

The purpose of this article is to examine the Confederation Debates of 1865 in the hope of illuminating some dark corners of the exhausting constitutional quarrels that have dominated Canadian politics for the past two decades. By the "Confederation Debates of 1865," I mean the debates of the 8th Provincial Parliament of Canada which were held during February and March of 1865 in the City of Quebec. These debates focused on a set of resolutions adopted by delegates from Canada (Upper and Lower,) Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland at a Conference also held in Quebec City during the previous October. These resolutions led eventually to the British North America (BNA) Act of 1867.

The reader might wonder why I turn--of all places--to the Confederation Debates for enlightenment on a contemporary Canadian crisis. The plot thickens when I reveal that I am not a Canadian but an American and that after reading all one thousand thirty-two pages of the debates, I harbor a profound suspicion that I belong to a very exclusive club of North American academic eccentrics. To satisfy the reader's curiosity, I should mention that my two most recent books have analyzed contemporary problems in terms of certain themes I discovered in the founding periods of the United States for one book and of the Fifth French Republic for the other.<sup>1</sup> Following the lead of Hannah Arendt, I believe that for many western nations founding periods are normative and that those who study such periods often discover events, arguments and principles that illuminate a nation's subsequent development.<sup>2</sup>

To apply this idea to Canada presents a problem I did not encounter in studying the United States or the Fifth Republic. Despite the importance of the Declaration of Independence in American history, it is the drafting of the Constitution of the United States in 1787 and the subsequent debates over its ratification that define the founding of the present American Republic. Although the origins of France itself trail off into some dim and distant past, there can be no doubt that the Fifth Republic was founded in 1958. In studying the founding of the present regimes in France and the United States, I knew at