

[Home](#)
[Contact Us](#) | [Français](#)
[Current Issue](#)
[Canadian Region CPA](#)
[Archives](#)
[Upcoming Issue](#)
[Editorial Guidelines](#)
[Subscribe](#)
[PDF](#)

Parliamentary Bookshelf: Reviews

[Marc-André Roy](#)


Vol 38 no 4
2015

Ces constitutions qui nous ont façonnés : anthologie historique des lois constitutionnelles antérieures à 1867 Guy Laforest, Eugénie Brouillet, Alain-G. Gagnon et Yves Tanguay, Presses de l'Université Laval, Québec, 2014, 372 pp.

Guy Laforest Eugénie Brouillet, Alain-G. Gagnon and Yves Tanguay. The Constitutions that Shaped Us: A Historical Anthology of Pre-1867 Canadian Constitutions, McGill-Queens University Press, Montreal, 2015, 360 pp.

When New France was conquered, did the conquered Canadians truly perceive the British invader in a negative light? Should the concessions that the British Crown made to Canadians in the *Quebec Act* of 1774 be interpreted as acts of goodwill or rather as self-serving acts? How was the *Constitutional Act* of 1791 received by the English elite in the St. Lawrence valley? What was the reaction of Canadians? The answers to these questions have long been the subject of animated debates among both Anglophone and Francophone historians and sociologists. These days, and even in hindsight, there is still a big discrepancy between their perceptions of our history, although it is a shared one.

These questions about the origins of Canadian constitutionalism are at the heart of *The Constitutions that Shaped Us: A Historical Anthology of Pre-1867 Canadian Constitutions*. The authors of this book, Guy Laforest, Eugénie Brouillet, Alain-G. Gagnon and Yves Tanguay, compile the “great successes” of pre-confederation constitutions in Canadian history. Their objective? To generate public interest in a context in which, “[Translation] gradually, but systematically, talking about constitutions in this country has almost become a taboo” (p. 3). [All pages numbers correspond to the French edition of this book.]

The texts chosen come from the last century. They include names that any Canadian history buff would know: Sir John George Bourinot, Chanoine Lionel Groulx and Séraphin Marion, to name just a few. The texts are organized in two parts. The first part contains excerpts of Francophone and Anglophone historiographies that help paint a picture of the four main pre-confederation British constitutional systems: the *Royal Proclamation* of 1763, the *Quebec Act* of 1774, the *Constitutional Act* of 1791, and the *Act of Union* of 1841. In the second part, Francophone and Anglophone authors take turns going into specific detail on each constitutional system.

The book provides a fascinating recap of this eventful century in British North America’s history, at a time when British leaders were struggling to reconcile the interests of their own people while trying not to

 [RSS Feed](#)

alienate the strong Canadian majority. This balanced approach makes it possible to clarify the different perceptions and interpretations presented by Francophone and Anglophone historiographies. For example, while the Conquest is often presented as a burden among the conquered Canadians, Pierre Brunet said that the majority of the Canadian public welcomed English rule (p. 198). Some seigneurs and businessmen even believed they could improve their lives (p. 199). Another example: the *Quebec Act* of 1774 included a number of concessions for Canadians, in particular with respect to formally restoring French law in the colony and restoring the official status of the English Roman Catholic church. Some viewed this as a generous gesture on the part of a homeland looking to respect the rights of Canadians, while others saw it as a calculated gesture in response to the threat of a potential American revolution. Thomas Chapais spoke about some heated debates that took part in the Imperial Parliament during the passage of the *Quebec Act* (pp. 51-60). Lord North, who was critical of the concessions made to the Canadians, strongly opposed the adoption of this measure. If not for the government's determination, the *Quebec Act* might never have received royal assent. Whether or not it was a calculated move, this measure was not unanimously supported by the conquerors.

The documents studied provide some perspective on the Anglophone and Francophone views as well as their differences, and they also enable the reader to understand the evolution of these two historiographies. As the authors point out in the introduction, the texts make it possible to observe the gradual change of loyalty of the Anglophone authors. As the 20th century progressed, they abandoned their imperial affiliation and took on a more Canadian identity (p. 17). Thus, they slowly stopped glorifying the homeland and became more critical.

The authors brilliantly achieve their objective of attracting the reader's interest in the so-called taboo topic of the Canadian Constitution. Furthermore, the timing of this book was right on, as it was released three years before the start of the festivities of the 150th anniversary of the Canadian Constitution. Let us hope that political players will take advantage of this anniversary to start a dialogue on these difficult issues. A book like this one gives them the opportunity to give some perspective on the impasse we appear to be in today by contrasting it with the many events in the history of the constitutions that governed the Canadian territory.

Although this book appeals to academics and history buffs, it would have been nice to have a more in-depth explanation of these texts to help guide the general public, the target audience of this anthology. It is certainly important in this type of book to let the texts speak for themselves, which is why the authors presented long excerpts of the primary source instead of simply discussing them in a monograph. That said, it would have been nice to have more information to situate the authors and their texts in their historical contexts. A comment following each text, or group of texts, containing a critical reflection and exposing the nuances would have been helpful.

Furthermore, although the authors achieved their objective—to discuss two historiographies that are largely unknown—a book aiming to break the Canadian solitudes appears to have missed its mark by not addressing the Aboriginal peoples. The constitutional laws that governed British North American colonies had a profound impact on

their way of life, their loss of autonomy, and the acceleration of European colonization out west. The interaction of the Aboriginal peoples with Francophones and Anglophones was also important to the constitutional development of the colonies. However, the excerpts presented keep this important part of history on the periphery, as it was only mentioned in passing by the chosen authors. For example, it would have been worthwhile to hear more—ideally from Aboriginal authors, but also from Francophone and Anglophone authors—on how the Aboriginal peoples perceived the *Royal Proclamation* of 1763, which guaranteed them some right to autonomy and limited colonial expansion on their land. This perspective on our collective history must not be ignored.

In short, this book gives us pause for thought on many important aspects of pre-confederation history. It allows the reader to question the version of history that they may have learned—which may have been too biased—by exposing them to other perspectives. The reader's understanding of Canadian history can only be enhanced. Let us hope that other researchers will follow suit and will expand this exercise to our three founding peoples.

Marc-André Roy
Law Clerk for Justice Thomas A. Cromwell
at the Supreme Court of Canada



Last Updated: 2016-07-26