue, et qu'ils sont aussi intéressés que nous
> à ce que les principes qui y sont énoncés soient reconnus
> de tous?[9]

Despite these _contretemps_, McLeod went on in his article to make clear what earlier he had only suggested: that, from a political point of view, the Catholic cause and the Protestant cause were the same:

> D'un autre côté si on reconnaît au gouvernement le droit
> de contrôler la discipline ecclésiastique, nos coreligionnaires
> ont-ils à y gagner? Avec de semblables principes politiques
> le jour viendra peut-être où les majorités parlementaires
> tenteront de faire pour les églises protestantes ce que
> l'on entreprend aujourd'hui contre l'Eglise catholique.
> Qu'en résulterait-il? Les catholiques étant les plus nom-
> breux ne seraient-ils pas les maîtres de tout arranger
> suivant leur gré? Le principe émis dans notre programme,
> que la religion est au-dessus de l'Etat, n'est donc pas
> hostile à nos coreligionnaires. Au contraire c'est un
> principe conservateur et éminemment social. Quel frein aussi
> puissant pourrait-on jamais opposer à l'ambition et aux
> convoitises![10]

If one were to allow the State, in this case the local Legislative Assembly, to begin to control ecclesiastical discipline, to allow the essential _rapport_ to be upset, then it would follow, the basic principle lost sight of, that politics would soon become a mere

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[9] _N.M._ (June 15, 1871), p. 1.

[10] _J.T.R._ (June 9, 1871), p. 2.

question of numbers in which minorities would be bound to suffer.

Desjardins put it in a nutshell when he said:

> Les protestants intelligents et éclairés ont parfaitment
> compris que . . . dans un pays comme le nôtre, où les
> croyances sont différentes, que moins la loi civile vient
> en contact avec les dispositions des lois ecclésiastiques
> plus il y a de garanties de liberté pour la profession de
> chaque croyance.[11]

Politically, Protestants and Catholics had to put aside
their differences and concentrate on what they had in common.
They had to become aware that they were, as the _programmistes_
expressed it so powerfully, "des coreligionnaires". As such,
they had to realise that vis-à-vis the State they were all in
need of the same practical freedom. The essential _rapport_ in
human affairs, the natural superordination of religion to politics,
coupled with the principle of religious toleration, formed a
common ground capable of uniting the Protestants and the Catholics
of Quebec in their desire for a just social order.

PART THREE: THE CONSEQUENCES

The Means Available:

The Political Parties (Section VIII)

The Conservative Party (Section IX)

The Issues (Section X)

The Candidates (Section XI)

and the Voting (Section XII)

VIII

DES PARTIS POLITIQUES

> "Ces prémisses posées, il est facile d'en déduire des
> conséquences qui serviront de guide aux électeurs. Mais
> pour établir des règles pratiques, dont l'application
> soit facile, il faut tenir compte des circonstances
> particulières où notre pays est placé, des partis poli-
> tiques qui s'y sont formés et de leurs antécédents."

In the first half of the text, the _programmistes_ presented
the premises of their argument: first, that in human affairs
politics, or what one owed to one's neighbours, was subordinate to
religion, or what one owed to God: and second, that in Canada the
practical freedom necessary to all religious communities was to be
clearly acknowledged.

Now, in the second half of the text, the _programmistes_
present their readers with the consequences of those premises,
consequences which can act as guidelines for the voters: "Ces
prémisses posées, il est facile d'en déduire des conséquences qui
serviront de guide aux électeurs."

173

In presenting the premises of their argument, the program-
mistes kept the discussion at a general level. True, certain
features were brought to the readers' attention which were
characteristic of Canada, such as a federal political structure,
a plurality of religious beliefs, etc. Such features, however,
were not peculiar to Canada. And so, before the programmistes
could offer their readers any useful advice on the forthcoming
elections, they were going to have to take into account the
particular circumstances in which they happened to find themselves:
"il faut tenir compte des circonstances particulières où notre
pays est placé."

Once certain principles were established, the question of
means arose. How could these principles come to be embodied in
the institutions of society? The answer: By way of a political
party. As Beausoleil put it:

> Le premier principe posé [que la religion est au-dessus
> de la politique], la question se présentait naturellement
> de savoir de quel côté de la balance politique, les
> catholiques devraient jeter le poids de leur influence et
> de leurs votes. Il ne pouvait être question de fonder un
> nouveau parti. Il fallait donc tenir compte des organisa-
> tions existantes, étudier leurs principes, leur passé et
> leurs projets.[1]

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[1]N.M. (April 26, 1871), p. 1.

Following Beausoleil's thought on this question of

parties, I shall examine, in the first place, what he calls the

balance of power ("La balance politique"): and in the second

place, what he calls the existing organizations ("des organisations

existantes").

(1) The balance of power

Under Responsible Government, political associations tend

to be cohesive. Because the government can be defeated at any

time by an adverse vote in the House, members' voting is organized

in accordance with the thoroughly practical principle that there

is one group of members which basically supports the ministerial

team in power and another group of members which opposes it.

Originating on the floor of the House, this practical division

extends on down throughout what is now called the political

"culture". This division animates, for example, local political

associations which, though they may not always be able to arti-

culate arguments for and against certain national policies, know

very well whom they are for and whom they are against.

Mounting the election platform, a politician reveals

himself therefore as belonging first of all to one of two possible

groups: a first group which finds the government acceptable and

therefore promises to support it in the House or Assembly --this group being called le parti des ministériels--, or a second group which finds the government unacceptable, and therefore promises to oppose it --this group being called le parti des oppositionnistes. (In certain circumstances, one may find a third group of individuals who choose, some for honourable reasons and others not, to stand alone --the indépendants.[2])

(2) The existing organizations

But party politics involves more than being simply for or against a particular government; it also involves policies: that is, general statements about what is good for the community. Hence, opposing groups are also referred to by terms which describe, it is thought, the prevailing tenor of their policies. It is to this more material aspect of party politics that we now turn.

In his Catéchisme politique, de Montigny brought his readers up to date on the events which led, in this country, to one group's being called Conservative and another Liberal:

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[2]For a recent discussion of the question of the "independent" member of Parliament, see R. March, The Myth of Parliament (Scarborough, 1974).

> Je crois, pour l'intelligence de la politique en ce pays,
> devoir jeter un coup d'oeil rapide sur la formation des
> deux grands partis politiques qui se divisent actuelle-
> ment la province de Québec: le parti libéral et le parti
> conservateur.
>
> Dès le commencement du régime constitutionnel en
> Canada se dessinèrent les deux grands partis qui planent
> encore sur les destinées de la Puissance, et dans lesquels
> sont venus se confondre le parti tory, le "family
> compact", le "cleargritisme", le parti national,[le parti] de la
> réforme et plusieurs autres fractions. . . . Au moment
> de l'Acte de l'Union le parti libéral d'alors crut devoir
> accepter cette nouvelle constitution dans l'espérance
> d'acquérir par elle toutes les libertés dues à tout sujet
> britannique, et grâce à son alliance avec les réformistes
> du Haut-Canada, il parvient à obtenir le gouvernement
> responsable.[3]

Indeed, in 1841 under the government of Charles Poulett

Thompson (later Lord Sydenham) a group of representatives from

Canada-East led by L. H. Lafontaine united in an effort to win

Responsible Government.[4] Their cause was strengthened when they

joined forces with the Reformers of Canada-West led by R. Baldwin.

Their concerted action bore fruit in the general election of

December 1847 - January 1848, and ever since that time, the charge

of government in this country has been in the hands of men who were

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[3]B. A. T. de Montigny, _Catéchisme politique_, p. 111.

[4]For a recent history of Canadian political parties prior
to Confederation, see P. G. Cornell, _The Great Coalition_, Historical
Booklet Number 19 (Ottawa, 1966).

not only agents of the Crown but elected representatives as well.

To return to de Montigny's account:

> Mais, bientôt, en 1848, le parti libéral se fractionna
> en deux camps: l'un ayant M. Lafontaine pour chef et
> l'autre M. Papineau. Le parti de M. Lafontaine s'unit
> plus tard à la fraction modérée du parti conservateur
> et forma le parti "libéral-conservateur" ou simplement
> "conservateur": la fraction de M. Papineau, qui s'allia
> plus tard au parti "clear-grit", s'appela le parti
> "libéral-avancé" ou simplement libéral.[5]

This division between Lafontaine and Papineau is a fundamental

political division, corresponding as it does to opposing views

on the origin of power in society. We shall hear more about these

opposing views in the next Section. For the moment, it should be

remarked only that Papineau's father, Joseph Papineau, was the man

perhaps most responsible for introducing Rousseau's thought into

the arena of Lower-Canadian politics.[6]

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[5] de Montigny, Catéchisme politique, p. 111.

[6] As Fernand Ouellet pointed out: "L'adhésion de Joseph
Papineau aux théories émises par les penseurs libéraux relativement
à l'origine du pouvoir civil et au fondement de la souveraineté
signifiait nettement une rupture avec l'enseignement traditionnel.
. . . En somme on peut dire que Joseph Papineau est allé chercher
chez Rousseau une réponse à des problèmes politiques et économiques
posés par l'introduction du régime parlementaire." Fernand Ouellet,
"Joseph Papineau et le régime parlementaire (1791)", Bulletin des
Recherches historiques, Vol. LXI (1955), pp. 71 - 77. See also
John Hare, "Le développement d'une pensée constitutionnelle au Québec
1791 - 1814", Revue de l'Université d'Ottawa, Vol. XLV (1975).

In any event, in 1851 both Lafontaine and Baldwin left the government and leadership of the Reform Party and were succeeded by A. N. Morin and Francis Hincks. In 1854, Hincks and his moderate Reformers of Canada-West were joined by a number of moderate Conservatives from Canada-West, among them John A. Macdonald. Shortly after this Liberal-Conservative coalition was formed, Morin, Chabot, and R. J. O. Chauveau retired and were replaced by G. E. Cartier and Joseph Cauchon as the leading representatives from Canada-East. These events set the stage for the Conservative government of Macdonald and Cartier and left the radical Reformers of both Canada-East and Canada-West free to form their own political parties: the Rouge and the Clear-Grit. For two days in the summer of 1858 (August 2 - August 4), these radical reformers from Canada-East and Canada-West under their respective leaders, A. A. Dorion and George Brown, actually formed an alternative Liberal government. Such were the "antécédents des partis politiques qui s'y sont formés".

With Canada-West returning a majority of Clear-Grits and Canada-East a majority of Bleus (as the Conservatives from Canada-East were called), it became increasingly difficult, however, to constitute an effective government. And so in June, 1864, a coalition of Clear-Grit Liberals, Conservatives, and Bleus was

achieved for the purpose of establishing a new political structure.

The fact that the Rouges did not choose to join in this coalition

but remained in conspicuous opposition to the project of Confedera-

tion, suggests that the difference between Conservative and Liberal

was perhaps more marked in Canada-East than it was in Canada-West.

Be that as it may, with the achievement of Confederation the basic

difference dividing the politicians of this country, the difference

between the radical Reformers (now identified as Liberals) and the

moderate Reformers (now identified as Conservatives), had reappeared.

Or had it?

IX

LE PARTI CONSERVATEUR

"Nous appartenons en principe au parti conservateur,
c'est-à-dire, à celui qui s'est constitué le défenseur
de l'autorité sociale. C'est assez dire que, par le
parti conservateur nous n'entendons pas toute réunion
d'hommes n'ayant d'autre lien que celui de l'intérêt et
de l'ambition personnelle, mais un groupe d'hommes
professant sincèrement les mêmes principes de religion
et de nationalité, conservant dans leur intégrité les
traditions du vieux parti conservateur qui se résument
dans un attachement inviolable aux doctrines catholiques
et dans un dévouement absolu aux intérêts nationaux du
Bas-Canada.
     Dans la situation politique de notre pays, le parti
conservateur étant le seul qui offre des garanties sérieuses
aux intérêts religieux, nous regardons comme un devoir
d'appuyer loyalement les hommes placés à sa tête.

Immediately we are told that, of the two major vehicles of

political power in Canada, the programmistes belong to the Conserva-

tive, i.e., to that political tradition extending from L. H.

Lafontaine to Sir George Etienne Cartier. It is not surprising

that this should be so. As Beausoleil pointed out:

> C'est un fait historique que toutes les attaques contre
> l'Eglise et la hiérarchie sont parties du camp libéral,
> qui, par ses journaux, ses orateurs, et ses clubs, s'est
> fait l'apôtre de toutes les mauvaises doctrines. Il n'est
> pas moins indubitable que le parti conservateur, dans son
> ensemble, s'est toujours opposé aux progrès du libéralisme,
> bien qu'il se trouvât dans ses rangs des hommes qui étaient
> de vrais libéraux, et qui ont tenté d'asservir l'Eglise.
> Les catholiques sont donc naturellement enclins à faire
> cause commune avec ceux qui professent les mêmes principes,
> révèrent les mêmes institutions, et partagent les mêmes
> amours et les mêmes répulsions.[1]

At the time of the _Programme_, Catholics were naturally inclined to

support the Conservative party.

But what led the _programmistes_ into such deep and far-ranging

considerations was the reservation which followed:

> Mais si cette sympathie est naturelle, elle n'est pas
> aveugle, ni ne se paie d'apparence. Il est facile de
> constater que sous la désignation de parti conservateur
> se cachent beaucoup de gens que des biens d'intérêt
> seuls y retiennent et qui sont de vrais libéraux.[2]

In the eyes of the _programmistes_, some members of the Conservative

party were not conservative.

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[1]_N.M._ (April 26, 1871), p. 1.

[2]_Ibid._

The difference between being a Conservative and being a conservative was a matter of principle. Of course, membership in a political party can always be reduced to a question of protecting one's interests: in which case, success or failure is the only criterion. But for the programmistes there was more involved in the membership of a political party than self-interest. If the host of particular motives which were bound to accrue in a political party were to be co-ordinated for the overall good of the community, then there had to be an appeal to principle, to some general rule by which particular claims could be measured. It was to just such a guiding light, therefore, that the programmistes were above all attached. ("Nous appartenons en principe au parti conservateur.")

The programmistes went on to claim that the principle which had guided the destiny of the Conservative party or, to put it the other way round, which the Conservative party had sought to defend, was the principle of social authority. On the whole the programmistes were pleased with the Conservative party as it had developed since Responsible Government. They did not wish to introduce anything new into the Conservative party. They wished simply to see its present members prolong the work of their predecessors, "un groupe d'hommes," in the words of the text, "conservant dans leur intégrité les traditions du vieux parti

conservateur".[3]

There was, however, as Beausoleil pointed out, and as is implied in the text, an element in the membership of the party which was not faithful to the principle of the party but which had come together only for the protection and advancement of its own interests: "C'est assez dire que, par le parti conservateur, nous n'entendons pas toute réunion d'hommes n'ayant d'autre lien que celui de l'intéret et de l'ambition personnelle." Expanding again on this passage, Beausoleil wrote:

> Il exige dans le sein du parti conservateur auquel nous appartenons un certain noyau d'hommes qui menacent d'y porter le désordre et d'y mettre la division. . . . Depuis quelques années surtout, ils se sont mis en antagonisme constant avec les vrais principes conservateurs. Ils les ont combattus sur tous les terrains et principalement sur celui de la religion. Ils ont à leur service deux ou trois journaux qui ne disent jamais non et qui enseignent à ne jamais dire non, lorsque leurs maîtres ont parlé. Mais ils ne constituent ni la force, ni le nombre dans le grand parti conservateur.[4]

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[3] It must not be inferred from the programmistes' remarks about the "vieux parti conservateur" that they entertained any notion of a golden age of conservatism progressively worn away by liberalism. On the contrary, the position which they wished to defend had been progressively won through a series of constitutional developments culminating only in the B.N.A. Act. Furthermore, we know that the programmistes had reservations about the old guard. The case of the dismemberment of Notre Dame parish saw a number of the programmistes oppose Cartier (see Section X). We recall from the Prologue that support of the leaders of the Conservative party was the one principle which met with any objections.

[4] "La Question", N.M. (May 8, 1871), p. 1. We know from the Prologue that the newspapers Beausoleil had in mind were La Minerve and the Journal de Québec.

The programmistes believed that this certain core of men was not
the truly prevailing element in the party. And so it was to bring
into public view the real force of the Conservative party, over
and against this certain core of men, that they published their
text: "C'était pour en obtenir la démonstration publique que le
programme catholique fut rédigé."[5]

    In commenting on this section, I shall try to give an
account, in a rather long first part, of what, in the minds of
the programmistes, was implied in the concept of authority: and
in a second part, of the connexion between this concept and the
Conservative party.

(1) The concept of authority

    The concept of authority, like that of freedom, must be
subject to qualifications if there is to be any fruitful under-
standing. We find that the programmistes qualify the concept of
authority they have in mind by adding the ephithet, social. Mgr
Laflèche, in the passage quoted from his pastoral letter, had
distinguished one kind of authority from another by the use of a
capital. It will be useful therefore to begin our discussion of
authority by making a couple of distinctions.

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  [5] Ibid. For more on the struggle between the programmistes
and the certain core of men, see the Epilogue.

(i) Two distinctions

It has long been acknowledged that there are three dif-
ferent kinds of authority, corresponding to what Thomas Aquinas
called the threefold order to be found in man. Authority was of
one kind if it was grounded in the natural rule of reason; it was
of another kind if it was grounded in specific human enactments,
and it was of a third kind if it was grounded in the divine word
of God. One may speak therefore of a natural authority, a human
authority, and a divine authority.[6]

In reflecting on these three different kinds of authority,
it will be seen that the first two kinds, the natural and the
human, are of a thoroughly social and practical nature. They are
both social in that they presuppose human beings' having to live
together. They are both practical in that their pronouncements
are understood as a regulation of conduct. Although the third
kind of authority, the divine, may well have social and practical
consequences, it is primarily a form of knowledge, having more
bearing therefore on human contemplation than on human action.

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[6]Thomas Aquinas, Summa Theologica, Prima Secundae, Qu. 72,
Art. 4, and Qu. 91 in A. P. d'Entrèves, ed., Aquinas: Selected
Political Writings (Oxford, 1974), p. 109 ff.

This important distinction between natural and human authority on the one hand and divine authority on the other is reflected in the use of tne two English adjectives, "authoritarian" and "authoritative". Authority of the authoritarian kind regulates human conduct; while authority of the authoritative kind provides man with knowledge.

What characterizes authoritative authority, or authority as a form of knowledge, is the fact that it relies on the word of another. It is indirect knowledge. By contrast, to know through experience or by reasoning is to rely on one's own faculties. When, on December 8, 1854, the Pope defined as an article of faith that the blessed Virgin Mary was preserved and freed of any trace of original sin from the first instant of her conception, as a result of the merits of Jesus Christ, he was speaking on the grounds of an epistemological authority. He spoke as one in whom the hearer places his trust for the communication of some matter which otherwise could not, in most cases, be known. This is an example of the authoritativeness that marks all those matters which are special to the Roman Catholic Church and which are kept in trust by its members.

Of authority understood in this epistemological sense
two things may be said: first that, modern man's emphasis on
experience notwithstanding, authority remains man's principal
source of knowledge --one need only look at the trust now being
placed in modern science--; and second, that authority obviously
comes in varying degrees of authoritativeness, the trust in divine
Scripture being not the same as that in historical tradition, nor
the latter the same as that in popular opinion. In any event, if
we think of this primarily epistemological kind of authority as
testimony (compare the Greek μαρτυρία), we shall be in a better
position to see how it differs from authoritarian authority.

The authority the _programmistes_ had in mind was not of
the authoritative but of the authoritarian kind. And with that
we come to a second important distinction with regard to the
concept of authority: the distinction between authoritarian
authority that is natural, _i.e._, that is in accordance with human
reason, and authoritarian authority that is enacted, _i.e._, that is
in accordance with man-made law.

The natural, or God-given, aspect of authority, as opposed
to the legal or man-made aspect, is suggested in the etymology of
the word. Authority comes from the Latin _auctor_, which comes in

turn from the verb _augere_, meaning to originate, to increase, or
to promote. Its Indo-European root, _aweg-_, _aug-_, signifies "to
increase". To increase is to augment what otherwise already
exists. The Greek word for authority, ἐξουσία , reflects this
idea perfectly: authority is what arises out of what subsists.
(Ἐξουσία is the word St. Paul uses in his epistle to the Romans,
Chapter XIII, 1 - 5, quoted at the beginning of the Introduction.)
Authority in this sense of an arising-out-of-being is to be dis-
tinguished therefore from any kind of coming-into-being, or pro-
duction. Man's reason is employed in attuning itself to the realm
of nature rather than in constructing anything out of it. In the
light of these etymological considerations, it will be seen that
authority is a part of nature, and that it is only by extension
that we refer to the humanly posited offices of authority as _the_
authorities.

At the same time, it will be conceded that authority
occupies a special place within the realm of nature, the determina-
tion of relations in this regard being not quite the same as that
within the rest of nature. For the relations of authority, like
all relations pertaining to human conduct, are sometimes ambiguous.

They lack the explicit, evident character of, say, mathematical relations. This is true at the level of the intellect as well as at the level of the senses. A complex case of equity brought before a tribunal of judges is as difficult to "prove" as the most elementary relations of authority which are known to man directly by his moral sense, such as respect for one's parents. At both levels, there is an intimation of antagonistic forces at work, of pros and cons, and of the need finally for resolution. For this reason, it is more accurate to say that relations of authority pertain to the realm of natural "right" (thereby allowing for the element of human freedom) than to say they pertain to the realm of natural "law".

But, to return to the distinction between natural authority and human authority, Magloire McLeod explained how what was naturally binding in human relations took precedence over what was legally binding:

> L'homme social est soumis à un pouvoir supérieur à tous
> les pouvoirs humains: de là, pour lui des droits et des
> devoirs que nulle législation humaine ne saurait juste-
> ment atteindre. L'homme social est homme de la nature
> avant d'être citoyen, et de cette priorité et de cette
> supériorité même d'existence découlent pour lui des droits

>et' des devoirs supérieurs aux droits et aux devoirs
>de toute autorité humaine et civile.[7]

To McLeod, man's legally enacted code of rights and duties, the
whole posited network of human relations, was subject to a higher
natural network of relations. As a moral force capable of com-
manding respect without having to be enacted or posited by any
human agency, natural right was a kind of prescriptive right.

Another way of distinguishing what is naturally right
from what is humanly or civilly right is to distinguish between
the legitimacy of a law and the legality of a law. To determine,
for example, whether a law is intra or ultra vires is to pass
judgement on its legality, not on its legitimacy. A statute may
very well have been enacted by the conventionally right powers
in the conventionally right way, but still not be in accord with
what is naturally right. If a law is to be legitimate, it must
conform to the higher law of nature. Humans must seek therefore
to have their enactments correspond as closely as possible to what
is naturally right. De Montigny defined political or civil autho-
rity as "le droit de fixer d'une manière positive les préceptes

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[7] J.T.R. (October 5, 1871), p. 2.

du droit naturel, de leur donner une sanction nouvelle, de suppléer à leur silence, enfin de les renforcer."[8]

With these preliminary distinctions in mind, we should be able to appreciate how, for example, the Pope is a _triple_ defender of authority. He is _an authority_ (in the epistemological sense) in that he articulates doctrines worthy of our trust: he is _the_ authority (in the positive sense) in that he occupies a legally defined and visible office in the hierarchy of the Roman Catholic Church: finally, he stands for authority, _tout court_. in that he is a strong upholder of the principle of authority in society generally.

Of these three different kinds of authority, the one that the _programmistes_ wished to emphasize above all others was the _natural_. The _divine_ authority embodied in the Roman Catholic Church and the _human_ authority embodied in the Canadian

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[8] de Montigny, _Catéchisme politique_, p. 6.

Constitution were no doubt of great moment to the programmistes,
but their argumentation in the case of the Programme rested
essentially on an appeal to natural authority.

(ii) How it works

The authority the programmistes had in mind was of the
natural kind. It was a principle for regulating human conduct
in society that stood in accord with human reason.

Conceivably, man's conduct in society can be regulated
in one of three ways: by persuasion, by fear, or by respect.
Each of these ways presupposes that order in society is dependent
on the prevalence of a specific kind of human interaction.

Persuasion occurs among men who consider themselves to
be equals. It is with one's peers that one can engage in debate,
arrive at agreements, and act in concert. In such a society,
liberty is the basis for order.

Fear occurs whenever men are treated as brutes devoid
of intelligence. Then, one commanding will, often strengthened
by access to tools of violence, holds sway. In such a society,
coercion is the basis for order.

Respect occurs among men who consider themselves to be
unequal: i.e., when it is recognized that for the good of the
society, there is need of a superior whose duty it becomes to
direct, and of an inferior whose duty it becomes to conform. In
such a society, authority is the basis for order.

In maintaining that authority was the natural basis for
order in society, the programmistes were defending the essential
relation underlying the Canadian constitution. Constitutionally,
the relation making for order in society manifests itself in the
relation between the government and the people. In Canada, that
relation is one of authority: the government has the superior
part and its role is to direct; the people have the inferior part
and their role is to conform. This is the essence of a monarchy,
even if, as in Canada and in England, the monarchy is so constituted
as to make its directives acceptable by allowing the people a
limited and indirect share in government.

As is well known, the constitution of the United States of
America, in manifest opposition to that of England, which Canada
inherited, was established on the principle of liberty; it was,

in Abraham Lincoln's words, "conceived in liberty and dedicated to the proposition that all men are created equal". Consequently government, far from being superior to the people, was, still in Lincoln's words, "of the people, by the people, and for the people" ("Gettysburg Address", 1863). Historically, it has been the task of the Conservative party in Canada to resist any attempts to substitute liberty for authority as the basis for order in society. The authors of the Programme were dedicated to that task. And it is in the light of that fundamental opposition between the principle of authority and the principle of liberty that many of the conflicts of nineteenth century French Canada must be seen.

Libertarians often assume that the principle of authority is incompatible with the principle of liberty; or worse still, they confuse it with the principle of coercion. In contrast, authoritarians recognize the compatibility of the three principles; but claim that authority, by localizing man's liberty (or practical freedom), is precisely what makes that freedom effective. Hence authority is more fundamental to order in society than is liberty.

If a society is to open up spaces of effective freedom, if it is to allow its members to congregate and to enjoy each other's company, then it must recognize, to begin with, that people

associate for different purposes: that human beings gather
together as members of a family, as citizens of a state, as
worshippers of a faith, etc. These natural groupings form
distinct spheres of authority which first of all must be recog-
nized. De Montigny distinguished four kinds of authority in
society: "On distingue l'autorité conjugale, l'autorité paternelle
et domestique, l'autorité civile et politique et l'autorité
ecclésiastique ou religieuse."[9] We might add that humans associate
also to learn, to do business, and to fight; and as a result we
can speak of educational authority, of economic authority and of
military authority.

By presenting a manifestly plural character in society,
authority provides men with various ways of realizing their capa-
bility. As McLeod pictured it:

> Les droits religieux, les droits naturels, les droits
> individuels, les droits paternels, distincts des droits
> de l'autorité politique sont autant de chaînes attachées
> au roc de l'autorité immuable, absolue, données à l'homme,
> au père de famille, au citoyen, pour l'aider à gravir la
> montagne abrupte et escarpée de cette vie et pour parvenir
> à sa fin.[10]

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[9] de Montigny, Catéchisme politique, p. 6.

[10] J.T.R. (October 5, 1871), p. 2.

Once identified, these various spheres of endeavour had to be protected and co-ordinated, if individuals were to enjoy any effective freedom in their pursuits:

> Pas un seul des anneaux de ces chaînes ne doit être brisé, pas plus qu'ils ne peuvent être mêlés, afin que le mouvement de tous et de chacun soit libre et parfait pour donner à tous l'appui qu'ils doivent avoir.[11]

The concern about protecting and co-ordinating these spheres of endeavour --the concern about jurisdiction-- is central to the principle of authority. There is a point, for example, where man's activities as a householder are linked to his activities as a citizen: both as an individual and as a member of society, he should know which deserves to be given priority. The principle of authority provides him with just such a criterion. By looking beyond the individuals performing the action to the purpose for which it is performed, the principle of authority provides men with a rule for ordering and integrating various kinds of human association. In the light of this rule, the military, for example, is subordinate to the political on the basis of the relative worth of each kind of association: to defend one's country is a worthy activity, but one subservient, in the final analysis, to the positing of laws for the peace and order of one's country. Similarly,

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[11] Ibid.

the principle of authority holds that economic institutions should also be subordinate to the dictates of political office.

However important the political may be, even it is subordinate to another kind of authority. In matters where the State's jurisdiction touches upon that of the Church (see Section IV.), it is the civil authorities who must respect the dictates of the ecclesiastical, and not _vice versa_. For:

> _L'autorité ecclésiastique ou religieuse_, qui est celle
> des pasteurs sur les simples fidèles est supérieure à
> toute autre, et par son origine, et par l'objet auquel
> elle se rapporte, et par ses moyens, et par la fin
> qu'elle se propose.[12]

Beausoleil summed up the Church's relation to the State when he wrote:

> En effet, l'Eglise respecte le pouvoir civil: elle lui
> obéit et recommande de lui obéir, sans s'occuper du nom
> de celui qui l'exerce. Le prêtre est le plus ferme appui
> du trône. Il reste étranger aux luttes ardentes qui
> divisent un pays soumis au régime constitutionnel, et quelque
> soit le parti qui l'emporte, quelques soient ses préférences
> personnelles, il sait comme l'Eglise dont il est le ministre,
> reconnaître et respecter l'autorité, et lui obéir, mais
> à une seule condition: c'est que le pouvoir n'abdique pas
> son caractère de légitimité en essayant d'opprimer l'Eglise,
> de gêner sa liberté, de restreindre sa souveraineté ou son
> indépendance, ou de porter des lois qui blessent ses droits,
> ses dogmes, sa morale ou sa discipline.[13]

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[12]de Montigny, _Catéchisme politique_, p. 7.

[13]_N.M._ (April 26, 1871), p. 1.

Without attempting to describe fully how the principle
of authority manifests itself in ordering a complex society, we
may say that essentially it should present the following three-
tiered order: a distinct pre-political realm of authority
centred in the family-household; a distinct political realm of
authority centred in a public hall; and a distinct preter-
political realm of authority centred in a temple of worship.
A man's association with his parents and relatives, with his
neighbours and countrymen, and with his teachers and ministers
takes on therefore a special complexion when it is seen, in the
light of the principle of authority, as part of a co-ordinated
and integrated natural network of relations which for the good
of all concerned must be respected:

> Ces droits sont autant de sentiers particuliers dans
> le large sentier de la vie, conduisant tous au même
> terme, et donnant à tous l'espace voulu pour qu'il
> puisse se mouvoir librement, sous le regard protecteur
> de l'autorité et franchir la distance de ces sentiers.[14]

(iii) An example

It is time now to illustrate how the programmistes'concept
of authority works as a gauge, both for the legitimacy of law,

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[14] J.T.R. (October 5, 1871), p. 2.

providing a criterion of justice to which positive law should
be attuned; and for the justification of the state, providing
a criterion of common good to which political action should be
attuned.

Both these dimensions, the legal and the political, are
equally present in the case of the North Shore Railway and in
that of the Programme. The only difference is that in the former
the emphasis is more on the legal: McLeod's readers were called
on to judge the natural rightness of a past deed (hence, its
justice): whereas in the case of the Programme the emphasis is
more on the political: the programmistes' readers were called
on, as voters, to judge the natural rightness of a future deed
(hence, its expediency).

Both these cases also reflect the natural ordination of
one kind of social activity to another. The only difference
here is that in the case of the Programme the natural rightness
pertained to the superordination of religion to politics, and
in the case of the Railway it pertained to the superordination
of politics to economics.

One of the issues animating the Quebec provincial election
of 1871 was the construction of a railway along the North Shore
of the St. Lawrence river. The question which McLeod weighed in
his mind and on the editorial pages of the Journal des Trois-Rivieres

was the following:[15] "Est-ce un devoir fondé en raison pour moi,

propriétaire ou locataire, que ma part de contribution au chemin

de fer du Nord?"[16] Was it reasonable to tax the people for the

construction of this railway? At first,[17] McLeod thought it was:

"Lorsqu'il s'est agi de la [cette législation: 22 Vict. Cap. 83]

mettre en application l'année dernière pour le chemin de fer du

Nord, nous l'acceptions comme tous les autres, sans l'examiner,

sans l'étudier de bien près."[18] But on reflexion, he discovered

that this railway was not necessary for the good of the whole

community. The object of the legislation was a particular good,

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[15]It is not surprising that this railway question should
have given rise to serious reflexion, for according to Hamelin:
"Après avoir accumulé nombre de déboires, avant même les débuts
de travaux, le Chemin de la Rive Nord va profondément marquer
l'évolution politique du Québec pendant la décennie suivante et
former la toile de fond des grands débats de l'Assemblée législative
entre 1870 et 1878." Marcel Hamelin, Les premières années du
parlementarisme québecois (1867-1878) (Quebec, 1974), p. 114.

[16]"Notre position relativement au chemin de fer du Nord",
J.T.R. (October 5, 1871), p. 2.

[17]See J.T.R. (August 17, 1871), p. 2.

[18]Thus began the first of McLeod's three articles on "Notre
position", J.T.R. (September 11, 1871), p. 2.

and, as such, should be left for its realization to particular
individuals, who would then have to bear the financial and moral
responsibility privately. The law which forced people to pay
taxes for the advancement of a limited good was a law devoid of
legitimacy: it was a law devoid of that morally binding quality
which emanates from   what is naturally right:

> Parce que le chemin de fer du Nord sera avantageux, parce
> qu'il augmentera, suivant l'opinion de plusieurs, la
> valeur de la propriété, ce n'est pas un motif juste et
> raisonnable pour la majorité de lier la minorité à la
> construction de ce chemin. Il faudrait pour cela qu'il
> y eût un devoir moral pour la minorité de participer à
> la construction de ce chemin. Or, ce devoir-moral, nous
> l'affirmons sans la moindre hésitation, et nul théologien
> ou philosophe, qui mérite d'être cru sur pareille matière,
> ne peut dire le contraire, n'existe pas.
>   L'établissement de deux ou trois manufactures
> dans chaque comté, serait également, suivant le raisonne-
> ment des partisans de la loi, que nous discutons, un bien
> matériel. S'ensuivrait-il que l'Etat pourrait affecter
> le cinquième des propriétés des contribuables, pour
> l'établissement de ces manufactures, moyennant le consente-
> ment de la majorité? S'il fallait répondre affirmativement
> à cette question, on pourrait exiger la même chose pour
> toute autre industrie, pour tout autre commerce, pour tout
> autre bien limité et on ne ferait que pousser le même
> principe à ses extrêmes conséquences. Cela nous conduirait
> vite et inévitablement au socialisme et au communisme.
> Il faut y songer sérieusement.[19]

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[19] J.T.R. (October 5, 1871), p. 2.

In McLeod's judgement, this railway legislation, even if it did
have the consent of the majority, did not serve the common good.
It set partial economic interests above what was necessary for
the good of the community as a whole. It was not in accord with
that network of social relations implied in the principle of
authority. In a word, it was unjust. (I should add here that.
McLeod might still have been obliged in conscience to obey this
railway legislation, but for reasons extrinsic to the law itself:
a man's actions should be governed by considerations of prudence
as well as considerations of justice.)

The case of the North Shore Railway illustrates how
ignorance of the principle of authority led legislators, most of
whom were elected members of the Conservative party, to take up
a partial good which, in accordance with the principle of authority,
should have been left to powers subordinate to the political.

There was another aspect to the case of the North Shore
Railway which attracted the programmistes' attention: the way
the legislation was justified. Advocates of the railway justified
their action by appealing to the consent of the majority: that is,
they held the will of the people to be the legitimating ground for
the exercise of power. In this view, authority was no longer
understood as being of divine origin and inscribed in the order
of Nature, but rather as issuing out of the will of the people.

Following Rousseau, modern man has fallen into the habit
of sanctioning legislation by an appeal, not to intelligent
judgement, but to blind will, especially when that will is taken
to be the general or popular will as expressed in a majority of
votes. McLeod quoted from the unnamed author of Esquisse d'une
politique chrétienne:

> aujourd'hui on ne sait plus ce que c'est qu'une loi
> chrétienne, ni même ce que c'est une loi. On s'imagine
> que toute volonté qui sort d'une majorité ou d'un suffrage
> prétendu universel est loi, et oblige la conscience. 'Le
> peuple n'a pas besoin d'avoir raison pour valider ses
> actes' dit la politique moderne, après Rousseau. On ne
> se préoccupe donc pas de savoir si la loi est conforme à
> la loi éternelle, à la loi naturelle, à la loi divine, à
> la loi chrétienne, à la loi ecclésiastique.[20]

The voice of the majority is taken to be the legitimating ground
of enacted law. As McLeod put it:

> Du moment qu'une loi est passée par les parlements . . .
> On dit, c'est la loi, il faut s'y soumettre comme à
> l'ordre de l'autorité. . . . Cette habitude parlementaire
> découle de la fausse idée que l'on se fait des gouverne-
> ments constitutionnels. On fait reposer l'autorité de ces
> gouvernements dans le nombre, dans la majorité comme dans
> sa source et du moment que l'on a obtenu l'expression du
> nombre, on se dit, voilà l'autorité.[21]

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[20] J.T.R. (October 5, 1871), p. 2. Article VI of the Déclara-
tion des droits de l'homme et du citoyen of 1789 states: "La loi est
l'expression de la volonté générale." See the article on the
Déclaration in Pierre Larousse, Grand dictionnaire universel du
XIXe siècle (Paris, 1866), Vol. VI, p. 240.

[21] Ibid.

A spurious notion of authority had arisen in modern politics.

This is not to deny that under Parliamentary Government enacted laws owe their factual existence to the concerted power of the people's representatives: rather, it is to say that their majority votes are but a device, or a means, for exercising power, and therefore can never constitute the legitimating ground for the exercise of power:

> ·La majòrité ne peut pas plus ètre la source du pouvoir, que la source du droit, de la justice. Elle ne saurait être qu'un des signes extérieures de l'autorité, un de ses modes d'être. Soit qu'elle fasse des lois, soit qu'elle les mette en application, en conformité au système de constitution sous laquelle elle agit, on ne saurait faire reposer en elle, l'autorité qui lie, qui oblige, relativement à ces lois.[22]

The voice of the majority, as such, was not morally binding.

McLeod thought that people should be carefully reminded that authority was not of human invention:

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[22]Ibid. In his work on Parliamentary Government, Alpheus Todd stressed the same point: "Society, like the family, is of divine appointment; and headship, in either case, has a divine origin. In a parliamentary government, rule and authority must receive the sanction of popular consent, though it does not necessarily emanate from the will of the people. The obligation of a king to rule righteously is as great as that of a people to obey those who have the rule over them." A. Todd, On Parliamentary Government in England (London, 1867), Vol. I, p. 1.

on devrait prendre un soin infini . . . de lui [le
peuple] faire bien comprendre que la source de l'auto-
rité ne repose pas en lui, que ce serait lui donner
une bâse trop humaine, trop faillible, trop fragile.
De cette manière vous conservez en tout et partout
l'idée d'une obligation morale, d'une responsabilité
morale pour tout citoyen, pour l'électeur comme pour
le législateur et le magistrat. C'est là une de ces
idées générales qui devrait être toujours présente à
la mémoire du peuple, quand il est appelé à l'exercice
de ces droits, à l'esprit des parlements, dont la
responsabilité est encore plus grave et plus lourde
dans la confection des lois.[23]

In that way, the moral dimension would be present in man's mind
when he was called upon to act in politics or in law. Whether
he were seeking a right determination over a past deed, as in
the case of a magistrate, or a right determination over a future
deed, as in the case of an elector, he would remember that the
source of authority did not lie in himself.

To conclude, an appeal to the principle of authority, far
from leading to an abuse of power (as is often implied in the
epithet authoritarian), leads to a limitation of power. It limits
man's power to act in two ways: first, by localizing it in a
plurality of distinct realms of human intercourse; and secondly,
by subjecting it to a higher law of divine origin. Both these
limitations to man's concerted powers were expressed by McLeod
when he said:

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[23] J.T.R. (September 11, 1871), p. 2.

> Parce qu'une loi est adoptée par la majorité des hommes
> constituant un parlement, il ne s'en suit pas toujours
> que cette loi est juste, équitable, obligatoire. Car un
> parlement, tout comme un roi, peut excéder ses pouvoirs,
> souverains et efficaces dans sa légitime sphère d'action,
> mais qui sont limités par d'autres droits et d'autres
> pouvoirs qui, sous toute forme de gouvernement, monarchique,
> constitutionnelle ou républicaine, doivent être avant tout
> respectés.[24]

(iv) A reformulation

It is clear from another article McLeod wrote, entitled

simply "Le Programme", that on this apprehension of authority

hinged all the difference in the world. McLeod began his article:

> 'Le Programme n'a pas été fait contre les Protestants, mais
> contre les rouges, les socialistes, les communistes et
> les gallicans. Ces hommes sont non seulement ennemis des
> catholiques, mais ils sont les ennemis déclarés de la
> société toute entière. Tout en combattant les idées
> religieuses, ils affirment une théologie à leur guise et
> ils cherchent à l'imposer.[25]

Politically, a battle-line could be drawn between those who recognized

authority (and its two-fold limitation of power) and those who did

not. McLeod explained how socialists and communists ignored the

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[24] J.T.R. (October 5, 1871), p. 2.

[25] J.T.R. (June 12, 1871), p. 2. Unfortunately, as McLeod
explained a week later, when this important article first appeared
"une phrase a été tronquée par inadvertance de manière à en déna-
turer complètement le sens": furthermore, a few words were omitted.
See "Errata", J.T.R. (June 19, 1871), p. 2. The article, corrected,
appears in its entirety as Appendix A.

first limitation to man's power by denying its divine origin;
while radical and moderate liberals ignored the second limitation
to man's power by denying its plurality:

> ainsi pour les uns, leur principe c'est que le pouvoir
> civil ne vient pas de Dieu, tandis que pour les autres
> s'il est admis qu'il vient de Dieu, ils le prétendent
> tellement universel et étendu qu'ils refusent complète-
> ment de reconnaître aucune autre espèce de pouvoir.[26]

The practical result in all cases is the denial of a specific
familial authority and the denial of a specific ecclesiastical
authority:

> Ainsi négation de l'autorité paternelle et négation
> de l'autorité ecclésiastique complètement. Ils se
> réservent cependant pour eux le droit de déléguer ces
> pouvoirs. Ainsi le père n'aura d'autorité sur ses
> enfants que celle que la loi civile lui conférera,
> les ministres de l'Eglise n'auront de pouvoir sur les
> membres de l'Eglise que ceux que l'Etat leur accordera.
> C'est ainsi qu'ils entendent par ce moyen tout s'acca-
> parer et famille et religion.[27]

It follows that there are two courses open to one who would
defend the principle of authority: he can make himself the champion
either of the pre-political realm of authority centred in the
family, or of the preter-political realm of authority centred in
the church. But as the necessary good of the individual households

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[26]Ibid.

[27]Ibid.

is subordinate to the necessary good of the polity (a rule clearly
recognized in certain circumstances, such as in wartime or in the
event of a natural catastrophe), it follows that the best way in
practice to oppose the State's unlimited exercise of power, and
to safeguard the fabric of authority in society, is to stand up
for the independence of the Church vis-à-vis the State.

If Parliament ignored the superior authority of the Church,
then how much longer would it be, reasoned McLeod, before it
ignored its own authority? .Laws would then become the expression
of conventional forces rather than of natural justice. McLeod
continued:

> Nous au contraire nous voulons que le pouvoir ne s'exerce
> que conformément aux lois immuables de la justice auxquels
> tous les hommes indistinctement rois ou sujets sont soumis.
> Voilà pourquoi nous combattons au nom des principes
> religieux parce qu'ils sont l'expression de la justice. Du
> moment qu'on s'écarte de ces principes le seul droit qui
> subsiste est celui du plus fort, et nos coreligionnaires
> sont exposés comme nous à en souffrir.
> Combattre les rouges, les communistes, les socia-
> listes, les gallicans, de quelque dénomination qu'ils
> soient c'est donc combattre les ennemis communs de tout
> ordre, de toute société, et de toute religion.
> Quand une révolution viendra, et ces hommes tra-
> vaillent de toutes leurs forces à la hâter, qui sera épargné?
> Les hommes de toutes les croyances religieuses qui suivent
> leur conscience n'y prendront point part de concert en cela
> avec les bons catholiques: mais ils la souffriront. D'un
> autre côté, chose certaine c'est que tous ceux qui prendront
> part à cette révolution ne seront autres que les mauvais
> catholiques et les mauvais protestants, c'est-à-dire tous ceux
> qui foulent aux pieds leur croyance. Tel est un des enseigne-
> ments qui découle de notre programme.[28]

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[28] J.T.R. (June 12, 1871), p. 2.

Politically, the battle-line was drawn: on one side were
the men who would have the State enact whatever was willed by
the majority of the people or its representatives: on the other,,
were the men who held that the State was limited by a natural
order of jurisdiction. To those who believed in the absolute
sovereignty of the people, McLeod replied:

> La souveraireté absolue n'existe qu'en Dieu. Toutes les
> autres souverainetés sont relatives, imparfaites, bornées:

to thos who believed that "le peuple étant souverain, les parlements
étant tout-puissants, du moment que la majorité se prononce, il
faut reconnaître son verdict comme vrai, juste, obligatoire", he
replied:

> C'est là une erreur capitale, source d'une foule d'autres
> sur toutes espèces de matières de législation et·qui
> faussent le véritable esprit public qui devrait régner
> dans tous les pays soumis au régime parlementaire. . . .
> Cette erreur, source de tant d'autres, conduit finalement
> à la destruction de l'autorité dans l'esprit du peuple.

(2) Authority and the Conservative party

In this battle between those who would uphold authority
in society and those who would undermine it, what became of the
Conservative party?

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[28]J.T.R. (October 5, 1871), p. 2.

Originally, the _programmistes_ thought that it was only
a small group of men who were undermining the party's principle.
We recall Beausoleil's words: "Mais ils ne constituent ni la force,
ni le nombre dans le grand parti conservateur: C'était pour en
obtenir la démonstration publique que le programme catholique fut
rédigé."[30] As the election campaign wore on, however, it became
apparent that the _programmistes_ had underestimated the strength
of this small group of men. Beausoleil wrote:

> Dans le commencement nous avons cru que notre pensée
> serait partout comprise. La presse hostile se taisait,
> les autres journaux donnaient tour à tour leur adhésion,
> les députés aussi. Ce temps d'àrrêt et de calme ne fut
> pas de longue durée. Il avait été employé par certains
> hommes à mettre en jeu toutes les influences qu'ils
> pouvaient contrôler. Un beau matin, le torrent d'invec-
> tives, un instant contenu, déborda encore. _La Minerve_
> nous traita d'illuminés, et _Le Journal de Québec_
> oubliant son rôle de _Jupiter tonnant_, se fit avant coureur
> et simple messager de la foudre.[31]

And so battle was quickly joined within the party, as the two
leading French Canadian Conservative newspapers accused the
programmistes of being hostile to the party and to the party's
leaders.

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[30]_N.M._ (May 8, 1871), p. 1.

[31]_Ibid._

(i) The programmistes' loyalty to the Conservative party

The accusations of _La Minerve_ and the _Journal de Québec_ were obviously untrue: the last sentence of this Section, which forms a distinct paragraph in the text, is a clear pledge of loyalty to the leaders of the Conservative party (note the key word, _devoir_): "Dans la situation politique de notre pays, le parti conservateur étant le seul qui offre des garanties sérieuses aux intérêts religieux, nous regardons comme un devoir d'appuyer loyalement les hommes placés à sa tête."

In a letter to the editor of _La Minerve_, Trudel expanded on this passage of the text and explained how, in fact, allegiance to the Conservative party and to its leaders constituted two of the four principles agreed to by the group of ten men who initiated the _Programme_.[32] Indeed, among the four principles which were to serve them as guidelines, we find:

> 3° Attachement dévoué et persévérant au parti conservateur, que nous reconnaissons comme le seul dont les principes et les traditions puissent nous assurer la plénitude de nos droits religieux et nationaux.
> 4° Appui loyal donné aux chefs actuels de ce parti, que nous reconnaissons comme ceux de tous les hommes politiques du jour, qui nous offrent le plus de garanties pour la défense des intérets ci-dessus mentionnés.[33]

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[32]See "Prologue".

[33]Trudel's letter, dated Montreal, April 28, 1871, was published in _O._(April 29, 1871), p. 1, and in _J.T.R._(May 1, 1871), p. 2.

Not satisfied with Trudel's letter, La Minerve continued
to attack the programmistes, claiming that they worked

> . . . à détruire l'harmonie et l'union dans le parti
> conservateur. . . . Nous repousserons donc la nouvelle
> attaque qui nous arrive et le parti conservateur va se
> réunir en phalange plus serrée pour résister à l'assaut.
> Les amis du programme seront nos adversaires, nous les
> traiterons comme tels.[34]

La Minerve's hostility to the Programme died down only when Cartier
himself, running in the provincial riding of Beauharhois, declared:

> qu'il admettait tous les principes qui forment la
> base du programme et qu'une de ses maximes politiques
> était d'accorder aux évêques tout ce que les évêques
> peuvent juger nécessaire au plus grand bien de
> l'Eglise.[35]

(ii) Popular sovereignty

La Minerve's persistent and unreasonable attack led the
programmistes to wonder what could possibly lie behind it.

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[34]quoted in J.T.R. (May 11, 1871), p. 2.

[35]J.T.R. (July 10, 1871), p. 2. In fact, the programmistes
continued to be the subject of attack, and in some cases the subject
of abuse, for many years. As de Montigny explained nearly ten years
later: "ce sur quoi nous voulons attirer votre attention, c'est
l'injustice avec laquelle on a, depuis, traité quelques-uns des
auteurs de ce programme, l'animosité que certains conservateurs
n'ont cessé de manifester contre eux et l'ostracisme dont ils ont
été frappés." B.A.T. de Montigny, Qu'est-ce que le programme catho-
lique?, p. 1.

Beausoleil, for his part, found that there was one point in
particular which seemed to upset La Minerve:

> Dans l'énumération des reproches qu'elle fait au programme
> nous remarquons surtout le quatrième, qui se reproduit
> à chaque numéro, et qui est évidemment le seul auquel
> elle attache quelque poids dans son esprit. Il pose,
> dit-elle, des conditions au nom des journalistes, agissant
> dans le domaine politique, à l'insu des chefs politiques
> et consacre par là même l'insubordination.[36]

Beausoleil found La Minerve's position strange to say the least:

> Cette théorie de la Minerve sur la confiance
> aveugle de tous les membres d'un parti à la voix des
> chefs, nous paraît étrange, pour ne rien dire de plus.
> Elle se réduirait à faire d'un homme un roi
> absolu, non seulement sur les corps, mais encore sur
> les âmes. Il tiendrait dans sa main la conscience de
> tous ceux qui le suivent. La politique ne serait plus
> une chose intelligente. La nation se partagerait en
> deux camps bien distincts où toute la science consis-
> terait à obéir à un mot d'ordre.[37]

In La Minerve's view, politics would be divorced from man's spiritual
faculty to judge and to reason, to be submitted instead to the
slogan of a commanding will. Beausoleil went on to discuss the
implications of this view for politics generally and for party
politics in particular:

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[36]"La discipline. Oh! . . .", N.M. (May 12, 1871), p. 1.

[37]Ibid.

> Nous avons cru qu'un parlement était la réunion
> d'hommes choisis par leurs concitoyens pour leur in-
> telligence, leur honnêteté, et leur détermination de
> travailler au bien général.
>
> Il parait que notre erreur était bien profonde,
> vraiment.
>
> La Minerve s'est chargée de nous renseigner sur
> le rôle qui convient aux électeurs et aux députés. Ils
> ne doivent ni s'enquérir des principes pour lesquels on
> leur demande de voter, ni des mesures qu'il s'agit de
> défendre et de faire triompher.
>
> Si vous osez élever la voix pour proclamer qu'homme
> libre, vous ne voulez vous soumettre à la remorque d'un
> homme qu'après vous être assuré où il tend et dans quel
> chemin il veut vous conduire, vous n'êtes qu'un révolté.
> Les journaux aux gages de ces hommes vous rejetteront du
> parti, vous déclareront la guerre, car par votre exemple
> vous prêchez l'insubordination.[38]

In La Minerve's view, any questioning of policy which might issue

in a discussion of principles was not to be tolerated by the party.

In short, politics was not something that the voters were to think

about out loud.

The turning away from principle which was taking place in the

governing Conservative party was apparently also taking place in the

opposition Liberal party. McLeod republished an article to this

effect which a correspondent had contributed to Le Pays:

> Avez-vous remarqué la transformation qui s'opère dans le
> parti libéral? Autrefois, c'est-à-dire hier, le clergé et lui
> étaient à couteaux tirés; libéral voulait dire révolution-
> naire, subversif, destructeur, impie, contempteur de toutes les
> lois sociales; aujourd'hui, le clergé et le parti voué à toutes
> les malédictions se rapprochent, se regardent, se sourient un
> peu, et s'ils ne joignent pas encore les mains, c'est moins par
> un esprit de défiance indomptable que par un reste de gêne

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[38]Ibid.

qui provient des anciennes habitudes.

Ceci est sensible surtout dans le district de
Québec où, grâce à l'Université-Laval, le clergé plus
éclairé, plus instruit, comprend tout ce qu'il y a
d'inoffensif dans les tendances du libéralisme canadien.[39]

According to this report, the Liberal party was moving away from

its radically secular basis.

The transformations which both political parties were

undergoing were watched closely by the programmistes. McLeod

observed how during the election campaign politicians on both sides

had been altering their positions:

> Cette lutte, pour tout homme qui l'a observée de près,
> indiquait un rapprochement entre certains conservateurs
> faciles à céder sur la rigidité des principes et cer-
> tains libéraux prêts à abandonner, pour parvenir un peu
> du radicalisme, de leurs erreurs, au moins momentanément,
> rapprochement qui est devenu de jour en jour plus visible
> non seulement dans l'arène électorale, mais encore dans
> les cercles politiques et un peu aussi dans la sphère
> gouvernementale et administrative.[40]

The ground was being prepared in Quebec for the formation of new

political alliances.

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[39]"Un étonnant rapprochement", _J.T.R._ (May 1, 1871), p. 3.
For the demise of radical liberalism in French Canada at this
time, see J.-P. Bernard, _Les rouges, libéralisme, nationalisme,
et anti-cléricalisme au milieu du XIXe siècle_ (Montréal, 1971).

[40]_J.T.R._ (June 28, 1871), p. 2.

This general transformation of Quebec politics was the
subject of another article by McLeod entitled, "Quelques consi-
dérations sur notre politique". It began:

> Bien avant l'époque des dernières élections
> locales, en examinant certains courants dans lesquels se
> laissaient entraîner quelques hommes de notre politique
> provinciale, nous signalions comme un danger, certains
> rapprochements malsains qui n'indiquaient rien de bon.
> Nous disions qu'il s'opérait sourdement une transformation,
> une confusion, un alliage dangereux pour le véritable
> parti conservateur. . . .
> Aujourd'hui, cette transformation devient de
> plus en plus visible . . . [41]

Behind this transformation, according to McLeod, was the growing
pressure of popularity:

> De nos jours et avec les idées que l'on a, on dirait
> que le gouvernement, le pouvoir, c'est la popularité en
> tout et partout, popularité dans l'industrie, popularité
> dans le commerce, popularité même jusque dans les salons.
> Mais de grâce, dites-nous donc où trouvez-vous là les
> principes du gouvernement et du pouvoir? [42]

Society in all its different realms was under the sway of popular
opinion.

For the time being, it appeared that a class of
businessmen had succeeded in making themselves

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[41]"Quelques considérations sur notre politique", J.T.R.
(September 14, 1871), p. 2.

[42]Ibid.

the spokesmen for the popular will:

> Qu'est-ce que c'est que le manufacturier?
> C'est un homme qui consacre tous les instants de sa vie
> à faire subir à la matière brute toutes les transfor-
> mations nécessaires pour la mettre sur le marché, de
> manière à en réaliser des bénéfices raisonnables.
> Que le gouvernement fasse de bonnes lois pour protéger
> ses justes intérêts, à la bonne heure. Le gouvernement
> doit écouter ses justes représentations et y faire droit.
> Mais que ce manufacturier vienne se poser en maître et
> en despote sur des questions sociales qu'il ne s'est
> jamais donné la peine d'étudier, la chose est tout
> bonnement ridicule et absurde.
>   Ce manufacturier est tout aussi ridicule et
> absurde que l'homme politique qui voudrait lui faire
> la leçon sur le fonctionnement de ses machines. Et
> cependant l'on voit le gouvernement souvent céder à la
> popularité, à l'influence d'un homme semblable sur des
> questions de la plus haute importance.[43]

By posturing as spokesmen for the people, business interests were

sowing the seeds of social disorder, and in the long run doing

themselves harm:

> . . . en sortant de sa sphère pour jouer un rôle qui
> ne lui appartient pas, il [un manufacturier] rencontre
> ou il devrait rencontrer, nécessairement dans toute
> société bien organisée une force contraire et le conflit
> amène toujours de grands bouleversements. Or dans les
> bouleversements il doit savoir par de trop nombreuses et
> de trop cruelles expériences qu'il y perd le plus.[44]

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[43] Ibid.

[44] Ibid.

McLeod addressed the following words to this class of businessmen:

> Vous, vous n'avez qu'à exiger de vos employés un bon
> travail. En allant au-delà vous usurpez un rôle qui
> ne vous appartient pas et vous jetez dans la société
> un malaise, une confusion dont plus tard les conséquences
> seront terribles et pour vous et pour tous.[45]

Turning to the governments of the day, McLeod concluded

his study of that force which was undermining the politics of the

country with the following extraordinary message:

> On voit pourtant des gouvernements qui semblent
> ignorer ce qu'ils sont et ce qu'est leur mission, favo-
> riser de semblables abus. Ils existent pour protéger
> les droits de tous, strictement, impartialement, mais
> ils aiment mieux favoriser les injustices de quelques-uns
> pour exister. Ils ne gouvernent pas, ils sont gouvernés.
> C'est le règne des popularités, c'est le règne du peuple
> souverain, par l'intermédiaire d'iniques influences, en
> attendant que ce soit le règne du peuple souverain directe-
> ment par la révolution qui détruira tout.
> Que le gouvernement gouverne donc et
> qu'il ne cède pas devant l'injustice, car autrement ce
> n'est plus le gouvernement, le pouvoir, c'est la révolution
> armée de la loi.
> Qu'il tombe plutôt que de céder. Dans sa chute,
> il représentera mieux l'autorité, le droit, la justice.
> Ne faut-il pas souvent des orages et des coups de foudre
> pour rasséréner l'atmosphère? Au grondement du tonnere,
> à la lueur des éclairs, on voit mieux les coupables et on
> s'instruit.[46]

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[45]Ibid.

[46]Ibid.

Society was no longer governed by what was naturally right or
just, but merely by what was popular. No longer governed by the
principle of authority, the Conservative party was being led by
iniquitous influences masquerading as current opinion.

As McLeod explained at the end of the election campaign,
the Programme was an attempt to arrest this transformation by
energetically reaffirming the true basis of the Conservative
party:

> Ce travail de transformation reléguait les
> principes dans l'oubli. C'était une condition nécessaire
> de ce dangereux rapprochement. Il fallait donc les
> affirmer avec une nouvelle énergie, raffirmer la base
> sur laquelle le véritable parti conservateur dans notre
> pays s'est constitué. On comptait trop avec les hommes,
> les intérêts, les influences, toutes choses trop
> petites pour asseoir la véritable politique, choses qui
> existent aujourd'hui et qui demain ne seront plus.[47]

(iii) The interests of religion

Returning to the text proper, we find that the Programme
refers to interests as well as to principles. For if, reasonned
the programmistes, the Conservative party were going to abandon
its conservative principles, it might, at least, protect those
interests most dear to the French Canadian people. In Beausoleil's
words:

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[47]_J.T.R._ (July 13, 1871), p. 2.

> Nous dirons pour la dernière fois a ceux qui veulent
> pousser le parti conservateur dans une voie fausse et
> dangereuse: réfléchissez avant de faire le sacrifice
> des influences vraiment catholiques et conservatrices.
> Si les principes ne vous touchent pas, soyez au moins
> sensibles à nos plus chers intérêts.[48]

Of the interests most dear to the French Canadian people,
the _Programme_ refers only to those of a religious nature; nowhere
in the text is there mention of interests of a political nature.
On this count, the _programmistes_ were criticized. But, as Trudel
explained to the editor of _La Minerve_:

> On a trouvé mauvais qu'il n'ait rien été dit dans ce
> programme des questions politiques. La chose s'explique,
> pourtant parfaitement, par la déclaration d'adhésion
> au parti conservateur et d'appui loyal à donner à ses
> chefs. C'était assez dire que nous adoptions leur
> programme politique, que nous repoussions tous les
> projets échevelés qu'ils répudient, tel que celui de
> l'annexion, par exemple.[49]

The _programmistes_ were more concerned about "mixed" matters than
about purely political matters. The preservation of a distinct
and superordinate sphere of religious interests was the surest
manifestation of the principle of authority. And so it was

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[48] "La Question", _N.M._ (May 8, 1871), p. 1.

[49] reproduced in _O._ (April 29, 1871), p. 1.

precisely the interests of religion which were advanced by the

programmistes as the ultimate reason for supporting the Conser-

vative party: "Dans la situation politique de notre pays, le

parti conservateur étant le seul qui offre des garanties sérieuses

aux intérets religieux, nous regardons comme un devoir d'appuyer

loyalement les hommes placés a sa tête." It is to these religious

interests that we now must turn.

X

AUX INTERETS RELIGIEUX

"Mais ce loyal appui doit être subordonné
aux intérêts religieux que nous ne devons jamais perdre
de vue. Si donc il existe dans nos lois des lacunes,
des ambiguïtés ou des dispositions qui mettent en péril
les intérêts des catholiques, nous devons exiger de nos
candidats un engagement formel de travailler à faire
disparaitre ces défauts de notre législation.
Ainsi la presse religieuse se plaint avec
raison que nos lois sur le mariage, sur l'éducation,
sur l'érection des paroisses et sur les registres de
l'état civil sont défectueuses, en ce qu'elles blessent
les droits de l'Eglise, gênent sa liberté, entravent son
administration ou peuvent prêter à des interprétations
hostiles. Cet état de choses impose aux députés catho-
liques le devoir de les changer et modifier selon que
Nos Seigneurs les Evêques de la Province pourraient le
demander afin de les mettre en harmonie avec les
doctrines de l'Eglise catholique romaine. Or. pour que
les députés s'acquittent plus diligemment de ce devoir,
les électeurs doivent en faire une condition de leur
appui. C'est le devoir des électeurs de n'accorder
leurs suffrages qu'à ceux qui veulent se conformer en-
tièrement aux enseignements de l'Eglise relativement à
ces matières."

In one light, this passage reveals to us how the various

offices in society are co-ordinated. We see how the respective

duties of the candidates, the press, the bishops, the representatives,

and the voters are inter-related.

But the more concrete contribution of this passage to
our understanding of the text lies in the list of matters which
churchmen had found deficiently treated by the civil laws of
Lower Canada, and which provincial statesmen had therefore to
amend.

On the whole, the Church was pleased with the civil laws
governing the Province (see the bishop's letter in Section IV).
Its spokesmen were satisfied that they reflected, or at least did
nothing to cloud, the pre-eminent place which religion should   o
occupy in a well-ordered society. One of the programmistes,
Siméon Pagnuelo, in a monumental work published in 1872, demonstrated
that the Roman Catholic Church was fully free in Canada: "que
l'Eglise Catholique Romaine, en Canada, est pleinement libre, qu'elle
vit de sa vie propre et se gouverne par ses propres règlements."[1]

There were, however, imperfections. The civil laws covering
four items of "mixed" (i.e., civil and ecclesiastical) legislative
jurisdiction were deficient: "nos lois sur le mariage, sur l'éduca-
tion, sur l'érection des paroisses et sur les registres de l'état
civil sont défectueuses en ce qu'elles blessent les droits de
l'Eglise, gênent sa liberté, entravent son administration ou peuvent

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[1]S. Pagnuelo, Etudes historiques et légales sur la liberté
religieuse en Canada (Montreal, 1872), Avant-propos.

orëter a des interprétations hostiles." Let us now see how this was so.

(1) Education

The matter of education was a subject of perennial controversy in Quebec. According to McLeod, "c'était la première épreuve sérieuse que subissait notre cabinet provincial."[2] Indeed, during the second session of the 1st Quebec Legislature, the School Bill was hotly debated; but in the end both Protestant and Roman Catholic representatives agreed to the terms proposed, and the Bill was enacted in April, 1869 (32 Vict. Cap. 16).

What the *programmistes* objected to in this law had nothing to do with the educational rights of the Protestant minority of the province, nor had it anything to do with the means of assessing and distributing school taxes --with what, in short, had been the major points of controversy during the passage of the Bill; rather, their objection was to the method of appointment to the Roman Catholic Committee of the Council of Public Instruction. Section I of the Act stipulated that "the lieutenant-governor in council shall appoint, to form and constitute the council of public instruction for the province of Quebec, together with the minister of public instruction or superintendent of education for the

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[2] *J.T.R.* (July 6, 1871), p. 2.

province. as the case may be. for the time being, twenty-one persons."[3] --the Council them resolving itself into two committees to look after the interests of Roman Catholic and of Protestant education respectively.

The _programmistes_ objected that this method of appointment by civil authorities did not adequately safeguard the religious dimension of education: there was nothing in this law to prevent the appointment of persons Roman Catholic in name only. In practice. the Roman Catholic committee was working well: its members were well disposed to the Church's advice: but because it was a purely civil appointment, there was nothing in law to prevent the committee from someday being composed of a majority of men indifferent or even hostile to religion. This was what. distressed the _programmistes_. In law, insufficient account was taken of the Church's role in education, as, for example, in the case of the teacher training schools, "dont l'organisation donne entière satisfaction, grâce aux bonnes dispositions du bureau actuel de l'instruction publique, mais qui pourrait être toute laïque et athée sans violer la loi."[4]

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[3] 32 Victoria Cap. XVI. An Act to amend the law respecting Education in this Province. Assented to April 5, 1869.

[4] S. Pagnuelo, _Liberté religieuse_, p. 250, note.

The secularization of education had been a danger in French Canada for some time. And in this regard, the programmistes no doubt had in mind the Institut Canadien affair. The Institut was a literary and scientific society. Founded in Montreal in 1844, it maintained a library and reading rooms, held debates and lectures, and generally provided a forum for such free thinkers of the day as Napoléon Aubin, Antoine-Aimé Dorion, Louis-Antoine Dessaules, and Joseph Doutre. The bishop of Montreal, fearing the influence that this group might have in secularizing education in society, issued pastoral letters of warning and pointed to the fact that certain books listed in the Institut's catalogue of titles had been condemned by the Church. Now among the Institut's members, one of the most publicly defiant was Dessaules, director of the radical liberal (or rouge) newspaper, Le Pays, who maintained all the while that he was a Roman Catholic. If men such as Dessaules ever formed a majority of members on the Roman Catholic committee of the Council of Public Instruction, then the programmistes must have reasoned, religious education for the Roman Catholics of Quebec would be in jeopardy. To obviate this possible danger, the programmistes wished to see Church-approved representatives assured of a dominant place on the Church's own committee. Such a procedure, which would safeguard the religious dimension of

public education, was only logical. As Pagnuelo concluded: "Nous
ne comprehons pas pourquoi la législature ne mettrait pas la loi
d'accord avec les faits, en reconnaissant le principe de l'instruc-
tion religieuse qui est aujourd'hui accepté de tous."[5]

(2) The establishment of parishes

The matter of the establishment of parishes came came into
view as a result of a dispute between the bishop of Montreal and
the Sulpician fathers.[6] As the city of Montreal was growing in
size and in population, the bishop wanted to dismember the city's
sole parish, transforming its several branches into distinct
parishes, each with the right to its own council, or _fabrique_.
The Sulpicians, who maintained the old parish of Notre-Dame,
objected on historical and canonical grounds. Both sides pleaded
their case in Rome. Mgr Bourget won; and in December, 1865, the
Vatican approved the dismemberment of the parish. This decree,
however, did not settle the affair. There remained the question
of civil recognition of the new parishes. Was the government of
the province of Quebec obliged to recognize these new parishes,

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[5]Pagnuelo, _Liberté religieuse_, p. 250, note.

[6]See Léon Pouliot, "Il y a cent ans: le démembrement de la
Paroisse Notre Dame", _Revue d'Histoire de l'Amérique Française_, Vol.
XIX (1965), pp. 350 - 383.

or was it free to ignore the Vatican decree if it so chose?

On this question, confusion arose over what was meant by the establishment and legal recognition of a parish. Pagnuelo devoted the second half of his book to clarifying this matter. He pointed out, not only that there was more than one kind of religious parish, but also that the religious parish itself as a corporation instituted for the common worship and instruction of its members had to be distinguished from the civil parish, or the parish as a municipal corporation:

> Il y a donc, dans cette province, deux espèces de paroisses
> religieuses, savoir la paroisse catholique romaine ou
> de la communion catholique romaine, comme s'exprime les
> statuts et les Codes Civil et de Procédure, et la
> paroisse protestante. Mais il en existe encore une autre
> sorte, c'est la paroisse municipale, qui est également
> distincte des deux autres.

The parish, under Canadian law, was both a sacred entity and a profane entity.

Secondly, it was important to distinguish legal recognition, by the civil authorities, of the ecclesiastical parish from legal recognition, by the civil authorities, of the municipal parish.

Pagnuelo, Liberté religieuse, pp. 350 - 351. The author goes on to refer to the Act of 1860 (C.S. of L.C. Cap. 24, sect. 52) and to the Municipal Code of 1870 (Art. 1934), which "restreignent le sens du mot paroisse, pour les fins municipales, 'au territoire érigé en paroisse par l'autorité civile'" (p. 352).

The ecclesiastical parish, Mgr Bourget and the *programmistes*
argued, was in no way dependent, for its legal recognition by
the civil authorities, on an act of the civil legislature. In
the introduction to his work, Pagnuelo had insisted on this
point: "La reconnaissance civile, pour les effets civils de la
paroisse. ne signifie donc pas que l'intervention du gouvernement
soit nécessaire a l'existence civile de la paroisse ecclésiastique."[8]
In other words, ecclesiastical parishes, even if they have not
received explicit legislative sanction by the civil authorities,
are legally entitled to certain civil effects, such as the right
to tax the members of the parish for the building of churches and
presbyteries, to collect tithes, to acquire goods in mortmain, to
register baptisms, marriages, and sepultures, and to have their
own executive council, or *fabrique*.

To demonstrate that the civil rights of the ecclesiastical
parish have been formally acknowledged by the civil legislature,
Pagnuelo cited Chapter 19 of *The Consolidated Statutes of Lower
Canada*, entitled "An Act respecting lands held by Religious
Congregations", which he refers to as "l'un des plus importants
pour la liberté des cultes chrétiens."[9] This Act was important

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[8]*Ibid.*,"Introduction", p. ix.

[9]*Ibid.*, p. 353.

because it protected the Church's independent right to own

property; and what would the Church's practical freedom be

without property on which to enjoy it? Section 2 of that Act

affirms the religious authorities right to acquire and to hold

land, independently of explicit civil legislative sanction:

> 2. Whenever any parish, mission, congregation or
> society of Christians, of any denomination whatsoever,
> not being a parish recognized by the civil law of Lower
> Canada, is desirous of acquiring lands for the site of
> the churches, chapels, meetinghouses, burial grounds,
> dwelling-houses for their priests, ministers, ecclesi-
> astics, or religious teachers, and school-houses, and
> the appurtenances thereunto necessary for the said
> several purposes, such parish, mission, congregation
> or society of Christians, may appoint one or more
> trustees. to whom and to whose successors (to be ap-
> pointed in the manner set forth in the deed of grant,
> concession or conveyance) the lands necessary for each
> and every of the purposes aforesaid may be conveyed;
> and·such trustees and their successors for ever, by the
> name by which they and the congregation on whose behalf
> they act, are designated in such deed or grant, con-
> cession or conveyance, may acquire by purchase, donation,
> exchange, or as a legacy, and hold and possess, the
> lands so acquired, and may institute and defend all
> actions at law, for the conservation of such lands and of
> their rights therein: 2V.(3),c.26,s.3. [10]

In accordance with the principle of an independent realm of religion,

a principle implied in the Act just quoted, Pagnuelo concluded

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[10] The Consolidated Statutes of Lower Canada (Quebec: 1861),
Chap. 19, "An Act respecting lands held by Religious Congregations",
Section 2.

that a Church parish was not dependent for civil recognition on
any explicit Act of the civil legislature:

> Il résulte donc, de tout ce qui précède, que la mission
> et la paroisse catholique s'érigent par les autorités
> ecclésiastiques, suivant les formes prescrites par les
> canons, dont l'autorité civile ne prend pas connaissance,
> et que la reconnaissance ou confirmation du Lieutenant-
> Gouverneur, par proclamation ou autrement n'est nulle-
> ment nécessaire pour assurer leur existence légale et
> civile. La loi générale suffit pour ces territoires
> comme pour les évêchés.[11]

If explicit civil legislative sanction of an ecclesiastical
parish was unnecessary, it was nevertheless useful in certain
circumstances. Pagnuelo continued:

> Mais si les limites de la paroisse sont contestées, il
> faudra l'établir par la production du décret canonique,
> comme il faudrait le faire pour celles d'un évêché si
> on les contestait. Il serait donc _utile_ que ces limites
> fussent connues de tout le monde, d'une manière authen-
> tique, pour éviter la nécessité de les prouver; c'est
> ce qui pourrait se faire par la publication, dans la
> _Gazette Officielle de Québec_, du décret d'érection; la
> législature ne refuserait certainement pas d'autoriser
> ce mode de publicité, qui serait à l'avantage de tous
> les habitants du pays.[12]

In publicizing the canonical decree, the civil legislature would
serve a useful function.

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[11]Pagnuelo, _Liberté religieuse_, p. 386.

[12]_Ibid._, p. 387.

But this is precisely what it refused to do in the case of the dismemberment of the Montreal parish of Notre-Dame. In April, 1866, Mgr Bourget promulgated the execution of the decree establishing his new parishes. He then called on the Conservative premier of Quebec, P. J. O. Chauveau, to pass an act explicitly recognizing the civil existence of these new parishes --not that such recognition was necessary, but, in the circumstances, it would be useful to the public. Chauveau refused. The case then entered the civil courts. There, the proposition that the State was obliged to grant civil recognition to Church-established religious parishes was argued by Côme-Séraphin Cherrier, assisted by four of the future programmistes: Trudel, de Montigny, Pagnuelo, and Taillon. The opposition's case was argued by none other than George Etienne Cartier. (Cartier's part in this dispute was unfortunate: it grieved his conservative well-wishers, both lay and ecclesiastical; and probably contributed to the great statesman's defeat in the federal election of 1872.) The refusal to recognize what, ipso facto, had to be recognized irritated the programmistes and represented in their minds the deficiency in the matter of the establishment of parishes. As Pagnuelo wrote in the introduction to his book:

> la loi. conséquente avec elle-même, respecte autant les
> actes du chef de notre Eglise dans ce pays, lorsqu'il
> érige des paroisses, qu'elle respecte ceux du S. Siège
> quand il érige des évêchés: elle ne le soumet pas plus
> au caprice des ministres, qu'elle ne soumet à son bon
> plaisir les actes du synode anglican ou des sectes
> dissidentes qui s'établissent, partout, sous la conduite
> d'un ministre ou prédicant qui ne relève de personne,
> et n'est responsable qu'à lui-même. La loi reconnaît
> l'existence légale de ces paroisses, dès l'instant de
> leur formation par les autorités religieuses, et leur
> assure tous les droits de corporations pour les fins du
> culte et même de l'enseignement.[13]

In the establishment of parishes, civil authorities were obliged to acknowledge and to respect the dictates of the religious authorities, regardless of the latter's persuasion.

(3) Registration of civil status

The two remaining matters, of marriage and of the registration of civil status, were subjects of the Civil Code of Lower Canada. Here again, the _programmistes_ were pleased, on the whole, with these laws, which had been codified for the first time in 1866.[14] "Dans son ensemble," wrote Beausoleil, "le Code de nos lois est digne d'une société chrétienne."[15]

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[13]_Ibid._, "Introduction", pp. viii - ix.

[14]The Civil Code of Lower Canada was drawn up by Ed. Caron, C. D. Day and A. N. Morin by virtue of 20 Vict. Cap. 43. For a detailed commentary on the Civil Code, see B. A. T. de Montigny, "Cinquième époque: de la codification jusqu'à nos jours", _Histoire du droit canadien_, pp. 596 - 961.

[15]_N.M._ (May 11, 1871), p. 1.

Two years after the appearance of the Code, in 1868, the bishops of the province asked a Dr. Philippe C. de Angelis, professor of Canon Law at the University of Rome, and advisor to the Holy See, for his comments. In praising the Code as a whole, Professor De Angelis pointed out how different it was from those of most modern societies, "qui ne sont qu'une imitation, pour ne pas dire une reproduction pure et simple, du Code Napoléonien."[16]

The Civil Code, however, was not without its blemishes. Beausoleil wrote:

> Il y a de malheureuses exceptions, personne ne le sait mieux que nous, et ne le dit plus haut. Mais c'est précisément parce que ce sont là des exceptions et des fautes que nous demandons avec nos courageux confrères des Trois-Rivieres et de Québec, qu'on purge notre législation de ce qu'il s'y trouve encore d'hétéroclite, d'hétérogène, et nous pourrions dire d'hétérodoxe.[17]

With regard to the matter of the registration of a man's civil status, B. A. T. de Montigny explained the purpose of the records:

> Les actes de l'état civil sont des écrits qui servent à constater les naissances, les mariages et les decès,

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[16]Professor De Angelis' report is reproduced in N.M. (May 11, 1871), p. 1.

[17]N.M. (May 11, 1871), p. 1.

sources d'où découle principalement l'état civil des
personnes, ainsi que les droits et obligations qui y
sont attachés.
     Il était nécessaire de pourvoir à un mode
uniforme et certain de prouver des faits de cette
importance, qui forme la base même de la société.[18]

The procedure for keeping these registers was different

in French Canada from that in France. Following the revolution

in France,

le soin, de rédiger les actes et de tenir les registres.
a été confié par le Code à des officiers purement civils,
sans qu'il soit besoin de l'intervention du Ministre de
la Religion qui est de pure surérogation dans les cas où
on y a recours.
     Ce nouvel ordre des choses, dù aux idées du temps
où il fut adopté, approuvé par les uns, critiqué par les
autres, n'a paru à nos commissaires préférables à celui
qui a été constamment en usage dans le pays depuis son
établissement, et qui est si intimement lié avec ses
institutions.
     Les dispositions de notre droit, sous ce rapport,
diffèrent donc essentiellement du titre deuxième du Code
français et partant nous ne pourrions l'étudier qu'avec
précaution.[19]

In France, the changes in status which a man undergoes during life

were viewed in a secular light; in French Canada, such things were

still seen to possess an essential religious dimension.

     In Lower Canada it was the custom, therefore, for the

parish priest who initiated his parishioners into the succeeding

stages of life and death to keep a record of the baptisms,

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[18] B.A.T. de Montigny, _Histoire du droit canadien_, p. 251.

[19] _Ibid._

marriages and sepultures which he performed.   In fact, he kept

this record in duplicate: one register for the Church, and the other

for the State.   Now in the programmistes' view, the keeping of

this second register was a service rendered by the ecclesiastical

authorities to the civil authorities: it was not a duty.   Hence,

the programmistes objected to certain terms and stipulations

in the articles dealing with the Acts of Civil Status which gave

the impression that priests were officers of the State.   Article

45, for example, stipulated that "the duplicate register so kept,

before it is used, must, at the instance of the party keeping it,

be presented to one of the judges' of the Superior Court or to

the prothonotary of the district, or to the clerk of the Circuit

court."[20]   Article 53 even allowed the State to punish a parish

priest who did not file the register accurately: "Every infraction

of any article of this title by any of the officers therein named,

which does not amount to a criminal offence, and which is not

punishable as such, is punished by a penalty not exceeding eighty

dollars, nor less than eight."[21]   As Pagnuelo explained:

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[20]Civil Code of Lower Canada (Ottawa: Queen's Printer, 1866)
Book I, Title Second, Chap. 1, Article 45. My underlining.

[21]Ibid., Article 53.

> Sans doute, le juge civil fera rétablir les inexactitudes
> ou les omissions dans les registres du curé, de manière
> à leur assurer l'authenticité, mais ce n'est pas à lui
> de punir le prêtre pour son erreur ou même sa négligence:
> celui-ci n'est pas officier civil, mais envoyé de l'Evêque,
> à qui seul il rend compte de sa conduite.[22]

In recording the changes in a man's status from birth to death,

the priest was fulfilling what was primarily a religious and not a

civil office. He was responsible therefore to the authorities of

the Church and not to those of the State.

(4) Marriage

In France, marriage was treated as a purely civil ceremony.

In Lower Canada, the situation was different. As de Montigny

explained:

> · Un changement de la nature de celui qui s'est
> opéré en France ne paraissant aucunement désirable en
> ce pays, il a fallu renoncer à l'idée d'établir ici, sur
> les formalités du mariage, des règles uniformes et détaillées,
> et de suivre le Code Napoléon dans le système qu'il a
> adopté.
> Dans la vue de conserver à chacun la jouissance
> de ses usages et pratiques, suivant lesquels la célé-
> bration du mariage est confiée aux ministres du culte
> auquel il appartient, sont insérées dans ce titre
> plusieurs dispositions, qui, quoique nouvelles quant
> à la forme, ont cependant leur source et leur raison
> d'être dans l'esprit sinon dans la lettre de notre
> législation.[23]

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[22] Pagnuelo, _Liberté religieuse_, p. 296.

[23] de Montigny, _Histoire du droit canadien_, p. 624.

It was in keeping with the spirit of the laws of French Canada to
intrust the celebration of marriage to the ministers of the various
religious cults.

Beausoleil explained to the voters of Epiphanie how this
made the item of marriage a subject of "mixed" legislative
jurisdiction:

> Il est certain que le mariage est un sacrement de l'Eglise,
> et que comme tel il tombe sous sa jurisdiction. Il est
> certain aussi que les effets civils, c'est-à-dire la
> disposition des biens, intéresse l'Etat. Il y a donc ici
> jurisdiction concurrente. Il faut donc qu'il y ait accord,
> autrement l'Etat ne verra que concubinage où l'Eglise
> verra sacrement saint et vénérable; des bâtards dans le
> fruit de cette union que Dieu aura bénie et fécondée.
>   Jusqu'ici tout le monde est suffisamment d'accord,
> mais le point capital où l'entente cesse est de savoir
> à qui appartient la suprématie, de l'Etat ou de l'Eglise.[24]

The question which arose was who, in this case of mixed legislative
jurisdiction, was to have the final say.

De Montigny explained how the <u>Civil Code of Lower Canada</u>
handled this situation by limiting itself to the statement of a
few general rules, leaving the individual Churches free to
establish any special requirements:

> Le Rédaction de ces actes est, à la vérité, soumise
> à des règles générales; mais les formalités de la
> célébration même n'étant pas déterminées d'une manière
> spécifique et détaillée chaque religion suit celles
> qui lui sont particulières.[25]

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[24] recorded in <u>N.M.</u> (May 30, 1871), p. 1.

[25] de Montigny, <u>Histoire du droit canadien</u>, p. 259.

Article 127, for example, clearly recognized the Church's right to judge of the qualities and conditions necessary for contracting a marriage. It reads:

> The other impediments recognized according to the different religious persuasions, as resulting from relationship or affinity or from other causes, remain subject to the rules hitherto followed in the different churches and religious communities.
> The right, likewise, of granting dispensations from such impediments appertains as heretofore, to those who have hitherto enjoyed it.[26]

If this article implicitly recognized the Church's superior jurisdiction in the matter of marriage, other articles, the _programmistes_ pointed out, seemed to run counter to it. As Pagnuelo explained:

> Cet article 127 est donc conforme au principe de la liberté du culte en Canada. Mais pour être logiques, les codificateurs ne devraient pas établir d'empêchements dirimants de mariage, à moins qu'ils ne fussent clairement fondés sur le droit naturel et le droit divin positif. sans accorder à ceux qui en ont joui par le passé le droit d'en dispenser au besoin, d'après la discipline de l'Eglise des époux. Nous voulons parler du mariage des mineurs, sans le consentement des parents, de celui entre beau-frère et belle-soeur et entre oncle et nièce.[27]

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[26] _Civil Code of Lower Canada_, Book I, Title Fifth, Chap. 1, Article 127.

[27] Pagnuelo, _Liberté religieuse_, p. 291.

Article 119 stipulated, for example, that "Children who
have not reached the age of twenty-one years must obtain the
consent of their father and mother before contracting marriage."[28]
Article 126 directed that marriage between uncle and niece, aunt
and nephew, was prohibited. As Pagnuelo continued to explain,
it was up to the Church to determine in each case the rightness
of such proposed marriages:

> L'Eglise catholique tout en voyant ces mariages d'un
> mauvais oeil et faisant tous ses efforts pour les
> diminuer reconnaît cependant leur validité, quand ils
> ont eu lieu par suite d'une dispense qui ne s'accorde
> qu'en parfaite connaissance de cause.[29]

The same jurisdictional ambiguity could be found in other
articles: Article 129 stated in part that "none of the officers
thus authorized, can be compelled to solemnize a marriage to which
any impediment exists according to the doctrine and belief of his
religion and the discipline of the church to which he belongs,"[30]
thus recognizing the Church's jurisdiction; Article 158, on the other
hand, gave the last word on the question of marriage to the civil
authorities:

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[28]Civil Code of Lower Canada, Book I, Title Fifth, Chap. 1,
Article 119.

[29]Pagnuelo, Liberté religieuse, p. 291.

[30]Civil Code of Lower Canada, Book I, Title Fifth, Chap. 2,
Article 129.

The penalty imposed by the preceding article [a penalty
not exceeding five hundred dollars] is in like manner
incurred by any officer who, in the execution of the
duty imposed upon him, or which he has undertaken, as
to the solemnization of a marriage, contravenes the
rules prescribed in that respect by the different articles
of the present title.[31]

As a result of this ambiguity which led to an encroachment
by the civil authority on the ecclesiastical, the bishops of Quebec,
at their Fourth Provincial Council, had decreed the following:

Attendu que dans le.Code Civil du Bas-Canada, il se
trouve quelques articles qui ne paraissent pas assez
en harmonie avec la doctrine et la discipline de l'Eglise
sur le mariage, Nous statuons qu'une pétition sera
présentée au Gouvernement par les Evêques de la Province
pour en obtenir la correction.[32]

Once again, Churchmen in Canada found themselves in a dilemma: such
an appeal to the government was doubly dangerous (see Section V).
McLeod summed up the marriage matter when he said:

c'est à l'Eglise, à déterminer quelles personnes sont
capables de recevoir le sacrement de mariage et quelle
est la manière de le recevoir. Conséquemment nous ne
reconnaissons pas à l'Etat le droit de conférer ce
sacrement ni le droit d'empêcher aucun catholique de
le recevoir. Cependant l'autorité civile pour empêcher
certains mariages approuvés par l'Eglise, privait nos

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[31] Ibid., Chap. 4, Article 158.

[32] 13th decree of 4th Council of Quebec Bishops, quoted by
Mgr Laflèche and reproduced in J.T.R. (May 22, 1871), p. 1.

prêtres de $500 d'amende ou de la prison lorsqu'ils
les célèbrent.[33]

"Non," concluded Pagnuelo, "il n'y a qu'un moyen d'être juste et
logique, c'est après avoir admis le principe, d'en admettre les
conséquences et de respecter jusqu'au bout la liberté de l'Eglise."[34]

Later in the same article, McLeod referred to l'affaire
Guibord as an encroachment of the same kind: "tout dernièrement
on a voulu, par la loi, forcer les ministres de notre religion,
à accorder la sépulture ecclésiastique à un nommé Guibord qui
avait été publiquement chassé de l'Eglise par une excommunica-
tion."[35] Here again, the State was dictating to the Church in a
matter of "mixed legislative jurisdiction.

During his pleading in court on the Guibord case, F. X.
A. Trudel, one of the lawyers for the defense, summarized the
arguments on both sides. For the additional light it may shed
on cases of mixed legislative jurisdiction, I quote Trudel at
length:

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[33] J.T.R. (June 9, 1871), p. 2.

[34] S. Pagnuelo, La Liberté religieuse, p. 292.

[35] J.T.R. (June 9, 1871), p. 2.

La demande s'est évertuée à établir comme
principe que l'Eglise devait être soumise à l'état;
et qu'en vertu de ce principe, le tribunal civil avait,
dans le cas actuel, le pouvoir d'annuler une décision
de l'autorité religieuse.

L'argumentation des savants avocats peut se
réduire à ceci:

1° En Canada l'Eglise catholique n'est pas
indépendante, mais au contraire, est soumise à la
suprématie du pouvoir civil qui peut contrôler les
décisions en matière religieuse, du pouvoir ecclésiastique.

2° Il en doit être ainsi, vu les abus énormes
que l'autorité religieuse a commis dans tous les temps
et dans tous les lieux.

——3° Cette suprématie du pouvoir civil sur l'auto-
rité religieuse est établie par le droit gallican, et
confirmée par une jurisprudence constante de trois ou
quatre siècles.

4° Cette suprématie du pouvoir civil établie par
le droit gallican, n'a pu qu'être confirmée, avenant la
cession du pays à l'Angleterre, par le droit public
anglais qui consacre le principe de la soumission de
l'autorité ecclésiastique au pouvoir civil.

A ces propositions, la défense a opposé:

1°. Que le droit gallican ne pouvait avoir été
conservé en Canada après la cession, vu l'incompatibilité
complète de ce droit avec les institutions anglaises;

2° Que le droit ecclésiastique anglais ne
pouvait avoir été introduit en Canada, les capitulations,
le traité de Paris et l'acte de Québec ayant des disposi-
tions formelles au contraire.

3° Que de ces deux faits résultait l'indépendance
complète de l'Eglise catholique en Canada; que la consé-
quence nécessaire de la séparation de l'Eglise du Canada
d'avec l'Eglise Gallicane avait été de mettre la première
en rapport direct avec l'Eglise Romaine ou l'Eglise
Universelle, et que c'est de Rome que l'on doit recevoir
directement les lois et règles qui doivent régir l'Eglise
en ce pays, sans avoir nullement égard aux traditions
particulières de l'ancienne Eglise Gallicane.[36]

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[36] Affaire Guibord: discours de F. X. A. Trudel (Montreal,
1870), p. 99.

We should by now be in a position to appreciate the enormous
complexity of these cases of mixed legislative jurisdiction, and
to see how, for the programmistes, it was right in law and in
nature that civil authorities respect the dictates of religious
authorities.

At a political level, the four issues raised by the pro-
grammistes were so many questions which the voter could put to
the candidate --and especially to the Conservative candidate, who
was the most likely to respect, in such matters of "mixed" legis-
lative jurisdiction, the subordination of politics to religion.
Was he prepared to have these laws amended in accordance with a
possible request by the bishops of the Province? As Beausoleil
said, this was a test for the Conservative party: "Il est temps
de savoir si le parti conservateur est tellement rongé par le
libéralisme, qu'il est impossible d'y trouver une majorité franche-
ment catholique et décidée à se soumettre à l'autorité religieuse
dans les questions religieuses."[37] How conservative was the
Conservative party?

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[37] recorded in N.M. (May 6, 1871), p. 1.

XI

DANS CERTAINS CAS DONNES

"Concluons donc en adoptant les règles générales suivantes dans certains cas donnés.

1° Si la lutte se fait entre deux conservateurs, il va sans dire que nous appuierons celui qui acceptera le programme que nous venons de tracer.

2° Si, au contraire, elle se trouve engagée entre un conservateur d'une nuance quelconque et un adepte de l'école libérale, nos sympathies actives seront pour le premier.

3° Si les seuls candidats qui s'offrent à nos suffrages dans un comté sont tous libéraux ou oppositionnistes, nous devons choisir celui qui souscrira à nos conditions.

4° Enfin, dans le cas où la contestation serait engagée entre un conservateur rejetant notre programme et un oppositionniste quand même l'acceptant, la position serait plus délicate.

Voter pour le premier serait nous mettre en contradiction avec la doctrine que nous venons d'exposer. Voter pour le second serait mettre en péril ce parti conservateur que nous voudrions voir puissant. Quel parti prendre entre ces deux dangers? Nous conseillerions alors l'abstention des électeurs catholiques."

Having presented those Quebec laws which, in the light of the principles enunciated, were found wanting, the authors turn once again to the voters. Addressing those assembled in Epiphanie, Beausoleil said:

246

> Maintenant, il ne s'agit plus que de savoir à qui il
> appartient de préparer la voie aux évêques et d'assurer
> l'entrée au Parlement d'hommes sincèrement religieux et
> disposés à faire leur devoir. Tout le proclame: la
> raison, l'autorité, les faits, la constitution: c'est
> à vous, MM. les électeurs, car c'est vous qui êtes les
> premiers responsables si des lois injustes sont adoptées
> ou si des lois justes sont rejetées. Les députés sont
> vos mandataires et vos représentants . . . C'est en
> leur demandant compte de leurs principes, en exigeant
> des engagements que vous aurez ces garanties et la
> satisfaction de pouvoir dire que vous avez rempli votre
> devoir et tout votre devoir.[1]

During the election campaign, it had been the voters' duty to

extract promises from the candidates; now, with the campaign over

and the time come for the actual voting, it was the voters' duty

to make a choice. In this section of the text, the _programmistes_

examine, therefore, the various possibilities likely to face the

voters as they went to the polls. From the general case of the

Catholic voter in the 1871 Quebec provincial election, they

delineate four specific cases. Before examining each of these

specific cases, I shall say a few words about the election in

general.

(1) Preliminary considerations on the election

First, it should be noted that candidates for the Legislative

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[1] recorded in N.M. (May 30, 1871), p. 1.

Assembly were often chosen unanimously. At that time it was
thought unfortunate to have to have recourse to an electoral
contest, for obviously a contest meant a division in the community.
It was particularly unfortunate if the contest were artificially
contrived. Commenting on the last-minute candidacy of H. G.
Malhiot against the incumbent, C. B. Genest, in the riding of
Trois-Rivières, McLeod asked:

> Mais en sommes-nous rendus à ce point que l'union n'est
> plus possible dans notre ville et qu'il faille donner
> au public à chaque année le spectacle de hideuses con-
> testations? C'est aux citoyens de cette ville à s'unir
> et à montrer à la face du pays qu'ils revendiquent la
> liberté de se choisir des candidats et qu'ils ne recon-
> naissent à personne le droit de leur en imposer un.[2]

If, however, there were to be an electoral contest, a
candidate could declare himself either a supporter (un ministériel)
or an opponent (un oppositionniste) of the government in power;
or he could declare his allegiance to one of the two political
parties of this country: the Conservative, or the Liberal.

These two divisions were not perfectly overlapping: for
example, although the Conservative party was in power in Quebec
at the time of the election, not all Conservative candidates were
ministerialists. The reason for this discrepancy is that under-
lying these two forms of division --the constitutional and the
political-- is a more fundamental, philosophic division: the division

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[2]"Election: division des Trois-Rivieres", J.T.R. (June 9,
1871), p. 2.

on principle, between the conservative-minded and the liberal-minded. (With the use of capital letters, the distinction between being conservative-minded and being a Conservative is more easily perceived in written English than in written French.)

Though they declared their loyalty to the Conservative party and to its leaders, the _programmistes_ made it equally clear that they were in the service of something greater than a political party. As Beausoleil explained:

> Nous n'imiterons pas un certain journal et ne citerons pas de noms propres. Mais nous savons qu'il y a parmi ceux qui ne sont pas liés au parti ministériel, des catholiques de coeur et des conservateurs de principes qui savent mettre l'Eglise au-dessus de leurs préférences personnelles et de toutes autres considérations. Ceux-là nous sommes prêts à les appuyer, car ce que nous voulons, ce n'est pas servir un parti, mais servir l'Eglise.[3]

If there had to be an electoral contest, the _programmistes_ wished to see it become something more than a battle between political parties. It could become a means also of safeguarding certain principles. At the time, this could be done by pointing to the deficiencies in certain civil laws of the province. If there had to be an electoral contest, Beausoleil recommended tne following course of action to the voters of Epiphanie:

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[3] _N.M._ (April 26, 1871), p. 1.

> Ensuite si vous ne pouvez faire une élection unanime,
> eh bien, que chaque parti ait son candidat. Circon-
> scrivez énergiquement le débat sur le terrain politique,
> mais encore une fois adoptez unanimement le programme
> et l'imposez chacun de votre côté aux candidats. Ce
> sera le moyen de faire de bonnes élections et de sauve-
> garder tous les intérêts.[4]

By espousing the _Programme_, a voter was assured that the election would be fought on worthwhile grounds.

(2) Different kinds of electoral contest

Turning now to the cases specified in the text, we find that each of the four logical possibilities outlined represents a distinct degree of support for the candidate: from a twofold, positive support in the first case, to a withdrawal of support in the last.

(i) First case

In the first case ("1° Si la lutte se fait entre deux conservateurs, il va sans dire que nous appuierons celui qui acceptera le programme que nous venons de tracer."), where both candidates are members of the Conservative party, obviously the voter should choose the one more in sympathy with the _Programme_

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[4] recorded in _N.M._ (May 30, 1871), p. 1.

and therefore, according to the authors, the one more truly

conservative-minded. Both party and policy would thereby benefit.

(ii) Second case

The second case ("2° Si, au contraire, elle se trouve engagée

entre un conservateur d'une nuance quelconque et un adepte de

l'école libérale, nos sympathies actives seront pour le premier.")

offers, from the programmistes' point of view, a less desirable

prospect than the first, but one that was likely to be met with

more frequently. The inference to be drawn here is that a liberal-

minded candidate, an adept of the liberal school --note that the

text does not say a member of the Liberal party-- should be

defeated by whatever Conservative candidate happens to be running,

even if the latter be of an indefinite nuance, and therefore not

necessarily in definite agreement with the programmistes.

(iii) Third case

The third case ("3° Si les seuls candidats qui s'offrent

à nos suffrages dans un comté sont tous libéraux ou oppositionnistes

nous devons choisir celui qui souscrira à nos conditions.") makes it

evident that the programmistes had at heart something more than the

interests of a particular party. For in this case, there are no

Conservative party candidates: the voters are cut adrift from the customary support of a party: and yet they are still expected by the authors to do everything in their power to find someone who will stand up for what is presented in the Programme, someone who will subscribe to their conditions.

(iv.) Fourth case

The fourth case ("4° . Enfin, dans le cas où la contestation serait engagée entre un conservateur rejetant notre programme et un oppositionniste quand même l'acceptant, la position serait plus délicate.") places the voter in a delicate situation. What the programmistes have envisaged in this case (which is not quite as extreme as it seems, given the transformation of party politics described in Section IX) is the dilemma of a man having to choose between two evils. To vote for the first would run counter to the premises of the programmistes' argument; to vote for the second would jeopardize the means for making their argument effective: "Voter pour le premier serait nous mettre en contradiction avec la doctrine que nous venons d'exposer. Voter pour le second serait mettre en péril ce parti conservateur que nous voudrions voir puissant." In this classic case of a doubting conscience, the programmistes advised the voters to abstain: "Nous conseillerions alors l'abstention des électeurs catholiques."

Such advice requires further elucidation. First, it should be clear that abstention from voting is not the same as not-voting or refusing to vote. To not-vote is done out of intentional or unintentional ignorance: whereas to abstain is done en pleine connaissance de cause. To refuse to vote is to put into question not the particular candidates, but the whole regime. If publicized, a refusal to vote is an act of sedition. Very different from the "no" of a refusal is the silence of an abstention. In silently abstaining from voting, one maintains a respect for the existing regime. When free of the clouds of ignorance and malevolence, abstention from voting is, under Canada's constitutional regime, a retreat from politics dictated by conscience.

Beausoleil was aware that the gravity of the situation, as presented in the fourth case, required further comment. Shortly after the publication of the Programme he offered his readers the following précisions:

> La quatrième règle porte que dans le cas où l'électeur aurait à choisir entre un homme, qui croyant que rien de bon ne peut venir du pouvoir, s'engagerait à combattre toutes ses mesures --ils sont peu nombreux, mais il y en a-- et un ministériel qui n'adopterait pas le programme catholique.[5]

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[5] N.M. (April 26, 1871), p. 1.

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The former would be a strong oppositionist seeking simply to frustrate the government by any means; the latter would be a Conservative party candidate who rejected the _Programme_ on the grounds that it threatened the ministers in power. If that were the situation, then the voter had no choice but to abstain: "cet électeur devrait s'abstenir": Beausoleil then went on to give the reason:

> La raison est claire: --Un oppositionniste quand même ne saurait être bon catholique; car le premier devoir de celui-ci est de faciliter la tâche de l'autorité, bien loin de vouloir l'embarasser ou l'affaiblir; et un conservateur qui refuserait d'accepter notre pro- gramme ne serait pas réellement conservateur.[6]

The principle of authority is of paramount importance in weighing the merits of the contestants and as it is denied on both sides, the oppositionist denying it in practice to the government in power, the ministerialist denying it in theory as articulated in the _Programme_, the voter is counselled, in these circumstances, to withdraw from positing a political act: "Entre deux hommes considérés également dangereux, les catholiques pourront avoir leur candidat ou s'abstenir de faire pencher la balance d'un côté ou de l'autre."[7]

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[6]_Ibid._

[7]_Ibid._

The situation, as presented in the fourth case, would certainly be unfortunate. Beausoleil, for one, hoped that Catholics faced with such a dilemma would come forth with their own candidate:

> Est-ce à dire que la quatrième règle exclut ces hommes indépendants qui ne s'attachent servilement à aucun homme ou à aucun parti, étudient, voient et jugent pour eux-mêmes, mais dont les principes et les antécédents offrent les garanties désirables? Loin de là: au contraire, ils sont les bien venus.[8]

A month later, Beausoleil repeated his invitation:

> Nous avons dit déjà qu'il se trouve parmi ceux qui ne sont pas liés au ministère des catholiques de coeur et des conservateurs de principes, que nous nous ferions un devoir d'appuyer de toutes nos forces. Si les hommes au pouvoir rejettent le programme catholique, s'ils se décident à suivre les errements de la Minerve, le nombre de ceux dont ils perdront la confiance deviendra beaucoup plus grand, et c'est parmi ceux-ci qu'il faudra choisir.[9]

Beausoleil concluded his speech to the voters of Epiphanie by saying:

> Un dernier mot et je finis: Il n'est pas ici question de partis. Tout catholique, qu'il soit pour ou contre le ministère, a un égal intérêt à sauvegarder les droits de sa religion. C'est pourquoi, des deux côtés, vous êtes tenus d'adopter les moyens d'affirmer vos principes

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[8] Ibid.

[9] N.M. (May 30, 1871), p. 1.

et de ne donner votre confiance qu'à un homme qui l⬛
partage et s'engage à les faire valoir.[10]

Once again, Beausoleil reminded his listeners to have at heart,
as they prepared to vote, something more than the success of a
party.

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[10] recorded in N.M. (May 30, 1871), p. 1.

XII

UNE CERTAINE LIBERTE D'ACTION

"On comprend néanmoins que ces règles posées
laissent encore aux électeurs une certaine liberté
d'action qui dépendra des circonstances particulières
de chaque comté et des antécédents de chaque candidat."

The most striking thing about this passage is its
similarity to Section VII. Both sections are concluding sentences:
the sentence of Section VII concluding the premissorial half of
the text: the sentence of Section XII, the consequential half
—Section XIII being a subsidiary remark, and Section XIV the
peroration. Both sections begin, "On comprend", and both sections
speak of "laissent une liberté". What is the meaning of all this?

It is important to note here, just as in Section VII, that the
freedom which the programmistes have in mind is a practical freedom.
It is, in tne words of the text, "une liberté d'action". It is
neither a freedom of thought nor a freedom of the will. It is the
freedom to act, to go out into the world, to speak certain words,

257

and to perform certain duties: freedom, in Section VII, with regard to the performance of religious acts: and in Section XII, with regard to the performance of political acts.

Now it is characteristic of practical freedom that others are allowed to come forth and to perform: hence, the tone of mild deference of both these sections, set by the opening phrase, "on comprend". Having argued their case as persuasively as they could, the _programmistes_, at these two points in their text, cede the ground to others: at first to their fellow religionists, and now to their fellow citizens.

(1) The voters' practical freedom

Let us now consider the voters' practical freedom. To be sure, the practical freedom entailed in choosing one's representative for the Legislative Assembly is a restricted one; but, as the _programmistes_ pointed out (see Section I), there was, since the coming into effect of Parliamentary Government, a grave responsibility attached to the office of elector. The Canadian constitution demanded a lot --morally and intellectually-- from a lot of people. Under these circumstances, the voters were in need of all the help they could get. In this regard, what B.-A. T. de Montigny said of his book could be applied to many of the _programmistes_ writings:

Mais pour remplir dignement les devoirs que lui imposent ces droits, outre les vertus si nécessaires aux peuples libres, il lui faut certaines connaissances. . . . C'est dans le but d'être utile à cette classe nombreuse de nos concitoyens qui n'ont pas eu l'avantage de recevoir une éducation suffisante pour comprendre les secrets de la science politique et à qui les exigences de la vie ne laissent pas assez de loisir pour les approfondir, que j'ai fait ce petit livre mis à la portée de tout le monde.[1]

But beyond providing their fellow citizens with certain necessary general information, the programmistes, in the case of the forthcoming election, went one step further and sought also to guide their fellow citizens' actions --but only to a certain extent. For, as they say in this section of the text, the voters after a point were on their own: "On comprend néanmoins que ces règles posées laissent encore aux électeurs une certaine liberté d'action qui dépendra des circonstances particulières de chaque comté et des antécédents de chaque candidat." It was up to the voters of each particular constituency to debate among themselves and to weigh in their own minds the merits of each individual candidate. Therein lay the voters' practical freedom.

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[1] de Montigny, Catéchisme politique, pp. 1 - 11.

(2) The voters' courage

The *programmistes* were aware, however, that the voters' freedom was subject to abuse. In his speech to the voters of Epiphanie, Taillon said:

> La constitution qui régit ce pays impose aux électeurs de grandes responsabilités. Ainsi comment se font les élections dans la plupart des comtés. On y excite toutes les mauvaises passions, on y pratique la corruption la plus honteuse; on excite les préjugés d'une classe contre une autre et on parvient à faire d'un peuple de frères un peuple d'ennemis.[2]

It took courage to transcend the pressures described by Taillon and to render a free vote. It took even greater courage when the following is taken into consideration: in 1871, there was no secret ballot: voting was a public act (as befitting the realm of politics); as voting took place over a period of two days, the pressure on those who voted the second day was often multiplied as interested groups sought to influence the final outcome; and as ridings voted on different two-day periods within an over-all period of approximately one month (in 1871, the Quebec election took place between June 16 and July 14), still greater pressure could be brought to bear on a whole riding. In short, the influence of socio-economic forces on politics was obvious, but so were the individual acts of courage needed to overcome them.

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[2] recorded in *N.M.* (May 30, 1871), p. 1.

(3) The invasion of economics into politics

Let us look more closely at some of these socio-economic

forces. In an article entitled "Les élections de notre district

en 1867 et 1871", McLeod distinguished two ways in which the

voters' freedom was abused and subjected to the tyranny of socio-

economic forces: one was individual corruption, and the other was

corporate pressure. Both led to the domination of politics by an

economic class.

McLeod had the following to say about corruption and the

individual's right to vote:

> Venons-en maintenant à l'item de la corruption. . . . Le
> droit de vote ne peut être exercé que par un être intelli-
> gent, moral, et du moment que ce droit de vote n'est plus
> qu'une marchandise, n'est plus que de la matière qui ne
> vaut qu'autant qu'elle pèse, ce n'est plus un être intel-
> ligent et moral qui en est doué, c'est une brute.[3]

Individuals who sold their votes, who treated their political freedom

as an economic commodity, were no better than labouring animals

driven by the necessities of life. Even if they constituted only

a small minority, nevertheless they upset the legitimate balance of

power:

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[3] "Les élections de notre district en 1867 et 1871", J.T.R.
(August 3, 1871), p. 2.

> Nous sommes parfaitement convaincu que la grande
> majorité des électeurs de cette ville ne se vendent
> point. Mais dans une contestation électorale, ces
> citoyens honnêtes, naturellement, suivant leurs
> sympathies, suivant leur opinion sur le mérite des
> hommes, sur la nature des questions débattues, se
> divisent. Qui fait alors la loi? Les vendus, ces
> êtres qui méritent d'être rangés parmi les boeufs.
> Ils déplacent la majorité des électeurs honnêtes,
> qui votent consciencieusement. L'élection se résout
> alors en une question d'argent et quand les candidats
> ont beaucoup de fortune, elle peut coûter un prix
> extraordinaire. Alors l'expression de l'opinion
> publique n'est autre que celle des hommes qui ont
> les capitaux en mains.[4]

Individual corruption led therefore to the dictatorship of capital.

The second way in which socio-economic forces invaded the realm of politics was by means of corporate pressure:

> A part la corruption qui a été, comme nous l'avons
> déjà dit, la principale cause du déplacement de la
> majorité, la pression des bourgeois sur leurs employés,
> des créanciers sur leurs débiteurs, a aussi contribué
> à dénaturer la libre expression de l'opinion publique
> de notre ville dans la dernière élection.[5]

The pressure of one economic class on another also served to distort the free expression of public opinion.

McLeod went on to foresee how this iniquitous practice would soon lead to the discovery by the workers that their economic leverage was, finally, greater than that of the capitalists:

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[4]Ibid.

[5]"Les élections de notre district en 1867 et en 1871 (suite)", J.T.R. (August 7, 1871), p. 2.

> Cette injuste pression contre l'ouvrier, dont le vote
> doit être aussi libre que celui de son bourgeois, est
> suivant nous, le meilleur moyen que l'on puisse adopter
> pour nous conduire avant longtemps à la révolution.
> Si vous mettez une fois dans l'esprit des classes
> ouvrières, par votre conduite, que c'est la force
> brutale qui régit les sociétés, ces classes ouvrières
> prendront bientôt ce levier et alors la logique des
> faits montrera aux bourgeois que dans une société
> régie par la force brutale, ce sont les classes ouvri-
> ères qui, en définitive, commandent et font la loi.[6]

If the bourgeois continued to treat their workers as "slaves";

then it would be only a metter of time before the "slaves" woke

up to the logic of brute force, and saw that they were stronger

than their "masters". As McLeod wrote in another article:

> Il est souverainement dégoutant de voir,
> comme la chose se répète, dans tout le pays, à toutes
> les élections, les grands manufacturiers prendre
> leurs serviteurs pour des bêtes de somme, pour des
> esclaves politiques. Ces employés en s'engageant,
> ne vendent ni leur âme, ni leur conscience, ni les
> droits, ni les libertés que leur donne la loi de
> leur pays. En vertu de quelle autorité, en vertu de
> quel principe, vous manufacturier, les obligez-vous
> à sacrificier cette âme, cette conscience, ces droits
> et ces libertés? Jamais vous n'en pourrez invoquer
> aucun.
> Il y a dans la société des hommes qui, dans leurs
> diverses positions ont l'obligation d'enseigner à tous
> les citoyens leurs devoirs et leurs droits. Vous,
> vous n'avez qu'à exiger de vos employés un bon travail.
> En allant au dela vous usurpez un rôle qui ne vous
> appartient pas et vous jetez dans la société un malaise,
> une confusion dont plus tard les conséquences seront
> terribles et pour vous et pour tous. [7]

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[6]Ibid.

[7]"Quelques considérations sur notre politique", J.T.R.
(September 14, 1871), p. 2.

Once the working class saw that self-interest alone governed
society, it could, by virtue of its corporate strength, assert
itself over society as a whole:

> Du moment que les classes ouvrières verront que c'est
> l'intérêt, l'intérêt seul qui doit gouverner les sociétés,
> alors elles se diront: nous allons nous aussi agir dans
> notre propre intérêt et nous aurons la loi de la force
> brutale, la loi des communistes de Paris, à la place de
> la loi morale.[8]

Society would then be governed, as Paris was at the time of the
Programme, by the rule of might.

McLeod went on to examine some of the reasons the capita-
lists put forth to justify their pressure on the workers:

> On dit généralement pour se justifier de cette injuste
> pression que ces bourgeois, ces industriels possédant
> plus de propriété, étant plus intéressé à la chose
> publique, il n'est que juste qu'ils doivent faire voter
> leurs employés avec eux. . . . Que ces grands industriels
> emploient tous les moyens moraux, légitimes, pour
> convaincre leurs employés de bien voter, à la bonne
> heure. Mais qu'ils les menacent de les chasser de leur
> emploi parce qu'ils voteront conscientieusement, contre
> le gré et l'opinion de leurs bourgeois, c'est une
> tyrannie qui poussera nécessairement les classes
> ouvrières à s'unir pour le repousser.[9]

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[8] "Les élections de notre district en 1867 et en 1871 (suite)",
J.T.R. (August 7, 1871), p. 2.

[9] Ibid.

The bourgeoisie's property did not entitle it to exert any unjust pressure on its employees.

A few days before the election, an incident arose to illustrate how the voters' freedom of action was subjected to unjust pressure. Some of the voters in the Trois-Rivières region who were employed by the government to work on the booms were afraid to give their support to C.-B. Genest, the Conservative candidate in Trois-Rivières and an adherent to the Programme, fearing that to displease their employer, T. E. Normand, might cost them their jobs.

The federal cabinet minister, the Hon. Hector L. Langevin, was obliged to intervene, and on June 12, 1871, he sent the following telegram to Genest:

> Vous pouvez dire ouvertement que mon désir est qu'aucun
> des hommes employés aux travaux du Gouvernement aux
> Trois-Rivières et sur le St. Maurice ne soient empêchés
> de voter suivant leur conscience et leur opinion et
> qu'ils n'ont pas besoin de craindre de voter librement.[10]

Thus did one of the leading French Canadian Conservative politicians of the day reassure a group of workers that they had nothing to fear by voting conscientiously.

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[10]This telegram appeared, along with other diverse material relating to the election, in an "Extra" published by the J.T.R. on June 14, 1871; all of which was republished in J.T.R. (June 15, 1871), p. 3.

In addition to the possession of more property, capitalists were wont to claim that the possession of more knowledge also entitled them to dominate their employees politically:

> On dit de plus: mais ces employés n'ont pas pour la plupart une opinion à eux. Nous avouons que beaucoup d'entr'eux n'ont pas toujours toutes les connaissances et tous les renseignements nécessaires pour donner un bon vote. Mais pendant le cours d'une élection ils ont l'avantage d'avoir tous les renseignements qu'il leur faut, pour se prononcer suivant la voix de leur conscience, et non pas uniquement d'après la volonté de leurs bourgeois. D'ailleurs, qu'ils aient assez de connaissances, qu'ils aient assez d'intelligence pour bien exercer leur droit de vote; ou qu'ils n'en aient pas assez, cela ne justifie pas les bourgeois de les menacer de les priver de leur emploi, s'ils ne votent pas suivant l'opinion de ces derniers, qui bien des fois peut être fort mauvaise et le plus souvent fort intéressée.[11]

Property and knowledge were certainly determining factors in an election, but they could never justify the application of undue pressure by one economic class on another.

On the eve of the voting in Trois-Rivières, the _Journal des Trois-Rivières_ published an "Extra". In it, in bold language, was an appeal to the citizens' courage to overcome the threats of brute force:

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[11] _J.T.R._ (August 7, 1871), p. 2.

Il est temps d'avoir l'expression libre de tous les
électeurs de la ville. Il est temps d'écraser par la
force morale qui fait de l'électeur un homme libre
qui rehausse sa dignité de citoyen, la force brutale
qui en fait un esclave.

L'indignation exaspère les coeurs honnêtes,
devant ces moyens employés par la force brutale, pour
étreindre la conscience et étouffer sa voix.

Citoyens des Trois-Rivières, il doit y avoir
dans vos coeurs assez de force, assez d'énergie et
assez de volonté pour ne pas vous laisser dicter
votre opinion et guider votre conscience, par le
coup de poing et le bâton. Que tous les citoyens
honnêtes fassent aux polls un rempart de leurs
personnes à la liberté du vote et qu'ils ne reculent
pas devant les fiers-à-bras.

Unissez-vous. Agissant ensemble vous êtes une
force écrasante devant laquelle la force brutale elle-
même pliera. Mais soyez fermes aux polls. La lâcheté
doit être bannie de tous les coeurs pendant les jours de
votation. C'est un devoir pour vous de voter. Allez-
y courageusement et librement![12]

Courage! courage! courage! that was what made the voter a free

man and raised his dignity as a citizen.

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[12]"Extra" of June 14, 1871, republished in J.T.R. (June 15,
1871), p. 3.

PART FOUR: A SUBSIDIARY REMARK

The Danger

of

Anti-intellectualism

(Section XIII)

XIII

UN GRAND MAL

"Au reste, nous avons tenu à mettre surtout en évidence
les convictions et les qualifications religieuses que
les électeurs doivent exiger de ceux qui sollicitent
leurs suffrages. Il est utile d'ajouter que, pour faire
prévaloir leurs convictions religieuses, il faut chez
les députés, l'intelligence et l'instruction. Après
s'être assuré des principes religieux des candidats,
il faudra donc, en second lieu, s'efforcer de faire
parvenir en chambre la plus grande somme possible d'in-
telligence et d'instruction.
        Nous réprouverions donc toute action ministéri-
elle qui tendrait à éliminer de l'arène parlementaire
des hommes capables de rendre service à la cause catho-
lique et nationale, sous le prétexte qu'ils gêneraient
quelques ambitions. Composer la représentation de
nullités dociles et impuissantes serait certainement un
grand mal qu'il faut éviter.

It should be clear by now that what the programmistes
wanted the voters to elicit from a candidate was not his opinions
for solving the various problems of the day, but his convictions:
i.e., his basic assumptions, which usually passed unexamined, but
which continued nevertheless to govern his speeches and his deeds.

This constituted the main thrust of the Programme.

It was not enough, however, to ascertain the soundness of a candidate's convictions: what had also to be verified --and this is the point of the subsidiary remark-- was his ability to articulate his convictions and to persuade others of their soundness.

(1) Political persuasion

A person's convictions with regard to the place of religion in society, whether held in private or in communion with others, need never be discussed: but as soon as they are carried into the political arena, they become subject to questioning. There, what appears to one person a monumental truth appears to another a personal opinion: what in church is taken for granted, in politics is debated. As a result, a man is obliged, in politics, to defend his convictions and to try to win others over to their soundness. To do so, he requires not only faith, but intelligence and instruction: "pour faire prévaloir leurs convictions religieuses, il faut, chez les députés, l'intelligence et l'instruction."

This ability to prevail in debate, to persuade others of the rightness of one's own convictions, is quite distinct from the quality of the faith of one's convictions. Unfortunately, this distinction is often turned into a crude opposition between the faithful and the sophisticated.

The danger that such an opposition might develop in Quebec worried the programmistes. The faithful, who formed the overwhelming majority of the electorate, were not instructed in civics and were inclined to distrust those who were. Both Beausoleil and Taillon, in addressing the voters of Epiphanie, referred to the possible danger of an anti-intellectual mood's setting in among the people. Taillon said:

> Des gens ont essayé en diverses parties du pays de soulever les préjugés contre les hommes instruits; mais je suis sûr qu'ils n'auraient aucun succès dans un comté comme celui de l'Assomption, qui s'enorgueillit à si juste titre de son magnifique collège, de ses couvents et de ses écoles, auprès des cultivateurs qui font tant de sacrifices pour faire instruire leurs enfants.[1]

Beausoleil, too, referred to educated men:

> Si vous me dites que vous vous défiez de leur honnêteté, je vous répondrai que vous avez tort d'avoir ce magnifique collège à vos portes, d'y envoyer vos enfants pour y apprendre à vous tromper et à vous trahir.[2]

Canada's constitutional regime required that a member of Parliament be able to engage in discussion, to argue, and to win others over to his way of thinking. Commenting on this part of

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[1] recorded in N.M. (May 30, 1871), p. 1.

[2] Ibid.

.the text, Beausoleil wrote:

> Le premier devoir de l'électeur catholique est de
> s'assurer que les principes religieux et politiques du
> candidat catholique qui brigue son suffrage, sont
> irréprochables: mais ce n'est pas le seul.
>   Il en a un autre, très grave aussi, à remplir:
> --c'est de choisir des hommes en état de distinguer
> entre les bonnes et les mauvaises doctrines, entre un
> raisonnement juste et un sophisme; capables enfin de
> reconnaître les véritables intérêts du pays et de les
> faire triompher.[3]

It was not enough that a member's convictions be irreproachable.

He had to be able to persuade others of their irreproachability.

Under Responsible Government, the most crucial moments

of government occur between the readings of a Bill, when members

of the House or Assembly are given the opportunity to debate

first the substance and then the details of a proposed law. And

yet in reviewing the performance of the 1st Quebec Legislature,

Beausoleil found that:

> la dernière législature de Québec était surtout remarquable
> par sa faiblesse sous tous les rapports. Elle contenait
> une foule de députés dont la seule manière de juger des
> questions était de rester bouche close et de se lever
> pour voter en même temps que les chefs du parti auquel
> ils appartenaient.
>   Ceux qui ont suivi avec attention les délibéra-
> tions de la chambre, savent combien de lois ont été
> adoptées sans discussion ou après des débats qui révélaient
> la plus radicale impuissance.[4]

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[3]N.M. (May 1, 1871), p. 1.

[4]Ibid.

Under Responsible Government, the men governing the
country are required to bare their activities to the scrutiny
of the private members of the House or Assembly, regardless of
whether those private members are supporters or opponents of the
government. By the same token, ministers are required to defend
the government's activities in the same place. All representatives
must therefore be able to argue, either defensively or offensively,
in public.

For a representative to be truly useful, he had to
possess, according to Beausoleil, the following qualifications:

> Pour être utile dans le large sens du mot, un représentant
> doit savoir embrasser les questions de haut, les traiter
> avec impartialité et les envisager au point de vue des
> intérêts du plus grand nombre. Il doit avoir des principes
> fermes et arrêtés et savoir pourquoi il s'y attache.
> C'est assez dire qu'il lui faut connaître
> l'histoire de son pays, de ses luttes, des partis qui
> s'y disputent la proéminence, les doctrines qui les
> séparent afin de faire un choix intelligent; qu'il ait
> fait une étude sérieuse de là politique ainsi que de
> l'état d'avancement de la province, des causes qui re-
> tardent ses progrès et des remèdes qu'il serait convenable
> d'y apporter.
> Tout cela est nécessaire, si les comtés veulent
> se faire représenter autrement que par des aveugles, qui
> ne pouvant distinguer les couleurs par eux-mêmes sont
> obligés de s'en rapporter à d'autres, et de dire blanc
> ou noir suivant qu'on le leur indique.[5]

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[5] <u>Ibid.</u>

(2) Parliament and the crown

The need for the electorate to choose clear-sighted and clear-spoken men to represent them in Parliament arises out of the central fact of Responsible Government: the fact that there are men who are attached both to the crown and to Parliament -- the crown being accountable to Parliament, and not *vice versa*. If the *rapport* implied in that fact was to be maintained justly, then members of Parliament had to be capable of subjecting the crown's administration to clear and relevant criticism.

According to the *programmistes*, such was not the case in Quebec. Certain members of the Conservative party who were agents of the crown wished to reverse the constitutional relation and to have Parliament accountable to the crown. In the second paragraph of this section, we learn that some members of the party had no desire to see the Assembly composed of spirited parliamentarians. Some found it to the advantage of their ambitions to have weak and inarticulate private members. That this was so was made evident in the case of the candidacy of F. X. A. Trudel.

Of the ten *programmistes*, Trudel was the only one who had entered into the elections as a candidate. He, more than any of the others, came therefore to exemplify what the *Programme*

stood for. His candidacy was the cause of some apprehension. Beausoleil reflected:

> M. Trudel continue à plaider, mais sur un nouveau terrain, la cause sacrée des droits et de la liberté parfaite de l'Eglise de son pays. Ce qu'il en a précédemment déjà dit dans les cours, certains hommes semblent beaucoup craindre de l'entendre, quelque jour, répéter dans nos chambres . . . [6]

These certain men were to be found not only in the ranks of the opposition, which would be natural enough, but also, as this section implies, in the ranks of the Conservative party. Let us look briefly at some of the facts attending Trudel's candidacy.

Some time before the publication of the Programme, F. X. A. Trudel was invited to seek election in his native constituency of Champlain. All seemed to be going well: the outgoing Conservative incumbent, Dr. John Jones Ross, was one of the first politicians to declare his support of the Programme. But Ross was soon led to see that Trudel was not the right kind of Conservative: he proceeded therefore to encourage the candidacy of another Conservative by the name of Robert Trudel. As a result, the Conservative party was split in Champlain. Reflecting on these events, McLeod wrote:

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[6] N.M. (June 12, 1871), p. 1.

> Machiavel a légué au monde des intrigants qui mettent
> leurs principes et leurs convictions sur la grande
> foire électorale au plus haut offrant, une politique
> basée sur ce principe: Divide et regna. Divisez et
> régnez. C'est à l'aide de ce principe que l'on cherche
> depuis quelques mois à mettre le trouble parmi les
> amis du parti du comté de Champlain auquel nous
> appartenons.[7]

The split in Champlain had been caused not by the programmistes, but by members of the Conservative party who were afraid of the programmistes.

Needless to say, the opposition wasted not a moment in taking advantage of the situation: "Nos adversaires n'épargnent rien pour en profiter".[8] T. Normand, whom we have already encountered in connexion with the exercise of economic pressure on the electorate, was one of the owners of the Trois-Rivières newspaper, the Constitutionnel. He had been defeated by Dr. Ross in 1867, and knew that alone he could never win in Champlain. Now, he saw his chance; entered the election campaign; and allied himself as closely as possible to Robert Trudel. In sizing up the campaign in Champlain shortly before the voting was to get underway, McLeod remarked:.

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[7]J.T.R. (May 1, 1871), p. 2.

[8]Ibid.

Comment se fait-il que M. Robert Trudel et M. Normand se
saluent comme pour s'embrasser? comment se fait-il
qu'ensemble sur les hustings ils disent aux électeurs:
Votez pour un de nous deux indifféremment; comment se
fait-il qu'ils combattent M. F. X. A. Trudel à raison
de ses principes?

Cette conduite de leur part nous parait assez
étrange pour être signalée à l'attention des électeurs;
car il serait pénible de voir le beau comté de Champlain
devenir l'objet d'une spéculation ou tomber entre les
mains d'un candidat rouge par un tour de passe-passe.[9]

Why was F. X. A. Trudel's candidacy being frustrated?

Why was it not being encouraged by the party when, as Beausoleil

pointed out, the essence of Responsible Government required that

private members , as well as government members, be spirited

Parliamentarians?

Nous disons que pour une bonne administration des affaires,
deux choses sont nécessaires: un ministère composé d'hommes
intègres, capables, énergiques, ayant à coeur le bonheur
et la prospérité générale, et pour les soutenir et les
contrôler au besoin, des partisans aussi intègres et capa-
bles, approuvant en connaissance de cause et pouvant au
besoin les combattre et leur succéder.

Cela est de l'essence même du régime constitutionnel.
Autrement, mieux vaudrait confier à quatre ou cinq individus
tout le fardeau du gouvernement, quitte à les soumettre à
une élection périodique.[10]

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[9] J.T.R. (June 12, 1871), p. 2.

[10] N.M. (May 1, 1871), p. 1.

Beausoleih went on to compare a political party to a school:

> Sous l'état de choses actuel, chaque parti est une école
> à laquelle viennent se former les futurs hommes d'Etat.
> Ils doivent choisir dans leur sein les hommes jeunes
> encore, mais brillants par le talent, l'amour de l'étude,
> animés d'un dévouement sincère aux intérêts du pays, les
> pousser en avant tout en les contrôlant, et les habituer
> de bonne heure aux secrets et aux travaux de l'administra-
> tion. Les chefs passent, mais les principes restent.
> Pour les défendre et les appliquer il faut des hommes
> capables de remplacer leurs aînés, quand ils viendront
> à disparaître.[11]

The transitoriness of human existence, the fact that old-timers

are forever being replaced by newcomers, required in politics,

as in other walks of life, that the young be encouraged and

trained by the old.

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[11] _Ibid._ Throughout their careers, the _programmistes_ took an
active interest in the education and training of their compatriots:
see Trudel's _Mémoire sur la question de fusion des sociétés littéraires
et scientifiques de Montréal_, published in 1869; Pagnuelo's pamphlet on the
Bill sur la succursale Laval à Montréal, published in 1881; or his
debate with Sir William Dawson, principal of McGill University, on
what should be required of students wishing to enter law or medecine,
published in 1887; and Dr. Louis-Edouard Desjardins' speech on the
importance of a classical education for the training of professionals,
published in 1888.

PART FIVE: THE PERORATION

The Summary

(Section XIV)

XIV

RELIGION ET PATRIE

"En deux mots, nous voulons sauvegarder à la
fois l'honneur de la Patrie et la liberté de l'Eglise,
et tout notre programme peut se résumer dans ce motto:
'Religion et Patrie'."

We know that the programmistes distinguished three realms

of human activity: the religious, the political, and the economic.

Only marginally did the Programme touch upon man's economic

activities; mainly, it treated of man's political and religious

activities, and especially of the relation between the two. The

essential rapport should be clear to us by now: it was more

important for a man to save his soul than to save his fatherland.

Consequently, politics must be subordinate to religion. But here

in the peroration of the text, the relation is subsumed, and one

term of the relation appears simply juxtaposed to the other: "l'hon-

neur de la Patrie et la liberté de l'Eglise . . . 'Religion et

Patrie'".[1]   While keeping in mind the essential _rapport_ between
the realm of religion and the realm of politics, I shall now
reconsider·briefly each of the realms on its own.   Involved in
each of the realms is yet another relation: in the one, man's
relation to God; in the other, man's relation to other men.   The
terms which the _programmistes_ chose to express each of these
relations are most significant in providing·a final insight into
their thought.

(1) Man's·relation to God

In wishing to express man's relation to God, the authors
might have used the word "Church" or the word "Christ", but they
chose instead the word "Religion".   In the first place, this
choice confirms for us the essentially natural dimension of the
Programme: its argumentation did not depend so much on a specific

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[1]Professor Monet has written: "For years the _bleus_ and
their Upper Canadian colleagues supported the same men, but as
the French party gradually concentrated so dogmatically on Faith
and Nationality, there could be no true meeting of minds." "French-
Canadian Nationalism and the Challenge of Ultramontanism", _Rapport
de la Société historique du Canada_. 1966, p. 55.   In the light of
their motto, it is clear that Professor Monet's comment cannot
apply to the _programmistes_: for there is a world of difference
between faith and religion, just as there is a world of difference
between nationalism and patriotism.

revelation of the Word of God as on that primitive revelation apprehendable by ordinary human intelligence. The programmistes' appeal to religion was natural in a way in which as appeal to the Church or to Christ would not have been.

Religion, however, implies more than a primal orientation towards the divine. Normally, it entails a form of appropriate behaviour as well, behaviour deemed, becoming in the light of an original experience of the divine. Now as long as religious practices are not limited to the private quarters of individuals, but are performed in public and occupy a legitimate place in society, it is obvious that, from this practical point of view, worship requires more than belief. Religion has a dimension of human action, as well as one of contemplation.

These practical considerations about man's relation to God led Siméon Pagnuelo to call 14 and 15 Vict. Chap. 175 the fundamental principle of Canada's political constitution. It established (as we recall from Section I)

> the free exercise and enjoyment of Religious Profession and Worship, without discrimination or preference, so as the same be not made an excuse for acts of licentiousness, or a justification of practices inconsistent with the Peace and Safety of the Province.[2]

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[2] 14 & 15 Vict., cap. 175, s. 1.

This Act recognized the practical freedom of all religious com-
munities in Canada to perform their duties as long as they did
not disturb the peace and safety of society. For the programmistes,
this was the leading principle of the Canadian polity: once it was
recognized and established in law, then there ensued a whole host
of measures.

Of course, there was great controversy in nineteenth
century Canada --in Upper Canada as well as in Lower Canada--
as to where the line should be drawn between what was to be
rendered to God and therefore to come under the jurisdiction
of independently constituted Churches, and what was to be rendered
to Caesar and therefore to come under the jurisdiction of the
State; but for the programmistes, a man's birth, his education,
his marriage, his participation in the government of the church,
and his death, while they obviously had some civil significance,
were primarily of concern to the religious authorities. They
ultimately touched upon man's immortal destiny. On the opposite
side were those who would define "the free exercise and enjoyment
of Religious Profession and Worship" in as narrow a way as possible,
leaving to the jurisdiction of the churches only mystical matters
far removed from ordinary, everyday life. As Trudel said: "C'est
bien là vouloir reléguer l'Eglise aux catacombes, ou la banir

complètement des sphères du monde visible."[3] Many of the battles

fought in Canada in the last century may be interpreted as battles

between those who wished to see religion remain a force in society

and those who strove for secularization. In any event, it is clear

that for the programmistes, what was owed to God was not only

worship per se: there were events as well, some unique and some

recurrent, some private and some public, which were also in need

of purification and sanctification and which therefore fell

beyond the pale of secular authority.

(2) Man's relation to other men

      Turning from man's relation to God to man's relation to

other men, one finds it more difficult to ascertain the meaning

of "la patrie" than it is to ascertain the meaning of "la religion".

We recall Trudel's letter to the editor of La Minerve:

> On a trouvé mauvais qu'il n'ait rien été dit dans ce
> programme des questions politiques. La chose s'explique,
> pourtant parfaitement, par la déclaration d'adhésion au
> parti conservateur et d'appui loyal à donner à ses chefs.
> C'était assez dire que nous adoptions leur programme
> politique, que nous repoussions tous les projets échevelés [4]
> qu'ils répudient, tel que celui de l'annexion, par exemple.

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[3] F. X. A. Trudel, "Quelques réflexions . . . .", Revue canadienne, VIII (1871), p. 267.

[4] reproduced in O. (April 29, 1871), p. 1.

My outline of what constituted "la patrie" in the minds of the
programmistes will therefore be somewhat tentative.

To conjure up the image of order in the political realm
of human relations, the programmistes chose the term "patrie",
as opposed to other terms such as "la Nation", "le pays", or
"l'état". What significance can we derive from this fact?

Much of a man's life is determined by what he receives
from other men. It is natural therefore to treasure what has
been received from others: to love it because it has been given.
It is possible to distinguish, however, among those things one
has received: some constitute one's heritage; others, one's
heredity. Some, one could have not received: others, one could
not have not received. It is natural to prize the former, which
reflect the specifically human element of freedom, over the latter,
which reflect what man shares in common with the rest of the
animal kingdom. The border-line between one's heritage
and one's heredity is the same as that which exists between what
in French is called "la langue" and "le langage". In an article
entitled "Notre Situation", A. B. Routhier described the world
which he shared with other French Canadians:

> Nous avons conservé notre langue, nos lois, nos institutions
> et la foi de nos pères. Nous avons défriché nos forêts,
> agrandi nos villes, multiplié nos paroisses et bâti dans

>tous les centres importants des églises, des collèges
>et des couvents.[5]

Among those things which Routhier had received _en partage_, we
notice how clearly the emphasis rests on the side of heritage
as opposed to the side of heredity. It is precisely those things
which can easily disintegrate and pass out of existence which
Routhier holds dear.

The difference between treasuring one's heritage and
treasuring one's heredity is reflected in the difference between
being patriotic and being nationalistic. By choosing the word
"_patrie_", as opposed to the word "_nation_", the _programmistes_
chose to invoke their ancestors' political deeds as opposed to
their phylogenetic events. It is the laws, the institutions,
the houses of worship, and the houses of learning --in short,
everything which makes up the image of the City-- and not the
fact of being born with a particular colour of eyes or of skin,
of growing up in a particular environment and of expressing oneself
in a particular way --in short, everything which makes up the image
of the Race-- which the _programmistes_ would leave in the minds of
their readers.

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[5] A. B. Routhier, "Notre Situation", _Causeries du Dimanche_,
p. 65.

Of course, it is much easier to conjure up the image of Race than the image of City. In the former case, one need only point to such easily remarked features as colour, voice inflexion. etc.; whereas in the latter case, all one can point to are certain buildings. The rest of one's heritage is made up of intangibles: of laws, customs, and memories. In invoking la patrie, the programmistes relied in part, therefore, on the memory of shared experiences faithfully preserved by the community at large. Directly in this line of thought is the armorial bearing of the province of Quebec, "Je me souviens".

But a community cannot possibly remember everything that has happened to it. Certain ancestral deeds are more memorable than others. A discriminating principle emerges even within the realm of heritage. Not all old buildings are worthy of preservation. just as not all ancestral deeds are worthy of faithful transmission.

Thus la patrie presupposes judgements about what is good. But not all generations will judge the same deed by the same lights, and therefore certain ancestral deeds are left to fade into the background while others are kept in the foreground of memory. When this discriminating principle is taken into account, one's heritage moves still further away from one's heredity, and patriotism from ethno-centrism towards heroism.

The concept of heroism should be taken literally as
representing an embodiment of the partly divine and the partly
human. Deeds, the performance and outcome of which could not
have been foreseen at the time, are quite logically explained
as the result of the cooperation of supernatural and natural
forces. This applies not only in the life of individuals, but
in the life of peoples. In the article already quoted, A. B.
Routhier wrote: "On me demande ce que je pense de notre situation
actuelle comme peuple et quelle sera l'issue de cet état de choses."
To which he replied: "Faire des prévisions sur notre avenir, sans
compter avec la Providence, serait aussi absurde que de nier
l'action providentielle dans notre passé."[6] Because of its
unpredictable nature, Providence is most fittingly discussed in
reference to events of the past. It is only with the passing of
time that all the consequences of an action can be appreciated,
and that out of a pile of circumstances an over-all design can
begin to unfold. Though a degree of uncertainty must always attend
such matters, a correct interpretation of the past can provide man
with certain guidelines for the future: "Voyons donc ce que la
Providence a fait pour la nationalité canadienne-française et le

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[6] A. B. Routhier, "Notre Situation", Causeries du Dimanche,
pp. 61 - 62.

passé nous instruira de l'avenir."[7] Thus the providential events
of the past take on an instructive importance. They provide later
generations with paradigms of conduct. In this sense, *la patrie*
is the storehouse of such paradigms; it gathers together all those
landmarks where a people's destiny has taken a significant turn.
Routhier invokes the following three events as constituting
significant turnings in the destiny of the French in the New
World.

First and foremost is the implantation of the Catholic
faith and religion:

> La France a versé dans nos veines le plus pur de son
> sang; et cette glorieuse filiation ne peut pas être
> inféconde. Profondément religieuse alors, la fille
> ainée de l'Eglise n'avait d'autre but, en devenant
> mère, que l'extension de la foi catholique et la con-
> quête d'un nouveau royaume à Jésus-Christ.[8]

Appropriating this event as the basic feature of his people's
destiny, Routhier went on:

> et telle a été l'origine de la nationalité canadienne-
> française, et c'est pour cela qu'elle est inséparable
> de la foi catholique, et qu'elle ne peut exister sans
> elle.[9]

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[7] *Ibid.*, p. 62.

[8] *Ibid.*, p. 62.

[9] *Ibid.*, pp. 62 - 63.

We notice here how the most treasured part of one's inheritance
--the deeds of the founding fathers-- is seen as serving the
salvation of souls. La patrie is meant to serve la religion.

The second event to shape the destiny of the French in
North America was the implantation of British rule:

> Quand la France en délire, ivre d'impiété, a renié sa
> mère la sainte Eglise et maculé sa face auguste, Dieu
> n'a-t-il pas arraché de ses bras de marâtre l'enfant
> qu'elle ne pouvait plus allaiter? N'a-t-il pas planté
> sur nos rives le drapeau conservateur d'Albion pour
> nous servir de digue contre ce torrent du libéralisme
> qui inondait le monde?[10]

Compared with the modern French, the British constitution which
Canada inherited contained much that had its roots in pre-
Enlightenment thought.

A third event which, like the others, could not have been
predicted at the time but which now went to make up the destiny
of the French Canadian people was the achievement of proper
political maturity:

> Ce qui, dans les calculs humains, devait anéantir la
> race française, n'a été qu'une épreuve dont elle est
> sortie victorieuse, et n'a servi qu'à développer sa
> force et sa fécondité. L'union des deux Canadas, qui
> devait être son tombeau, n'a été qu'une arène glorieuse
> où l'enfant est devenu un homme!

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[10] Ibid., p. 63.

> Et quand ses frères de lait, devenus également
> forts, virent qu'ils s'épuisaient en luttes inutiles,
> ils se donnèrent généreusement la main, et contractèrent
> une nouvelle alliance avec d'autres frères qui voulurent
> partager leurs destinées. . . .
> L'horizon politique se trouva agrandi, et l'ho-
> rizon français dissipa ses nuages. L'ancienne Province
> de Québec, que les gouverneurs français avaient fondée,
> et que l'on croyait ensevelie pour jamais dans l'oubli
> le plus complet, se releva radieuse d'espérance et
> s'achemina librement vers l'accomplissement de ses
> destinées.[11]

Having their own responsible governors, the French Canadian

people were free to help bring about what is good and to banish

what is evil: "Notre population est libre, libre de cette bonne

liberté qui permet tout le bien et qui proscrit le mal."[12] As

a result of Confederation, the French Canadian people had become

actors in the moral drama of the world.

The establishment in Québec of the Catholic faith and

religion, of the British constitution, and of Responsible Government:

these, according to the programmistes, were the events determining

the destiny of French Canada.

Opposed to this conservative or authoritarian understanding

of the destiny of French Canada was the libertarian, which found

its paradigm of patriotism in the Lower Canadian rebellions of

1837 and 1838. To many French Canadians, the Rebellions have

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[11]Ibid., p. 64.

[12]Ibid., p. 65.

always been the most memorable of deeds performed by the French

in the New World. For them, to invoke la patrie is to invoke

les patriotes.

Rejecting the authoritarian assumption that a people's

relation to government is that of subject to ruler, the libertarian

assumption posits that a people's relation to government is that

of subject to its institutional self. To authoritarians like the

programmistes. this libertarian assumption was a threat to social

order: it encouraged immediacy in human relations; and consequently

led men to behave without pausing to reflect on the possible con-

sequences of their deeds. We recall McLeod's remark on the

principle of authority: "Quel frein aussi puissant pourrait-on

jamais opposer à l'ambition et aux convoitises!"[13] Libertarianism,

instead of restricting, encouraged man's covetousness and ambition.

It gave free rein to his appetite for the goods of this earth and

for worldly recognition. In short, the libertarian assumption

raised human expectations beyond all reasonable limits.

Bordering on the United States of America, a country founded

on the principle of liberty, French Canada was exposed to the

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[13] J.T.R. (June 9, 1871), p. 2.

dangerous appeals of the libertarian assumption. Translated into

the most striking of political terms, these dangerous appeals

were invoked by the terms, "l'annexion" and "l'indépendance". As

such, they were the subject of an article by A. B. Routhier.

"L'annexion", as a formula, captured the desire to be part

of the American way of life. Essentially, this was the desire for

the goods of this earth and, by implication, for the means of pro-

ducing them. Routhier made it quite clear, to begin with, that he

was not opposed to the economic development of French Canada:

> Je veux bien que le Canada français s'avance à grands pas
> sur la voie ferrée du progrès matériel, trainé par ces
> deux grandes locomotives qu'on appelle le commerce et
> l'industrie. J'estime très bon qu'il devienne riche,
> fort et puissant, mais il est essentiel qu'il reste pro-
> fondément catholique: et s'il faut pour cela sacrifier
> le commerce et l'industrie, je le dis énergiquement,
> sacrifions-les.[14]

Economic development had to be subject, however, to a governing

religious view of the world.

The geographical reality of French Canada made the situation

particularly difficult:

> En face de cette terre montagneuse et bouleversée qui
> semble absolument inculte, et que l'homme a néanmoins
> défrichée. à côté de ces pouvoirs d'eau qui murmurent

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[14]Routhier, Causeries du dimanche, pp. 66 - 67.

> sous sa main et qu'il a laissés inexploités, je me
> suis dit que notre peuple est essentiellement agri-
> culteur et colonisateur, mais pas encore industriel.
> Je dis pas encore: car je ne désespère pas qu'il le
> devienne.[15]

The Quebec terrain seemed to call for an industrial way of life.
In this regard, Routhier had no objection to his people's becoming
industrial. But for Routhier, a people's becoming industrial was
quite a different thing from the industrialization of a country-
side:

> Je réponds que si le peuple canadien n'a pas encore
> le génie industriel, ce n'est pas l'annexion qui le
> lui donnera. Si donc ces pouvoirs d'eau et toutes les
> forces naturelles dont notre pays dispose sont exploités,
> ils le seront par des yankees, et alors où sera l'avan-
> tage?[16]

By allowing foreigners to exploit their natural resources, the
French Canadian people would not become industrial: rather, they
would cease to be agricultural without becoming anything else,
except labour for foreign interests:

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[15] Ibid., p. 70.

[16] Ibid.

> D'agriculteur le canadien deviendra ouvrier dans une
> manufacture, et je ne crois pas que la transition
> soit un progrès. Peut-être verra-t-on dans tous les
> coins du pays s'élever des manufactures, et des
> familles d'ouvriers se grouper autour, mais les terres
> seront abandonnées et l'agriculture souffrira.[17]

The danger was imminent that the French Canadians would become
an uprooted people.[18]

In addition to covetousness, the libertarian assumption
also encouraged ambition. It led to a premature desire for
worldly recognition. Expressed in a striking political term,
this was the dangerous appeal of "l'indépendance". Was it not
excessively ambitious for this country to cut its ties with the
Old World? Routhier granted that it was the lesser of the two
evils: "Je déclare franchement que je préfère l'indépendance à
l'annexion et qu'avant d'accepter le joug américain je voudrais
faire un essai d'indépendance":[19] but he wondered, "dans les
circonstances actuelles, serions-nous bien sûrs de fonder l'indé-
pendance sur des bases durables? L'indépendance, ne serait-elle

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[17]*Ibid.*, pp. 70 - 71

[18]In my M.A. thesis, <u>Hydroelectricity and Quebec: A Critique
of Modern Society</u> (Carleton University, 1969), I attempted to trace
the development of Quebec's water resources and to show its impact
on the life of the French Canadian people.

[19]Routhier, <u>Causeries du dimanche</u>, p. 77.

pas le premier acte d'un drame dont l'annexion serait le second?"[20]

Was it not a delusion to think that alone the country could resist the sway of the United States?"

In short, to the _programmistes_, French Canada made sense only if it resisted the libertarian assumptions of the American way of life and remembered the authoritarian principles which had guided it in its own destiny.

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[20] _Ibid._, p. 73.

EPILOGUE

(1) An analysis of the 1871 Quebec election

To understand the results of the 1871 Quebec election,[1] one must begin by picturing it as a series of municipal elections. Indeed, most of the successful candidates were elected on the basis of their experience and reputation in local affairs. There was no need for the leaders of the party to travel through the province introducing candidates, for the latter were what we would

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[1] The material used in my analysis of the 1871 election was collated from the following sources:
1. The newspapers of the time. See, for example, "Les élections de notre district en 1867 et en 1871", J.T.R. (June 28, July 6 & 13, 1871), pp. 1, and O. (July 14, 1871), p. 1.
2. Canada, Census of Canada 1870-71 (Ottawa, 1873), Vol. I,"Table V: Population of 1861 and 1871 compared by electoral districts", pp. 422 - 425.
3. Québec, Élections de l'Assemblée législative de la Province de Québec et élections de la Province de Québec pour la Chambre des Communes du Canada, Sessional Paper No. 33, (Quebec, 1902).
4. M. Hamelin, Les premières années du parlementarisme québecois 1867 - 1878 (Quebec, 1974), pp. 123 - 139.
5. J. Hamelin, J. LeTarte et M. Hamelin, "Les élections provinciales dans le Québec", Cahiers de géographie de Québec, No. 7 (oct., 1959 - mars, 1960), pp. 9 - 23.
6. A. Bernard, Les inégalités structurelles de représentation --la carte électorale du Québec: 1867 - 1967 (Montreal, 1969), Annexe statistique, Tableau 2: Données de base pour l'étude des inégalités de représentation lors des élections provinciales de 1871 au Québec, pp. 12 - 14.

call today grass-roots candidates, with their own independent
power bases. Pointing to their contributions as members of the
local agricultural society or chamber of commerce, or to their
time in office as reeve or mayor, they could present themselves
to the voters as obvious choices. Differences of opinion, if
there were any, could be reconciled at the nominating assemblies.
Only if the differences were felt to be basic would there be recourse
to a formally contested election. In 1871, twenty seven of the
sixty five elections were uncontested.

Another municipal aspect of the election was the absence
of rigorous party discipline. Just as today we might identify a
particular alderman as being liberal or conservative --that is,
of having a certain political orientation-- without assuming that
he will always vote en bloc with the other liberals or conservatives
of the council, so in those days could a candidate describe himself
as being a Conservative or a Liberal without implying that he
would always vote with the ministry or the opposition as the case
might be. In short, the terms Liberal and Conservative, even when
capitalized, denoted a school of thought more than a voting machine.
To state that there were forty six Conservatives elected (down from
fifty two in 1867) and nineteen Liberals (up from thirteen) in the
Quebec provincial election of 1871 does not do full justice to the
balance of power. In analysing the results, one is obliged in this
case to look beyond party labels and to attempt to measure the kind

and degree of support given to one party or the other.

Among those elected to the Assembly, we find first of all
the cabinet ministers: Chauveau, Dunkin, Beaubien, Archambault,
Ouimet, Irvine, and Robertson. To this list of names, one might
add those of Cartier and Langevin, who unofficially had much to
do with this ministerial group. On the other side of the floor,
we find Joly, Bachand, Marchand, and Holton, who constituted the
official opposition and who were prepared to form an alternative
government. Both these groups, which formed the core of the
ministerial and opposition parties respectively, had, of course,
a few faithful followers who could always be counted on for support.
But following the election of 1871, the number of these faithful
supporters was very small. Of the sixty five men elected, twenty
two considered themselves independent. For one reason or another,
over a third of the members were not prepared to commit their
support either to upholding the Chauveau ministry or to reinforcing
the Joly opposition.

The large majority of these independents were merchants and
businessmen. Indeed a significant change in the composition of the
2nd Legislature from that of the 1st was the decrease in the number
of représentatives from the agricultural class and the increase in
the number of representatives from the commercial class. This

change made for more articulateness in the Assembly but less

loyalty. Men such as Cassidy, Esinhart, and Sanders were capable

of voting either way. But one must give these representatives

of the commercial class credit for sensing that a transformation

was under way in Quebec politics. In the circumstances, it was

wise to hedge one's bets and not commit oneself either way until

it became apparent what the parties were going to stand for.

Commenting on the election results, McLeod described the

transformation taking place in Quebec politics and how the

Programme figured in that transformation:

> . . . le programme avait eu le bon et immense résultat
> de faire connaître les hommes de notre politique, tels
> qu'ils sont, tels qu'ils veulent être. Il y avait depuis
> trop longtemps un travail de confusion, d'alliage, de
> mélange, de concessions plus ou moins mauvaises qu'il
> fallait détruire. C'était le temps de frapper et de
> trancher pour prévenir les malheureux résultats d'une
> mauvaise transformation qui marchait rapidement, comme
> le prouvent les présentes élections. Qui pensait, avant
> la bataille électorale, avec la grande majorité que comp-
> tait le gouvernement, qu'il y aurait tant de prétendus
> indépendants, et du parti conservateur et du parti
> libéral? Il n'y avait que très peu de personnes qui
> observaient le mal et il a fallu bien du courage, de
> la persévérance à quelques-unes d'entr'elles pour le
> signaler et le faire voir. Aujourd'hui, on le voit,
> on le touche du doigt. La lumière est faite; à ceux
> qui veulent voir, d'ouvrir les yeux.[2]

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[2]"Les élections de notre district en 1867 et en 1871",
J.T.R. (July 13, 1871), p. 2.

According to the programmistes, a necessary condition for this transformation in Quebec politics was the abandonment of political principles. This was as true among the Liberals as it was among the Conservatives. Both parties were abandonning any effort to act consistently in accordance with some programme resting on an intellectually coherent and defensible order of ideas. Both parties were being cut adrift from their intellectual moorings. McLeod continued:

> Ce travail de transformation reléguait les principes dans l'oubli. C'était une condition nécessaire de ce dangereux rapprochement. Il fallait donc les affirmer avec une nouvelle énergie, raffermir la base sur laquelle le véritable parti conservateur dans notre pays s'est constitué. On comptait trop avec les hommes, les intérêts, les influences; toutes choses trop petites pour asseoir la véritable politique, choses qui existent aujourd'hui et qui demain ne seront plus.[3]

The Liberal party had nothing to lose by undergoing this transformation. The sooner it disassociated itself from the philosophes of the Enlightenment the better. It especially had to rid itself of the stigma of anti-clericalism if it was to find any popular following. It is significant that Laurier, who had espoused the doctrines of radical Liberalism, now presented himself to the electors of Drummond-Athabaska as as Independent.

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[3] Ibid.

Commenting on the change in Laurier's image, McLeod wondered:

> Mais M. Laurier, dans son passé se présente à nous
> sous les couleurs du libéralisme le plus avancé. Ne
> soutenait-il pas, il n'y a pas encore très longtemps,
> dans le _Défricheur_ les thèses les plus hardies, les
> principes les plus faux et les plus subversifs des
> rouges? Ne combattait-il pas alors sous le drapeau
> rouge avec son fameux confrère du _Pays_ de Montréal?
> Comment se fait-il qu'il ait changé de camp si vite,
> qu'il ait si tôt abandonné les convictions qu'il
> disait alors les mieux arrêtées chez lui.[4]

What was even more significant than Laurier's change of image was the success that it brought him. The incumbent, E. J. Hemming, was soundly defeated, though he had considerable ministerial support. Reviewing the election results, Desjardins wrote:

> nous pouvons citer, entr'autres, celui de Drummond et
> Athabaska où deux ministres provinciaux et un ministre
> fédéral ont commis la maladresse de descendre personelle-
> ment dans l'arène: le candidat pour lequel ils se sont
> compromis a été battu par une majorité écrasante, et il
> ne manque pas de gens qui voient dans ce fait un mauvais
> augure.[5]

Laurier's stunning victory in Drummond-Athabaska augured ill for the Conservative party.

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[4]_J.T.R._ (July 10, 1871), p. 2.

[5]_O._ (June 26, 1871), p. 1.

Unlike the Liberal party, the Conservative party had
everything to lose by abandoning its principles. Failure had
spelt the demise of the old Liberal party; was success going
to spell the demise of the old Conservative party? The Conser-
vative party was aware that, since Confederation, it had been
riding a wave of popularity. In 1871, two courses stood open
to it. It was in a position either to take advantage of a
temporary boom to consolidate the foundations of its achievement,
or to coast along enjoying to the full the benefits of power. In
Quebec, these two conflicting tendencies were represented by F. X.
A. Trudel and J. A. Chapleau respectively.

Commenting on the political movement generated by Trudel
and the _programmistes_, Alphonse Desjardins wrote:

> Quelques-uns n'ont voulu voir dans ce mouvement politique
> que l'impulsion de quelques mécontents; d'autres n'y ont
> vu que le rêve de quelques imaginations juvéniles;
> d'autres y trouvent le germe d'un parti nouveau, des-
> tiné à fournir une carrière plus ou moins longue et
> prospère; enfin, et ceux-ci sont les plus près de la
> vérité, d'autres ont vu dans ce mouvement le prélude
> d'une réforme devenue nécessaire dans l'esprit et les
> tendances du parti conservateur.[6]

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[6] _O._ (June 26, 1871), p. 1.

How successful were the programmistes in their attempt
to reform the Conservative party? The answer is that, apart
from Trudel's personal victory in the riding of Champlain, the
programmiste movement was everywhere turned away.[7]

Let us look more closely at Trudel's election in Champlain
for what it reveals both about the 1871 Quebec election in general
and about the fate awaiting the programmistes in particular.

The riding of Champlain ran along the North Shore of the
Saint Lawrence between Cap de la Madeleine and Ste Anne de la
Pérade, a distance of approximately twenty miles; but it extended
back en rang all the way to the watershed line, and was thus one
of the largest ridings in the province. It was a rural riding,
with a population (in 1871) of 21,643. Out of this number,
2,905 inhabitants (one out of eight) had the right to vote in the
1871 election. (The provincial average was one out of seven.)
It proved to be an exciting campaign. Three candidates ran for
election: F. X. A. Trudel, the programmiste, as an independent
Conservative; Robert Trudel, as a ministerial Conservative; and
Télesphore Normand, as an oppositionist.

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[7] In some respects, the failure of the programmistes to
reform the Conservative Party can be likened to the recent failure
of the wafflers to reform the New Democratic Party.

The first candidate to offer himself for election was
F. X. A. Trudel, who was born in Ste Anne de la Pérade. Normand,
who had been soundly defeated by the ministerial, J. J. Ross,
in 1867, knew that he could never win Champlain in a two-way
battle. Were he to confront F. X. A. Trudel alone, he would
probably lose by five or six hundred votes. Normand saw his
chance, however, when it became apparent that Ross, now a legisla-
tive Counsellor, did not find Trudel a Conservative to his liking,
although Ross had been one of the first to pledge support for the
Programme. (See Prologue.) Dr. Ross encouraged Robert Trudel to
run as a ministerial candidate, to the satisfaction of Normand, who
could now hope to split the Conservative vote and to emerge vic-
torious.

Alphonse Desjardins described in vivid terms the opposition
which faced F. X. A. Trudel in his bid to represent his native
constituency:

> Ni les boxers des chenaux, engagés par M. Normand
> pour intimider les citoyens paisibles, ni les menaces de
> ces sangsues que l'on appelle les Price qui s'enrichissent
> au détriment du pays par le déboisement de nos forêts et
> le retardement de la colonisation, pour empêcher leurs
> employés nombreux ou les électeurs dont ils pouvaient
> gêner les intérêts de voter pour le trop catholique M.
> Trudel;
> Ni les menées des McDougall, des Bennett et
> Benson et autres commerçants de bois des Trois-Rivières,
> ni les concours du fameux Gouin, le chef de cette troupe

de forcenés, mis au service du parti Normand le jour
de la nomination, ni les efforts de cette clique
trifluvienne qui a rendu impossible le vote des
honnêtes gens dans cette ville à moins de les mettre
sous la protection d'une police effective:

Ni la trahison, ni les intrigues d'un Docteur
Ross qui après avoir applaudi publiquement et
des premiers au programme catholique lui faisait une
guerre à outrance sur les <u>hustings</u>:

Ni l'éloquence de quartier latin des Gérin
et des Turcotte, ni l'influence du professorat
universitaire employé à combattre les principes qui
avaient la haute sanction de la première autorité
ecclésiastique du diocèse des Trois-Rivières;

Ni enfin la corruption la plus éhontée exercée
sur une vaste échelle par les agents de MM. Ross et
Normand, n'ont empêché la majorité des électeurs de
Champlain de donner leur approbation pleine et entière
au programme catholique en confiant à l'un de ses
auteurs le mandat important de ce magnifique comté.[8]

During the two days of voting, 2,331 votes were cast (an
eighty percent turnout): 593 for Robert Trudel, 836 for Télesphore
Normand, and 902 for Anselme Trudel. Trudel was elected to the
Quebec Assembly with a plurality of sixty six votes.

But apart from Trudel's victory, the <u>programmistes</u> had
little to rejoice about. Following are some of the events marking
their defeat.

Because of the bishops' letters of disavowal, positive
campaigning on behalf of the <u>Programme</u> was confined to the regions
of Montreal and Trois-Rivières.

Even in the regions of Montreal and Trois-Rivières, the

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[8] <u>O.</u> (June 26, 1871), p. 1.

programmistes were not successful. As McLeod reported: "Le résultat
de la votation dans trois comtés du district et dans la ville ne
nous a pas été favorable. . . . nous sommes défaits. Nous le
confessons sans honte et sans remords."[9] Indeed, three of the
incumbent politicians of the Trois-Rivières region who had sent
McLeod letters of support (see Prologue) were defeated: C. B.
Genest, the incumbebt for Trois-Rivières, was defeated by H. G.
Malhiot: in Nicolet, the incumbent, J. Gaudet, resigned before the
candidacy of F. X. O. Méthot; in Maskinongé, the incumbent, A.-L.
Desaulniers, was defeated by M. Houde: another _Programme_ sympathizer,
F. X. Bellemare, was defeated by E. Gérin in St. Maurice. Apart
from Trudel's victory in Champlain, the only other _Programme_
sympathizers elected to the Assembly were O. Pelletier in L'As-
somption, de Beaujeu in Soulanges, and Bellerose in Laval.

(2) The aftermath

The _Programme_ revealed a profound divergence of opinion
among the churchmen and the laymen of the Province, and as a
result, for at least three years following the 1871 election, it
kept reappearing as the focal point of controversy in Quebec. It
is safe to conclude for this period that, while the _programmistes_
won a few battles, they nevertheless lost the war; as in 1871 they
had won an important battle in Champlain, but had lost the over-all

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[9]"A nos amis". _J.T.R._ (June 22, 1871), p. 2.

electoral contest.

It became public knowledge in 1872 that Archbishop Taschereau's letter of April 24, 1871 was composed with the intention of indirectly undermining the Programme. Mgr Laflèche, the bishop of Trois-Rivières, called therefore on the Vatican to determine whether or not he could continue to support the Programme. To help Mgr Laflèche make his case in Rome, the programmistes prepared a memorandum in February, 1873 to explain the circumstances attending the publication of their text. They received some encouragement shortly afterwards in a letter from Pius IX to Gédéon Désilets, who had succeeded McLeod as editor, congratulating him on the work of the Journal des Trois-Rivières.[10] Then in August, 1873, the following favorable reply to the bishop's query came from Rome:

> attendu de plus que le dit Programme est très apte à procurer le bien de la Religion Catholique et de la société civile en Canada, nous sommes d'avis qu'il faut y tenir et que tout électeur Catholique doit l'avoir sous les yeux quand il se décide à voter.[11]

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[10]N.M. (March 19, 1873), p. 2.

[11]"Approbation du Programme Catholique", N.M. (August 9, 1873), p. 2.

Other events, however, were unfavorable to the program-

mistes.

The programmistes had wished to see certain laws amended

in accordance with the wishes of the ecclesiastical authorities.

(See Section X.) During the session of 1872, at Mgr Bourget's

request, Ouimet, the attorney general, presented a bill to the

legislature on the matter of civil registers. The object of the

bill was to oblige the civil authorities to recognize the registers

kept by any duly authorized priest. Section 7 read:

> Tout registre ou registres de l'état civil jusqu'ici
> tenus dans aucune église catholique romaine par un
> prêtre catholique romain, dûment autorisé par l'autorité
> ecclésiastique compétente, à célébrer le mariage, adminis-
> trer le baptême ou faire les obsèques, pourront et devront
> sur présentation d'iceux, à cette fin, quoique ces
> registres aient déjà servi, être numérotés, paraphés
> et certifiés par le fonctionnaire civil ordinaire, de la
> même manière et au même effet que si les dits registres
> n'avaient pas antérieurement servi, et un double d'iceux
> pourra, de la même manière et au même effet être déposé
> et reçu chez le fonctionnaire civil ordinaire. Et un
> certificat de l'évêque sera une preuve suffisante qu'un
> prêtre a été dûment autorisé comme sus-dit.[12]

The practical effect of this bill was largely obviated,

however, by an amendment imposed by the ministers of the Quebec

city area at the Archbishop's request, specifying that the law

did not affect the civil status of existing parishes. In the

words of section 10 of the Act:

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[12]"Acte concernant les registres de l'état civil", 36 Vict.,
chap.16, Statuts de la Province de Québec (Quebec, 1872), pp. 53-54.

> Le présent acte n'aura d'autre effet que celui d'autoriser
> à tenir des registres authentiques, et à légaliser ceux
> déjà tenus dans les cas et de la manière ci-dessus prévus,
> sans que le dit présent acte ne puisse avoir d'autres con-
> séquences légales, et affecter en rien au-delà de son
> objet direct, la position civile actuelle des paroisses
> et fabriques régulièrement existantes.[13]

The civil authorities, therefore, were still not obliged to recognize the ecclesiastical parishes newly established by the bishop of Montreal out of the old parish of Notre Dame. This amendment frustrated Mgr Bourget; it must also have served as a warning to Trudel, Bellerose, and de Beaujeu of the forces opposed to their influence.

Then in 1873, at the same time that they were helping the bishop of Trois-Rivières to make his case in Rome, the programmistes received a major political setback.

In 1872, it was discovered that Cauchon, a veteran politician and an influential member of the ministerial party, was a government contractor and had profited greatly from the asylum at Beauport. This scandal was just one more sign of the weakness and corruption of the Chauveau ministry. And so Langevin, who had come to replace the ailing Cartier as head of the Conservative party, persuaded Chauveau to resign and asked Gédéon Ouimet to

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[13] Ibid., p. 54.

form a new cabinet. Ouimet, an old style Conservative in the
Cartier tradition, was now in a position to encourage either
the reform element centred around Trudel or the reactionary ele-
ment centred around Chapleau. By his choice of Cabinet ministers,
he could orient the party in either direction.

On February 10, 1873, Ouimet wrote to Langevin, saying:

> Nous avons parlé de Trudel que j'aimerais voir dans le
> gouvernement. Nous rallions, par lui, les programmistes.
> . . . Si je puis avoir Trudel, sans méconter. Chapleau
> et sans m'aliéner La Minerve, j'aurai rendu un grand
> service au parti conservateur.[14]

Clearly, Ouimet was aware of the polarity existing in the party.
But it would not be possible to satisfy both elements; and so on
Langevin's advice, Ouimet chose Chapleau and not Trudel.[15] That
decision, it may be argued, had tremendous consequences for the
future of Quebec and Canada. I shall examine some of these
consequences in the Conclusion.

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[14]letter quoted by M. Hamelin in *Les premières années du parlementarisme québecois 1867 - 1878* (Quebec, 1974), p. 138.

[15]According to A. Désilets, "Ouimet demande même à Chapleau de s'effacer en faveur de Trudel. Mais sur l'avis de Langevin, Ouimet renonce à Trudel et fait de Chapleau le solliciteur général de son administration." *Hector-Louis Langevin, un père de la Confédération*·(Quebec, 1969), pp. 275 - 276.

The programmistes received a second blow in the formation of that cabinet when de Boucherville, who was sympathetic to the Programme. was replaced by J. J. Ross as president of the Legislative Council. Ross, we recall, had done everything possible to have Trudel defeated in Champlain.

The formation of the Ouimet cabinet marks the end of the programmistes' attempt to reform the Conservative Party in Quebec. It is from this date that we can mark the dispersal of the five programmistes from Quebec Conservative party politics.

Deprived of a cabinet post in the Ouimet government in February, 1873, F. X. A. Trudel accepted a seat in the Senate in October of the same year.

During the federal election campaign of 1872, Cléophas Beausoleil relaunched the Programme.[16] In the light, however, of the previous year's experience, Beausoleil emphasized the Programme's call for practical religious freedom, while de-emphasizing its partisan political aspect. Then, following the events of 1873, Beausoleil left the Nouveau Monde and joined the moderate liberal, L. O. David, in establishing Le Bien Public.

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[16]See "Programme Catholique: considérations préliminaires", N.M. (July 24, 25, & 26, 1872), pp. 1.

A. B. Routhier, who, as a Conservative candidate, was
defeated in Kamouraska in the federal elections of 1872, as he
had been in 1869, gave up politics in 1873, when he was appointed
a Puisne Judge of the Superior Court of the Province of Quebec.

Alphonse Desjardins retired from L'Ordre in October of
1871 for reasons, according to the Journal des Trois-Rivières,
not unconnected with his part in the Programme.[17] Following
a long sojourn in Europe, Desjardins began to write for the
Nouveau Monde. In 1874, he was elected to the Canadian House
of Commons for Hochelaga.

Magloire McLeod was forced to resign from the Journal
des Trois-Rivières in October of 1871 because of the position
he took on the Norht Shore Railway, a position which he developed
out of his commentary on the Programme.[18] This setback, and his
deteriorating health, forced him to retire from public life,
and he died in 1875 at the age of thirty-three.

Following the dispersal of the programmistes in 1873,

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[17] J.T.R. (October 5, 1871), p. 2.

[18] J.T.R. (October 16, 1871), p. 2.

.the _Programme_ itself was laid to rest in 1874. In August of
that year, Archbishop Taschereau received a rescript from
Cardinal Patuzi, the prefect of the Sacred Congregation of the
Inquisition, ordering "le silence le plus profond au sujet du
dit Programme et sur tout ce qui pourrait y avoir rapport".[19]

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[19] quoted in André Levasseur's unpublished history thesis,
Mgr Bourget et le Programme Catholique (Université de Montréal,
1972), p. 81.

CONCLUSION

The conclusions to which I have come from my study of the _Programme_ are at three different levels: the historical, the political, and the philosophical.

(1) The historical

No doubt the Vatican's ruling was a wise one. By 1874 it was clear that the _programmistes_ had failed to reform the Conservative party in Quebec. Persistence in this endeavour would have exposed still further the difference of opinion existing between the archbishop of Quebec and the bishops of Montreal and Trois-Rivières, and have served only to facilitate the rise to power of the secular forces in the province.

With the _Programme_ laid to rest and its authors dispersed, the Conservative party in Quebec came increasingly under the influence of that certain group of men referred to in the text (see Section IX). Having rejected the moral and the intellectual

315

forces which the programmistes could have contributed, the Con-
servative party in Quebec became weaker and weaker, passing on the
moral plane from scandal to scandal, and on the intellectual to
the progressive adoption of liberal assumptions.

Ten years after the appearance of the Programme, F.-X.-A.
Trudel published, under the pseudonym Castor, a work entitled Le
pays, le parti et le grand homme. In it he attacked the group
that, in his view, had undermined the Conservative party:

> Toujours, le principe fondamental: s'associer en dehors
> et indépendamment de l'organisation conservatrice pour
> travailler en commun, au moyen du lien social, au béné-
> fice personnel des co-associés, à leur triomphe politique
> personnel; monopoliser les forces, l'influence, le
> patronnage du parti et les faire servir exclusivement
> autant que possible au bénéfice des initiés; . . . De
> 1862 à 1872, le chef politique de ces messieurs, leur
> modèle . . . M. Cauchon! Aujourd'hui il est facile de
> reconnaître la succession en ligne directe de cette
> organisation dans le groupe Chapleau, Dansereau & Cie,
> ou si l'on veut la "bande à Sénécal".[1]

We are already familiar with Joseph Edouard Cauchon's
influence in Conservative circles through his editorials in the
Journal de Québec. How corrupting his influence was we saw in
the Beauport Asylum affair. But it was the figure of Chapleau
that Trudel singled out as the principal villain in the débâcle

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[1]F.-X.-A. Trudel (pseud. Castor), Le pays, le parti et le
grand homme (Montreal, 1882), pp. 15 - 16.

of the Conservative party.

It is interesting to consider the evolution of French Canadian society in the last quarter of the nineteenth century in the light of a comparison of three of its leading representatives: François-Xavier-Anselme Trudel, J. Adolphe Chapleau, and Wilfrid Laurier. All three were of the same age: Trudel was born in 1838, Chapleau in 1840, and Laurier in 1841. All three were lawyers: Trudel and Chapleau were called to the Bar of Lower Canada in 1861, and Laurier in 1864. All three began their political careers as members of the Quebec Legislative Assembly: Chapleau was first elected in 1867 for Terrebonne, and Trudel and Laurier were elected in 1871 for Champlain and Drummond-Athabaska respectively. But how different were these three men's orientations! and how different was the fate awaiting each of them!

Trudel began his career as a radical conservative and remained a radical conservative. Though no doubt he exerted a certain influence on the people and the events of his time, that influence cannot, in its extent, be compared to the tremendous impact that Laurier had on the political life not only of Quebec but of Canada as a whole. Laurier began his career as a radical liberal; but, as the programmistes pointed out, he soon found it expedient to trim the sails of his liberalism to the winds of North America. Indeed, it may be argued that Laurier's liberalism

is still the governing political idea of the country.[2]

Of Chapleau, it may be said that he was the man who tried
to bridge the gulf separating the conservative Trudel, and the
liberal Laurier:

> C'est ainsi que M. Chapleau a persévéramment
> travaillé à libéraliser le parti conservateur, en
> éloignant, autant qu'il l'a pu, des hauteurs du pou-
> voir, tous ceux qui n'étaient pas suffisamment atteints
> du virus libéral. . . .
> Depuis de nombreuses années, il s'applique
> avec une funeste ténacité, à renier l'une après l'autre
> les doctrines conservatrices, à démolir peu à peu
> l'édifice des institutions politiques que nos chefs,
> àés prédécesseurs, avaient érigé avec tant de soin.[3]

There is considerable evidence to support the claim that
Chapleau was a destroyer of conservatism in French Canada.

At a strategic level, Chapleau strove to gather behind him
all those French Canadians who were tired of the polemics which
animated Quebec politics and who wanted to get on with the job of
economic development. In effect, this led him to attack the radical
reformers of the party, the programmistes or, as he came to call
them, the castors, while opening the door to adaptable liberals.

Chapleau revealed his strategy on at least three occasions:

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[2]See J. Laxer, The Liberal Idea of Canada (Toronto, 1977).

[3]F.-X.-A. Trudel, Le pays, le parti et le grand homme, pp.
45 - 46.

at St Jérôme in 1873, at St Lin in 1877, and at St Laurent in 1883.

After he was appointed to the provincial cabinet of Gédéon Ouimet in 1873, Chapleau was obliged, by the custom of the time, to show that he had the people's confidence by submitting to re-election as a minister. At his nomination meeting at St Jérôme on March 12, 1873, he took advantage of the opportunity to mock the _programmistes_ and to boast that he was the most liberal of all conservatives.[4]

On August 22, 1877 Chapleau was at St Lin for the inauguration of Le Chemin de fer des Laurentides. Laurier too was there: a native of St Lin, he had risen to prominence earlier that summer with his speech at Quebec City. Chapleau, addressing the crowd, publicly invited Laurier to join the Conservative party:

> Le gouvernement de Québec n'est lié à aucun parti. . . . Ce n'est pas un gouvernement de parti mais de progrès. . . . Je serais heureux de voir mon ami personnel et mon adversaire politique M. Laurier concourir avec moi au bonheur du pays. Soyons le parti du progrès, et si vous avez de la répugnance à vous appeler conservateur, nous l'appellerons le parti libéral-conservateur. Formons-le, ce parti, et engageons nos citoyens à nous prêter main-forte.[5]

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[4] See "M. Chapleau et le programme catholique", _N.M._ (March 19, 1873), p. 2; and K. J. Munro, "The Political Career of J. A. Chapleau" (Ph.D. dissertation, University of Ottawa, 1973), p. 18.

[5] Quoted in K. J. Munro, "The Political Career of J. A. Chapleau", p. 80.

With the help of men like Laurier, Chapleau intended to make
the Conservative party the party of progress.

Chapleau called again for the union of all the progressive
forces of the nation in a speech he made at St Laurent on September
6, 1883. There, at a by-election rally for the Quebec premier,
Joseph Mousseau, who was trying to win a seat in the Legislative
Assembly, he invited his compatriots to turn away from those who
would maintain division in the province:

> La faute de M. Trudel est de vouloir rendre impossible
> toute idée de rapprochement entre les hommes politiques
> de notre province. C'est plus qu'une faute, celle-là,
> c'est un crime, car enfin, où en arriverons-nous avec
> ces dissensions violentes? . . . la division nous dévore.
> . . . Comment voulez-vous que le gouvernement, que la
> législature; que la presse s'occupent sérieusement
> d'élaborer des projets fructueux pour développer toutes
> nos ressources négligées? C'est à peine si on a le
> temps de panser ses blessures, de réparer ses armées,
> de renouveler ses ammunitions. Le clergé lui-même est
> en proie à de profondes dissensions.
> Qu'y a-t-il à faire? A tous ceux qui ont mission
> d'enseigner, de bien réfléchir et de se mettre à l'oeuvre.
> Une société ne peut subsister sans la soumission à
> l'autorité, sans l'abandon d'une partie de sa volonté à
> celui qui représente la volonté générale. Il faut que
> l'on se dise une bonne fois que ce n'est pas une question
> d'amour propre; c'est une question de devoir, une question
> de sacrifice. Donnez franc jeu au gouvernement actuel.[6]

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[6] "Assemblée à Saint Laurent", La Minerve (Sept. 8, 1883),
p. 3.

For Quebec to become strong, French Canadians had to sublimate their particular wishes and submit to the representatives of the general will.

Such was Chapleau's attempt, at a strategic level, to transform the Conservative party in Quebec into a new political force.

At a tactical level, Chapleau's involvement with financial speculators did much to taint the Conservative party's image. In 1874 he was implicated in the Tanneries scandal in which the government was found to have exchanged one Montreal property for another worth much less --a transaction which left $50,000 in the hands of Chapleau's close friend, Arthur Dansereau.[7]Then there was Chapleau's sale of the government owned Q.M.O.&O. Railway. He sold the railway at a bargain price to Louis-Adélard Sénécal, another of his close associates, who sold it again less than a year later at better than a million dollars profit.[8]

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[7] K. J. Munro, "The Political Career of J. A. Chapleau", p. 20.

[8] Ibid., p. 24. See also Trudel, Le pays, le parti et le grand homme, pp. 61 - 78.

According to Trudel, Chapleau was guilty of many other
tactical measures which were so many blows to Quebec's conservative
institutions:

> Durant toute sa carrière politique, on l'a vu constam-
> ment occupé à ruiner tout ce qu'il y avait de conserva-
> teur dans nos institutions. Le double mandat, la
> qualification foncière, le conseil législatif: tout
> a passé sous son marteau de démolisseur. En matière
> d'éducation il est, comme nous l'avons dit, le plus
> fervent adepte de la laïcisation. . . . En 1872-73,
> il combattait avec énergie le projet de confier aux
> Frères de St. Vincent de Paul notre école de réforme. [9]

In short, a certain group of men --"Chapleau, Dansereau & Cie,
ou si l'on veut la 'bande a Sénécal'"-- were dragging the
Conservative party to its ruin. Trudel concluded his survey of
the party by saying:

> Il faut que le parti s'organise, se recrute et opère en
> dehors de la clique. Il faut qu'il se reconstitue sur
> la base solide des principes! Il faut qu'il fasse dis-
> paraître cette idée tendant à prévaloir dans le public
> avec une rapidité effrayante, qu'il n'y a plus moyen
> d'être à la fois solidaire des actes politiques de notre
> parti et honnête homme. Redevenons ce que nous avons
> été sous Lafontaine, Morin, et Cartier: Un parti de bons

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[9]Trudel, _Le pays, le parti et le grand homme_, p. 86; see
also pp. 31-36 and pp. 99-105.

patriotes et d'honnêtes gens! Pour atteindre ce but,
un seul moyen est efficace: c'est de détruire la clique
et l'esprit de clique.[10]

The Conservative party in Quebec did not heed Trudel's advice.
The clique and the spirit of the clique prevailed. It was not
surprising, therefore, that,as its moral and intellectual bank-
ruptcy became apparent to the public,the party began to lose
ground to the two new political movements arising in the province,
moderate liberalism and popular nationalism. The Conservative
party in Quebec finally expired in 1896.

It may be said by way of a final historical conclusion
that the electoral defeat of the _programmistes_ in Quebec in 1871
prefigured the electoral defeat of the Conservatives in Canada in
1896 over the Manitoba Schools question. Both the _programmistes_
and the Dominion Conservatives stood for the right of religious
authorities to control education. Both promised to support
measures which would remedy provincial legislation that infringed
on that right. Both were fighting, in effect, for the legal
rights of the Roman Catholic Church. And both were defeated.

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[10]Trudel, _Le pays, le parti et le grand homme_, p. 107.

Their respective defeats signalled, at different levels, the
defeat of conservatism in Canada, and, it may be argued, the
defeat of Canada itself.[11]

(2) The political

One of the major themes appearing throughout the _program-
mistes'_ writings was that of a transformation in the politics of
the province, a transformation first noticed by Magloire McLeod
and Alphonse Desjardins when they were reporters in the press
gallery of the Legislative Assembly. It was a transformation
which they viewed with foreboding; and which, consequently, they
tried to bring to a halt by initiating the _Programme._

The transformation which the _programmistes_ beheld with
such apprehension, which to them constituted such a danger, was,
in Magloire McLeod's words, the growing pressure of popularity:

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[11]See G. Grant, _Lament for a Nation_ (Toronto, 1971),
especially Chapter 6, which begins: "The impossibility of conserva-
tism in our era is the impossibility of Canada. . . . If their
different conservatisms [that of the French and that of the British]
could have become a conscious bond, this nation might have preserved
itself. An indigenous society might have continued to exist on the
northern half of this continent." Pp. 68 - 69. The _programmistes'_
appeal to their coreligionists might have contributed to such a
conscious bond.

> De nos jours et avec les idées que l'on a, on dirait
> que le gouvernement, le pouvoir, c'est la popularité
> en tout et partout, popularité dans l'industrie, popu-
> larité dans le commerce, popularité même jusque dans
> les salons. Mais de grâce, dites-nous donc où trouvez-
> vous là les principes du gouvernement et du pouvoir?[12]

What was taking place was nothing less than the reversal of the

basic relation which underlay society and made for order in it.

Traditionally, men believed that society was made up of two

essential parts: a ruling part whose duty it was to direct, and

a subject part whose duty it was to conform. This was the relation

of authority, a relation which had to be recognized for the good

of the society as a whole. In a political society, for example,

the inferior, subject part fell to the people while the superior,

ruling part fell to the governors; just as in a familial society

the inferior, subject part fell to the children while the superior,

ruling part fell to the parents. But now, with the growing pressure

of popularity, that basic relation was being reversed and government

was becoming subject to the people, with the result that: "Ils

[les gouvernements] ne gouvernent pas, ils sont gouvernés. C'est

le règne des popularités, c'est le règne du peuple souverain."[13]

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[12]"Quelques considérations sur notre politique", _J.T.R._
(September 14, 1871), p. 2.

[13]_Ibid._

How is it that such a reversal could take place? How is it that
so many Canadians could come to agree with the American view that
politics consists in "government of the people, by the people, and
for the people"? The structure of that phrase suggests to me that
there are, for a start, three distinct aspects to this transfor-
mation.

The first part of the phrase, "government of the people",
is a statement about the origin of government. Traditionally, it
was held that government was of divine origin. That is to say,
it was believed that government, like fatherhood, was part of the
order of nature. It was a state provided man by the Creator; it
was a condition of being existing independently of any human
initiative. Now, it is claimed that government is of human origin;
that government arises only following a humanly posited act. More
than that, it is claimed that government arises only following an
act posited by a human collectivity, or at least in the name of a
human collectivity. This is what is meant when it is claimed that
government is of the people. It follows from this claim that any
government which cannot point back to some positive act, some
revolutionary event manifesting a collective prise de conscience
and will to power, is illegitimate and devoid of any morally
binding force. By the same token, any appeal from the enacted
laws must be made to the immanent will of the people and not to
the transcendent order of nature.

The second part of the phrase, "government by the people", is a statement about the <u>means</u> of government. Traditionally, it was held that the means of government were left to men's discretion. Depending on the circumstances in which a society happened to find itself, it would be expedient for that society to be governed by one man, or by a few men, or by many men. In themselves, these forms of government were morally indifferent. No one form was better than another. All three could be good or bad. Now, however, it is claimed that in themselves the three traditional forms of government are not morally indifferent. The only acceptable form of government is government by the many. The purer the institutionalization of that form of government, the more government is carried out by the people, the better the government. It follows from this claim that one need not concern oneself so much with the substance or the merit of political decisions as with how the decisions are taken. --

The third part of the phrase, "government for the people", is a statement about the <u>end</u> or purpose of government. Traditionally, it was held that the purpose of government was to safeguard the common good. In so far as it was believed that man had a transpolitical destiny, the purpose of the state was to provide him with a peaceful and orderly setting in which to perfect his nature, that

is, to become virtuous. In practice, this amounted mainly to deterring men from doing evil. Now, it is claimed that the state has a much more positive role to fulfil. Virtue is no longer the end of government, but simply a means among many others in the gigantic task of liberation. The purpose of the state is now to enable a people to determine its own collective destiny in freedom. The State is the instrument with which a people can forge its own identity. It follows from this claim that any political act is justified if it marks a step towards human freedom: vice may be just as appropriate a means for serving this end as virtue.

So far, it may be said that the transformation of politics into "le règne des popularités, le règne du peuple souverain" came about when men started to believe that the people were the origin, the means, and the end of government.

But now it may be asked: what is it that brought about this three-fold change? In the light of the comments made by the programmistes who watched the change taking place before them, I shall now attempt, by way of a political conclusion, to answer that question.

First, society itself was undergoing a tremendous change. By the time of the Programme, Canadian society had begun to feel the impact of modern science: it was beginning to be "rationalized".

Traditionally, society consisted of at least three differentiated realms: the religious, the political, and the familial. The tendency now was for these three to merge into one. Indeed, with the advent of modern science, politics came increasingly to absorb into its realm the things of religion and the things of the family. It may be said of modern science that, by diminishing his sense of dependence on the supernatural, it uprooted man from his position in a divine economy, and by absorbing his toil into a more centrally organized mode of production, it uprooted man from his position in a household economy. The only economy left was the political.

With the dwindling away of the preter-political through secularization and the dwindling away of the pre-political through industrialization, modern man came to rely increasingly on the political to give his life effective meaning. Questions which traditionally would have been left to the heads of households or to religious leaders were now taken up by statesmen. Once this reduction of society into one dimension got under way in Canada, it was only a matter of time until Canadians began to accept so simple and contracted a theory of government as that implied in the concept of popular sovereignty.

The changes brought about by the twin forces of seculari-
zation and industrialization divided French Canadian society, as
they did many other societies. F. X. A. Trudel reminded his com-
patriots how widespread and profound were the divisions:

> Et de nos jours, ne suffit-il pas de suivre,
> une semaine durant, les journaux reconnus comme organes
> des partis, pour constater chez eux des différences
> essentielles, et dans les idées religieuses, et dans
> la plupart des questions économiques? . . .
> Il est certain que, de toutes les questions
> politiques, celles qui dans tous les pays et dans tous
> les siècles dé l'ère chrétienne ont été le sujet des
> divisions les plus profondes, ont surgi à l'occasion
> des rapports de l'Eglise et de l'Etat. Eh bien! Nos
> hommes et nos partis politiques sont-ils d'accord sur
> ces graves questions? Le pays n'est-il pas, au con-
> traire, divisé en deux camps, l'un, de beaucoup le
> moins nombreux il est vrai, niant à l'Eglise son indé-
> pendance absolue du pouvoir civil, sa liberté parfaite
> de se gouverner suivant ses lois, l'autre combattant
> pour cette liberté et cette indépendance. . . .
> Et la grande, la capitale question de l'en-
> seignement, n'est-elle pas là aussi, laissant voir un
> abîme entre les adeptes de la sécularisation et les
> apôtres de l'enseignement congréganiste? . . .
> Et puis, cette tendance à tout démocratiser;
> cette lutte continuelle pour achever de ruiner ici le
> principe de l'autorité, ne nous montre-t-elle pas tout
> le peuple canadien divisé en deux partis: l'un dans
> lequel on frémit de colère rien qu'à la mention de
> notre vieux drapeau blanc fleurdelisé de Carillon, ce
> témoin auguste de nos gloires nationales, l'autre sou-
> tenant l'idée monarchique comme la sauvegarde de nos
> institutions et le gage de notre grandeur future?[14]

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[14] F.-X.-A. Trudel, "La conciliation", Revue canadienne
(février-mars, 1881), pp. 84 - 85.

These issues all reflected the fundamental division in Quebec between authoritarians like the _programmistes_, who wished to preserve the traditional ordination of differentiated realms in society, and libertarians, who wished at varying rates of progress to "rationalize" society.

On the surface, it appeared as though Quebec's system of government was capable of accommodating even such opposing forces as those described by Trudel. Indeed, one of the outstanding features of Parliamentary Government is the way opposition is invited and encouraged to play a part in the making of laws. Just as man is more likely to arrive at theoretical truths through dialogue, so, it is assumed, is he more likely to arrive at practical truths through debate.

Nor is the idea of an Opposition in Parliamentary Government merely instrumental. Hearing the other side makes not only for a wiser resolution; it also makes room for a man's convictions. Indeed, the idea of an Opposition makes it possible for a man to declare in public that he thinks that such and such a measure is right or that it is wrong. The structure of Parliamentary Government allows, even encourages, therefore the interplay of expediency and conscience, of politics and morality.

F. X. A. Trudel outlined the importance of moral conviction

for a politician:

> La conviction ou la foi dans ses principes est triple-
> ment nécessaire à l'homme politique :
> 1° Parce que la conviction est le principal
> levier de son action politique.
> 2° Parce que la conviction est, pour le public,
> une garantie de la vérité de ses principes. Quelle
> confiance dans ses principes peut-il inspirer? quelle
> garantie peut-il donner qu'ils sont vrais, s'il n'y
> croit pas lui-même?
> 3° Parce que seule la conviction produit le
> dévouement . . .
> Je puis ajouter de plus que la conviction est
> encore nécessaire parce que seule elle produit la con-
> stance dans la poursuite du but à réalsier. . . .
> Or, la conviction ne s'improvise pas. Elle
> n'est pas une idée ni un sentiment de convention.
> Certitude que l'on a de la vérité d'un fait ou d'une
> doctrine, elle se forme par l'étude et la mise en
> pratique des principes, le raisonnement, l'observation,
> l'expérience. Elle est indépendante de la volonté, en
> ce sens qu'un homme n'est pas libre de ne pas croire ce
> dont il est convaincu, de même qu'il n'est pas libre de
> croire ce qu'il sait être faux. Conséquemment, un
> homme honnête et convaincu n'est pas libre d'adopter un
> programme plutôt qu'un autre, s'il ne le croit pas le
> meilleur. Il lui faut suivre sa conviction.[15]

The structure of Parliamentary Government assumes, then,

that legislative proposals are subject to deliberation, to critical

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[15] Trudel, "La conciliation", pp. 150 - 151.

debate, and to opposition grounded in moral conviction.

But was any of this compatible with the transformation taking place in modern politics? The answer is no. Once politics is divorced from principle and conviction, the idea of an Opposition becomes ridiculous. What makes an Opposition an opposition is the conviction that the other side is wrong. But politicians were now spending their time and energy in discovering not what was right or wrong for the country, but what the wishes of the people were. Alphonse Desjardins compared these modern politicians to one of Molière's physicians who sought to cure all ills simply by applying a conciliatory plaster:

> en politique comme en médicine il ne manque pas d'hommes qui croient avoir trouvé dans une recette particulière le remède à toutes les maladies. Le Dr. Purgon conseillait indistinctement à ses patients le régime _émollient_, d'après la conviction qu'un traitement énergique aigrit la maladie et l'indispose davantage contre sa victime. Il s'est formé de nos jours une école qui a voulu transporter ce traitement en politique et tout ramener à ce que nous pourrions appeler le régime _conciliatoire_.
> Nous devons savoir gré à cette école de ses sentiments certainements très humains. . . . Mais nous tenons à dire que pour bon qu'il sera en certaines circonstances sur certaines lésions, impuissant et dangereux même il se trouvera dans une foule d'autres cas. . . . Ce n'est pas en cachant par un emplâtre la plaie qui contient le virus, mais c'est en mettant à nu ce germe malin et en le traitant énergiquement qu'on le détruira. Il en est de même de certaines maladies sociales et politiques. . . .

Il y a des principes qu'on ne peut négliger
pour le salut de la société, comme il y a des règles
hygiéniques qu'on ne peut transgresser sans mettre la
santé en péril. En rapportant tout à ces principes,
à ces règles, il devient assez facile, quand une
partie est malade, d'en faire la diagnostique et d'en
découvrir les causes. Il y a malaise dans l'état
actuel de notre société, et il faut n'avoir pas suivi
les affaires du pays pour regarder les plaintes et
les réclamations qui en sont la suite, comme le résul-
tat du simple caprice, comme le rêve d'imaginations
malades. Les plaies qui ont été touchées du doigt
ont provoqué des cris trop vifs pour qu'on puisse
nier leur existence. Maintenant est-ce en cachant
ces plaies sous l'emplâtre conciliatoire qu'on réussira
à les guérir? Nous craignons bien que non.[16]

Once politicians turned their attention away from the

country towards the people, a series of consequences ensued.

First, this change in political orientation made for a

change in what was deemed the art and science of politics. To

know what was good for the country required, as the programmistes

kept emphasizing, knowledge; to know what the people wanted

required flair. A talented politician was no longer one who

could diagnose the ills of society and prescribe the appropriate

remedy, but rather one who could perceive trends in public opinion

and capitalize on them.

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[16] O. (October 4, 1871), p. 1.

Another result of this change in orientation was that
groups of politicians no longer formed opposition parties, but
rival parties: to draw an analogy, it cannot be said that one
dressmaker, for example, is opposed to another; everything about
them is so similar that it is more accurate to refer to them as
rivals. This built-in similarity explains why rivals so often
end up merging, and why there is such a strong tendency for trade
to become monopolistic. Once, therefore, this market orientation
had become fixed in the minds of politicians, political groups
ceased to be truly opposing parties, and became instead rivals,
each seeking to corner the market and establish a one party rule.
In an effort to stop this trend, F. X. A. Trudel pointed out
how important it was to have two opposing parties. Citing the
works of Lord Grey and Alpheus Todd on Parliamentary Government,
he decried the idea of political mergers:

> "Les coalitions", disent les auteurs, "sont contraires
> au principe fondamental même du gouvernement parlemen-
> taire." Et la raison en est évidente.
>   Le gouvernement parlementaire, c'est le gouverne-
> ment au moyen des partis. Or, ce gouvernement rencontre
> un frein salutaire, un contrôle absolu et efficace dans
> l'opposition. A l'action du pouvoir, l'opposition oppose
> une critique sévère d'ensemble et de détails qui est, en
> toutes ses parties, la politique contradictoire de celle
> du gouvernement; c'est-à-dire qu'aux principes sociaux,
> aux théories du gouvernement, aux notions d'économie
> politique mis en oeuvre, elle oppose ses principes et
> ses théories, de même qu'elle fait contraster, dans la
> pratique, les faits du pouvoir avec ce qu'elle prétend

> être une saine administratiòn des affaires publiques.
> Le pays est appelé à juger et à choisir entre les deux.
>   Qr, la coalition détruit l'efficacité de cette
> politique de parti.[17]

In other words, Parliamentary Government required a Loyal Opposition.

The tendency to combine not out of an agreement in principle but out of selfish desire was objectionable on both moral and constitutional grounds: "Toute coalition donc òpérée en dehors des principes et pour servir les fins personnelles des coalisés serait essentiellement immorale et destructive des idées de saine politique constitutionnelle."[18]

The tendency for a politics divorced from moral conviction to develop into a one party rule was reinforced by the fact that under the new political ethos the governing party could bolster its morale with the satisfying thought that it incarnated the will of the people, that it was crystallizing public opinion into the laws of the land.

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[17] _Ibid._, p. 156. In Earl Grey's phrase, "Parliamentary Government is essentially a government by party." For a discussion of the advantages of a form of government which takes human nature into account, see Chapter III, "The Evils and Dangers of Parliamentary Government", in H. G. Grey, 3rd earl, _Parliamentary Government_ (London, 1864). See also Alpheus Todd, _On Parliamentary Government in England_ (London, 1867), Vol. II, p. 126.

[18] Trudel, "La conciliation", pp. 157 - 158.

Finally, at the centre of this transformation of politics lay the "rationalization" of the vote.

Traditionally, a politician running for election never dreamt of being the voice of the people. All he was looking for was a plain show of confidence. A politician who won an election had simply received a testimony of the "people's trust in his ability to perform his duties. (That is why there were ministerial by-elections.) In this traditional view, the people's power, under Responsible Government, amounted to no more and no less than the power to oust the men governing them. It was the power, in plain language, "to kick the bums out". Never was it thought that the people, at the moment of voting, were governing, that government was by the people. A general election under Responsible Government served simply as a healthy, periodical check on government.

But now, in the progressive view, a general election is taken to be something much greater. Not only is it a check on government; it is the actualization of the people's fundamental right to govern themselves. Winning an election, even if it means obtaining only a plurality of the vote (as usually happens), is taken to be an expression of the "general will". This "generality"

is in turn thought of as something intrinsically good. It follows from this view that, with all the goodness of the vote attached to its form, there is no need to think about the substance of the vote. The mere form of the vote, its deemed generality, vouches for its goodness.

But it is not only the results of the vote that are "rationalized": the campaigning which precedes the vote and the casting of the vote itself are also subject to the same kind of transformation.

Within a "rational" approach to politics, the chief, if not the only, goal of rival political parties is to run a successful campaign. A plurality of votes is all that is needed: forty percent is the magic number. A political party can forget about the country as a whole; it can forget even about the population as a whole; all that matters is forty percent of the voting population.

This "rational" approach to campaigning combined with the extension of the franchise to all classes of society meant, in effect, that party politics became class politics. As long as voting was restricted to one or two classes of society, the issues to arise, even within a rational approach, were not likely to reflect a conflict of class attitudes. Conversely, as long as a

reasonable (as opposed to a "rational") approach to politics was
maintained, the issues to arise, even under a system of universal
suffrage, were not likely to reflect a conflict of class attitudes.
It is only when a "rational" approach is combined with universal
suffrage that class conflict becomes the determining force in
politics. In theory, of course, a political party can always
try to appeal to the top twenty percent and the bottom twenty
percent of the voting population. But to rely on an alliance of
classes for support is a much riskier business than to concentrate
all one's efforts on some larger segment of the middle class.

Turning finally to the casting of the vote, we find that
it too was subject to "rationalization". With the introduction
of the secret ballot only a few years after the Programme, an
important part of the political system was removed from public
view and covered in darkness. Voting was now so arranged that no
forethought, no reflexion, no courage was needed. With the act of
voting deemed private, the voter no longer had to fear that he would
be asked by his fellows to account for his vote. Performed in the dark,
the act of voting tended to become an act of blind will. But as one

need not register oneself, as one need not even transport oneself
to the polling booth, even the wilful aspect of voting has been
reduced to a minimum.

The transformation which the programmistes observed taking
place in the politics of the Province of Quebec and which resulted,
as McLeod foretold, in the reign of the sovereign people was the
culminating point in the rationalization of society.

In all respects but one, the programmistes stood outside
that transformation: they were opposed to the absorption of
religious and familial concerns into the affairs of State; they
were opposed to politicians who stood, in effect, for the interests
of a class instead of having at heart the good of the country as
a whole, and they were opposed to publicists who, consciously or
unconsciously, were undermining Canada's system of Parliamentary
Government in an effort to make it more popular. The one thing
the programmistes shared with their opponents was the ground on
which they were fighting: for the battles recorded in this work
were fought mainly in the columns of newspapers. It is to the
element of the press then that I turn, as the final aspect of
my political conclusion.

We recall from Section II A. B. Routhier's comment:

> Je ne suis pas de ceux qui admirent outre mesure cette
> institution puissante qu'on appelle la presse. Le
> bien qu'elle fait est loin d'égaler le mal qu'elle
> nous cause. Mais puisque cette puissance existe, il
> faut la faire servir au bien.[19]

Was it possible to make the power of the press serve the good?

Or was the _Programme_ doomed from the start?

By the middle of the nineteenth century, public opinion
had become a considerable force in politics. Aware of this fact,
the _programmistes_ strove to lead it in the direction of the truth
by making nuances. ⟨An argument like the _Programme_, it will be
admitted, required careful elaboration: the topic under discussion
had to be delineated, the terms had to be defined, distinctions
had to be drawn, and supporting material had to be presented. In
contrast, everything about the press seemed to call for simplifi-
cation and reduction. By presenting everything in black and white,
the press led public opinion surely away from the truth.

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[19]A. B. Routhier, _Causeries du dimanche_ (Montreal, 1871),
p. 126.

342

At the time of the Programme, the press was still
independent, and consequently newspapers managed to present a
number of different points of view on society: they had not
yet become business interests subject to the monopolizing ten-
dencies described above. There was, nevertheless, something
about the medium of the press which obviously made it difficult,
if not impossible, for the programmistes to communicate their
message with its nuances. In contrast, it was an easy matter
for the programmistes' opponents at the Journal de Québec and
La Minerve to undermine the Programme simply by accentuating some
part of it out of proportion or by omitting another part altogether;
it was easy for them to make use of that most devastating weapon
of all: satire.

In a dark way, the press was the government of the people,
by the people, and for the people; it epitomized the rationalization
of society, the very transformation which the programmistes tried
to stop. The most that can be said, therefore, about the pro-
grammistes' use of the press is that the Programme's medium seemed
to deny its message; the least that can be said is that the pro-
grammistes were fighting a battle away from home, and that, perhaps,
important battles can never be won away from home.

(3) The philosophical

At this level, the _Programme_ was an argument for "authoritarianism" and against "libertarianism", to use the specific social philosophical terms of Section IX, or for a "natural" outlook on the world as opposed to one that was "naturalistic", to use the more general philosophical terms of Section III. I shall now review the _programmistes'_ argumentation in connexion with these philosophical terms. This obliges me to consider the interrelation of principles, attitudes, and institutions.

Although the regulation of human conduct in society may be done under a host of different banners bearing a multitude of different names, the number of principles actually capable of governing society is limited. Reason and evidence seem to show that there are only three such principles, and that they are authority, liberty, and coercion.

It is hardly necessary to emphasize that these three principles rarely appear in a pure state. Society is never a laboratory where one can behold an isolated agent at work: what one normally finds is a combination of these three principles at work together. Even in a simple familial society, the relation

between father and son, for example, may be authoritarian in
one moment, as when the father directs the son to perform some
task for the family; it may be libertarian in another, as when
father and son sit down for a man to man chat; or at another
time it may be coercionist, as when the father hints that the
son is to expect some punishment or reward for a certain kind
of behaviour. In reality, therefore, the task before one is
not that of opting exclusively for one of the three principles
and then seeking to apply it universally; but rather of deciding
what the tenor of society is to be, and then helping to maintain
it.

At the same time, it is clear that these general principles
of society are embodied primarily in the attitudes of individual
men. The question now becomes: how do individual members of
society view the world? Here again, their number not being in-
finite, it is possible to discern three basic attitudes towards
the world: the fearful, the fraternal, and the respectful. The
fearful views the world essentially as a jungle of forces all
struggling for survival; the fraternal, as a platform for convening
the universal brotherhood of man; and the respectful, as a

magnificent gift from an anonymous donor. Each of these three
basic attitudes entails, of course, a whole logic of its own
with consequences in every area of human activity from the measuring
of space and time to one's choice of dress.

No doubt it will be seen that these three basic, individual
attitudes correspond to the three general social principles defined
above: the fearful attitude corresponding to the principle of
coercion; the fraternal attitude corresponding to the principle
of liberty; and the respectful attitude corresponding to the
principle of authority.

To the _programmistes_, the correct basic attitude towards
the world was the respectful. To view the world essentially in
either of the other ways represented a deformation of nature, and
hence was naturalistic.

Naturalism, what A. B. Routhier called the great heresy
of the modern age, is modern science's view of the world. It is
a view of the world emptied of all the intimations that man has
ever had of the world's Beginning and the world's Beyond. It is
a view of the world which denies the supernatural, or at least
seeks to limit its effect as much as possible. It is a view of
the world which, by systemmatically abstracting from the substance

of nature, empties the universe of meaning. And then, just because its account of the universe is so hollow, it drives man to the opposite extreme and leads him to "create" his own self-centred universe, free from the tutelage of nature.

A natural or a healthy view of the world recognizes above all else its otherness. It is the world's splendid otherness that induces in man an attitude of respect. And only then can it be seen that the world is a gift, and that man's whole purpose in life is to try to make himself decent enough to accept it. As Routhier said, purification is man's only progress, and sanctity his only goal.

The general principles of society are embodied then primarily in human attitudes, but they are embodied secondarily in human institutions. (I mean by institutions not only society's enacted laws, but also its customs, its architecture, its music, its theatre, etc.) The complexity of the situation becomes apparent: while the general principles of society remain the same, the institutions of a particular society are constantly undergoing a transformation in keeping, consciously or unconsciously, with the basic attitudes prevailing at the time.

The programmistes took it for granted that it was Canada's destiny to preserve in the New World a traditional, basic attitude of respect. Were Canada's institutions, such as those described in Section I --British constitutionalism, Parliamentary Government, Imperial Statutes regarding Canada--, as well as the bulk of the Civil laws of Lower Canada, not comparatively free of the taints of libertarian assumptions? Hence, the programmistes felt, and expected the Conservative party to feel, duty bound to defend their country's institutions along authoritarian lines.

It was a destiny that had to be pursued with courage, for it ran contrary to that of all the other countries of the New World and many of the Old, which, following the examples of the U. S. A. and France, broke with their past and strove to establish and to defend their institutions along libertarian lines.[20]

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[20]In George Grant's words: "As Canadians, we attempted a ridiculous task in trying to build a conservative nation in the age of progress, on a continent we share with the most dynamic nation on earth. The current of modern history was against us." Lament for a Nation, p. 68.

At the same time, the programmistes realized that many of their French speaking compatriots did not share their view of the world. Inspired by the writings of Voltaire and Rousseau,[21] these compatriots strove to free society from its traditional bonds. Writing at the time of the Paris Commune, McLeod could say:

> Nous savons que dans les écoles parisiennes on soulevait la jeunesse contre ces principes de la subordination de l'Etat à la religion, parce qu'on faisait reposer la civilisation dans un gouvernement sans Dieu; mais aujourd'hui qu'est devenu Paris avec ses écoles de pestilence, qu'est devenu la jeunesse qu'elles éclairent à la lumière de ces idées incendiaires? . . . Le malheur est que quelques jeunes gens, de nos compatriotes ont reçu leur instruction dans ce prétendu foyer de civilisation et qu'ils cherchent aujourd'hui à se faire parmi nous les apôtres de ces doctrines. C'est ainsi que les journaux comme le Pays, l'Indépendant, l'Evénement et le Constitutionnel les ont répandu au milieu de nos populations. Est-il à s'étonner après cela qu'il soit devenu nécessaire pour les catholiques de prendre quelques signes de ralliement et de jeter les bases de quelqu 'association par des programmes comme celui que nous avons publié?[22]

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[21] For Voltaire's influence in French Canada, see M. Trudel, L'influence de Voltaire au Canada (Montreal, 1945); for Rousseau's, F. Ouellet, "Joseph Papineau et le régime parlementaire (1791)", Bulletin des Recherches historiques, Vol. LXI (1955), and J. Hare, "Le développement d'une pensée constitutionnelle au Québec 1791 - 1814", Revue de l'Université d'Ottawa, Vol. XLV (1975).

[22] "Nos coreligionnaires", J.T.R. (June 9, 1871), p. 2.

It must not be thought that the _programmistes_ took issue with their enlightened, liberal-minded compatriots simply for the sake of preserving their historical identity. French Canadian society, or for that matter Canadian society as a whole, was to be preserved not because it was different from that of the United States, but because it was better than that of the United States. To the _programmistes_, the general principle embodied in Canadian institutions was a better general principle than the one embodied in American institutions. The general principle of authority was more thoroughly in accord with the social dimension of human nature. In other words, authority, honour and respect represented to the _programmistes_ a truer formulation of human society than liberty, equality, and fraternity.

But how, it may be objected, can this be shown to be so? One way is to look briefly at how the three different principles treat what is surely the social problem _par excellence_, that of self-interest. On this point, coercionists, libertarians, and authoritarians may well all agree that man's selfish appetites are in need of being checked; where they disagree is in the means.

The coercionists will check the self by pitting it against other selves. In accordance with the principle of coercion, society will be so arranged as to have forces checked by similar

forces operating in the opposite direction. The socially
organized confrontation of management and labour is an instance
of how self-interest can be checked by self-interest.

The libertarian seeks to check self-interest by enlightening
self-interest. Man's interests are to be tended to rationally.
In pursuing one's happiness, certain proportions are to be main-
tained, for all human beings are endowed with the same desires
and therefore have an equal right to enjoy the fruits of those
desires. The transfer of wealth (in one form or another) from
one section of society to another represents an example of
enlightened self-interest at work.

The authoritarian way of checking self-interest is very
different from that of the coercionist or the libertarian.
Instead of dividing self-interest or enlightening self-interest,
it goes to the root of the problem and exposes the inadequacy of
self-interest. The principle of authority brings to light the
evil (in the sense of an absence of good) in self-interest, for
it checks the self by revealing the other. Of the three principles,
it alone cracks the shell of self-interest to let in the light
of the world's otherness. In this sense, it may be said with
McLeod that the Programme, in embodying the principle of authority,

was like a lightning bolt which suddenly exposed to clear view
the self-interest at work in society:

> Ceux qui l'ont combattu n'ont pu trouver un seul mot
> à dire contre le mérite intrinsèque de ce programme,
> ils n'ont pu signaler une seule mauvaise doctrine
> qu'il contenait et ce programme il est encore aujourd'hui
> intact et il restera intact.
> Il n'avait qu'un seul inconvénient, c'est que
> devant la confusion des hommes et des principes qui
> s'opérait, devant les nombreux intérêts qui étaient
> en jeu, devant toutes les ambitions qui voulaient se
> faire jour, il forçait les hommes à se montrer sous
> leur vrai drapeau, ils les obligeait à se classer, à
> se faire connaitre tels qu'ils sont. Il frappait dans
> le vif, nous l'admettons volontiers. Aussi c'est pour
> cela qu'au point de vue du mal qu'il était destiné à
> signaler, à dévoiler, il a obtenu un immense et grand
> succès qui est un bon présage de son triomphe final.
> Il a jeté la lumière dans un grand nombre d'esprits,
> il a éclairé des sentiers dans lesquels l'oeil le plus
> perspicace voyait difficilement tout ce qui devait
> être vu. C'est un bon travail de fait. La lutte est
> loin d'être terminée, elle ne fait que commencer.
> Aujourd'hui on a la conviction qu'elle doit se faire,
> car elle est dans les idées, elle existe dans les
> sentiments. Il faut qu'elle se poursuive. Il est
> probable d'ailleurs qu'avant longtemps les événements
> qui surgiront en feront encore plus toucher du doigt la
> nécessité.[23]

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[23]"Les élections de notre district en 1867 et en 1871",
J.T.R. (July 6, 1871), p. 2.

One of the reasons that authoritarians like the _programmistes_
come invariably to stand for the institutions of throne and altar
is precisely that these two institutions keep present before all
members of society, publicly and concretely, the truth that there
is something other than one's self in the world; and that, more-
over, that something other is not only different from one's self,
but superior to one's self, and hence worthy of honour and respect.[24]
We recall McLeod's plea that "on devrait prendre un soin infini
. . . . de lui [le peuple] faire bien comprendre que la source de
l'autorité ne repose pas en lui, que ce serait lui donner une
base trop humaine, trop faillible, trop fragile."[25] Throne and
altar do just that. They are a visible and constant reminder that
there is something substantially other, different, and superior
to one's self in the world. The institutions of throne and altar

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[24]Of course there are many other reasons for supporting
the institutions of throne and altar. Most of these rest on an
appeal either to tradition or to convention. In the case of the
institution of the altar, there is also an important theological
argument that can be made. My only purpose in mentioning throne
and altar, however, is to show how they can be viewed as an effective
institutionalization of a general social principle, the principle of
authority.

[25]J.T.R. (September 11, 1871), p. 2.

help, therefore, to develop in man an attitude of respect while impressing upon him the double obligation he is under of having to render honour to some and worship to an Other.

But even if the institutions of throne and altar were to disappear as a lawful public presence in society, authority would still have to be respected. For authority is part of the order of nature, and even if there were no laws, men would still have to do what by nature was right. "For", as St. Paul explained in the same letter quoted at the start of this work, "whenever nations not having law practise by nature the things of the law, these, not having law, are a law unto themselves; who show the work of the law written in their hearts, their conscience also bearing witness, and their reasonings meanwhile accusing and defending one another." (Romans II, 14 - 15)

As a result, Beausoleil, for one, was convinced that the Programme contained a message of lasting importance, a message that the changes in law which resulted from the fortunes of politics in no way could alter:

> Disons de suite que nous sommes de ceux qui n'ont jamais un instant douté de sa vitalité native, ni de la

> politique du Programme. Il est entré dans sa composition
> des éléments de vérité que ni la malice des hommes, ni
> les roueries de la politique, ni la fortune des partis
> ne sauraient en rien àltérer.
>   Voilà pourquoi le programme reste et voilà pour-
> quoi il survivra et à ceux qui l'ont formulé et à ceux
> qui s'en sont faits les adversaires déterminés. C'est
> la politique nécessaire de tout peuple vraiment chrétien.
> Ces principes sont de tous les temps et de toutes les
> circonstances possibles: ils sont à l'ordre pratique ce
> que la lumière est à nos yeux.[26]

According to Beausoleil, the policy contained in the _Programme_ was

the one that by nature was right and necessary for every truly

Christian people. The principles of the _Programme_'s argument were

valid for all ages and all circumstances, being to the practical

order what light is to our eyes.

My approach to the _Programme_, as I explained in the

Introduction, was "jurisprudential". That was the only way I

felt I could do justice to the multi-dimensionality and the thrust

of the text. It was only by moving back and forth on the planes

of history, of politics, and of philosophy that I could appreciate

and convey the _apport_ of the _Programme_. But it would be disingenuous

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[26]"Approbation du Programme Catholique", _N.M._ (August 9,
1873), p. 2.

to end this work without observing that the _Programme_ is also
a document of faith. In this, the highest of elements, it stands
as a testimony to man's trust in the Church of God and in its
divine mission in this waiting world.   It is therefore to com-
memorate the _programmistes_' spirit of Christian testimony that I
cite, to close this work, the beautifully wrought sentence which
another defender of natural right composed to open his:

> Though for no other cause, yet for this; that posterity
> may know we have not loosely through silence permitted
> things to pass away as in a dream, there shall be for
> men's information extant thus much concerning the present
> state of the Church of God established amongst us, and
> their careful endeavour which would have upheld the same.[27]

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[27] R. Hooker, Preface to _The Laws of Ecclesiastical Polity_
in _Works_ (New York, 1865), Vol. I, p. 121.

APPENDIX A

"Le Programme"

As it appeared

in the Journal des Trois-Rivières

on June 12, 1871

(with the corrections of June 19)

Le Programme

Le Programme n'a pas été fait contre les Protestants,
mais contre les rouges, les socialistes, les communistes et les
gallicans. Ces hommes sont non seulement ennemis des catholiques,
mais ils sont les ennemis déclarés de la société toute entière.
Tout en combattant les idées religieuses, ils affirment une
théologie à leur guise et ils cherchent à l'imposer. Ainsi
pour les uns, leur principe c'est que le pouvoir civil ne vient
pas de Dieu, tandis que pour les autres s'il est admis qu'il
vient de Dieu, ils le prétendent tellement universel et étendu
qu'ils refusent complètement de reconnaître aucune autre espèce
de pouvoir. Ainsi négation de l'autorité paternelle et négation
de l'autorité ecclésiastique complètement. Ils se réservent
cependant pour eux le droit de déléguer ces pouvoirs. Ainsi le
père n'aura d'autorité sur ses enfants que celle que la loi civile
lui conférera, les ministres de l'Eglise n'auront de pouvoir sur
les membres de l'église que ceux que l'Etat leur accordera. C'est
ainsi qu'ils entendent par cé moyen tout s'accaparer et famille et
religion. C'est ainsi qu'ils refuseront à l'Eglise le droit
d'acquérir certains biens afin de se les assurer pour eux, dans le
cas où l'Eglise les acquèrerait. Il est facile de voir après cela
avec quelle frénésie ces hommes convoitent le pouvoir: car pour eux,

357

le pouvoir c'est tout: la fortune publique est dans leurs mains:
et la justice devient l'expression arbitraire de leur volonté.

Nous au contraire, nous   voulons que le pouvoir ne
s'exerce que conformément aux lois immuables de la justice
auxquels tous les hommes indistinctement rois ou sujet sont soumis.

Voilà pourquoi nous combattons au nom des principes
religieux parce qu'ils sont l'expression de la justice. Du moment
qu'on s'écarte de ces principes le seul droit qui subsiste est
celui du plus fort, et nos co-religionnaires sont exposés comme
nous à en souffrir.

Combattre les rouges, les communistes, les socialistes,
les gallicans de quelques dénominations qu'ils soient c'est donc
combattre les ennemis communs de tout ordre, de toute société et
dé toute religion.

Quand une révolution viendra, et ces hommes travaillent de
toutes leurs forces à la hâter, qui sera épargné? Les hommes de
toutes les croyances religieuses qui suivent leur conscience n'y
prendront point part de concert en cela avec les bons catholiques:
mais ils la souffriront. D'un autre coté, chose certaine c'est
que tous ceux qui prendront part à cette révolution ne seront
autres que les mauvais catholiques et les mauvais protestants,
c'est-à-dire tous ceux qui foulent aux pieds leur croyance. Tel
est un des enseignements qui découle de notre programme.

APPENDIX B

Biographical Sketches

of the programmistes

Magloire McLeod

Magloire McLeod was born on September 1, 1842.[1] During
his youth, his family was rather poor, and McLeod recalled that,
as a boy, he had attended mass in the aisle, the expense of a
pew being too much for his father, who practised great economy
in his efforts to provide a classical education for as many of
his children as possible. And indeed, Magloire began his schooling
at the Séminaire de Nicolet, and finished at the Collège des Trois-
Rivières. It is to be supposed that at least one other brother
also received a classical education; for Pierre McLeod too became
a journalist in Trois-Rivières.

Magloire was blessed with a naturally good style, purity
of diction, and verve and vigour of argumentation; these, combined
with his deeply conservative principles and his desire to combat
Quebec's liberal minded writers opened for him a career in journalism.

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[1] These sketches appear in an order which, I think, reflects
the degree of involvement of each man in the Programme. The material
for McLeod's biography is collated from the following sources: J.T.R.
(July 6, 1871, July 31, 1871, February 15, 1875): André Beaulieu &
Jean Hamelin, Les Journaux de Québec de 1764 à 1964 (Laval, 1965);
J.-C. Bonnenfant, "Le Journal des Trois-Rivières et la Naissance de
la Confédération", Les Cahiers des Dix, No. 35 (Montreal, 1970); and
private communications from the Abbé Hermann Plante, Archivist,
Seminary of Trois-Rivières.

The _Journal des Trois-Rivières_, first published on May

19, 1865, was founded by Honoré-R. Dufresne, notary and bookseller,

probably in collaboration with McLeod, who was from the beginning

the principal writer. Although Trois-Rivières (Pop. 6,058 in 1861)

had had several newspapers during the first half of the nineteenth

century, on the eve of Confederation only the _Journal des Trois-_

Rivières was still published. Dufresne's two brothers, Arthur

and Ephrem R. Dufresne, joined the paper in 1866 as co-editors-

proprietors. The paper remained in the family until May 18, 1870,

when it was bought by Magloire McLeod in partnership with P.-N.

Martel. The two ran the paper together until October 16, 1871,

throughout the period of the _Programme_ and the Quebec election.

His work, both in writing and in addressing public assemblies,

made McLeod see the advantage of a knowledge of law; and he was

called to the bar in July, 1870, where his excellent voice and

facility of expression promised him success. He made, as well,

in July, 1870, a modest entry into active politics in the Trois-

Rivières municipal elections, when he was nominated for Councillor

for the Notre Dame district. To avoid, however, what promised

to be an acrimonious battle, McLeod resigned in favour of a

compromise candidate.

McLeod and Martel disagreed over the question of the
North Shore Railway, and on October 16, 1871, McLeod, already
in failing health, sold his share of the paper to Martel and went
into a year's retirement. He returned to write for the <u>Journal</u>
for a few months under its next owner, Gédéon Desilets, who bought
the paper in 1872, but bad health again forced him to resign.
He continued, however, to contribute occasional articles as he was
able. The parliamentary debates which he heard while undergoing
medical treatment in Quebec City in December, 1874 stimulated him
to write one last series of articles.[2] It is fitting that we last
encounter McLeod as we encountered him when he initiated the
<u>Programme</u>, as a reporter in the parliamentary press gallery.

On Saturday, February 6, McLeod lost all hope of recovery,
as his disease entered its last stage; and he died on Wednesday,
February 10 at Quebec. His body was returned to Trois-Rivières,
where a convoy of forty carriages accompanied it from the station
to the town. His funeral took place on Tuesday, February 16, 1875 at
the Cathedral.

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[2]See "Correspondance particulière au 'Journal'", <u>J.T.R.</u>
(December 7, 10, 14, and 17, 1874), pp. 2.

François-Xavier Anselme Trudel

François-Xavier Anselme Trudel was born at Sainte Anne de la Pérade on April 29, 1838, the son of François-Xavier Trudel and his wife, Julie Langevin.[1] He was educated at the Collège de Nicolet, studied law, and was called to the bar in 1861. In April, 1864, in what was one of the most splendid social events of the time, he married Marie-Zoé-Aimée Renaud, the daughter of Louis Renaud, self-made millionaire.

In 1871, Trudel was elected to the Quebec Legislative Assembly for Champlain. In October, 1873 he was called to the Senate.

Until the day of his early death, Trudel was the champion of the Church's rights in Quebec. He defended the Church's cause in court, in parliament, and in the press with great energy and conviction. He was a prominent figure in such cases as l'affaire des paroisses, the Guibord case, the University question, and many other complicated cases of civil and ecclesiastical jurisdiction.

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[1] The information is collated from L.-O. David, Souvenirs et biographies 1870 - 1910 (Montreal, 1911); W. Stewart Wallace, The MacMillan Dictionary of Canadian Biography, 3rd ed. (Toronto, 1963); and J. K. Johnson, The Canadian Directory of Parliament 1867 - 1967 (Ottawa, 1968).

Trudel was president, at one time or another, of most of the benevolent, literary, and scientific societies of Montreal. He was an organizer of the pontifical Zouave movement.

He founded the newspaper, <u>L'Etendard</u>, in Montreal in 1883; and as editor of this newspaper he vigorously defended the Métis of the North West.

François-Xavier Anselme Trudel died at Montreal on January 17, 1890.

Cléophas Beausoleil

Cléophas Beausoleil was born on June 19, 1845 at St Félix de Valois, the fourth son of Joseph Beausoleil and his wife, Rose Ducharme.[1] He was educated at the Académie de Berthier and the Collège de Joliette. As a law student in Montreal in 1864, he became interested in journalism, and began to write, first for l'Ordre and later for l'Evénement. In 1868 he became an editor of the Nouveau-Monde, and was, from 1870 to 1873, editor-in-chief. Upon leaving the Nouveau-Monde (in the capable hands of Alphonse Desjardins), he joined L. O. David in founding Le Bien Public. In the same year, he was appointed Official Assignee for Montreal under the Insolvent Act.

In 1880, Beausoleil was called to the bar and began a successful law career. He was for several years the professional associate of the Hon. H. Mercier, of F. X. Choquette, Police Magistrate, and of the ex-alderman, P. G. Martineau; later, he became head of the firm, Beausoleil, Choquette & Girard.

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[1] The material for this biography is collated from La Patrie (October 4, 1904); and Henry James Morgan, ed., The Canadian Men and Women of the Time: A Handbook of Canadian Biography (Toronto, 1898).

In 1882, he was elected alderman, and, except for the term 1888 - 92, he continued in office until the turn of the century. As alderman, he helped to abolish the slaughterhouse monopoly, to repeal the statute labour tax, and to arrange for the annexation of the wards of Hochelaga and St. Jean Baptiste to the City of Montreal. For twelve years, until 1895, he served as a member of the Montreal School Board. In 1887, he was elected, as a National Liberal, to the House of Commons as the member for Berthier: as a member of Parliament, he continued to speak freely on the subject of the religious interests of French Canadians. In 1900, he was made Postmaster of Montreal.

Beausoleil died in Saint-Gabriel de Brandon on October 4, 1904.

Alphonse Desjardins

Alphonse Desjardins was born on May 6, 1841 at Terrebonne,[1]
the son of E. Desjardins, the deputy sheriff of the district, and
his wife, Josephine Panneton. He was educated at Collège Masson
and the Séminaire de Nicolet. He chose law as a profession and
was called to the bar in 1862. In 1864 he married Virginie Paré,
who died fifteen years later leaving him four children.

With Confederation, Desjardins abandoned his law practice
and turned to journalism. He began to write for L'Ordre, and at
the same time played an active part in the sending of a force of
Papal Zouaves from Quebec to the assistance of the Pope in 1868.
After a visit to Rome in 1872, he was made, for his services, a
Knight of the Order of Pius IX. Also in 1872, he joined the Nou-
veau-Monde where he remained, succeeding Cléophas Beausoleil as
editor-in-chief, until 1879. In 1880 he married Hortense Barsalou.

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[1] The biographical material is collated from the following
sources: Morgan, The Canadian Men and Women of the Time (Toronto,
1898); G. M. Rose, ed., Cyclopaedia of Canadian Biography (Toronto,
1886-88), Vol. I; W. Stewart Wallace, The MacMillan Dictionary of
Canadian Biography (Toronto, 1963); and J. K. Johnson, ed., The
Canadian Directory of Parliament 1867-1967 (Ottawa, 1968).

From journalism, Desjardins turned to politics: he was first elected to Parliament, by acclamation, in 1874, and sat as the Conservative member for Hochelaga until he was called to the Senate in 1892.. He spoke in favour of the Canadian Pacific Railway, of amnesty for Riel, and of repeal of the New Brunswick school legislation. In 1893, he became mayor of Montreal; and in 1896, minister of militia in Sir Mackenzie Bowell's government. In March of that year, he was sent to Winnipeg, to investigate the Manitoba Schools Question. He became Minister of Public Works under Sir Charles Tupper on May 1, but was defeated at the polls later that year and retired from active politics.

Desjardins was active also in financial circles. In 1882, he became president of the Crédit Foncier du Bas-Canada; in 1883, director of the Richelieu and Ontario Navigation Company; later, he was elected director of the Montreal and Western Railway Co., president of the Banque Jacques Cartier, and vice-president of the Canadian Accident Assurance Company. He chaired a committee of businessmen eager to open new markets between Canada, France, and Central Europe.

Alphonse Desjardins died on June 4, 1912 in Montreal.

Adolphe-Basile Routhier

Adolphe-Basile Routhier was born at St Placide, Quebec on May 8, 1839, the son of Charles Routhier and his wife, Angélique Lafleur.[1] He was educated at the Collège Sainte-Thérèse. He then studied law at Laval University in Quebec, and was called to the bar in 1861. He began to practise his profession at Kamouraska. In 1862 he married Marie Clorinde Mondelet.

In 1869 and in 1872 he ran as the Conservative candidate for the House of Commons in Kamouraska, but was defeated on both occasions.

Made a Queen's Counsel by the Earl of Dufferin in 1873, he was raised to the bench in September of the same year as a Puisne Judge of the Superior Court of the Province of Quebec.

Much of Routhier's leisure time was devoted to writing and to travelling: indeed he often combined both. The accounts of his travels to different parts of Canada, to the U.S.A., to Europe and to the Near East make thoroughly enjoyable reading. In addition to

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[1] The information is collated from Rose, ed., _A Cyclopaedia of Canadian Biography_ (Toronto, 1888); L. LeJeune, _Dictionnaire générale_ (Université d'Ottawa, 1931); and Henry James Morgan, ed., _The Canadian Men and Women of the Time_ (Toronto, 1898).

his travelogues, he wrote poetry (One of his poems published in
Les échos became the lyrics for Canada's national anthem.), plays,
and novels. All his writings are marked by purity of style and
vigour of thought. Routhier was also a very keen literary critic
and a much sought after public speaker.

In 1897, Routhier was appointed a judge of the Court of
Admiralty. He occupied the chair of civil law, and then of inter-
national law, at Laval University. In 1904 he became Chief Justice
of the Superior Court of Quebec.

In 1876 the Pope made him a knight commander of the Order
of Saint Gregory the Great. In 1911 Routhier received from His
Majesty the Great Cross of the Order of Saint Michael and Saint
George. He was a president of the Société Saint-Jean-Baptiste.
Laval University conferred on him an honorary doctorate in letters
as well as one in law. In 1914-15 he was president of the Royal
Society of Canada.

Adolphe-Basile Routhier died on June 27, 1920.

Benjamin-Antoine Testard de Montigny

Benjamin-Antoine Testard, sieur de Montigny, eighth son of
Casimir-Amable and his wife, Marthe Godon, was born at St Jérôme on
October 6, 1838.[1] He was educated at the Collège de Joliette and
called to the bar at Montreal on December 10, 1859. Soon after, he
set off for Europe, and was in Paris at the time of the ambush at
Castelfidardo: a few months later, on January 15, 1861, he answered
the call to arms to Catholic youth and enlisted as a zouave --the
first recruit from Canada. He remained in the papal service, re-
fusing all promotion, until his discharge in August, 1862, when
the zouaves were disbanded.

In 1863, de Montigny returned to Canada, prepared to em-
bark on a career in law, but was soon drawn to journalism, and
worked as a night translator for La Minerve. He began at the
same time to write books, and his Histoire du droit canadien

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[1] This material has been collated from the Bibliographie cana-
dienne: Catalogue annoté d'ouvrages canadiens-français (Montréal,
Granger Fr,, 1906); le R.P.L. Le Jeune, O.M.I., Dictionnaire général
de biographie, histoire, littérature, agriculture, commerce, industrie
et des arts, sciences, moeurs, coutumes, institutions politiques et
religieuses du Canada (Université d'Ottawa, 1931); and W. Stewart
Wallace, The MacMillan Dictionary of Canadian Biography (Toronto, 1963).

appeared in 1869, which was also the year of his marriage to Marie Louise Hétu, and the year in which he headed the Union Allet, the Zouave veterans' association. He founded, in 1870, in collaboration with Adolphe Ouimet, the _Franc-Parleur_, which continued to publish for seven years.

On March 23, 1873, de Montigny was appointed stipendiary magistrate of the district of Terrebonne, and went to live in St Jérôme, on a picturesque farm on the Rivière du Nord. He devoted himself to educating his compatriots, and his _Catéchisme politique_ (1878) and _Manuel d'Economie domestique_ (1896) found their way into innumerable homes throughout the country. He believed deeply in the importance of agriculture and industries related to agriculture to the Quebec economy, and in the need to colonize and settle the North.

In 1880, de Montigny was made Recorder of Montréal, a post which he held until illness forced him to relinquish it in 1899. The pope, Leo XIII, named him, on May 13, 1884, a Knight of the Order of Pius IX.

De Montigny had, in all, fourteen children, born between 1870 and 1892. After an illness of some months, he died at the Hôtel-Dieu in Montreal on August 15, 1899.

Siméon Pagnuelo

Siméon Pagnuelo was born at Laprairie, Quebec on January 5, 1840.[1] His father was a native of Seville, Spain and served as an officer in the De Meuron Regiment; his mother was a French Acadian. Siméon was educated at the Collège de Montréal. He studied law with the Hon. R. Laflamme, and was called to the bar in 1861. He practised his profession in Montreal, being for a time a partner of Edmund Barnard and of the Hon. L. O. Taillon. In 1863, he married Azilda Gauthier of Montreal.

For some years he was secretary of the General Council of the Bar of the Province. He contributed articles to the press on law reform, and was counsel for the bishop of Montreal in several important legal contests.

Pagnuelo was created a Queen's Counsel by the Marquis of Lorne in 1880; and was raised to the Bench as a Puisne Judge of the Superior Court of the Province of Quebec on June 5, 1889.

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[1] Information collated from Henry James Morgan, The Canadian Men and Women of the Time: A Handbook of Canadian Biography (Toronto, 1898); and La Patrie (May 14, 1915), p. 1.

373

He served, in 1892, as chairman of the Royal Commission on the Mercier charges; and in 1893 as president of the Maisonneuve Monument Committee. He was a governor of Laval University and of the Notre Dame Hospital in Montreal. He died in Montreal on May 14, 1915.

Louis-Olivier Taillon

Louis-Olivier Taillon was born at Terrebonne, Quebec on September 26, 1840. the son of Aimé Taillon and his wife, Marie Josephte Daunais.[1] He was educated at the Collège Masson; then studied law, and was called to the bar in 1865. In 1866 he began to practise law in Montreal in partnership with S. Rivard, F.-X.-A. Trudel, and then with S. Pagnuelo. From 1880 to 1882 Taillon was a commissioner under the Municipal Loan Fund Act. In 1882 he was made a Queen's Counsel by the Marquis of Lorne. In 1892 he was elected Bâtonnier of the Bar.

Taillon was one of the principal organizers, in 1874, of a gala celebration of the feast of St. John the Baptist in Montreal. The fête attracted over fifty thousand people from all parts of North America.

On July 14, 1875, he married Marie Louise Georgina Archambault, widow of Candide Bruneau and second daughter of the Hon. P. U. Archambault of L'Assomption. She died six months later, on January 24, 1876.

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[1]
The information is collated from G. M. Rose, ed. _A Cyclopaedia of Canadian Biography_ (Toronto, 1888); L.-O. David, _Souvenirs et biographies 1870 - 1910_ (Montreal, 1911); L. LeJeune, _Dictionnaire générale_ (Université d'Ottawa, 1931); and Henry James Morgan, ed., _The Canadian Men and Women of the Time_ (Toronto, 1898).

Taillon began his active political career in 1875, when he was elected to the Quebec Legislative Assembly as the member for Montreal-East. He was re-elected at 'the general elections of 1878 and 1881. In 1882 he was made speaker of the Assembly. In 1884 he was made a Legislative Councillor and became attorney-general in the Ross administration.

After the general election of 1886, with only a minority of members to support him, Taillon attempted on January 25, 1887 to form an Administration and to meet the new Assembly. Two days later he was obliged to resign and to hand over the reins of government to Mercier. Personally defeated in Montreal-East, he became the member for Montcalm following a by-election victory. Taillon was leader of the Opposition during the Mercier Administration.

When the Conservatives returned to power in 1891, Taillon became a minister without portfolio in the de Boucherville cabinet. From 1892 until 1896 he was the member for Chambly. In 1892 he became Premier of the Province and held office until May, 1896, when he entered the Tupper Administration at Ottawa as Postmaster-General. At the ensuing Dominion general election he ran for the new constituency of Chambly-Verchères and was defeated, whereupon he retired from politics.

From 1911 until 1915 he was Postmaster of Montreal. He received honorary doctorates in law from Bishop's and Laval universities. He was knighted on January 1, 1916. Louis-Olivier Taillon died in Montreal on April 25, 1923.

Louis-Edouard Desjardins

Louis-Edouard Desjardins was born on September 10, 1837 at Terrebonne.[1] He began his classical studies there, at the Collège Masson, and completed them at the Séminaire de Nicolet. After practising medicine for some time, he went to Europe for a year to study ophthalmology. On his return in 1870, he established a special department for the treatment of eye diseases at the Hôtel-Dieu of Montreal. At the same time, he became professor of ophthalmology at the School of Medicine and Surgery of Montreal. In 1872, he went again to London and Paris to complete his studies; and on his return founded the Nazareth Asylum, which provided free treatment of eye diseases to the poor.

His interest in journalism was more than accidental, and, in addition to his involvement in the Programme, he founded and contributed to L'Union Médicale, the Gazette Médicale, and the newspaper, L'Etendard.

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[1] These materials are collated from the Annales des Soeurs de la Charité (Soeurs Grises de l'Hôpital Général de Montréal), Archives des Soeurs Grises de Montréal (43e année, mars-avril, 1919, no 2); the Bibliothèque nationale, Annexe Aegidius Fauteux; and Rose, Cyclopaedia of Canadian Biography (Toronto, 1886-88).

377

Education also was of concern to Desjardins; and in his
defense of the fathers of families against the encroachments of
the Montreal School Commissioners, he was the main force behind
a Royal Commission of enquiry (1883) into the Catholic schools
of Montreal. He defended, as well, the School of Medecine against
Laval University, beginning in 1876; and after Mgr Taschereau had
pronounced against the School of Medicine his sentence of rebellion
against the Church, Desjardins hurried to Rome, where, while
students, professors, and even the parents of students were being
excommunicated, he laid his case before the pope and received a
favourable judgement.

Desjardins was married to Emilie Zaïde Paré, second daughter
of Hubert Paré, a partner in one of the most important commercial
firms of Montreal. His cousin, Alphonse, had married Paré's eldest
daughter, Virginie. Louis-Edouard Desjardins died in Montreal on
March 2, 1919.

Sévère Rivard

Sévère Rivard was born at Yamachiché on August 7, 1834, the son of Augustin Rivard Laglanderie and his wife,Marguerite Rivard Dufrésne.[1] He did his classical studies at the Collège de Nicolet; then studied law. and was called to the bar in June, 1859. In 1863 he married Delphine Choquette.

Having no liking for partisan politics, Rivard refused to run for election either provincially or federally. Instead, he devoted himself to civic affairs. In 1870, he was elected an alderman for the City of Montreal; and he remained alderman until 1879, when he was elected mayor. In 1880 he was re-elected by acclamation.

Rivard was one of the instigators of the Pontifical Zouave movement, and a member of the organizing committee. For this work he was decorated by the Pope, and made a Knight of the Order of Pius.IX.

In 1886 he was called to the Legislative Council of the Province of Quebec. He died probably in Montreal, on February 5, 1888.

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[1] The information is collated from J. C. Lamothe, <u>Histoire de la corporation de la cité de Montréal</u> (Montréal, 1903); J. D. Borthwick, <u>History and Biographical Gazetteer of Montreal to the year 1892</u> (Montreal, 1892); and <u>Le Monde</u> (February 6, 1888), p. 2.

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in a bibliography all the works which I have consulted since I
began my study of French Canadian society in 1966. There are
already available, for that matter, a number of well prepared
bibliographies on French Canada. See, for example, René Durocher
and Paul-André Linteau, <u>Histoire du Québec: Bibliographie sélective
(1867 - 1970)</u> (Trois-Rivières: Boréal Express, 1970). The biblio-
graphy compiled here, then, is a selective bibliography: it was
compiled to highlight the writings of the <u>programmistes</u>, to assist
readers interested in discovering more about their thought, and
to acknowledge my indebtedness to certain authors.

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