

‘DOMINION’: A LAMENT

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*mourns the much
misunderstood metonym*

On July 1, 1867, the *British North America Act* re-organized three British North American Crown colonies — the United Province of Canada, New Brunswick, and Nova Scotia — into a unique type of polity known as the Dominion of Canada.

John A. Macdonald first sought to name the new federal state resulting from Confederation “The Kingdom of Canada” but the British Foreign Secretary vetoed the proposal, fearing that such a name would invite hostility from the American republic.¹ At the London Conference in 1866, the Fathers of Confederation and the British government needed to agree on a new name. Sir Samuel Leonard Tilley of New Brunswick supposedly provided this inspiration by looking to the King James *Authorised Version* of the Holy Bible, and Psalm 72:8, which reads: “He shall have dominion also from sea to sea, and from the river unto the ends of the earth.” Canadian historian A.H.U. Colquhoun considers the biblical origins of the “Dominion of Canada” apocryphal (pun intended),² though other Canadian symbols derive from Psalm 72:8 and the Department of Canadian Heritage acknowledges that the country’s official motto contained in the coat of arms, *A mari usque ad mare* (“from sea even unto sea”), also comes from Psalm 72:8.³ The Psalm is about good kingship (the “he” refers to King Solomon), and verse 8 evokes exerting control or sovereignty over a territory — which corresponds well to uniting

British North America into one polity. While republicans would argue that “Dominion” meant British control over Canada, the word in fact referred to Canada’s consolidation of and control over British North America.

Sir Samuel Leonard Tilley did not invent the word “Dominion.” It also appears in the *Bill of Rights, 1689* and in documents in British North America in the 17th century. During the Glorious Revolution, Bostonites and New Yorkers revolted and deposed the Governors appointed by King James II, and established the “Dominion of New England.” While this entity bore the name of Dominion, its political structure bore no resemblance to the Dominion of Canada and the other self-governing dominions of the 19th and 20th centuries. In other words, the same word was used to describe two completely different governing arrangements.

In 1879, the Parliament of Canada officially recognized July 1 as “Dominion Day” through the *Dominion Day Act*. The preamble of the bill noted the historic significance of July 1 and the created of the Dominion of Canada in 1867:

Whereas, it was on the first day of July that the Provinces of Canada, Nova Scotia, and New Brunswick became one Dominion, under the name of Canada;

And whereas Rupert’s Land and the North-west Territory, and the Province of British Columbia became part of the Dominion in the month of July, and Prince Edward Island became part of the Dominion of the first day of July;

And whereas it is expedient that such important events should be commemorated.⁴

The commemoration of Confederation and the establishment of the Dominion of Canada as Dominion Day would endure for a century.

The first recital of the preamble of the *British North America Act, 1867* refers to this new type of polity — a federation and constitutional monarchy under the Imperial Crown but self-governing in its internal affairs — as a “Dominion.”

Whereas the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their Desire to be federally united into One Dominion under

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the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom:

Section 3 of the *BNA Act* (which P.E. Trudeau in 1982 also re-named the "*Constitution Act, 1867*") could be interpreted as establishing that the official, legal name of this country as simply "Canada" instead of as "The Dominion of Canada" — an argument that Prime Minister St. Laurent did make in 1951. But the same provision undoubtedly also refers to the new type of polity that it brought into being as a "Dominion."

It shall be lawful for the Queen, by and with the Advice of Her Majesty's Most Honourable Privy Council, to declare by Proclamation that, on and after a Day therein appointed, not being more than Six Months after the passing of this Act, the Provinces of Canada, Nova Scotia, and New Brunswick shall form and be One Dominion under the Name of Canada; and on and after that Day those Three Provinces shall form and be One Dominion under that Name accordingly.

By convention, we used to refer to the country as "The Dominion of Canada." The Parliament of Canada proclaimed Dominion Day not because of the official name of this country is "The Dominion of Canada" (as it is not) but because the Confederation of British North America created a new type of polity: a Crown colony that re-organized several self-governing British Crown colonies into a federation, at that time under the sovereignty of the Imperial Crown but post-1930s under the sovereignty of the Crown of Canada, governed as a constitutional monarchy with parliamentary responsible government. The Dominion of Canada was the first polity in the world that combined federalism with constitutional monarchy. The use of "Dominion" to describe this new type of polity originated here in Canada and later came to be applied to other the self-governing British Crown colonies in the Antipodes. It is perhaps this expropriation of the term by Imperial authorities that ultimately sowed confusion on the meaning of "Dominion." Various Imperial statutes would later refer to the "The Dominion of New Zealand," the "Commonwealth of Australia" and the "Union of South Africa" as "Dominions", even though

the latter two had not incorporated "Dominion" into their official names.

In addition, "Dominion" served as a metonym for Canada as a State (the federal government or federal level of government) and to Canada as a country (in both the senses of *le pays* and *la patrie*) for decades, rather as Americans have historically referred to the United States as a State and as a country as "The Union." What we would now call the "federal government" once went by the "Dominion government," and various departments and agencies once bore the

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— *British North America Act, 1867*

Dominion moniker: Statistics Canada was once the Dominion Bureau of Statistics, and what we now call "Federal-Provincial Conferences" were "Dominion-Provincial."

Ottawa turned its back on "Dominion" in the 1940s and 1950s. In 1947, the *Canada Gazette* dropped "Dominion of Canada" in favour of "Canada."⁵ In 1949, the *Journals* of the House of Commons followed suit and dispensed with "Dominion of Canada" at the start of the 21st Parliament. In 1955, the House of Commons *Debates* emulated the *Journals* and got rid of "Dominion of Canada" between the 1st and 2nd sessions of the 22nd Parliament, during St. Laurent's premiership.

In making these changes Prime Minister St. Laurent proclaimed during Commons debates on the periodic revision and consolidation of statutes that his government's official policy of cleansing "Dominion" from the names of all federal departments, agencies, and organiza-

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tions. "I think there has been progression," St. Laurent said in 1951,

... and I can say at once that it is the policy of this government when statutes come up for review or consolidation to replace the word 'Dominion' with the word 'Canada.' There are some people in this country who rather like the name of Canada. That was the name given to the new nation by the *British North America Act* at the time it came into being. Section 3 of that act provides: It shall be lawful for the Queen, by and with the Advice of Her Majesty's Most Honourable Privy Council, to declare by Proclamation that, on and after a Day therein appointed, not being more than Six Months after the passing of this Act, the Provinces of Canada, Nova Scotia, and New Brunswick shall form and be One Dominion under the Name of Canada; and on and after that Day those Three Provinces shall form and be One Dominion under that Name accordingly.

There has been a constant progression that some people in this country have attempted to impede and have resented, but nevertheless that progression culminated in the Statute of Westminster which recognized the equality of all the sister nations of the commonwealth. That progression has been resented by some, but not by the majority of the people of Canada or by the party that supports this government. I think that party will be prepared to support this government in the policy of replacing the word 'Dominion' with 'Canada' in the statutes when they come up for review.⁶

In *The Strange Demise of British Canada: The Liberals and Canadian Nationalism, 1964-1968*, C.P. Champion notes that Pearson and his ministers legitimated their "neo-nationalism" of making Canada independent from the British Empire and United Kingdom ironically by por-

traying their ideas as having flowed naturally from Canada's British inheritance.⁷ In fact, they were trying to substitute one system for another. These neo-nationalists believed that Canada must replace its "traditional identity and symbols with new ones, no matter how many Canadians opposed it," and they portrayed their political opponents as "reactionaries mired in nostalgia."⁸ In this way, neo-nationalists function

rather like the vanguards of the proletarian revolution who must drag these "Ready, Aye, Ready" Canadians who cling to Empire into modernity and out of their false Imperial consciousness. The neo-nationalist views Canadian history as a "nationalist teleology" such that Canadians have inevitably sought to eliminate what they would consider colonial vestiges in an inexorable journey from colony to nation⁹ — and perhaps ultimately, to a republic.

St. Laurent conformed precisely to this neo-nationalist teleology and methodology and set the precedent for Pearson. He sought to legitimate his radical argument by couching it in section 3 of the *British North America Act* and sought to de-legitimate all those paleo-nationalists (as Champion calls the more conservative elements) who wished to retain references to "Dominion." Through a zeal for textual originalism worthy of Justice Scalia, St. Laurent argued that the traditional usage, "Dominion of Canada," had always contradicted the wording the section 3 and thus "Dominion" never rested on a valid legal foundation.

St. Laurent's assertion that "there has been a constant progression" moving inexorably toward the government's policy expressed clearly the neo-nationalist teleology. Traditionalists were waging a futile struggle to "impede" this inevitable "progression," which they simply "resented" because of their false consciousness. *The Dominion Lands Surveys Act* first fell victim

'Dominion' was a metonym for Canada as a State and as a country rather as Americans referred to 'the Union.' The French '*Puissance*' had a certain charm

to the neo-nationalist teleology and became the *Canada Lands Surveys Act*. St. Laurent set in motion the Federal (no longer Dominion) Government's slow-moving but all-encompassing nomenclature revolution aimed at erasing all vestiges of the old order and expunging "Dominion" — but with such parliamentary rectitude through the existing procedure to revise and consolidate statutes. In Canada, even the revolutions are polite. In the French language, the nomenclature revolution of dispensing with the Dominion of Canada proved even more radical: it forced the country to undergo a sex change, in the linguistic sense. *La Puissance du Canada*, normally shortened to *La Puissance*, became instead *Le Canada*.

After St. Laurent had turned against "Dominion" and begun phasing it out, only Dominion Day remained as the last redoubt of the old order. The standard parliamentary process had failed the neo-nationalists many times since the 1940s.¹⁰ As such, some Liberal and New Democratic backbenchers mounted their final assault against this redoubt of paleo-nationalism on July 9, 1982, at 4:30 on that Friday afternoon, when thirteen MPs suddenly slipped a bill through Second Reading, Committee, Report, and Third Reading in mere minutes adopting the name "Canada Day" for July 1 — all without the quorum of 20 members required by section 48 of the BNA Act.

The incident began that quiet summer afternoon when Liberal MP Hal Herbert moved that Bill C-201 (a private member's bill to amend the Holidays Act) be given Second Reading and referred to its corresponding Standing Committee, which would mean sending off the floor of the House of Commons that day into the hands of another group of MPs. The motion out of the blue caught Conservatives off guard. The MP for Nepean-Carleton, David Baker, exclaimed, "What is going on?" Without pause, the Deputy Speaker, Lloyd Francis, a Liberal MP, asked for unanimous consent that the bill be dealt with by Committee of the Whole, meaning the members of the House then present, rather than the formal Committee. David Smith, a Liberal MP (and since 2002 a Senator), rose on a point of order in favour of immediately passing the bill. Francis then chaired the Committee of the Whole, and

peremptorily passed the bill: "Clause 1 agreed to. Preamble agreed to. Title agreed to. Bill reported, read the third time and passed."¹¹ It was highly unusual to say the least.

They then agreed to deem the time to be five o'clock and immediately adjourned the House. Having participated without demur in this mini-hijack of the parliamentary process, New Democratic MP Mark Rose proclaimed, "I think this is a day on which to develop and to celebrate our new holiday. It is only appropriate that, in celebrating our new holiday called Canada Day, we should at least take a holiday of 55 minutes for the afternoon"¹² — as if the Senate did not first need to approve the bill, or the Governor General give it Royal Assent, before this little *coup d'état* in the House became law.

All had transpired in a matter of minutes — the transcript of this incident takes up only one page (p. 19201) in the Commons *Debates* — with the concurrence of the Deputy Speaker, Lloyd Francis. Worse still, rather than reverse her deputy's knavish tricks owing to a lack of quorum required by section 48, Speaker Jeanne Sauvé let the change stand.

In fact the House of Commons acted unconstitutionally and did not validly pass this bill, because section 48 mandates that a quorum in the House of Commons is 20, not 13: "The Presence of at least Twenty Members of the House of Commons shall be necessary to constitute a Meeting of the House for the Exercise of its Powers, and for that Purpose the Speaker shall be reckoned as a Member." For example, later in the same year, on November 16, having failed to reach a quorum even after ringing the bells to summon more Members, the Speaker adjourned the House (*Debates*, p. 20729).

For this reason alone, the Canada Day bill did not legitimately pass onto the Senate, and the Senate should have rejected it. In addition, this private member's bill was not, and could not have been construed as, a matter of confidence in the Trudeau government, so rejecting it would not have threatened the government's parliamentary position.

In defence of the Speaker's conduct on July 9, 1982 it can be argued that none of the MPs present protested the lack of quorum. This argument is flawed for two reasons. First, the Con-

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stitution is the supreme law, and though the House of Commons has authority over its internal affairs, its Standing Orders must conform to the Constitution. If the Standing Orders and the Constitution come into conflict, the Constitution must prevail to the extent of the inconsistency. Secondly, Tory MP David Baker probably would have objected at the time if he had grasped the significance of the usurpation that his colleagues were in the middle of orchestrating. When the bill arrived in the upper chamber, Conservative Senator David Walker noted that the Commons had passed it with only 13 members present and “to make sure that the bill slipped through, a member asked for ‘unanimous consent that the clock now read five o’clock,’” precluding further objections.¹³ Since the Commons failed to uphold the Constitution, the Senate should have done so by rejecting the bill.

The Senate arguably failed to apply even “sober first thought” to this bill. Liberal Senator Florence Bird supported and moved it to Second Reading — all the while extolling Canada’s British inheritance of Westminster parliamentarism, trial by jury, the common law, and the recognition of fundamental freedoms like the freedom of speech.¹⁴ She then portrayed the new name of Canada Day as the culmination of the teleology of Canada’s pathway from colony to independence as a sovereign state. Citing the Statute of Westminster, 1931, the *Royal Style and Titles Act*, 1953, and the Patriation of the Constitution earlier that year as precedents, she characterized this bill as “celebrating the national day of Canada as a completely independent country.”¹⁵ She also sought to delegitimize “Dominion Day” by belittling it as an Imperial anachronism — suggesting a false dichotomy between “Dominion” and “Canada” as if they were contradictory rather than

complementary. In reality, “Dominion Day” flows from the very same British traditions — parliamentarism, the common law, trial by jury, and liberty under law — that she praised.

To borrow from Champion’s terminology, Senator Bird implied that only paleo-nationalistic reactionaries beholden to a foreign country would opt for the colonial baggage of “Dominion,” while true and loyal Canadians would choose “Canada.” “Do you think that the men who fought in two world wars were fighting for dominion, or do you think that they were fighting for Canada?” she asked, imposing the neo-nationalist teleology of change. “Those men wore proudly the word ‘Canada’ on their shoulder patches ...”¹⁶ She concluded that Canada had finally “achieved full nationhood” in 1982 and that “the days of our so-called inferiority complex are over.”¹⁷ In reality, of course, the adoption of the status of “Dominion” in 1867 was a Canadian invention, derived by a Canadian from a two-millennia-old text (Psalm 72) that had everything to do with Canadian sovereignty under the Crown in Right of Canada.

During the Senate debate on Canada Day, Senator George McIlraith, a Liberal, argued that a Minister should have properly tabled the bill as a government bill and that the Senate should let the bill die on the Order Paper rather than defeating it, so that a Minister could re-introduce it as a government bill in the next session.¹⁸ Senator Ernest C. Manning, the only-ever Social Credit member of the upper chamber (appointed by P.E. Trudeau in 1970), implored his colleagues to reject the bill outright because of the unconstitutional manner in which the Commons had passed it. He noted that the Trudeau government had tabled similar bills to this effect in the 1970s:



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They [the previous iterations of this bill] were not proceeded with in the other place [the House of Commons] because opposition to them was such that the [Trudeau] government wisely did not want to make an issue out of the legislation. In this case, as has been outlined, the matter was sneaked through the other house without debate, with less than a quorum in the house, and it now turns up on the Order Paper on this chamber for sober second thought.¹⁹

Senator Manning also protested against the Liberals' attempt to "wipe out one more part of Canada's heritage by abolishing Dominion Day and all that its name implies to millions of Canadians and replace it with a name that has absolutely no historic significance."²⁰ Although the July 9 incident appeared to be spontaneous, it had obviously been orchestrated by Liberal MPs with NDP acquiescence — and Manning accused the Trudeau government of having engaged in "a long series of deliberate steps to chip away at all those things which pertain to the rich heritage of this country's past."²¹ After all, "spontaneous" political actions tend to require a lot of planning.

The authors of the bill and Senator Bird could certainly have done better. "Confederation Day" would, in my view, have been a more suitable replacement because it dignifies the creation of the Dominion of Canada on July 1, 1867 with the historical *gravitas* and significance that the day deserves. Such a name would also implicitly recognize that Canada's history does not start at a Revolutionary "Year Zero" in 1867. Confederation was a step in the evolution of Canada's political order, not the beginning of its existence. In March 1970, the eminent constitutional historian Eugene Forsey (named to the Senate by P.E. Trudeau later that year) appeared before a Commons committee on an earlier bill that proposed to replace Dominion Day with Canada Day. He said:

The Commons did not validly pass this bill, because section 48 mandates that a quorum in the House of Commons is 20, not 13.

Well, I think it [Canada Day] is devoid of the historical associations which you do get either in Dominion Day or in Mr. Hogarth's suggestion Confederation Day. It takes the historical zip out of the thing somehow and it seems to me that you want to have something in the name of the day if possible. You want to have something to commemorate some historical event and this was a meaningful historical event. Just as I would say, if the United States called its national holiday "United States Day," that

would be a rather colourless and banal description of that day. They call it, to the best of my belief, "Independence Day," and I think that immediately recalls to every American the fact that on July 4, 1776, the 13 colonies became the United States of America. I think it has an evocative touch to it that you would not get if you simply said "United States Day." ... Similarly, if you called the French national holiday "Bastille Day," as I think it usually is called, again it seems to me that you would be taking some of the historical significance

out of the thing.²²

In contrast, "Canada Day" does not convey any concrete meaning. If anything, it implies that Canadian history began in 1867 and that anything which antedates Confederation is un-Canadian, "British," or "Imperial" and therefore ought to be forgotten.

Some parliamentarians have made half-hearted efforts to resurrect Dominion Day. As a backbench Reform Party MP in 1996, Stephen Harper introduced a private member's bill to restore Dominion Day. Harper said at First Reading:

Mr. Speaker, this bill would restore the name Dominion Day to the July 1 holiday. The country founded on July 1, 1867 was not Canada but the Federal State of the Dominion of Canada, still the country's official name. ... The word "dominion" has its linguistic roots in the French language and was chosen as the name for this

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country by the Fathers of Confederation from the 72nd Psalm: "He shall have dominion from sea to sea and from the rivers unto the ends of the earth. ... It has been a mistake for this country to try and preserve its future by destroying its past and the name Dominion Day should be restored."²³

Harper's bill died on the Order Paper. Years later, as Prime Minister, Harper sometimes used the term "Dominion." One of his ministers, Jason Kenney, often spoke of the "Dominion of Canada" and employed "Dominion" as a metonym — probably much to the confusion of some in the audience. On July 1, 2011, Kenney sat alongside the Duke and Duchess of Cambridge at a citizenship ceremony and commemorated the 144th anniversary of "The Dominion of Canada" and "our great Dominion."²⁴

I once thought that any attempt to restore the long-form of this country's name to The Dominion of Canada — perhaps for the Sesquicentennial of Confederation in 2017 — would be portrayed as an unpardonable imperial retrogression. However I now suspect that it would, if anything, simply be met with confusion and bewilderment rather than hostility. While hostility would at least imply some kind of engagement, confusion would suggest that Canadians have been deracinated from their history and that "Dominion" has been successfully denormalized and delegitimized. Sadly — for the time being at least — the much-maligned metonym has been consigned to the revolutionary dustbin of history. ❧

Notes

1. Janet Ajzenstat et al., ed. *Canada's Founding Debates*. (University of Toronto, 1999), p. 60.
2. George M. Wrong and H.H. Langton, eds. *The Chronicles of Canada: Volume VIII — The Growth of Nationality* (Tuscon, AZ: Fireship Press, 2009), p. 61.
3. The circlet in our coat of arms bears the phrase *desiderantes meliorem patriam* ("desiring a better country," the motto of the Order of Canada), which comes from St. Paul's letter to the Hebrews 11:16.
4. "An Act to make the first day of July a Public

Holiday, by the name of Dominion Day," 4th Parliament, 1st Session, Chapter 47, May 15, 1879.

5. Library and Archives. "A Nation's Chronicle: The Canada *Gazette*." LAC has three historical periods of the Canada *Gazette*: 1841-1869: The United Province of Canada; 1869-1946: The Dominion of Canada; 1947-1997: Parts I, II, and III. In 1947, the Dominion government began to publish the *Gazette* under three parts: Part I "Notices and Proposed Regulations," Part II "Official Regulations," and Part III, "Acts of Parliament."
6. Commons *Debates*, Nov. 8, 1951, pp. 851-852.
7. C.P. Champion, *The Strange Demise of British Canada: The Liberals and Canadian Nationalism, 1964-1968* (McGill-Queen's, 2010), pp. 3-15.
8. *Ibid.*, 15. Pearson even tabled the resolution to adopt the Maple Leaf flag on the 749th anniversary of *Magna Carta*.
9. *Ibid.*
10. Commons *Debates*, Nov. 8, 1951, pp. 851-850. MacInnis mentions that Parliament voted down a Private Members' Bill in the 1940s on changing the name of Dominion Day to "Canada Day."
11. *Ibid.*
12. *Ibid.*, p. 19202.
13. Senate *Debates*, Aug. 3, 1982.
14. *Ibid.*
15. Senate *Debates*, Jul. 22, 1982, p. 4668.
16. *Ibid.*
17. *Ibid.*, p. 4669.
18. *Ibid.*, p. 4671.
19. *Ibid.*, p. 4672.
20. *Ibid.*
21. *Ibid.*, p. 4673.
22. Minutes of the Proceedings of the Standing Committee on Justice and Legal Affairs, 28th Parliament, 2nd Session, Mar. 12, 1970.
23. Commons *Debates*, Dec. 13, 1996, p. 7523.
24. "Speaking notes for the Hon. Jason Kenney, PC, MP, Minister of Citizenship, Immigration and Multiculturalism at a special citizenship ceremony with Their Royal Highnesses The Duke and Duchess of Cambridge," Gatineau (Hull), Que., Jul. 1, 2011.