

# The State in Canadian History

Rainer Baehre

Volume 24, Number 1, Autumn 1994

URI: [https://id.erudit.org/iderudit/acad24\\_1re02](https://id.erudit.org/iderudit/acad24_1re02)

[See table of contents](#)

## Publisher(s)

The Department of History of the University of New Brunswick

## ISSN

0044-5851 (print)

1712-7432 (digital)

[Explore this journal](#)

## Cite this document

Baehre, R. (1994). The State in Canadian History. *Acadiensis*, 24(1), 119–133.

## The State in Canadian History

TRADITIONAL DEPICTIONS OF THE CANADIAN STATE have emphasized formal political and judicial institutions.<sup>1</sup> Recently, however, historians have begun to redefine the nature of the state and its role in the history of western civilization. For example, in a discussion of state formation in early modern England, Michael Braddick criticizes historians who reify the state or who see it merely as an institutional phenomenon, arguing, instead, that the state should be seen as a process of “organized social power” which “creates and is created by a degree of normative consensus and organizational co-ordination” (p. 2). Historically, this process has, intentionally and unintentionally, led to the centralization of power.<sup>2</sup> The process of state formation has also had other important historical consequences. In their influential study of English state formation, Philip Corrigan and Derek Sayer concluded that modern capitalist civilization succeeded because of the rise of the regulatory state and the cultural revolution which ensued.<sup>3</sup>

Such revisionist interpretation has become central to many recent historical studies of the state in history. To what extent are these new interpretations applicable to the Canadian context? Influenced by such thinking and rethinking, and despite the varied nature of their orientation and content, the articles and books reviewed below add to an existing and growing literature on the subject.<sup>4</sup> While

- 1 For example, see Ronald H. Wagenberg, “The Institutions of the Canadian State”, in K.G. Pryke and Walter C. Soderlund, eds., *Profiles of Canada* (Toronto, 1992) or John Saywell and George Vegh, eds., *Making the Law: The Courts and the Constitution* (Toronto, 1991). Although reflecting “the new social history”, Alvin Finkel, Margaret Conrad (with V. Strong-Boag), eds., *History of the Canadian Peoples: 1867 to the Present* (Toronto, 1993) still discuss “the state” in these conceptual terms (p. 362-406). There are many useful older studies which deal with related subject matter concerning the state, law and social welfare institutions. See Russell C. Smandych, Catherine J. Matthews, and Sandra J. Cox, eds., *Canadian Criminal Justice History: An Annotated Bibliography* (Toronto, 1987).
- 2 Michael Braddick, “State formation and social change in early modern England: a problem stated and approaches suggested”, *Social History*, 16, 1 (January 1991), pp. 1-17.
- 3 Phillip Corrigan and Derek Sayer, *The Great Arch: English State Formation as Cultural Revolution* (Oxford, 1985), pp. 2-3; Anthony Giddens, *A Contemporary Critique of Historical Materialism*, 2 vols. vol. 1, *Power, Property and the State* (London, 1981); vol. 2, *The Nation State and Violence* (Berkeley, 1987). Interest in, and a reassessment of, the history of the Canadian state by non-historians is evident in such collections as Thomas Fleming, ed., *The New Criminologies in Canada: State, Crime, and Control* (Toronto, 1985); Jacqueline S. Ismael, ed., *The Canadian Welfare State: Evolution and Transition* (Edmonton, 1987).
- 4 A sample of other diverse studies that reassess the role of the state in Canadian history include Tom Traves, *The State and Enterprise: Canadian Manufacturers and the Federal Government, 1917-1931* (Toronto, 1979) and other volumes in the series “The State and Economic Life”; Angus and Arlene McLaren, *The Bedroom and the State* (Toronto, 1986); Phillip McCann, “Culture, State Formation and the Invention of Tradition: Newfoundland 1832-1855”, *Revue d'études canadiennes/Journal of Canadian Studies*, 23 (Spring/Summer 1988), pp. 86-103; Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal and Kingston, 1990); Sean Cadigan, “Merchant Capital, the State and Labour in a British Colony: Servant-Master Relations and Capital Accumulation in Newfoundland's Northeast-Coast Fishery, 1775-1799”, *Journal of the Canadian Historical Association/Revue de la Société historique du Canada* (1991), pp. 17-42; Mariana Valverde, *The Age of Light, Soap, and Water: Moral Reform in English Canada, 1885*

Rainer Baehre, “The State In Canadian History”, *Acadiensis*, XXIV, 1 (Autumn 1994), pp. 119-133.

disparate in their focus and not united in a collective purpose, they make important individual contributions towards understanding the historical nature, role and significance of the state in Canadian history.

Philip Resnick, *The Masks of Proteus: Canadian Reflections on the State* (Montreal and Kingston: McGill-Queen's University Press, 1990), belongs to this new genre. In this collection of twelve essays that examine the state as an institution, Resnick contends that "the state ... in Canada as elsewhere, has come to occupy a central place" (p. 110). The growing body of literature on the subject of the state reflects a continuing interest in defining "the nature of political power". In addressing this point of definition, he provides an overview of non-Marxist, Marxist, and neo-Marxist interpretations of the state and concludes that Marxists and neo-Marxists have had "great difficulty tackling the symbolic dimensions of power" (p. 119). The state, Resnick argues, is not merely a product of economic and non-economic forms of power. Rather, it embodies "sovereignty, legitimacy, and domination" which embrace many different types of economies and governments. Moreover, it cannot be understood through "the relationship of social forces at any point in time" (p. 131).

Resnick defines the symbolic dimensions of the state as the traditions which evolve within a political, intellectual and cultural context. The Canadian state, for example, shows the influence of French Jacobinism, Montesquieu and Burke, as well as the oft-cited Hartzian Tory tradition. Disputing the common assumption that the Canadian state reflects an inherent conservatism based on "organic Toryism", Resnick makes the provocative case that all parties in Canadian history have followed in the path of a Jacobin-derived "logic of the modern world pushed in the direction of centralization and a powerful state structure" (p. 52). This is even evident in the political and legal use of language in Canada: thus, the terms "dominion" and "government" have been steadily displaced by "state" in the political language of Quebec nationalists and also, more generally, in recent writings on Canada by social scientists. Resnick suggests that Montesquieu's influence, as expressed in the philosopher's *Spirit of the Laws* and his emphasis on "a mixed constitution" and the "separation-of-powers doctrine", is evident in the theoretical underpinnings of the Canadian state. He argues that the B.N.A. Act was filtered through British interpreters of Montesquieu, such as Blackstone, who were intent on avoiding despotism and democratic tyranny. There is also a Burkean strain in the Canadian state and its definitions of constitutional practice and sovereignty, as politics have been practised from above on those below. Most members of parliament, once elected, have historically acted independently of the will of their constituents; they did not follow the path of Rousseau's "inalienability of popular sovereignty" (p. 89).

In another section, the author looks at how the Canadian state has been influenced by economic developments. This last decade's preoccupation with the state, according to Resnick, in part, "reflects one of those epochal shifts in conceptual priorities". More so than ever before in Canadian history, there is a

1925 (Toronto, 1991); Gregory S. Kealey, "State Repression of Labour and the Left in Canada, 1914-20: The Impact of the First World War", *Canadian Historical Review*, 73, 3 (September 1992), pp. 281-314; Bruce Curtis, "The Canada 'Blue Books' and the Administrative Capacity of the Canadian State, 1822-67", *Canadian Historical Review*, 74, 4 (December 1993), pp. 535-65.

widely-held acceptance of the state's growing importance in the face of "economic crisis, war, and societal development" (p. 132). The state, therefore, can no longer be reduced to "a mere superstructure, with an economic base controlled by a dominant bourgeoisie" (p. 132). Further, Resnick examines the expanding role of the state in the context of "organized capitalism", a concept developed by Rudolf Hilferding. The predominant role of finance capital, especially the banks, in shaping and expanding the role of the state is particularly noticeable over the course of the last 50 years. Canada's changing role in the world economy is reflected in its membership among the seven leading capitalist powers, placing this country "on the perimeter of the core" (p. 180). With a helpful overview of Canadian economic history since Confederation and supporting evidence based on GNP per capita, wage structures and other variables, Resnick successfully argues that a key feature of this change has been the Canadian state, "an important instrument" in redefining this country's international role in the capitalist world economy.

The nature and role of the state in the more purely political realm is addressed in a section entitled "Nationalism, Federalism, and Socialism". Resnick investigates, first of all, "the rather different roles played by state and nation in the development of English Canada and of Quebec" (p. 207). Whereas the former began with the state and became a nation, the latter had a separate sense of nationhood prior to Confederation. The historical nature of the Canadian state, notably the federal-provincial division of powers and the country's different strains of nationalism, also has affected the likelihood of achieving a socialist state in Canada. In a final, more philosophical than historical, essay, he seeks to find a common ground between the ideals of social democracy and the constraints of the modern state, concluding that "We can reform the state — liberal democratic or Marxist-Leninist — but we cannot escape it" (p. 262).

A comparably ambitious and stimulating volume is Reg Whitaker, *A Sovereign Idea: Essays on Canada as a Democratic Community* (Montreal and Kingston: McGill-Queen's University Press, 1992), a collection of ten essays, all except one published previously, and each introduced with a brief retrospect. Whitaker connects the underlying theme of "the emergence of the 'sovereign idea' of democracy within a specific Canadian reality" (p. xii) to a number of crucial historical issues. His first section, "Class and Community", includes "Images of the State in Canada". Since writing this piece a generation ago, Whitaker has become convinced, thanks to Bryan Palmer, that the Canadian state acted more coercively in the past than he had believed. The author's conceptual emphasis on class conflict and a Marxist analysis of the state makes it incumbent on readers to approach his arguments and evidence critically. While not telling Canadian historians anything new, Whitaker does provide a useful overview of the transformation of the Canadian state since the arrival of the Loyalists. This section also includes Whitaker's provocative and insightful analysis, "The Liberal Corporatist Ideas of Mackenzie King", and his introduction to William Irvine, *The Farmers in Politics*, both published in the same era.

A second section, "Liberalism and Nationality", consists of a study of the political ideas of Harold Innis and Innis' clearly pre-Foucauldian ruminations on

the relationship between knowledge and power, as well as a sophisticated analysis of Pierre Trudeau's views on federalism, sovereignty and the state. The latter essay, while concentrating on the roots of Trudeau's political philosophy, is also a study in the history of ideas. Whitaker argues that Trudeau's "reason, passion and interest" (p. 134) were central to his belief in a federal state. Trudeau saw the state as "made to measure by its citizens", and subject to the limits of their willingness to obey. Not something to be feared, the state provided a communal solution to problems beyond the scope of the individual solution. While Whitaker finds Trudeau's arguments somewhat "naïve" and reductionist because they failed to take into account the means by which a minority could impose its interests upon the majority, he does acknowledge that Trudeau took into account the issues of concentration of power and nationalism by which the oppression of the minority can occur. Trudeau's insistence that the state should have the power to protect rights found practical expression during the October crisis: he firmly believed that the state had an obligation to intervene when democracy and the rule of law were threatened. On the other hand, Trudeau would not use the same powers to counter the rise of French-Canadian nationalism, even with the threat of separatism, because such a response was inimical to his philosophy and principles. This apparent contradiction Whitaker describes as the irresolvable "eternal liberal triangle of reason, passion and interest" (p. 159).

The third section, "Federalism and Democracy", views the origin of Canada's constitution as "an arrangement between elites, particularly between political elites" (p. 206). Consequently, the Canadian form of democracy is representative only insofar as citizens choose their governors. Historically, corporate interests have exerted disproportionate influence on the state and its politicians; most citizens remain detached. However, recent constitutional developments, such as the Charter of Rights and Freedoms, referendums and the amending formula, indicate that the nation-state has proceeded some distance along the path of expanded democracy.

This collection's final section, "Democracy and Community", is more historical and bears more directly on questions of the relationship between the state and society. In an essay on federalism, democracy and the Canadian political community, Whitaker employs the dialectic of territory and function to understand the dynamics of integration-disintegration, centralization-decentralization, and integration-peripheralization and their possible impact on the fate of the country. He traces national development from the pre-Confederation era onwards, and shows how succeeding governments were preoccupied with the development of an economic infrastructure, making national and cultural matters of secondary importance. This emphasis has inevitably led to tensions, in particular between federal and provincial levels of government. It has also contributed to the emergence of class and sectional politics. Since the Second World War, Ottawa has no longer been regarded as a guarantor of national economic stability and growth, and this has contributed to a growing view that provincial power constitutes "giving power back to the people, standing up for the local community against the interventionist bureaucrats in far-away Ottawa" (p. 249). In considering how this conflict has been played out in recent decades, Whitaker points to the Canadian state's inability to find a common ground, citing Quebec nationalism

and western alienation as decentralist and disintegrationist forces in the 20th century.

The final essay, the only one previously unpublished, focuses on Quebec and the Canadian constitution. Whitaker sees the Quebec question as coming at a time when rights-based liberal discourse (the Charter of Rights), free-market conservatism (NAFTA), the French-English language issue (bilingualism and Bill 178) and the constitutional impasse between Quebec and Ottawa (Meech Lake and the Charlottetown Accord) have coincided. The Canadian state is in peril, and he argues that "Canadians may soon have to distinguish very clearly and decisively between those who want *in* and those who want *out*" (p. 283). The challenge of this decade is "What does Canada (with or without Quebec) want?" This excellent discussion raises many questions as to how the Canadian nation-state can survive without splitting into two sovereign nations. Whitaker's hope is that our abundant resources and capacities and our traditionally high levels of civility and tolerance, when compared to other countries, may yet help us to redefine the federalist state and to find a common national accord.

Resnick's and Whitaker's analyses of the Canadian state in history are multifaceted. In contrast, several historians and sociologists have chosen more limited and empirical means by which to examine aspects of this history. One such study which begins to fill some of the egregious lacunae in our reflections on the Canadian state in history is *Un nouvel ordre des choses: la pauvreté, le crime, l'État au Québec, de la fin du XVIIIe siècle à 1840* (Montreal: vlb éditeur, 1989) by Jean-Marie Fecteau. More so than the political scientists just discussed, Fecteau's study reflects the influences of Michel Foucault's thinking and writing.

Fecteau begins with the observation that traditional historiography has taken a more conservative path than he wishes to do in this book. He is unwilling to await the writing of specialized monographs before proposing a synthesis, but admits "C'est ainsi que trop souvent le territoire de l'historien ressemble plus à un champ de taupes qu'à un véritable chantier ..." (p. 12). Despite the risk of falling into a mire, he argues that the evolution of attitudes towards poverty and crime is fundamental and "supranational" in nature, is visible within western societies in local as well as national developments, and is both chronologically synchronic and parallel in substance.

Fecteau is interested in examining the ways in which past governments have managed these social problems. His approach is distinct from the older social control model which suggested that rational order was imposed from above through institutions which regulated society and ensured social cohesion. He prefers to use the concept of regulation rather than social control to describe the process whereby a fragile balance between the dominating and the dominated was maintained. In an approach reminiscent of David Rothman's and Pieter Spierenburg's early works,

5 For example, Pieter Spierenburg, *The Spectacle of Suffering. Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience* (London, 1984); David J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston, 1971).

Fecteau charts the principal characteristics of a "disciplinary society" in Lower Canada. Though he admits that there are dimensions of social regulation involving other social institutions, such as the family, the school, the workplace and the church, he has chosen to focus on poverty and crime, and his preliminary synthesis is based on an analysis of the evolution of the house of industry, the hospital and the prison.

The book is divided sensibly and convincingly into two broad chronological periods. First, Fecteau examines structural and discursive changes of the *ancien régime* and its institutions during the period 1791-1815. French-Canadian society had inherited a feudal regime for regulating its population, one dominated by the Church, clergy and the king. English models were formally introduced with the Constitutional Act of 1791. This legislation emphasized local methods for dealing with charity, sickness, orphaned children and petty crime. Fecteau argues that French and English models of late-18th century institutional reform were not incompatible, both emerging from the ideas and institutions of the Enlightenment.

But Fecteau is saying much more about the impact of these reforms. For him, the introduction of new forms of social regulation coincided with the "catastrophe" which befell Lower Canada. As poverty and crime gained urgency, new institutional forms to deal with the sick, the orphaned and the needy emerged. This was especially so after 1815, and Fecteau documents this significant shift with quantitative evidence provided in numerous tables and graphs. The structural change which accompanied the introduction of English criminal law further enhanced the anglophone grip on French Canada, and consolidated the economic changes that accompanied capitalist institutions. The tensions between the French and English systems of regulation and punishment culminated during the crucial period 1810-20 when one system established hegemonic control over the other. More significantly, the period 1815-40 is widely recognized as most complex, representing the era of transition to capitalism in western society, with the state and its institutions beginning to take a central role in transforming traditional society and culture.

Two important waves of immigration from 1817-1821 and then again from 1831-1834 brought unprecedented misery and disease. The state played an ambiguous role in responding to these events, though the urgency of the problems led to institutional responses which transcended party lines. It is within this social and economic context that Fecteau traces the discourse of reform and the state's philanthropic and repressive characteristics. For a time, institutions came to represent a panacea for western society's social and economic problems, and Lower Canada was no exception. The lunatic asylum, the house of industry and the penitentiary dominated this phase. By the same token, they failed, in practice, to bring about total reform.

The fundamental question which divided politicians, he points out, was one of authority. One solution was to centralize power at the expense of local governments. But suspicion of government intentions led to cynicism and rejection, as many French Canadians chose to deal with social problems privately, through associations, such as the Magdalen Institute and the many others which sprang up in the 1830s. The final departure from traditional French Canadian means and

methods began in 1840, following the defeat of the "patriotes" by the British army, the imposition of martial law, the rule of the Special Council and the Act of Union. As important as these developments were, he adds, "plus fondamentalement, il préside à un réaligment majeur des données constitutives de la régulation sociale coloniale" (p. 263). Between 1840 and 1870 the principal institutions of capitalism were joined by new forms of social regulation whose logic gave an anglophone shape to French-Canadian society. This era forged a link between charity and repression, in which the logic of capitalism now carried with it the necessity of refashioning the individual ("l'individualisation- normalisation") (p. 264). In this context, the regulation of crime, poverty and madness become an important focus of the state.

Fecteau, however, does not see this system of regulation as being imposed on the passive masses by a self-conscious dominant class. Rather, these developments resulted from various causes and factors, often tentative in nature: "... d'une lutte de tous les instants, consciente ou non, organisée ou spontanée, collective ou individuelle, contre les visages multiples de l'oppression" (p. 270). He concludes that they were the mirror image of class struggle, producing only the impression of programme, an illusion of permanence. He rounds out his volume with a helpful bibliography relating to the role of the state and the problems of transition, and to the history of social control in Europe and the United States, as well as in Canada and Quebec.

Like Fecteau's study, the collection by Allan Greer and Ian Radforth, eds., *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada* (Toronto: University of Toronto Press, 1992) effectively challenges mid-19th century liberal depictions of the Canadian state. The authors refuse to see the state merely as the growth of the government, but, following a Durkheimian/Marxist approach, identify a cultural and political revolution which accelerated in the post-Rebellion era. For them, the state, as a process not a thing, effected increasing moral regulation and social discipline in the colonial transition to capitalism and responsible government. None of the essays should be considered definitive; nor do the editors intend them to be. They serve as introductions to a variety of topics linked by the common theme of the state. An outgrowth of a workshop held at the University of Toronto, this volume brings together diverse appraisals of state formation and intervention throughout British North America, encompassing such themes as the birth of the police, law, reform, education, social policy, gender regulation, railways, finance and ideology.

Allan Greer, in "The Birth of the Police in Canada", examines especially the appearance of a rural police force in Lower Canada, which he sees as an extension of a broad phenomenon in the early 19th century in Great Britain and the United States.<sup>6</sup> Complementing newly founded professional police establishments, this force was founded in the aftermath of the Rebellion and was used to regulate members of the lower orders who were found guilty of minor offences such as

6 Compare with Greg Marquis, *Policing Canada's Century: A History of the Canadian Association of Chiefs of Police* (Toronto, 1993), pp. 12-53.



drunkenness, theft, violating sleigh ordinances and so on. The principal purpose of this force, however, was the prevention of political subversion, especially that suspected of flourishing in taverns. Greer argues that political and moral control of a disaffected and disobedient population was virtually interchangeable. Established to ensure public order, public safety and the preservation of property, both the urban and rural police, as social institutions, were part of a state institutional strategy including penitentiaries, schools, poor houses, hospitals and lunatic asylums. The birth of the police, he contends, reflected the expanding role of the state.

Brian Young's shorter and less conclusive piece, "Positive Law, Positive State: Class Realignment and the Transformation of Lower Canada, 1815-1866", is principally a study of the Special Council which replaced the House of Assembly in the colony during the Rebellion. The implementation of 'positive law' under the Special Council represents a watershed: "pre-industrial relations and ideology — the church, seigneurial tenure, and traditional paternal, class, and master-servant relations — were not swept away but were blended into a new social contract" (p. 50). Though its content is suggestive, this essay is long on argument and short on evidence. Young describes how a new 'Benthamite' approach, involving centralization, uniformity and inspection, permeated ideological, social, legal and economic reforms. This was the essence of "bourgeois democracy" and liberal reform. He contends that the successful suppression of serious dissent favoured the seigneurial class and the Roman Catholic Church who, though forced to adapt to change, nevertheless found their capital and privileges preserved. In turn, the church used its ideological and institutional influences to consolidate the state's position, not only ensuring the domination of the French by the English, but also reinforcing traditional class and gender roles.

A key figure in implementing this 'reform' thrust was the newly appointed Governor General Sydenham. In "Sydenham and Utilitarian Reform", Ian Radforth explores Sydenham's Canadian assignment. A former President of the London Board of Trade, a brother of the influential political economist George Poulett Scrope, and member of a prominent mercantile family, Sydenham became a key figure in transforming the state. Following in Lord Durham's footsteps, and pouring his energies into political, constitutional, financial and economic reform, he left a marked imprint during his brief sojourn in the Canadas. Through centralization and rationalization of existing administrative structures, Sydenham sought greater efficiency in government, reflected in efforts to reform municipal government, the creation of a Board of Works, the restructuring of a communications infrastructure (i.e., the post office), a new education act, and banking and currency reforms. Radforth sees his efforts as a great administrative leap forward which fundamentally altered the nature and direction of the Canadian state.

This collection of essays also includes several examinations of the state and the economy. Douglas McCalla, in "Railways and the Development of Canada West, 1850-1870", says much about economic history, but little about the role of the state, except to note the importance of railways to mid-century Canadian social, political and economic development. He urges historians to undertake a detailed examination of the organizational structures of principal railways. Peter

Baskerville has taken up McCalla's call in "Transportation, Social Change, and State Formation, Upper Canada, 1841-1864". Informed by the work of Michael Katz, Philip Corrigan and Derek Sayer, the author borrows the notions of an activist state and the rising role of bureaucratic experts. He shows how the Canadian financial and social crises in the mid-1850s affected canal and railway operations, and how the state, through law, loan guarantees and a Board of Railway Commissioners, facilitated private ventures yet also regulated them in the interests of financial and social stability. However, this state structure had been largely dismantled by the late 1860s, under Prime Minister Macdonald's political pandering to railway interests. In "Government Finance and the Development of the Canadian State", Michael Piva examines how financial administration was overhauled under Sydenham, laying the framework for responsible government, and promoting immigration, public works and agricultural settlement, though not without precipitating an ongoing debt crisis. Piva convincingly argues that Hincks' Guarantee Act of 1849, supporting railway construction as well as subsequent parliamentary intervention, contributed to more rational administrative and economic policies and systems.

The volume concludes with Graeme Wynn, "Ideology, Society, and State in the Maritime Colonies of British North America, 1840-1860", which constitutes a reflection upon "the particular conjuncture of ideology, society, and state in the mid-nineteenth-century Maritime colonies" (p. 286). Recognizing the diverse, complex, fragmented and heterogeneous nature of the region to begin with, Wynn uses a series of vignettes to illustrate this conjuncture. His topics include Saint John, a settler's tale, an agricultural pamphlet, a farmer's journal, traveller's observations on New Brunswick, the 1861 census, and Prince Albert's visit to Halifax. These "snapshots" become the basis for a contextual comparison and conceptualization of change. They illustrate the advance of capitalism, institutional rationality and the emergence of a new social and moral order. Wynn attempts to make sense of the changing nature and role of the state in this region, and to determine how and the extent to which its administrative apparatus carried over into civil society.

Other essays in this volume include Bruce Curtis, "Class Culture and Administration: Educational Inspection in Canada West", Jean-Marie Fecteau's more sociological excursus, "État et associationnisme au XIXe siècle québécois: éléments pour une problématique des rapports État/société dans la transition au capitalisme", and Lykke de la Cour, Cecilia Morgan and Mariana Valverde, "Gender Regulation and State Formation in Nineteenth Century Canada". These are helpful introductions to other significant facets of the role of the state in 19th-century Canada, but, in each case, readers are reminded that the authors have treated these topics more extensively elsewhere.

Bruce Curtis has advanced his analysis of the state in *True Government by Choice Men? Inspection, Education, and State Formation in Canada West* (Toronto: University of Toronto Press, 1992). The author defines state formation as "the centralization and concentration of relations of economic and political power and authority in society" (p. 5). This involved gaining "monopolies over the means of violence, taxation, administration, and over symbolic systems", as well as "the

extension of capitalist relations of production and liberal political democracy, with their coincident bureaucratic forms of administration and policing" (p. 5-6). Together, this centralization and concentration represented an essential element of state formation in the 1840s and 1850s in Canada West.

According to Curtis, the evolution of public education was a central feature of the growth of the state, initiating a cultural, as well as an administrative, revolution. This is his main theme. Educational inspection in the hands of respectable, propertied, Anglo-Saxon males fostered and reinforced "their cultural conceptions, their moral standards, their sense of justice, and their aesthetic sense as models for the rest of society" (p. 7). Using the biographical details of the 37 district superintendents of education between 1844-1850 as a representative sample of this process, Curtis' social history from above looks at how educational administration was fashioned and practised in Canada West. The centralization of authority, which these educational reforms and inspection soon necessitated, contributed to a bureaucratic revolution and helped to shape a tentative "Canadian" identity in ways that historians have barely recognized. He argues provocatively that representative self-government was thus not merely political, but represented "new forms of government of the self (i.e., of moral regulation and self-discipline)" (p. 17).

His sophisticated argument is based on substantial historical evidence. Beginning with "the normal school" as incubus for retraining the public for self-government — the most important one of several institutions to do so — the state developed a civil bureaucracy to administer an emerging social consensus on public discipline, a knowledge/power relation enforced through inspection. This consensus was not an indigenous development, but international in nature, and Canada West owes its model to European and American influences, not primarily to the Irish National Board of Education, as some historians have believed.

The second half of this study is devoted to an analysis of the first district inspectors: how they worked, how they, as representatives of a central authority, interacted with local authorities in three distinct districts and, finally, how bureaucratic management of education was consolidated. The 37 men who constituted the first inspectors were comprised of several capitalists, many clergy, a few teachers and a scattering of others. While they did not explicitly espouse middle class values and acted independently of party politics, the inspectors knowingly and unknowingly advanced their common values in the interests of education and improvement, and, through discourse, ensured their intellectual and cultural dominance as experts. They identified and located schools, hired and worked with municipal and township superintendents, examined, licensed and paid teachers, inspected the superintendents who, in turn, inspected the schools, chose and standardized school texts and, in general, defined bureaucratic jurisdictions, administrative hierarchy, and proper procedure.

In his final chapter, Curtis explains how the bureaucracy of education extended its influence by legal and moral/ideological means. To implement these changes, money and politics inevitably became involved. Yet this study shows how the interests of the inspectors became disassociated from avowedly class and political interests. On the basis of his findings, Curtis points out "the truth of the social

state as a social, and hence a moral, political, and ideological construct" (p. 191). The inspectors' collective ruminations, as contained in their annual reports, for example, were formalized, as a body of selectively shared and applied knowledge. The educational bureaucracy and its central authority thus stood at the centre of knowledge/power relations in Canada West.

Gender, the economy and the state is the main focus of Jane Ursell, *Private Lives, Public Policy: 100 Years of State Intervention in the Family* (Toronto: Women's Press, 1992), which begins by asserting "the centrality of the state to women's struggles and women's lives". Moreover, she asks, "Is the state a power women can invoke to dismantle patriarchy or is it a tool of patriarchal interests?" (p. 2). These are posed as both theoretical and historical questions, aimed at unravelling the dynamics of patriarchy, and especially the increased nature and role of the interventionist state, which transformed patriarchy from the familial sphere to the social realm. Self-consciously motivated by feminist and materialist theory and personal politics, Ursell's study focuses on the issues of reproduction and production.

Defining patriarchy, "in all its various historical formations, as the hierarchical structuring of reproductive relations, operative in most known societies as the means of controlling reproduction" (p. 5), Ursell's goal is to show how the state historically supported this process as a "mediator" that coordinated the social necessity of reproducing the population within the context of existing income and labour resources. Following a theoretical section on the issues of reproduction, patriarchy, class formation and political economy, the author moves into the historical realm, surveying related aspects of Canadian history from 1884 to 1968. This period represents "the ascendancy of the wage-labour system, the restructuring of reproduction through the development of social patriarchy and the restructuring of the state that was required to keep pace with the increasing necessity of intervention" (p. 7). Her study analyzes these complex structural changes regarding family, labour and welfare legislation in three jurisdictions, Manitoba, Ontario and the federal government's, offering a wealth of information on such topics as birth and wage rates, the institutionalization of destitute women and children, labour legislation, earnings and the cost of living, and welfare expenditures. The book's real strength, however, is its discussion of a myriad of social legislation and how it changed over three distinct periods: 1884-1913, 1914-39 and 1940-68.

In her discussion of the first era, Ursell explores industrialization, state enquiries on its impact on women and children and legislation such as the early factory acts, family law and early welfare practices. She argues that the perceived social crisis of this era resulted in the introduction of moral/social regulatory and welfare legislation designed to protect women, as reproducers, and children, as future reproducers and labour. Yet such state intervention also helped to maintain patriarchal structures and the subordination of women insofar as it was intended to save the traditional family.

The second era, encompassing World War One, economic expansion in the 1920s, and then the 1930s, was characterized by instability of employment, the enforcement of patriarchy, a reduction in labour requirements, increased life-spans, child protection and public education. Fewer pressures on reproduction in the face of

a declining demand for labour resulted in several important government commissions and a gradual restructuring of worker and welfare legislation. The state increasingly subsidized "the reproductive unit" and steadily reorganized the welfare system. This trend, which began in World War One, became especially pronounced in the aftermath of the depression, when provinces looked to the federal government for financial support. Welfare laws necessitated a welfare bureaucracy to regulate and provide for this growing dependent population. The social welfare state in Canada thus originated with "the reorganization of income flows between the two spheres to stabilize the patriarchal family" (p. 172).

A third identifiable transformation of the Canadian state came during World War Two when the management of the Canadian economy fell to the federal government. Economic pressures led to a need to allocate more labour to production. In turn, the state, though premised on social patriarchy, nevertheless promoted an expanded use of female labour. Steadily, traditional regulatory social patriarchal functions were diminished in favour of promoting mediating strategies. Again, government commissions and legislation played a prominent role in shaping this structural change. Universality of such welfare programs as medicare were important symbols of this new era. But, for Ursell, a major watershed was the Royal Commission on the Status of Women of 1970. She writes, "Women became the literal as well as the political embodiment of the conflict between production and reproduction, their 'issues' being the issues of co-ordinating the requirements and responsibilities of work and family life" (p. 285).

This book serves as a useful resource, not only for its provocative, though generally jargon-laden, narrative and argument, but also for its appendices. Here the author includes tables on protective labour legislation in Ontario and Manitoba, a list of statutes relating to marital property, family legislation, welfare legislation with a special list relating to children and Privy Council orders relating to labour and tax-sharing agreements between the federal and provincial governments.

Another work which examines the historical interrelationship between gender and the state is Dorothy E. Chunn, *From Punishment to Doing Good: Family Courts and Socialized Justice in Ontario, 1880-1940* (Toronto: University of Toronto Press, 1992). She offers a history of the family court in Canada, situated within the context of an analysis of the role of the state in promoting social-welfare reform and the moral-political regulation of marginal populations. Instead of emphasizing materialist factors of reproduction and production, Chunn develops her arguments within the framework of recent influential and revisionist literature on social welfare reform.

Chunn shows how, in the face of industrialization and its accompanying problems, a major socio-legal change relating to attitudes towards the family emerged, the product of *ad hoc* decisions, British precedent and the efforts of Canadian reformers. In moving from the minimal state and *laissez-faire* to a welfare state, the federal and provincial governments began to "protect" the working and dependent poor in an effort to preserve the family and to "normalize" its attitudes and activities in conformity with middle-class beliefs. This was accomplished through both private agencies, such as Children's Aid societies, and

public agencies, such as the juvenile and family court system. Chunn charts this transformation and analyzes this reform process, which she describes as “the complex interplay of old and new social-welfare and legal ideologies and practices and the overriding political pragmatism that influenced both the creation and the ultimate legitimation of the family court and socialized justice in Ontario” (p. 23).

The author, like Ursell, sees the structural change and social disorganization, which accompanied Canada’s industrialization, as creating the context for reform. The moral and social reform movement of the pre-World War One era underwent a metamorphosis in post-war reconstruction, especially in the field of social work. This change was characterized by the growing professionalization and secularization of the helping professions. Integral to the goals of reformers was the protection of the family. This was accomplished, Chunn points out, by the state’s inculcation of middle-class values among marginal populations. Across Canada, new legislation governing adoption, illegitimacy and child support helped to institutionalize these beliefs and provided the mechanisms of enforcement.

In an excellent chapter on the tensions among social workers, government bureaucrats, lawyers and judges, Chunn traces the development of the family court system and the battles of political jurisdiction which inevitably followed. While the official explanation for the establishment of family courts emphasized humanitarian concerns, the underlying rationale proved to be the need to reorganize legal structures and to rationalize costs. Fiscal constraint shaped the nature of socialized justice, especially during the depression years of the 1930s. Family courts were created because the provincial government wanted to expand its adult probation system and juvenile court system. Also, police and other legal personnel did not want to have to be responsible for enforcing family welfare legislation. Political convenience and pragmatism, “votes and money”, (p. 105) created a major impetus for change. Political cross-currents, however, resulted in legal battles over provincial *versus* federal authority. The Royal Commission on the Penal System (the Archambault Report) finally showed the way to preserve provincial rights over welfare related matters, a recommendation subsequently sanctioned by the Supreme Court in 1939. Thereafter, lower courts were officially recognized as the legal authority over family-welfare issues.

Chunn also explains how the juvenile and family courts superceded police courts in “rehabilitating deviant families.” Such social control, based on “socialized legal coercion rather than direct repression”, (p. 167) extended the powers of the state in policing the underclasses. Yet, in her view, these “socialized tribunals” did not realize the ideals of social and legal reformers and did not decriminalize the resolution of domestic conflict. Class and gender norms and “the cult of domesticity” were inculcated through the family courts and related agencies — a form of “technocratic private justice” (p. 179) and “systematic surveillance” (p. 187). Despite this growing and rather ominous presence of the state, Chunn concludes that family welfare legislation did have a positive effect, improving the position of women in Canadian society and substantially aiding working-class women who were physically and financially imperilled. Yet, one is also reminded that, in the exercise of these reforms, the state perpetuated women’s restricted and subordinate cultural and social role.

James G. Snell, *In the Shadow of the Law: Divorce in Canada, 1900-1939* (Toronto: University of Toronto Press, 1991) is a fascinating study of divorce as a reflection of structural change, law and cultural values embodied in marriage, family life, morality and gender. Basing his analysis on divorce records, the author has divided this extensive study into two main parts: the divorce environment and divorce behaviour. The former is concerned with the role of the family within Canadian public culture and the resistance to change. The latter is an exploration of the rates of marriage and divorce, the role of gender, the workings of divorce proceedings in practice and circumvention of the legal process. Snell claims, "The form and content of divorce law in early twentieth-century Canada presented decidedly power images of the family, of marriage, of spousal roles and relations, and of sexual behaviour and morality" (p. 7). Family law, as part of the apparatus of the state, along with legal constraints governing abortion, sexual preference and birth control, helped to shape the everyday private lives of all Canadians. Divorce law, in particular, involved property and inheritance rights and helped to maintain the traditional control of a husband over wife and children. While Canadian divorce laws were inherited from England and remained largely untouched between 1857 and 1968, the divorce rate rose dramatically between 1900 and 1940, as Canada underwent economic and social change. While the law remained unchanged, more couples appealed to the state for dissolution of their marriages, apparently undermining traditional community and family values.

By the early 20th century, the ideal of the conjugal family had overtaken the traditional patriarchal mode, and marriage was immersed in a romantic ideal. While gender spheres remained unchanged and the law protected male rights, in the realm of public opinion, the double standard, which had been noticeably present in defining sexual infidelity, had fallen out of public favour. Nevertheless, the institution of family, as shaped by the middle-class, but also as incorporated by the working-class, continued to stand at the heart of Canadian society. Snell writes, "Sustained by the state, the churches, and public opinion, marriage was the bulwark of the social order" (p. 22). In this era, the state attempted to regulate the home environment to protect the ideal of the family and the husband's role. But a marked change began with women's suffrage. Moreover, some individuals and groups began to understand marriage breakdown in new ways.

Most Canadians, however, remained sharply critical of divorce. Not surprisingly, politicians and judges stayed in this camp. But the debate over divorce was forced upon parliament in the 1920s, as more couples sought to end their marriages. Various statutes, including one accepting sexual equality, addressed the antiquated process and its inequities. Snell captures these debates and the judicial response well, using case studies to illustrate the complexities of such legal and moral issues as bigamy, adultery and cruelty as factors in divorce proceedings. His central chapter, on the role of the state, describes how courts, attorney-generals' departments, judges, lawyers, police, local welfare and social service agencies and even clergy were used in the service of the government to preserve existing divorce laws and provisions of the Criminal Code. Provincial governments were also active in implementing and enforcing laws on desertion and family maintenance. In the 1920s, legislators also looked for ways to decriminalize

proceedings involving domestic relations, especially by taking them out of the public setting of the courtroom. The first Women's Court had been founded in Toronto before 1914, followed, in 1929, by a Court of Domestic Relations. These were combined into the Juvenile and Family Court. Variations of this court began to appear in most Canadian provinces by the 1940s, and were likewise aimed at protecting the institution of conjugal marriage.

Snell argues that this legal environment can be interpreted as social control shaped by middle-class reformers to influence working-class culture, yet despite its intrusive and coercive elements, he is also convinced that these reforms were based on "the very real belief that marriages could and ought to be saved" (p. 127). Furthermore, the state, by means of the law, continued to play an educational, gender-biased role. The last part of this book demonstrates the social realities of Snell's analysis. If the law is a mirror of social and cultural values, it is astonishing what a fundamental change has occurred in the past 50 years in relation to the institutions of marriage, gender and family. The state has played a pivotal role in realizing this transformation.

These studies of the state in Canadian history are obviously wide-ranging chronologically and thematically. Moreover, it is sometimes difficult to decide, given their indebtedness to both theory and history, where one begins and the other leaves off. Nevertheless, while most of these studies are pioneering and only a few, perhaps, definitive in substance, they contribute a further and significant dimension to the analysis of structure and change in Canadian history. Integrating both traditional Canadian history and the new social history, they deserve to be taken seriously, though their subject matter has often been marginalized, if not ignored, in more mainstream and revisionist interpretations of the bone and sinew of the Canadian body politic.

At the 1993 annual meeting of the Social Science History Association, a presidential panel, "Institutionalism: ideas, structures, methods", provided a forum for discussion of the type of institutional analysis which underlies many of the studies discussed above. The organizer's comments are pertinent here. Does this approach provide a "Rosetta Stone" of meaning? Or, in light of the complex diversity of its constituency, is it a "'Twilight Zone' marked by postmodern indeterminacy and perpetual exploration"?<sup>7</sup> In tracing the history of social power as embodied in the state and social institutions, there is a danger, as Michael Braddick has pointed out, of viewing the state as "no less than society".<sup>8</sup> Thinking on such a scale is daunting to say the least, but the authors discussed above have offered, in their selected studies of the state in Canadian history, some innovative and challenging examples of how this might eventually be accomplished.

RAINER BAEHRE

7 *Eighteenth Annual Meeting of the Social Science History Association Program*, November 4-7, 1993, Baltimore Maryland, p. 20.

8 Braddick, "State formation", p. 17.