

CANADIAN CONSTITUTIONALISM AND THE CONFEDERATION DEBATES:
A VIEW FROM AMERICA

John A. Rohr

Center for Public Administration and Policy

Virginia Polytechnic Institute

ABSTRACT

Following Hannah Arendt's insights on the normative character of founding periods, this article examines the Confederation Debates of 1865 for whatever light they might shed upon contemporary constitutional quarrels in Canada. The article has three main sections. The first analyzes the differences between the constitutional arguments of 1865 and those one hears today. The second emphasizes the similarities between the same sets of arguments and the third examines the role played by the image of the United States in the Confederation Debates. Salient themes include the central role of public administration in Canadian constitutionalism, the distribution of powers in Canadian federalism, and the understanding of popular consent as of 1865. Particular emphasis is placed upon the crucial and somewhat puzzling role played by the supporters of Confederation from Quebec and upon the similarities between the opponents of Confederation and the American Anti-Federalists of 1787-88.