Apostolat Juridique: Teaching Everyday Law in the Life of Marie Lacoste Gérin-Lajoie (1867-1945)

Nicholas Kasirer

Follow this and additional works at: http://digitalcommons.osgoode.yorku.ca/ohlj

Citation Information
http://digitalcommons.osgoode.yorku.ca/ohlj/vol30/iss2/5

This Article is brought to you for free and open access by the Journals at Osgoode Digital Commons. It has been accepted for inclusion in Osgoode Hall Law Journal by an authorized editor of Osgoode Digital Commons.
Apostolat Juridique: Teaching Everyday Law in the Life of Marie Lacoste Gérin-Lajoie (1867-1945)

Abstract
Based on a reading of archival material stored in a convent in east-end Montreal, the author describes the career of Marie Lacoste Gérin-Lajoie, a self-trained jurist who taught and wrote about law for women in convent schools, teachers' colleges, study circles, temperance union meetings and the like over a forty-year period in Quebec at the beginning of this century. Her career as a law teacher is presented as a sign of a less visible facet of the history of legal education in Quebec—beyond the formal institutions of law teaching—that was closely tied to the home and the private world of domestic life in which law and women were perceived to meet. Marie Lacoste Gérin-Lajoie had a well-defined sense of mission in her career, rooted in a carefully thought out conception of law and law's social purpose depicted as partaking of an apostolat juridique. Inspired by devotional zeal and enabled by social opportunity, Gérin-Lajoie decided to teach law to women so that they would understand the rights and duties inherent to their roles in life as wives and mothers. Her multiple-edition Treatise on Everyday Law, the articles she wrote in women's magazines on matrimonial law and the law of the family, and the dozens of lectures and courses she taught to women during this period give expression to a parallel way of imagining law—perhaps even a parallel body of law—that she characterized as droit usual. Quebec law, particularly the private law touching on family relations, was described differently as everyday law, and it may be fair to suggest that we should adjust our understanding of early twentieth century law to take into account its perspective. Indeed new insight as to the meaning and perceived meaning of the incapacity of married women, community of property and paternal authority over children can be gained from reading Gérin-Lajoie's articles and lecture notes. Historicizing the family law of the period invites an exploration of how law was contemplated, as everyday law, in the private world of the family.

This article is available in Osgoode Hall Law Journal: http://digitalcommons.osgoode.yorku.ca/ohlj/vol30/iss2/5
APOSTOLAT JURIDIQUE: TEACHING EVERYDAY LAW IN THE LIFE OF MARIE LACOSTE GÉRIN-LAJOIE (1867-1945)

BY NICHOLAS KASIRER

Based on a reading of archival material stored in a convent in east-end Montreal, the author describes the career of Marie Lacoste Gérin-Lajoie, a self-trained jurist who taught and wrote about law for women in convent schools, teachers' colleges, study circles, temperance union meetings and the like over a forty-year period in Quebec at the beginning of this century. Her career as a law teacher is presented as a sign of a less visible facet of the history of legal education in Quebec—beyond the formal institutions of law teaching—that was closely tied to the home and the private world of domestic life in which law and women were perceived to meet. Marie Lacoste Gérin-Lajoie had a well-defined sense of mission in her career, rooted in a carefully thought out conception of law and law's social purpose depicted as partaking of an apostolat juridique. Inspired by devotional zeal and enabled by social opportunity, Gérin-Lajoie decided to teach law to women so that they would understand the rights and duties inherent to their roles in life as wives and mothers. Her multiple-edition Treatise on Everyday Law, the articles she wrote in women's magazines on matrimonial law and the law of the family, and the dozens of lectures and courses she taught to women during this period give expression to a parallel way of imagining law—perhaps even a parallel body of law—that she characterized as droit usuel. Quebec law, particularly the private law touching on family relations, was described differently as everyday law, and it may be fair to suggest that we should adjust our understanding of early twentieth century law to take into account its perspective. Indeed new insight as to the meaning and perceived meaning of the incapacity of married women,

© Copyright, 1992, Nicholas Kasirer.

* Of the Faculty of Law and Institute of Comparative Law, McGill University. I am grateful to Alice Blais, s.b.c., for her help in identifying material in the Gérin-Lajoie Papers at the Archives of the Institut Notre-Dame du Bon Conseil, and to Maryse Beaulieu, B.C.L. 1991, for able research assistance. Thanks are due to participants at the Law & History Workshop at the University of Toronto for their comments when an earlier version of this paper was presented there in November 1991. I am also grateful for the suggestions of many readers, including G. Blaine Baker, J.E.C. Brierley, Philip Girard, Roderick A. Macdonald, J. Phillips, Jennifer Stoddart and Gisèle Turcot, s.b.c. At the request of the editorial board, I have provided some translations in the footnotes of the text.
community of property and paternal authority over children can be gained from reading Gérin-Lajoie's articles and lecture notes. Historicizing the family law of the period invites an exploration of how law was contemplated, as everyday law, in the private world of the family.

INTRODUCTION ................................................................. 428
I. A VOCATION FOR LAW TEACHING ........................................... 433
II. APOSTOLAT JURIDIQUE AND EVERYDAY LAW ............................. 449
CONCLUSION .................................................................. 468

INTRODUCTION

One place to begin this sketch of a life devoted to law teaching and law reform in early twentieth century Quebec is amongst the cake tins, shoe cartons and hat boxes stored in the attic of a convent on the corner of De la Roche and St-Joseph in east-end Montreal. Marie Lacoste Gérin-Lajoie died, in 1945, at the Institut de Notre-Dame du Bon Conseil—the mother house of a religious community founded by her daughter some twenty years earlier. Her husband Henri Gérin-Lajoie, one of French Canada's most prominent lawyers of the 1920s and 1930s, had been hit and killed by a bus on the way to work in 1936, prompting Marie Gérin-Lajoie to quit her comfortable house in the establishment neighbourhood of Outremont and move in with her eldest child and the other women at the Institut. She brought with her a mass of paper attesting to a forty-year career as a law teacher and a law reformer. When she died, she left these papers in the hands of the nuns who had cared for her through her final illness and who, until recently, stored them in the attic of the Institut.¹

For the jurist familiar with the limited role of women in the formal institutions of law teaching and law making in this period of

¹ Catalogued in a preliminary way by the Institut's archivist Alice Blais, s.b.c., the papers make up hundreds of files in dozens of boxes at the Archives de Institut de Notre-Dame du Bon Conseil [hereinafter INDBC], Fonds Marie Lacoste Gérin-Lajoie, P2.
Quebec's history, the contents of these boxes are nothing short of astonishing. Indeed it is in this convent attic, and not on the shelves of Quebec's law libraries, that the richness, complexity and importance of Marie Lacoste Gérin-Lajoie's contribution to legal letters and legal ideas becomes most apparent. In this essay, I seek to introduce this self-taught lawyer as an accomplished Quebec legal scholar in the field of matrimonial law, as a high-minded teacher of the law of persons and of the family, and as one of the most active and successful law reformers in these fields of her generation. But beyond sketching her achievements as a law teacher at a time when Quebec women had virtually no access to legal education, her successes as an advocate when women had no right to vote, I hope to begin the effort of situating this important figure in the intellectual history of Quebec law. Marie Lacoste Gérin-Lajoie had a well-defined sense of mission in her career, rooted in a carefully thought out conception of law and law's social purpose that animated all facets of her work. This personal philosophy, which I will depict herein as partaking of an *apostolat juridique*, found expression in everything she touched. The articles she wrote on matrimonial law in women's magazines, the conferences she gave on the rights of children and of married women in convents and teachers' colleges across the province, and indeed the very text of the Civil Code of Lower Canada that she was so instrumental in amending in the early 1930s all bear the mark of Marie Gérin-Lajoie's *apostolat juridique*. Gérin-Lajoie's work reflects a mission to use law and legal education for women to promote values of justice, charity and duty which she saw at the core of Quebec's basic institution, the family. So influential was this woman that her personal philosophy is, in my view, an important feature of Quebec private law's intellectual make-up of this period, a make-up that is too often the object of generalization and caricature.

---

2 [hereinafter C.C.L.C.].

3 This turn of phrase, which is my own and not that of Gérin-Lajoie, is used here to refer to her view of her own work as a mission requiring the energies, commitment and selflessness of an apostle. Gérin-Lajoie often thought of her life as one of social service wrapped up in an *apostolat social*, linked to a brand of Catholic socialism which I describe at infra, note 43 and accompanying text. *Apostolat juridique* would be an *apostolat social* applied to law. The idea defies translation, at least to the extent that an English equivalent would fail to capture some of the cultural flavour inseparable from the original. Somewhat self-consciously, I allow myself the luxury of the French in the title and thesis of this paper.
The image of cake tins in a convent attic captures some of the message and method of this paper. Understanding Gérin-Lajoie's contribution to early twentieth century Quebec law is a methodological challenge: the part she played is virtually invisible if one moves exclusively in circles in which lawyers travel now and did travel then. Not only are her ideas not preserved in the law's annuaires or data banks, but where Gérin-Lajoie did leave published records of her thinking she did so in what, for a lawyer, constitutes less visible places. Her remarkable scholarly contribution to the study of the matrimonial regime of community of property, for example, is not to be found in the law books, journals or treatise literature of the day, typically thought of as the store of the doctrine juridique, but instead in magazines for French-Canadian women working in the home or convent such as La Bonne Parole, Le Coin du Feu, and Le Journal de Françoise. Stray copies of her treatise on "everyday law," first published in 1902, the Traité de droit usuel,4 are to be found in several Quebec law libraries, but the slim volume is more likely to turn up in the libraries of convents or in the broken up collections of the disbanded normal schools and écoles ménagères where its multiple editions were best circulated. In the same way, Gérin-Lajoie's substantive and substantial contribution to 1931 amendments to the Code in family law is hidden from view; her years of lobbying and letter writing rate only some casual notes in a law reform commission's report.5 But the extent of her influence on the advent of powers for married women to administer "reserved" property is most plain—if one examines her speeches before gatherings of the French-Canadian women's 'collective', the Fédération Nationale Saint-Jean Baptiste, the privately published pamphlets she sent to every member of the Legislative Assembly, and the letters she forwarded to Premier Louis-A. Taschereau and his law reforming colleagues.

4 (Montreal: C.O. Beauchemin & fil,s, 1902) [hereinafter Traité], consisting of 216 pages, including a preface. An English version was translated under the supervision of Gérin-Lajoie and her husband, A Treatise on Everyday Law (Montreal: John Lovell, 1902), consisting of 213 pages including a preface. They shared reservations about "everyday" as translation for usuel in the title: INDBC, P2-23, letter from H. Gérin-Lajoie to P.C. Ryan (11 August 1902).

Methodologically, one must step outside of conventional legal venues to see Gérin-Lajoie’s contribution to Quebec legal culture. The effort for the legal historian is made easier by her fastidiousness: Gérin-Lajoie not only saved her handwritten notes of speeches and conferences, but kept drafts of letters written to the brighter and less bright lights of the Quebec legal and extra-legal community. She recorded her thoughts and prepared her lectures on the backs of old envelopes, on the flipside of grocery lists, on discarded notepaper from her husband’s law office and on scrap paper left over from her judge-father’s court cases. The scrupulously preserved collection in the archives of the Institut is a goldmine tribute to turn-of-the-century home study. An even fuller picture of Marie Gérin-Lajoie’s legal career emerges from other archival sources, such as those of the Fédération Nationale Saint-Jean Baptiste.

That these precious legal records should be housed in cake tins is not simply methodologically relevant: it may also be said to point to the message of this woman’s contribution to legal thinking in the early part of the century. For Gérin-Lajoie, legal education and law reform were closely tied to the home and the private world of domestic life in which law and women were perceived to meet. Alongside the public face of legal education and law reform, involving law professors, law students, lawyers, judges and legislators, there was at this time in Quebec history a private world of law teaching and law reform where women played a central role and in which Marie Gérin-Lajoie thrived. There existed a parallel way of imagining law—perhaps even a parallel body of law—that she characterized as droit usuel. Everyday law was taught and talked about in different ways than law as conventionally imagined, and a more complete understanding of family law can be achieved, I think, by observing how family law was contemplated, closer to the family, as droit usuel. The study of Marie Lacoste Gérin-Lajoie’s contribution to legal

6 The founder of the religious community of Notre-Dame du Bon Conseil, Marie J. Gérin-Lajoie, was mindful of the historical value of her mother’s collection, writing to a friend at Smith College in Northampton, Massachusetts in 1955 that “[J]e compte mettre ordre aux documents de ma mère et d’autres dont j’ai la garde! Dieu veuille qu’ils deviennent un jour inspirateurs de dévouement au service de Dieu et du prochain”: INDBC, P1, letter from M.J. Gérin-Lajoie to Marie Leland (15 February 1955).

thinking is, in part, in keeping with what Marta Danylewycz described as the study of Quebec social history "beyond the public sphere of finance and government to ... [include] the private world of the family and reproduction."\(^8\) Quebec historians working in the fields of education\(^9\) and women's labour history\(^10\) have traced the parameters of a parallel history of Quebec private life, and there is an emerging body of scholarship relating to the less visible side of legal history,\(^11\) all of which has cleared much of the groundwork for this paper.

Marie Gérin-Lajoie's career as a law teacher is part of a less visible facet of the history of legal education in Quebec. Her scholarship was premised on the existence of a body of everyday law that merited study on its own terms and in its own context. To see her importance in the intellectual history of Quebec law, one must endeavour to explore how law was perceived, talked about and learned in the underexplored 'private' world of the family in which her career flourished. Describing how Gérin-Lajoie came to have a vocation as a law teacher is the first-order task (Part I). Secondly, the intellectual influences that would shape this vocation into an apostolat juridique to teach everyday law must

---

\(^8\) Taking the Veil: An Alternative to Marriage, Motherhood and Spinsterhood in Quebec, 1840-1920 (Toronto: McClelland and Stewart, 1987) at 14, where Danylewycz signalled the methodological problems attending the study of the majority of people who never attain prominence and noted that convent archives provide an accessible source for those interested in women's history in Quebec. Marie Gérin-Lajoie is one of the lay-figures who is prominent in Danylewycz's study: see, especially, c. 5 on nuns and lay women and the rise of feminism in Montreal between 1890-1925.

\(^9\) See N. Fahmy-Eid & M. Dumont, "Les rapports femmes/famille/éducation au Québec: bilan de la recherche" in N. Fahmy-Eid & M. Dumont, eds, Maîtresses de maison, maîtresses d'école: Femmes, famille et éducation dans l'histoire du Québec (Montreal: Boréal Express, 1983) 5. Interestingly, the authors cited Marie Gérin-Lajoie's own work in the section of their historiographical survey on "la famille définie comme institution sociale" (at 17).

\(^10\) See M. Lavigne & Y. Pinard, "Travail et mouvement des femmes: une histoire visible" in M. Lavigne & Y. Pinard, eds, Travailleuses et féministes: Les femmes dans la société québécoise (Montreal: Boréal Express, 1983) 7. In this historiographical essay, the authors argued that "[[la vie des femmes était aussi ailleurs [i.e., beyond an existence publique] et c'est à partir de cet 'ailleurs' que recommence à s'écrit leur histoire."

be accounted for before an effort can be made to make room for her in the intellectual history of Quebec law teaching (Part II).

I. A VOCATION FOR LAW TEACHING

"Près des berceaux ... l'esprit médite bien," wrote Marie Gérin-Lajoie to a Parisian companion-in-arms in 1902, "j'appris donc mon droit toute seule." Though Gérin-Lajoie had no choice but to learn law at home, this comment made by a mother of four, immediately following the publication of the *Traité de droit usuel*, is suggestive not just of home study but of how studying at home shaped her world view. Learning law "as she rocked her children's cradles" was not only possible for a young mother who lived among law books and domestic servants, but it was also highly compatible in her eyes with her "vocation d'épouse et de mère de famille." Not surprisingly, Marie Gérin-Lajoie's preoccupations with law, the family, education and 'good works' were most present both in the home she shared with her parents and, later, in the home she founded with her husband. And these influences, along with the opportunity afforded by happy financial circumstances, would shape Marie Gérin-Lajoie into Quebec's first woman law teacher.

Born on 19 October 1867, Marie Lacoste grew up in what she herself described as serene and comfortable surroundings in the substantial Saint-Hubert Street house of Alexandre Lacoste and Marie-Louise Globensky. Her own accounts of life in her parents' home, written for journalists at the height of her legal career at the end of the

---

12 INDBC, P2-13, draft letter of M.L. Gérin-Lajoie to Léonie Morel de Teincey (4 August 1902): [Trans.] "when close to the cradle, one's mind works well; I thus learned my law on my own." She had likely met her correspondent, who lived in well-heeled Neuilly-sur-Seine, at a Paris Conference which she attended in 1900 with her husband to give her first political speech: see infra, note 70. She and Morel de Teincey corresponded for some twenty years, and these letters contain some of the richest expositions of Gérin-Lajoie's sense of the connection between Catholic doctrine and the cause of the advancement of the social condition of women through law reform and legal education.

13 See INDBC, P2-13, draft letter from M.L. Gérin-Lajoie to L. Morel de Teincey (juillet 1903), in which Gérin-Lajoie wrote that, while women must struggle to gain independence through education, nothing should deflect a mother or a wife from her responsibilities in the home.

14 Hélène Pelletier-Baillargeon's popular biography of Marie Lacoste Gérin-Lajoie's daughter contains a vivid sketch of members of both the Lacoste and the Gérin-Lajoie families: Marie Gérin-Lajoie [:] De mère en fille, la cause des femmes (Montreal: Boréal Express, 1985) at 29ff.
1920s, invariably made reference to law as an animating feature of family life. Her paternal grandfather had been a leading notary in Boucherville and a local politician who had a small moment of prominence in the rebellion of 1837. Her own father enjoyed power and glory in the Montreal legal community: he was bâtonnier at age forty-two, moving later to the Legislative Council of the province and to the Senate before being named Chief Justice of the Court of Appeal in 1891. Knighted for his efforts, Sir Alexandre was of the breed of judges who took an active interest in legal science, and of his own legal philosophy it can at least be said that it existed and was cultivated.

Marie Gérin-Lajoie’s mother, Marie-Louise Globensky, later Lady Lacoste, presided over a household of thirteen children wherein benevolence and Christian values were part of everyday living. Her mother’s devotion to good works was carried out in the spirit of charity rather than politics, the latter perceived by Lady Lacoste to be beyond her appropriate field of endeavour. Virtually every member of this remarkable family is worthy of study: apart from Marie, daughter

---

15 See INDBC, P2-13, M.L. Gérin-Lajoie, Ma biographie pour Les femmes du Canada, publié à la demande de Lady Wellington, épouse du gouverneur général du Canada (octobre 1929).


17 For sketches of Sir Alexandre Lacoste (1811-1907), see, e.g., M. Bibaud, Le panthéon canadien: choix de biographies (Montreal: Jos. M. Valois, 1891) at 141-42; and F.-J. Audet, Les juges en chef de la province de Québec (Quebec: L’action sociale, 1927) at 152-53.

18 A long-time professor at the Université Laval à Montréal, Sir Alexandre took an interest in education and in legal letters, as is evident in T.-E. Hamel, Plaidoyers de MM. Hamel et Lacoste devant le comité des bills privés en faveur de l’Université Laval les 20, 21, 27 et 28 mai 1881 (Quebec: A. Côté, 1881), and his The Seminary of Montreal: Their Rights and Duties (St. Hyacinthe, Que.: Courrier de St-Hyacinthe, Power Presses, 1880).


20 Marie’s mother was initially scandalized that her daughter would speak in public at the organizing meetings of the Fédération Nationale Saint-Jean Baptiste, but she eventually rallied to her daughter’s cause and became something of a matriarchal figure for the Fédération and its related associations: see INDBC, P2-13, M.L. Gérin-Lajoie, Notes biographiques (circa 1919).

21 While no comprehensive biography has been written on Gérin-Lajoie, in 1973 six historians wrote an excellent, though regrettably unpublished, research survey which remains the point of reference for future study: J. Stoddart, R. Saint-Jacques, Y. Pinard, J. Cloutier-Boucher, E. Bissonnette-Paquette & M. Lavigne, La glace est rompue: État de recherche sur la vie de Marie Lacoste Gérin-Lajoie (Montreal: Université du Québec à Montreal mimeo., August 1973)
Justine Lacoste Beaubien founded Montreal’s Hôpital Ste-Justine for children, and another daughter, Thaïs Lacoste Frémont, played an active role in the formation of many women’s groups in Quebec City in the early part of the century and is generally considered one of the province’s important early feminists.

Marie Gérin-Lajoie was marked by her own education at the Couvent d’Hochelaga where her father’s sister was among the nuns “à esprit ouvert et au sens pratique” who taught her. Graduating at fifteen, she left the convent with France’s Monsignor Félix Dupanloup’s *La femme studieuse* under her arm, mindful of the author’s counsel that all women with time on their hands should devote two hours a day to studies and reflection. She was precluded thereafter from continuing her studies at the Université de Montréal which had yet to open its doors to women, a fact that she long resented, only really feeling vindicated when her daughter became the first woman graduate from a French-language Canadian university. In a biographical note written in 1929 Marie Gérin-Lajoie described an encounter she had had with the Abbé Marcoux, a then high-ranking official at the Université de Montréal, at

[unpublished]. Gérin-Lajoie has entered popular consciousness as a person associated with the struggle for the right to vote in Quebec, as is perhaps best exemplified by a play first read at the Salle Marie Gérin-Lajoie at Université du Québec à Montréal in 1980: J. Beaulieu et al., *L’incroyable histoire de la lutte que quelques-unes ont menée pour obtenir le droit de vote pour toutes* (Outremont, Quebec: vilb éditeur, 1990).


23 Thaïs Lacoste Frémont was particularly active in what she herself described as “l’action sociale féminine dans la vie publique” which she pursued, with great vigour, through the Association des femmes conservatrices de Québec: see Y. Pinard & R. Saint-Jacques, “Activités de Thaïs Lacoste à Québec” in Stoddart et al., supra, note 21 at annexe I. Her papers, including material relating to her sister Marie, are conserved in the Archives du Séminaire de Québec (Quebec City). See M. Lamothe et al., *Archives des femmes au Québec* (Quebec: Min. des Aff. Cult., 1990) at 291.

24 Gérin-Lajoie, supra, note 15 at 1, wherein she explained that “C’est le chapelain de cette institution qui me remit ce Guide de l’emploi de mes journées en me disant: ‘Faites-en la règle de votre vie’.” She did.

25 She was particularly concerned that the English-speaking Protestant women had access to higher education while French-speaking Catholics did not: “La faculté des arts [de McGill] ouvrît ses portes aux femmes. La prochaine génération chez les protestantes aura donc une élite.” INDBC, P13, letter from M.L. Gérin-Lajoie to L. Morel de Tincey (2 May 1902). She gave full vent to her views in “De l’enseignement supérieur pour les femmes (1)” *Le Journal de Françoise* (November 1905) 227.
her parents' home in the months following the end of her studies at the convent. A series of conferences on French literature was to be given at the University, and the issue arose as to whether women would be permitted to attend. She recounted her discussion with the Abbé in the following terms:

Mais, disait [Marcoux], des personnes respectables, et il citait un certain juge dont le nom est resté dans ma mémoire ... s'opposaient absolument à rendre ce cours public et surtout à permettre aux femmes de s'asseoir sur les banquettes universitaires. Cette lutte détermina ma vocation sociale. Je plaidai la cause des femmes avec vigueur et succès. Quelques jours plus tard l'abbé Marcoux venait d'annoncer que les leçons de littérature seraient publiques et que les femmes pourraient assister.26

If this effort confirmed her vocation sociale, this vocation was to struggle to educate herself and other women deprived of access to the education she felt was necessary to meet the demands of modern womanhood. In the following years her focus on law as a life study would take more concrete shape. She began an autodidactic project that she would never let up until the end of her life. And after educating herself, her preoccupation with the social condition of women and an instinct for justice et charité would move Marie Lacoste Gérin-Lajoie to devote herself to teaching women everyday law.

In 1887, she married Henri Gérin-Lajoie, a young associate in her father's law office. Henri was perhaps less well-to-do, but came from a no less eminent French-Canadian family, and one in which books were omnipresent. He was the son of Antoine Gérin-Lajoie, one of French Canada's best known authors of his day.27 He was also connected to journalist, lawyer and Rebellion figure Étienne Parent (1802-1874) as well as to Léon Gérin (1863-1951), the latter generally hailed today as a

26 Gérin-Lajoie, supra, note 15 at 1.

[Trans.] But, said [Marcoux], respectable people, and he cited the name of a certain judge whose name I still remember ... completely oppose making the courses open to the public and, especially, permitting women to sit in university classrooms. This argument would determine my social mission. I pleaded the case for women with vigour and success. Several days later, Abbé Marcoux announced that the literature classes would be public and open to women.

The word "Loranger" is handwritten in the margin next to the reference to the judge whose name remained imprinted in her memory.

27 (1824-1882). Antoine's best known work was a novel, Jean Rivard, but he also wrote on law and public affairs, including Catéchisme politique ou Éléments du droit public et constitutionnel du Canada mis à la portée du peuple (Montreal: L. Perrault, 1851). See, generally, E. Lareau, Histoire de la littérature canadienne (Montreal: John Lovell, 1874) at 73ff. and at 302ff.
founding figure of Quebec sociology. Most important for present purposes was Henri’s sensitivity to the law as a life study: he himself published a number of texts on legal questions throughout his distinguished career as a business lawyer, King’s Counsel, bâtonnier and bank president. He kept a well-stocked personal library, as had Marie’s father, and in a sense Marie moved out of one house full of law books as a daughter and into another as wife. Marie Gérin-Lajoie attributed much of her success as a jurist to the influences of her father and her husband, and particularly to that of their home libraries in which her vocation took shape.

Bent on giving herself an education, she continued reading and studying law while she raised her four children, two of whom would go on to be lawyers. Over the years in her home study she filled notebook after notebook with thoughts that her wide taste in books provoked. These notebooks provide obvious clues as to her influences: Rodolphe Lemieux’s Les origines du droit franco-canadien, books on French private law (particularly the law relating to married women), writings of the French Catholic feminist movement from the end of the nineteenth century and, perhaps not surprisingly, the writings of Thomas Aquinas were among her main sources. More clues come from her personal library, left intact at the Institut when she died in 1945. Not only did she surround herself with law books, but also with writings on the family

---

28 Gérin-Lajoie applauded her husband’s bookishness in Notes biographiques, supra, note 20.

29 INDBC, P2-13, letter from M.L. Gérin-Lajoie to Madeleine Huguenin (30 April 1932).

30 It is not surprising that both Henri and Alexandre would manifest a scholarly interest in law: see, e.g., A. Gérin-Lajoie, Du domicile et de la juridiction des tribunaux (Montreal: Wilson & Lafleur, 1922) and H. Gérin-Lajoie, Code de procédure civile annoté de la Province de Québec (Montreal: Wilson & Lafleur, 1920).

31 (Montreal: C. Théoret, 1901), a well-known history of Canadian law from the discovery of Canada to Confederation, with notes on the old law of France.

32 See notebooks in INDBC, P2-3. There are dozens of school copy-books with notes taken from various books, mostly without specific allusions to the date at which the notes were made. It is possible to date some of them based on the legislation or the C.C.L.C. provisions she was commenting on and thereby identify influences on her work at different points in her career.

33 Her small personal library contained basic lawyers’ tools, such as A.S. Deguire, Code civil de la Province de Québec, 4th ed. (Montreal: Wilson & Lafleur, 1931), as well as more general works on topics ranging from French family law, international law and, notably, natural law, including A. Valensin, Traité de droit naturel (Paris: Éd. Spies, 1925) and what she would describe in her work as sources for ‘comparative law’ including M.I. Crofts, Women Under English Law, 2d ed. (Toronto: Butterworths & Co., 1928).
and Catholic social work,\(^{34}\) as well as on working women and the women’s movement in France.\(^{35}\) Drawing inferences as to her intellectual make-up from these sources is, of course, not without risk, but signs of an *apostolat social* seem most evident.

The home she founded with her husband was, for Marie, a “milieu libéral ... de nature à favoriser les projets que je nourrissais de me vouer à l’amélioration de la condition de la femme.”\(^{36}\) Very quickly, Gérin-Lajoie combined her instinct for reading and writing with her domestic chores and began work educating herself and others. Writing was part of the autodidactic process. Her earliest reflections were published in *Le Coin du Feu*, a magazine for thoughtful women who, as its name suggested, had free time to think as they read by the fire.\(^{37}\) Alongside articles on French poetry, etiquette and advice for the homemaker called “Conseils de la Mère Grognon,” the Montreal monthly published Gérin-Lajoie’s first work, entitled “Le Travail de la Femme,” containing in sketchy form the ideas that would dominate her career in law.\(^{38}\) In this essay, written in more combative prose than much of the work that would follow, she argued that women’s lives no longer resembled the lives of their grandmothers, and that the presence

---


\(^{36}\) Quoted in an article signed “Louise,” “Femmes du Canada, Madame Gérin-Lajoie” *La Patrie [de Montreal]* (5 April 1930). [Trans.] “a liberal milieu ... that was conducive to the work to which I wanted to devote myself relating to the improvement of the status of women.”

\(^{37}\) Founded in 1893 by Joséphine Dandurand: see Danylewycz, *supra*, note 8 at 135, who associated this magazine and others in which Gérin-Lajoie wrote with the “tradition of social service and the rise of feminism” which flourished in this period.

\(^{38}\) Published in two parts under the pseudonym Yvonne, “Le Travail chez la Femme I” (1893) 1:3 *Le Coin du Feu* 67 and “Le Travail chez la Femme II” (1893) 1:12 *Le Coin du Feu* 368. It is quite probable that she published anonymously so as not to embarrass her mother, Lady Lacoste.
of women in the workplace was not a sign of "le chaos" or "l'état sauvage," but rather a "fait social digne d'attirer au plus haut point l'attention des esprits sérieux."\(^3\) While she was not shy in these articles to denounce "le far niente traditionnel dans lequel nos grandes dames s'obstinent à vivre," the focus of the strongly-worded plea was the situation of those forced out of the home—their more natural habitat—into the workplace where they were underpaid and could not find jobs up to their intellectual potential. The plight of the working woman was, for Gérin-Lajoie, a question that should interest all women since this "infirmité de l'organisme social" was rooted in the inferior education that all women shared: "[une] inaction systématique dans laquelle toute femme bien née doit s'efforcer de vivre; c'est-à-dire que l'éducation de nos filles les façonne de telle sorte, qu'elles ne sont aptes dans le besoin à aucun travail, si simple soit-il."\(^4\) In this very first effort in print Gérin-Lajoie made plain an idea to which she would devote her life: the improvement of the social condition of women through education.\(^4\)

Alongside these very real preoccupations was a woman who professed a deep commitment to home life and the family. For Gérin-Lajoie her œuvre de justice was to be achieved while fulfilling her duties as wife and mother—indeed she saw the two as highly compatible. After her mother’s death, Sister Marie J. Gérin-Lajoie recounted an anecdote intended to show the spirit in which her mother’s career developed in tandem as a jurist and as a wife and mother. When Henri proposed, her mother had felt obliged to tell him of the importance of her commitment to a life of action sociale féminine. She and Henri made a pact:

[Elle] crut devoir le mettre au courant de ses projets d'action sociale. Mon père ... avait une grande bonté de cœur et une grande ouverture d'esprit. Il respectera une telle préoccupation et répondit à sa fiancée: "Pourvu que vous ne négligiez pas vos obligations de famille vous serez libre de faire ce que vous voudrez." ... [Elle], qui fut une pionnière

\(^3\) "Le Travail chez la Femme I," *ibid.* at 67.

\(^4\) "Le Travail chez la Femme II," *supra,* note 38.

\(^4\) See also Yvonne, "La femme et la littérature" (1893) 1:5 La Bonne Parole 136 at 137, in which she denounced the education women were afforded—"propre à produire l'atrophie des plus précieuses facultés"—and encouraged readers who had the time to combat this by undertaking home study.
Both social duty and family duty were manifest in her decision to devote herself to the teaching and reforming of everyday law. It was during the period prior to 1900, when she was actively raising her family, that Gérin-Lajoie’s life’s work in law took shape. Her preoccupation with education for women, stemming out of her own experience, seems central. Central too was a commitment to action sociale—a brand of social service, fired by Christian charity, for the promotion of justice, particularly justice for women. These would be combined with an instinct to teach women about law so that they could better understand their social condition and take an appropriate measure of control of their own lives. Teaching everyday law was to be, as she often described it, an œuvre de charité et de justice—a veritable apostolat social. The terminology is not mine, but her own:

Si important que soit le relèvement de la condition légale de la femme, ce n’est là qu’un aspect de sa réhabilitation sociale. ... [Il faut lancer] aux Canadiennes françaises un cri de ralliement: “Vers la justice par la charité” qui synthétise la grande aspiration de notre siècle, l’apostolat social en notre province.43

This sense of apostolat coloured her work both as a law teacher and law reformer. While she was committed to improving the social condition of women, the brand of feminism she embraced had its roots in Catholic doctrine. There is no underestimating the spiritual

42 M.J. Gérin-Lajoie, s.b.c., “Son rosaire” (1945) 25:11 La Bonne Parole 14 at 14. [Trans.] [She felt she had to alert him to her projects for social service. My father had a great spirit of generosity and of openness. ‘He would respect such a commitment and answered his fiancée: “As long as you don’t neglect your family obligations you will be free to do as you please!” ... A pioneer in women’s social service who even advocated that women should participate in politics, she was a mother above all things! And a profoundly Christian mother!]

43 Gérin-Lajoie, supra, note 20 at 3. [Trans.] As important as the improvement of the legal status of women, this represents only one aspect of their social rehabilitation. ... A rallying cry must be sent out to all French-Canadian women: “Towards justice through charity”; this sums up the great hope of our century, the apostolat social in our province.

The term charité was in all likelihood used by Gérin-Lajoie in the theological sense to refer to love of God expressed through service to others.
dimension of Marie Gérin-Lajoie’s sense of mission. She was, as Jennifer Stoddart has described her, a Catholic feminist, and her points of reference were the social Catholicism and the Christian feminism that had flourished for a time in France in the late nineteenth century. In Quebec, Gérin-Lajoie was not alone in promoting this not always popular form of feminist Catholic agitation. Again her letters to fellow travellers make the nature of her personal ideology plain. “L’aide si puissante que vous donnez au mouvement féministe me remplit de joie,” she wrote to Léonie Morel de Teincey in 1902. “Pour ma part j’en fais une question d’apostolat. Il s’agit de reconquérir une dignité perdue.”

While the outward signs of Gérin-Lajoie’s work ethic were wholly spiritual, it seems fair to suggest that there was, at the same time, an important class dimension to her ideology. She and her fellow lay colleagues came largely from the francophone Montreal bourgeoisie, and some historians have suggested that as important as the doctrine of apostolat social may be to understanding this movement, so is the financial opportunity its proponents had to embrace it. It is indeed tempting to see Gérin-Lajoie’s apostolat juridique as part of a wider crusade by the well-fed to reinforce the old-order values that propped up the status quo. This is no doubt true to some extent: the content of everyday law stressed duty, tradition and other conservative values which shaped the old-order family and the old-order law.

Gérin-Lajoie seemed mindful of her good fortune but insisted that the apostolat necessarily extended to all classes of society. “Nous marcherons toutes vers le même but,” she was quoted as saying, “le

44 The best general account of how spirituality prompted Marie Lacoste Gérin-Lajoie is given in a richly documented master’s thesis on her daughter Marie J. Gérin-Lajoie’s early career in social service: M. Proulx, s.b.c., L’action sociale de Marie Gérin-Lajoie (1910-1925) (M.A. thesis, Université de Sherbrooke, 1975) especially at 26ff. [unpublished].

45 See, generally, Y. Pinard, “Le début du mouvement des femmes” in M. Lavigne & Y. Pinard, eds, Les femmes dans la société québécoise (Montreal: Boréal Express, 1977) 61. Marta Danylewycz contributed to situating this brand of Catholic feminism as against broader themes of devotional revolution and Quebec nationalism which manifested themselves in this period: see, supra, note 8 at 33ff.

46 INDBC, P2-13, letter from M.J. Gérin-Lajoie to L. Morel de Teincey (undated circa 1902).

relèvement moral.” Her audiences, as we shall see below, extended beyond the French-Canadian bourgeoisie to include working women, both urban and rural, lay and religious, about whose legal status Gérin-Lajoie would endeavour to speak directly. While one might want to accuse Gérin-Lajoie of hoping to make women over in her own image, it is maternalism, rather than paternalism, that best explains her life's work. The emphasis that Gérin-Lajoie and fellow middle class French-Canadian Catholic feminists placed on the apostolat as a means for women to fulfill themselves suggests a kinship with that brand of late nineteenth century thinking in English Canada and beyond that has usefully been described as “maternal feminism.” Like Gérin-Lajoie, many of these women outside Quebec (and English-speaking women inside Quebec) had a commitment to social service rooted in a mix of Christian charity, social opportunity and a desire to empower women in the home and home-like endeavours. The Local Council of Women of Montreal, a largely English-language women’s group in which Gérin-Lajoie was active until about 1907, provided Gérin-Lajoie and her French-Canadian colleagues with an immediate point of contact with maternal feminist thinking. Even though Gérin-Lajoie and others such as Caroline Béique and Joséphine Dandurand set out thereafter to found their own organizational structures sensitive to the particular needs of Quebec’s French-speaking Catholic women, it is fair to see

---


49 Linda Kealey described maternal feminism as “the conviction that woman’s special role as mother gives her the duty and right to participate in the public sphere”: L. Kealey, “Introduction” in L. Kealey, ed., A Not Unreasonable Claim: Women and Reform in Canada 1880s-1920s (Toronto: The Women’s Educational Press, 1979) 1 at 7.

50 This ideological parallel emerges strikingly in reading accounts of these English-Canadian women’s activities of the period: see, e.g., W. Mitchinson, “Canadian Women and Church Missionary Societies in the Nineteenth Century: A Step Towards Independence” (1977) 2:2 Atlantis 57; and W. Roberts, “‘Rocking the Cradle for the World’: The New Women and Maternal Feminism, Toronto 1877-1914” in L. Kealey, ed., ibid., 15.

51 Gérin-Lajoie was an officer of the Local Council and co-chaired its Standing Committee on “Laws for Better Protection of Women and Children” for many years: see, e.g., Tenth and Eleventh Annual Reports of the Local Council of Women of Montreal [1903-1904, 1904-1905] (Montreal: Witness Press, 1906).

52 See S.M. Trofimenkoff, “Feminism, Nationalism and the Clerical Defensive” in V. Strong-Boag & A.C. Fellman, eds, Rethinking Canada: The Promise of Women’s History (Toronto: Copp Clark, Pitman, 1986) 123.
their work as a variation on a theme expressed in other ways outside French Canada. But if a bourgeois background, maternalism and Christian charity provided common ground between English and French-Canadian maternal feminists, devotional zeal rooted in Catholic doctrine was a driving force behind Gérin-Lajoie's personal mission that set her apart from English-speaking colleagues involved in similar efforts relating to women's education and law reform.

Her contemporaries remarked on this devotional zeal that she brought to her work, and many of them specifically characterized it as an “apostolat social,” including those commenting from within the Catholic establishment where her mission was not always understood. The plainest material manifestation of this commitment to Catholic feminism and Catholic socialism was her active role in the creation and operation of the Fédération Nationale Saint-Jean Baptiste, an umbrella organization for French-Canadian Catholic women's groups co-founded in 1907 by Gérin-Lajoie and Caroline Béique. Under the banner Vers la Justice par la Charité—Towards Justice through Charity—the Fédération regrouped some twenty-two women's organizations, both lay and religious, falling into three categories: “œuvres de charité, œuvres d'éducation et œuvres économiques.” Marie Gérin-Lajoie's person

53 See, e.g., Mme F.-L. Béique's autobiography, Quatre-vingts ans de souvenirs (Montreal: Éd. Valiquette, 1939) at 230ff., describing Gérin-Lajoie's involvement in the lay social service organization Fédération Nationale Saint-Jean Baptiste; and Therese Casgrain, Une femme chez les hommes (Montreal: Éd. du Jour, 1971) at 87ff., describing Gérin-Lajoie's presentation before the Committee for Public Bills of the Quebec Legislative Assembly in 1929 regarding changes to matrimonial law.

54 See, e.g., Y.L. Saint-Just, "La 'Bonne Parole' rend hommage à sa fondatrice" (1945) 25:11 La Bonne Parole 3, in which Gérin-Lajoie's work in this woman's magazine represented "une synthèse complète de la carrière d'apostolat social de la fondatrice de la Fédération Nationale Saint-Jean Baptiste." See also Lemoyne, supra, note 48.

55 See, e.g., Mgr P. Perrier, "Madame Henri Gérin-Lajoie" (1945) 25:11 La Bonne Parole 3 and, notably, Mgr P. Bruchési's commendation, published as preface to the first edition of the Traité de droit usuel, supra, note 4 at VII.


57 See M.L. Gérin-Lajoie, La Fédération Nationale Saint-Jean Baptiste et ses associations professionnelles (Montreal: Secr. École Sociale Populaire, 1911) especially at 2-5. Some of the organizations regrouped under the banner of the Fédération, including the Association des employées de téléphone, the Association des femmes d'affaires, the Association des aides
and that of the Fédération were sometimes difficult to distinguish in the period from 1907 through 1933 when she dominated its activities and its agenda. Central to the mission of the Fédération—as with Gérin-Lajoie herself—was the commitment to improving women’s lives through education and law reform.

Under the auspices of the Fédération, and using the Fédération’s monthly women’s magazine La Bonne Parole as both an educational device and a tribune for her demands, Gérin-Lajoie agitated for changes to a series of laws relating to women and the family. Best known of these was an early and failed effort to obtain the right to vote for women in provincial elections. But spearheaded by Gérin-Lajoie, the Fédération intervened as a matter of justice et charité respecting much of the social legislation of the period. Gérin-Lajoie lobbied for fairer treatment for married women under the law of intestate successions, for the promotion of “homestead” legislation, for admission to the Bar

ménagères, les Écoles ménagères, the Dames patronnesses des Incurables, et cetera. Gérin-Lajoie’s talent and taste for the law was all put to work on both the substantive issues tackled by the Fédération and on the shape of the Fédération itself: she drafted many of the constitutional documents for the Fédération and its associations and was, for many years, its unofficial legal counsel.

58 See the account of her participation in L. Trifiro, La crise de 1922 dans la lutte pour le suffrage féminin au Québec (M.A. thesis, Université de Sherbrooke, 1976) especially at 19-25 [unpublished]. Gérin-Lajoie argued that giving women the right to vote was necessary for them to acquit their responsibilities as wives and mothers and that women would bring to the ballot box “ce qui manque d’avantage aux hommes ... la douceur, la miséricorde, la pitié, les vertus de l’amour.” See, notably, M.L.Gérin-Lajoie, “Le vote féminin et la question familiale” (1922) 10:2 La Bonne Parole 23 [hereinafter “Le vote féminin”] and INDBC, P2, Lettre de Madame Henri Gérin-Lajoie au Pape Pie XI, lui expliquant la situation du suffrage féminin au Québec (1922), in which she put the argument before Pope Pius XI in terms of her apostolat when asking for his intercession before Quebec lay and religious authorities.

59 Until 1915, art. 636 C.C.L.C. provided that the surviving spouse was an irregular intestate heir, succeeding to the de cujus only in the absence of relatives to the twelfth degree inclusive. Gérin-Lajoie took strong positions in favour of the so-called Loi Péroudeau (An Act to Amend the Civil Code Respecting Successions, S.Q. 1915, c. 74) at various stages of its long legislative gestation, which eventually recognized the surviving spouse as a legitimate heir entitled to share in the succession as a family member in his or her own right. See M.L. Gérin-Lajoie, “Entre Nous—le Bill Péroudeau” (1915) 3:1 La Bonne Parole 1 and “Entre Nous. Bill Péroudeau (suite)” (1915) 3:2 La Bonne Parole 1, in which she argued that the amendments were necessary for the moral unity of the family.

60 She argued against the abolition of the exemption from seizure and of the requirement of spousal consent to alienation of such land conferred by An Act to Amend the Law Respecting the Protection of Settlers and the Creation of Homesteads, S.Q. 1897, c. 27, s. 1. The legislation, transplanted into Quebec along the model of equivalents in the United States and France, was denounced by its opponents, including the notarial establishment, as an affront to fundamental
for women. Her crowning achievement as a law reformer came in 1931 when a conservative legislature, overseen by traditionalist Premier L.-A. Taschereau, voted changes to the Civil Code in matrimonial law. Marie Gérin-Lajoie was instrumental in formulating demands that would serve as the basis of amendments to both the legal matrimonial regime of community of moveables and acquêts and the contractual regime of separation of property that limited the husband’s powers of administration over common property and his wife’s personal property. Moreover, on the strength of recommendations she formulated that were wholly tributary of her views of law as an apostolic device, the Civil Code was amended for all married women, whatever their chosen regime, so that they were given powers of administration over the money they earned notwithstanding their incapacity to exercise freedoms. Gérin-Lajoie supported its principles and lobbied against its abolition in letters to every member of the Legislative Assembly: see ANQ, P 120, doss. 1-11.

61 The Bar Act, R.S.Q. 1925, c. 210, was eventually amended to allow women to become advocates by An Act Respecting the Bar, S.Q. 1941, c. 56, s. 1, on the strength of pressures put on the Legislature by McGill’s first woman law graduate, Annie Macdonald Langstaff, B.C.L. 1914, which began just after her graduation. Langstaff and her employer S.W. Jacobs, K.C. had enlisted the help of the Fédération in lobbying for an amendment in 1916: see INDBC, P2, letter from A.M. Langstaff to M.L. Gérin-Lajoie (20 November 1916). Part of Langstaff’s story and some bibliographical references may be found in R.A. Macdonald, “The National Law Programme at McGill: Origins, Establishment, Prospects” (1990) 13 Dalhousie L.J. 211 at 250.

62 Article 252 C.C.L.C. was amended (An Act to Amend the Civil Code with Respect to Certain Rights of Women, S.Q. 1929, c. 77) to allow all women over twenty-one, not just the mother and ascendants during widowhood, to be called to a family council convoked to advise on decisions relating to incapable persons. Gérin-Lajoie lobbied hard for this change which she saw as reflecting a more just depiction of the role of women in family life: see M.L. Gérin-Lajoie, La femme et le Code civil—Plaidoîrie de Mme Gérin-Lajoie devant le Comité des Bills Publics, en faveur de certains amendements au Code Civil de la Province de Québec (Montréal: Fédération Nationale Saint-Jean-Baptiste, 1929) at 15-18.

63 See, e.g., her efforts to convince the City of Montreal to establish a licensing requirement for the private placement services that arranged employment for young women, particularly from rural areas, as domestics for bourgeois families where contracts of employment were not always respected: ANQ, P 120, 48-1, Fédération Nationale Saint-Jean Baptiste [signed “Marie Gérin-Lajoie, prés.”]. Requête à monsieur le président et aux membres de la Commission administrative de la Cité de Montréal (avril 1920).

rights to contract and to commence legal proceedings. In each of these initiatives designed to effect reform of one aspect or another of everyday law, Gérin-Lajoie’s personal apostolat social is most manifest, and it is possible to argue that her philosophy explains, in part, the very tenor of the reforms that were enacted.

But teaching—and teaching law—was to become the first tool for the apostolat social of Marie Gérin-Lajoie. In her view, women had to learn the rudiments of an everyday law, not to become lawyers or notaries, but to understand their social ‘condition,’ to take responsibility for improving it, and to live fully their roles in family life. She explained this in a 1919 letter to Doris Flemming, the editor of the women’s page of the Montreal Star: she began writing a treatise of everyday law and teaching women the rules of family law from the Civil Code “pour faire la diffusion de notions que je crois indespensables à toute femme qui veut devenir consciente de sa condition sociale.” Teaching everyday law would allow women to better their own lives. Again Gérin-Lajoie’s daughter depicted her mother’s life mission in the clearest terms:

Maman dès sa jeunesse était frappée par la situation pénible de certaines femmes malheureuses que les lois d’alors ne protégeaient guère contre les injustices de leurs maris indignes. Elle en voyait d’autres, tombées dans la détresse par suite d’imprudences ou de négligences dues à leur ignorance et c’est ce qui l’a poussée à essayer de remédier à cet état de choses en rendant accessible à toutes, les notions élémentaires de droit. De plus, elle s’efforça de faire connaître par diverses conférences qui ne sont pas toutes publiées, mais qui le seront peut-être un jour, quelle est la situation légale de la femme mariée et comment elle pourrait être améliorée.


66 This argument will be advanced with particular reference to the reforms in matrimonial law enacted by An Act to Amend the Civil Code, 1930-31 in N. Kasirer, “Sainte famille: Reform of Matrimonial Law and the Thinking of Marie Lacoste Gérin-Lajoie” (1993, forthcoming) C. de D.

67 INDBC, P13, draft letter from M.L. Gérin-Lajoie to D. Flemming (17 May 1919). [Trans.] “in order to spread ideas that I see as indispensable for any woman who wants to understand her social status.”

68 INDBC, P1, draft letter from M.J. Gérin-Lajoie to “ma chère Gertrude” (29 November 1936). [Trans.] From her youth, Mother was struck by the difficult situation of certain unhappy women who, faced with injustice inflicted by their unworthy husbands, were virtually unprotected by law. She saw others in distress as a result of their own imprudent or negligent behaviour rooted in lack of understanding and this is what moved her to seek to remedy matters by rendering the elementary notions of law accessible to all. Moreover,
In her earliest work, she directed her attention specifically to the "condition privée de la femme," by which she meant "l'étude d'usages, de mœurs et de lois qui ont fait à la femme une place déterminée dans la société et la famille."

She began examining and writing about legal texts on their own terms, citing and explaining principles and provisions of private law as they treated women in the family generally, giving special emphasis to the incapacity of married women. Her commitment to the improvement of women's lives through the study of everyday law became much clearer when she attended, in 1900 at the age of thirty-three, the Paris International Exhibition to present a text entitled "Étude sur la condition légale des femmes de la province de Québec."

This paper, which she laboured over for months in her study at home, is much more circumspect than the previous, less legal work. She wrote in plain and precise language about the changed matrimonial statut that the law of persons imposed on women by the mere fact of marriage and of the powers women had to administer certain property pursuant to their chosen matrimonial regime.

Her method was, at the start, to learn by writing. In this early period she wrote her first major work on law, a book never published and a precursor to the *Traité de droit usuel*. In the *Traité de droit usuel de...*
Mme Gérin-Lajoie sous forme de questions et réponses,\textsuperscript{74} she endeavoured to present to those on the outside of the legal world the private and public law of Quebec in the form of questions and answers\textsuperscript{75} as a sort of catechism—a style once popular among Quebec legal treatise writers.\textsuperscript{76} The text was, in one sense, a failure in that it was never published for the audience of couventines and convent teachers for whom it was intended. Yet, in another sense, it announced coming successes by confirming a vocation for Gérin-Lajoie. She would follow her father’s instructions to rework the text along the outline provided by the Civil Code, thus giving shape to the published Traité de droit usuel.\textsuperscript{77} Gérin-Lajoie believed that a legal education would empower women to take control of their lives as active, thinking, responsible mothers and wives. The language of ‘knowledge as power’ is not too strong for Gérin-Lajoie’s early twentieth century views. While it is important not to amplify the subversiveness of her maternalist message, Gérin-Lajoie’s sense of the kind of education women needed to be responsible wives and mothers was radically out of step with the ideal of the passive female prevalent in some French-Canadian Catholic circles.

Family influences, personal experiences, faith, opportunity: all these combined to allow for the emergence of Marie Lacoste Gérin-Lajoie’s vocation as a teacher and a law reformer. Animated by a particular sense of social justice, she developed commitments to various

\textsuperscript{74} The undated manuscript, running to 186 typed pages, with handwritten annotations, is to be found in two copies at INDBC, P2-22. It is possible to approximate its date at about 1900: the text was written before amendments to the C.C.L.C. in 1906 abolishing civil death and was more than likely the basis for the published Traité de droit usuel, supra, note 4, which appeared in 1902.

\textsuperscript{75} An example, \textit{ibid.} at 65:

“Quel est le grand caractère du mariage chrétien tels que nos lois le reconnaissent? Ce caractère principal, c’est l’indissolubilité; c’est-à-dire que la mort naturelle seuls [sic] peut rompre les liens créés par le mariage.”

[Trans.] “What is the great characteristic of Christian marriage as recognized by our laws? This principal characteristic is indissolubility, that is to say that only natural death can break the bonds created by marriage.”

\textsuperscript{76} Well-known examples of this style are E.A. Beaudry, \textit{Le questionnaire annoté du Code civil du Bas-Canada}, t. 1 (Montreal: C.O. Beauchemin & Valois, 1872) and M. Bernard, \textit{Manuel de droit constitutionnel et administratif} (Montreal: C. Théoret, 1901). The latter, found in her personal library, was plainly a source of inspiration for the public law portion of the Traité.

\textsuperscript{77} In a note in Gérin-Lajoie’s handwriting on the envelope of the manuscript, she wrote that “Papa ne le trouve pas satisfaisant et m’avise de le recommencer en suivant complètement tous le chapitres du Code civil afin de donner aux femmes des notions complètes de Droit”: INDBC, P2-22.
causes when justice and charity compelled her to act. Foremost among her concerns was the improvement of the social condition of women by giving them the education they needed to fulfill the role that God and nature created for them. And if education was the means of improving women’s social condition, a legal education was a first-order priority. So emerged a vocation as a law teacher, as one component of a life of apostolat social. Teaching became not just an apostolic matter, but one of apostolat juridique. And her vocation not only shaped the way in which she taught law and to whom she was moved to teach it, but also shaped the very tenor of the law she taught.

II. APOSTOLAT JURIDIQUE AND EVERYDAY LAW

“Mesdames,” began Marie Lacoste Gérin-Lajoie before the students and teachers at the Villa Maria convent in Montreal in a lecture on property law in 1905,

En terminant ma dernière conférence, je cherchais à éveiller en vous le sentiment de la responsabilité et je concluais à la nécessité d’une éducation légale, indispensable à l’intelligence de votre vie et à l’exécution des devoirs qu’elle vous impose.78

Gérin-Lajoie began nearly all of her many public lectures on law with the salutation mesdames or mesdemoiselles, and her many articles published on legal topics invariably referred to her readership as mes lectrices. Needless to say, the fact that her law students were women would affect the form and content of the law she taught. Moreover, nearly every talk she gave contained some allusion to the mission she had set for herself as a law teacher: to teach women about their rights and duties by taking law out of the Civil Code, the courts, the legislatures, the faculties and the lawyers’ and notaries’ offices and bringing it into the convents, the normal schools, and even the homes of women for whom law would otherwise be inaccessible. This mission, this apostolat juridique—her zeal was such that these expressions are not too strong—would shape law as she saw it into a body of everyday law to be

78 INDBC, P2-28, M.L. Gérin-Lajoie, “3ième Conférence, sur les biens pour l’École Normale et les élèves de Villa Maria” (24 avril 1905) at 1 [unpublished].
[Trans.] “In ending my last lecture, I sought to awaken in you a sense of responsibility and I arrived at the conclusion that a legal education is a necessity, indispensable to understanding your lives and for acquitting the duties life imposes upon you.”
taught and put into practice in the private world of the family. Its very
design, shape and method of dissemination were premised on bringing
law as a formal, public construct into a private world where law hitherto
was rarely seen to venture. More remarkably, the very substance of droit
usuel, as Gérin-Lajoie presented it, reflects a parallel way of thinking
about law, and expresses a facet of substantive law that conventional
sources had been unable to capture. Both the form and content of
everyday law, allied as they were with Gérin-Lajoie’s apostolat juridique,
bear further examination.

But first, what was everyday law for Gérin-Lajoie herself? In an
article she prepared for a teachers’ journal in 1907, she wrote that
everyday law is to legal science what the rules of hygiene are to
medicine. Just as hygiene teaches one the principles of healthy living
rather than the technicalities of medical science,

le droit usuel donne à l’individu l’intelligence de sa condition légale et lui apprend à en
tirer bon parti, à développer ses intérêts, à conserver sa fortune et à sauvegarder ses
droits, à remplir ses devoirs et ses obligations envers autrui, au besoin à défendre sa
dignité, à protéger sa famille. 79

Part of her purpose was to popularize the law, to be sure, but her
work shared this and little more with the many ‘how-to’ books on law
published in Canada and Quebec for the non-lawyer. Everyday law was
not the Quebec woman’s equivalent of the be-your-own-lawyer guides
for farmers, bankers, Westerners and fishermen well-known to this
period of legal literature. Instead, for Gérin-Lajoie, everyday law
represented part of a body of general knowledge necessary for
improving the social condition of women: “the first step towards
improving oneself is to know oneself” was how she would often open her
lectures on law. 80 Popularizing law for women was, it is true, one of her

79 INDBC, P2, Projet d’article pour l’Enseignement Primaire (1907).
[Trans.] [E]veryday law provides the individual with an understanding of her legal status
and teaches her to make the most of that status, to develop her interests, to conserve her
wealth and to safeguard her rights, to fulfill her duties and obligations towards others
and, if necessary, to defend her dignity, to protect her family.

80 INDBC, P2-28, M.L. Gérin-Lajoie, “Lecture on Minority, Lue au High School” (Montréal,
rue Peel, mars 1904) at 2 [unpublished] [hereinafter “Lecture on Minority”]. Often she was given to
using more colourful language in her not infrequent talks in English. In this text she began with a
comparison between knowing the rules of seafaring and knowing the rules of law (at 4): “We
women are often too ignorant of life, incapable of directing our barque, because we have no
knowledge of the elements through which we must guide it. We are unacquainted with the social
avowed objectives, but her principal concern was explaining those rules of law that determined for women who they were as wives, as mothers and as economic actors so that they could best acquit the duties that were incumbent upon them. The language of the *devoir* was central to everyday law.

And duty and responsibility were those felt by women in the private world of the family. For Gérin-Lajoie, teaching everyday law was not intended as an act of provocation against the established order, even if it was at times perceived as such. In a lecture given before the École d'enseignement supérieur of the Congrégation Notre-Dame in 1908 on the law of marriage, she explained that the reason women should learn the rights and duties between spouses as set out in the *Civil Code* was not to upset the household but to make it happier: “[S]ans chercher à détruire les fondations de la maison où l'on vit, on peut cependant renouveler ... tous les murs et y introduire des améliorations qui nous permettront à y vivre à l'aise, Mesdames.”

Nor was law a matter of dissecting “des titres arides” or of making a study of “les couloirs à l'aspect morne et sévère de nos cours de justice,” as she explained to teachers-in-training at the McGill Normal School on 15 April 1904: “Je veux qu’ensemble, nous élevions un peu notre pensée et que de haut conditions among which we move.”

---

81 She referred to popularizing law for women as her goal for the *Traité*, supra, note 4 at VI: (“j'ai peut-être atteint le but rêvé: vulgariser le Droit”), but always alongside of the ulterior purpose of allowing women to know law so that they could be active and responsible citizens, wives and mothers. See, e.g., INDBC, P2-26, M.L. Gérin-Lajoie, “Conférence donnée par Marie Lacoste Gérin-Lajoie aux élèves du McGill Normal School le 15 avril 1904” at 3 [unpublished].

82 See, e.g., INDBC, P2-26, M.L. Gérin-Lajoie, “2e conférence donnée à l’École d’enseignement supérieur (Congrégation Notre-Dame)” (*circa* 1908) at 3 [unpublished]:

> Vous voyez mesdames que vous enseigner le droit civil, c'en est *sic* pas vous distraire de la vie privée; c'est vous faire découvrir au contraire un de ses aspects les plus importants; c'est vous donner une intelligence plus complète de vis *sic* actions, vous faire approfondir vos droits et vos devoirs et vous permettre selon votre ingéniosité de tirer le meilleur parti possible de la condition civile qui vous est faite.

[Trans.] You see, ladies, that teaching you the civil law is not intended to distract you from your private lives, but instead it enables you to discover one of life's most important aspects, to give you a more complete understanding of your actions, to learn fully of your rights and duties and to allow you, using your own ingenuity, to make the most of the legal status imposed upon you.

Law did concern this ordinary everyday life when law meant "le droit privé, ou pour parler un langage plus familier, la vie de famille, dans les rapports d'époux et d'épouse, de parents et d'enfants." Quite naturally, the droit usuel would focus on that law most closely allied with family life. Most, though not all, of Gérin-Lajoie's work centered on private law relations and particularly the law of persons, of the family and of matrimonial regimes. She encouraged her students and readers to take a hard look at relations within their own families and to see in those relations the rights and obligations that articles 173 and following of the Civil Code then described as the "respective rights and duties of husband and wife" in marriage—the puissance maritale—and to see themselves (and their husbands) in articles 242 and following which depicted the parent-child relationship as falling under the puissance paternelle. Her purpose was to show the immediacy of law and legal concerns to audiences who, in many cases, had been brought up to see law as something foreign to the world of family life within which they lived.

But to achieve this, legal ideas had to be put into a form which could find its way into the world where Gérin-Lajoie's prospective students lived, studied and worked. Few had the self-discipline or the opportunity to turn a boudoir into a home law library. Marie Gérin-Lajoie presented everyday law by way of three principal media: first, the Traité de droit usuel; second, in lectures given in various schools, colleges and study circles in the period from about 1902 to 1934; and, finally, in articles published in women's magazines, principally La Bonne Parole. Part of the history and ideology of droit usuel is revealed through an examination of the ways in which Marie Lacoste Gérin-Lajoie rendered law consumable for women.

84 Gérin-Lajoie, supra, note 81 at 2. [Trans.] "I hope that together we might raise our thoughts a little and, from on high, we might take a look at our lives, the mundane life of the every day."

85 INDBC, P2-28, M.L. Gérin-Lajoie, "Étude sur le droit romain—Lue le 4 novembre 1903 à notre Cercle d'études" [unpublished]. [Trans.] "Private law or, to use more familiar language, family life in respect of relations between husband and wife, between parents and children."

86 See, e.g., "Lecture on Minority," supra, note 80 at 3: "Have you ever analysed the relations which bind you to others—to your father—your mother—your brothers and sisters, and later towards your husband and children?" See also infra, notes 126 and 127.
The Traité de droit usuel that she published in 1902 was written specifically for women who, like herself, had an education predicated on the idea that women did not need to know about law. She explained in the preface to the first edition that the law she chose to examine was among those things “qui nous touchent très intimement ... notre personne, de nos biens, de la constitution de notre pays.”87 The book was specifically written for girls in their last years of school, for would-be teachers, and for their teachers, but Gérin-Lajoie plainly contemplated a wider audience, and a wider audience it received.88 It was a considerable success, with new editions of the French version appearing in 1910,89 in 1922,90 and a 1933 edition that was literally cut and pasted together by the nuns at the Institut de Notre Dame du Bon Conseil.91 The Traité was certainly among the first bilingual, multiple edition law treatises published in Quebec, and among the most successful.92

The content of the book itself is not as full of fire or as opinionated as her magazine articles, her published pamphlets or the

---

87 Supra, note 4 at V.

88 In manuscript form she described the book as Traité de droit usuel à l'usage des pensionnats but likely renamed it for a wider market. She sent dozens of complimentary copies to schools and school boards, but also to women's groups, male and female religious figures and jurists in the hopes of finding as many lectrices as possible: see INDBC, P2-25, letters relating to publication of the Traité.

89 Traité de droit usuel (Montreal: Lib. Beauchemin, 1910). Like the 1902 edition, which had run to several printings, the 1910 Traité was priced at 75 cents. Changes were minimal, essentially accounting for amendments to the C.C.LC (e.g., at para. 56 regarding civil death, with specific reference to the effect on religious communities) and infelicities of style in the original edition: see master copies with changes in Gérin-Lajoie's hand, INDBC, P2-24.

90 Traité de droit usuel (Montreal: Lib. Beauchemin, 1922). Apart from updates, this edition contains few changes, except the suppression of one of the rare sentences in the original edition which might have been contemplated as a criticism of the law rather than simple exposition. At para. 67 treating the incapacity of married women, the sentence “Cette incapacité est établie non comme une protection en sa [i.e., la femme] faveur, mais elle est à l'avantage exclusif de mari” was omitted. One suspects that this was effected as part of her failed effort to have the Traité accepted as obligatory in all schools under the Department of Public Instruction's control. See infra, note 100.

91 Gérin-Lajoie had addenda printed and asked the nuns to paste them into the 1922 edition as is evident from her instructions and materials in INDBC, P2-24.

92 First edition, 1000 copies; second edition, 1025 copies; third edition, 1035 copies, the unsold portion of which was used to paste together the fourth edition. See INDBC, P2-23, letter from H. Gérin-Lajoie to C.O. Beauchemin (9 April 1902); letter from M.L. Gérin-Lajoie to C.O. Beauchemin (31 March 1928); and letter from A. Valiquette to M.L. Gérin-Lajoie (20 March 1934).
transcripts of her lectures. It is divided into books, chapters and numbered paragraphs in classical French civilian style, Book I dealing with the rudiments of constitutional law and Book II entitled Civil Law of the Province of Quebec. The presentation is exegetical, speaking the truths about the areas of the law she chose to examine in simple, yet precise prose and stripped of references to specific provisions of law. Yet, it is manifestly everyday law, presented in keeping with the basic tenets of her apostolat juridique. The largest section of the constitutional law portion of the Traité is devoted to education, with topics such as Inspecteurs, Instituteurs and Enseignement taking up as much space in print as the paragraphs devoted elsewhere to the Governor General, the Senate and the House of Commons. Similarly, in the much longer Book II on private law, which follows quite closely the organization of the Civil Code in its presentation, topics relating to the family and the “vulgaire vie de tous les jours” are most prominent. She devoted proportionately more space to the law of persons and the law of marriage than to the law of contract and the law of insurance, for example, and when she tackled the latter subjects, she plainly did so with her natural audience in mind.

What is striking in reading the Traité today, however, is the clarity, precision and elegance of her prose. This pocket-sized “treatise” compares very favourably to some of the multiple-volume pavés generated by the conventional legal community in the same period.

Gérin-Lajoie’s own view of the Traité fit squarely within what I have described above as her commitment to improving women’s lives through education as part of an apostolat juridique. Not only was her aim to make readers “understand that their rights must walk hand in hand with their duties,” as she wrote in 1905 to a professor in a teachers’ college to whom she offered a free copy, but she also saw the Traité as a means of conferring “dignity, wisdom and seriousness [on women] in their everyday life. ... Having more decision and coherence in their business they will cooperate surely as real fellow labourers to [sic] their

93 Gérin-Lajoie’s exegetical style kept her close to the very text of the Code when possible (e.g., her word-for-word transcription of arts 79-81 C.C.L.C. in Traité, supra, note 4, para. 44, “Du domicile”) or to the classical principles upon which the basic law reposed (e.g., the distinction between enjoyment and exercise of rights in paras 46-48).

94 For example, the law of property rated some thirteen pages whereas the law relating to matrimonial property was accorded nearly double that space: Traité, supra, note 4, paras 114ff. and paras 65ff.
husbands and the prosperity of their family." The book was received on that very basis, and was generally well-received. She sought and secured approval from much of the English-speaking and French-speaking educational establishment, including Archbishop Paul Bruchési of Montreal and McGill Law Dean F.P. Walton, both of whose testimonial letters she reproduced in a preface to the published version. She saved an immense file of letters of thanks and accolades from teachers, both lay and religious; friends like herself committed to various forms of action sociale; family members; and a number of lawyers, judges and notaries. But the reaction from the Department of Public Instruction from whom she solicited approval for everyday law as obligatory in all schools was much less encouraging.

Given that Gérin-Lajoie’s personal views on the outdatedness of certain institutions of family law were kept out of the Traité in the name of scientific exposition of the positive law, it is hard to find in the text itself an explanation for several negative reactions the book received upon application for government approval in 1903. After some initial

---

95 INDBC, P2-25, draft letter from M.L. Gérin-Lajoie to Prof. D. Robertson, Sir William C. Macdonald Teachers’ College and College of Agriculture, St. Anne de Bellevue, Que. (26 June 1905).

96 These letters range from encouragement and support from many convent school teachers to cautious approval in principle, such as that offered by S.P. Robins, Principal of the McGill Normal School, who refused to include everyday law in the curriculum in spite of its “valeur inestimable”: INDBC, P2-25, letter from S.P. Robins to M.L Gérin-Lajoie (28 September 1903) at 5.

97 Bruchési had the manuscript read by two priests versed in civil and ecclesiastical law who approved the texts, subject to small adjustments in the chapter dealing with the church. He congratulated her: “Dans votre position, au milieu de vos occupations et de vos devoirs domestiques, vous avez su trouver des heures pour les consacrer à des études sérieuses... en cela vous avez imité les exemples et suivi les conseils qui vous furent donnés au foyer paternel et au pensionnat.” See INDBC, P2-25, letter from P. Bruchési to M.L Gérin-Lajoie (17 March 1902).

98 Walton wrote that the book would make law intelligible to the ordinary citizen, since “[t]he Civil Code is too abstract and condensed, and too full of latent history, for any body but a lawyer to understand it”: INDBC, P2-25, letter from F.P. Walton to M.L. Gérin-Lajoie (4 April 1902). Walton, well-known for his iconoclastic views on the necessity of amending Quebec law so men and women would be equals, began a long correspondence with Gérin-Lajoie in support of her law reform efforts: see, e.g., INDBC, P2-28, letter from F.P. Walton to M.L. Gérin-Lajoie (16 October 1912), encouraging her to take up the reform of matrimonial property law which he described as “antiquated and even ridiculous.”

99 See her files in INDBC, P2-25, which includes dozens of letters from “religieux et religieuses,” members of the legal community, and a letter from her mother, Lady Lacoste to M.L. Gérin-Lajoie (13 August 1902), who passed on congratulations but claimed it took all her energy and maternal affection to get through the book.
opposition, she did manage to secure approval for the *Traité* as optional reading for girls in their last years of school.\(^{100}\) She then began a long process of lobbying the individual members of the Catholic and Protestant Committees of the Department for Public Instruction in an effort to have the study of *droit usuel* made a required part of every young woman’s education. Not only did she assail officials with letters and petitions, she also enlisted the help of members of the clergy and the legal profession, but was turned away year after year.\(^{101}\) At her insistence in 1917, the Association des femmes d'affaires, one of the groups connected to the Fédération Nationale Saint-Jean Baptiste, made representations to the department to have everyday law made obligatory in the normal schools across the province. The petition detailed how basic notions of everyday law would allow women to ‘wisely’ arrange their own affairs and those of their families. Gérin-Lajoie had secured endorsements from some of Quebec's leading jurists including Antonio Perrault and Guy Vanier who both taught at Université Laval, notary Victor Morin who was then president of the Société Saint-Jean Baptiste and who would later sit on the Dorion Commission on the civil rights of married women, her father Alexandre Lacoste, and F.-A. Labelle, then president of the Board of Notaries.\(^{102}\) The petition was refused. She was rebuffed again in 1922 when Gérin-Lajoie sent the new edition of the *Traité* to the Superintendent, Cyrille Delage, who endeavoured to explain the department’s hesitation in embracing everyday law:

*J*e suis toujours heureux de prêter mon concours à ceux qui veulent donner à la femme, comme vous le dites, ‘une intelligence complète de sa vie et des répercussions légales qui

\(^{100}\) Paul de Cazes, secretary of the Catholic Committee wrote to Gérin-Lajoie to say approval had been withheld, “[L]a raison alléguée est que ce n'est pas un livre classique.” However Gérin-Lajoie protested, and the Superintendent of Public Instruction Boucher de LaBruère, who happened to be her cousin, wrote to say the Catholic Committee had reconsidered and that *droit usuel* would be approved as optional for girls in their seventh and eighth year of study: see INDBC, P2-25, letter from P. de Cazes to M.L. Gérin-Lajoie (15 September 1902) and letter from B. de LaBruère to M.L. Gérin-Lajoie (14 May 1903).

\(^{101}\) See, e.g., INDBC, P2-25, M.L. Gérin-Lajoie, “[Requête à] Monsieur le Surintendant et aux Honorables Membres du Conseil de l'Instruction Publique” (circa 1911) [unpublished], in which she argued that *droit usuel* was indispensable and formulated the very text of amendments which might be adopted as regulations.

\(^{102}\) See INDBC, P2-25, Florine Phaneuf, [Ass. femmes d'affaires], “Requête devant Monsieur le Surintendant et Messieurs les membres du Conseil de l'Instruction Publique” (janvier 1917) [unpublished] and list of supporters noted thereon in Gérin-Lajoie’s hand.
en résultent," mais toujours avec la plus grande précaution car je ne voudrais, en aucune manière, l'empêcher de remplir son rôle bienfaisant dans la famille et la société.103

It is indeed likely that it was the idea of teaching law to women, rather than the law that Gérin-Lajoie actually proposed to teach, that caused the conservative elements in the educational establishment to refuse everyday law as an obligatory part of every woman's education. In her petitions, Gérin-Lajoie endeavoured to point to precedents outside Quebec: civics classes in the United States and curriculum used for instruction in French normal schools, but to no avail. Law—even everyday law—seemed to be out of place in the department's view of a woman's world.

In spite of the support she was denied from Quebec City, Gérin-Lajoie succeeded in having courses in everyday law introduced into the curriculum of many schools after the publication of the Traité.104 As early as 1903 droit usuel was offered in a number of Montreal institutions, principally convent schools, and soon law was being taught in schools in Quebec City and Rivière du Loup.105 Situating the precise importance of courses in everyday law in the curriculum of convent schools and normal schools requires a sensitivity to the specific histories of those institutions, and particularly to the pedagogical106 and

---

103 INDBC, P2-25, letter from C. Delage, Superintendent of Public Instruction, to M.L. Gérin-Lajoie (21 April 1917):
[Trans.] I am always happy to lend my support to those who wish to give women, as you say, "a complete understanding of their lives and of the legal repercussions connected thereto," but always with the greatest precaution because I would not want, in any way, to preclude them from fulfilling their charitable role in the family and in society.

104 See INDBC, P2-27, M.L. Gérin-Lajoie, "Historique de l'enseignement du Droit usuel dans la Province de Québec" (circa 1928). This typed, two-page summary of the places and moments at which everyday law was taught is manifestly incomplete, as records of conferences actually given by Gérin-Lajoie in the same archives would suggest.

105 Ibid., in which Gérin-Lajoie explained that droit usuel had been approved by the Montreal school commission in October 1903, and was offered at such schools run by the Sœurs de la Congrégation Notre-Dame, the Sœurs des Saint noms de Jésus et Marie, the Sœurs du Bon Pasteur, among others, and to boys at the Institution du Mont Louis and the Collège Ste-Marie.

ideological context in which the *couventines* and their teachers worked. But what is striking, at a minimum, is that within both these institutions law—everyday law—had a meaningful place.

Between 1905 and 1915, courses on everyday law became an everyday matter for many women in Montreal. In addition to the classes offered to young students, other public lectures were given by Marie Gérin-Lajoie for teachers, nuns, and other interested *femmes du monde*. In 1905 Gérin-Lajoie organized a series of lectures on various topics of everyday law for teachers in the Montreal area, given at the École Bourgeois. That Monsignor Bruchési was enlisted to open the series no doubt dispelled the hesitation of some toward the lectures. Also, rather than giving all the conferences herself, Gérin-Lajoie had her father, Sir Alexandre, give lectures, as well as Judge M. Mathieu, a professor at the Université Laval, with whom she corresponded regularly on the merits of amending provisions of matrimonial law. The archives of the Institut have transcripts of courses or talks given in 1903, 1904 and 1905 at the McGill Normal School and at its Victoria College, at the Montreal chapter of the Women's Temperance Union and in various *cercles d'études*. Gérin-Lajoie introduced everyday law into the curriculum of the few institutions of higher education open to French-Canadian women at the time. Not surprisingly, everyday law fit particularly well into the programme offered in the *écoles ménagères*, founded in part by women in the Fédération in the early years of the twentieth century to provide an “éducation différenciée” for an elite of “mères-épouses-ménagères-éducatrices capables de perpétuer les valeurs traditionnelles.” Furthermore, when the École d'enseignement supérieur was founded and affiliated with Université Laval à Montréal in 1908 to offer full-fledged higher education to women, *droit usuel* was to

---


108 INDBC, P2-28.

109 N. Thivierge, “L’enseignement ménager, 1880-1970” in Fahmy-Eid & Dumont, *supra*, note 9, 119 at 123ff, detailed the role of the Fédération and the ideology of *action sociale* in the first *école ménagère* in Montreal, and one suspects that everyday law must have been wholly consonant with the rest of the pedagogical ethic. Gérin-Lajoie explained her support for the project of *écoles ménagères* and the place of everyday law therein in “De l’enseignement supérieur pour les femmes (suite)” *Le Journal de Françoise* (November 1905) 244 at 245.
be a mainstay of its curriculum; such that Marie Lacoste Gérin-Lajoie, mother, likely taught law to Marie J. Gérin-Lajoie, daughter, the first graduate of the École that was renamed Collège Marguerite Bourgeoys in 1926.

In 1914, at the behest of the Association des femmes professionnelles, a veritable "chaire de droit pour les femmes" was established at the Université Laval à Montréal and "practical courses on commercial law" were taught there in the evening by prominent jurists sympathetic to Gérin-Lajoie's apostolat. In 1915, Marie Gérin-Lajoie took over the teaching of this 'commercial' law course, and the Wednesday evening class took plainer shape as a course of droit usuel. In later years, the Fédération encouraged the Université de Montréal to establish courses on "instruction civique" for women which included teaching in "philosophie sociale," "action sociale" and everyday law. Gérin-Lajoie herself would continue giving courses on different topics of everyday law until 1936 when the death of her husband prompted her to retire from active teaching. The venues chosen to teach the droit usuel were, of course, telling as to the mission Gérin-Lajoie set for herself. Bringing law to women required bringing law into the educational world in which women moved, a world of convents, schools of household science and teachers' colleges where everyday law could come into its own. The terrain for the apostolat juridique was indeed far from the law faculties and lawyers' offices where law was taught in its more formal, public aspect. A parallel, less visible legal education was available to the

---

110 Copies of a series of eleven conferences given at the École d'enseignement supérieur, each of about thirty pages in length, are preserved in INDBC, P2-26, making up the whole of the private law curriculum of droit usuel. Gérin-Lajoie would adapt these texts for other audiences of different levels or interests.

111 On the history of the École, its ideological origins and the connection to both Gérin-Lajoies, see Danylewycz, supra, note 8 at 141-46.

112 See INDBC, P2-54, Programme de Cours pratique de droit commercial destinés à l'Association des femmes d'affaires de Montréal, Année 1914-1915, Université Laval. The first university programme in law for women was made up of sixteen evening classes, open to all women without charge, taught by Édouard Montpetit, Antonio Perrault, Alexandre Lacoste, Horace Archambault and Victor Morin, among others.

113 INDBC, P2-54, Cours pratiques de Droit commercial destinés à l'Association des femmes d'affaires de Montréal, Université Laval à Montréal, Faculté des arts, 1915-1916. The course reverted to the basics of commercial law in 1916 and later when taught by lawyer Guy Vanier.

114 See, e.g., INDBC, P2-54, Cours universitaire d'instruction civique pour les femmes, 1923.
French-Canadian women in this educational system close to family life and its values.

But everyday law had an even more effective entrée into the private sphere of the family after 1913 following the publication of the first issue of *La Bonne Parole*, the official magazine of the Fédération Nationale Saint-Jean Baptiste. Every month subscribers would be treated to a high-minded fare of social commentary; announcements of local, national and international events connected to the Catholic women’s movement; advice for the homemaker; and everyday law. The magazine bore the imprimatur of its co-founder and principal collaborator: if its title was not enough to convey Gérin-Lajoie’s basic message, the title page included a reference to the motto *Vers la Justice par la Charité* as well as an announcement that the magazine was seen by its editor as “un moyen de propagande pour la diffusion des principes catholiques d’action sociale.”\(^{115}\) Moreover, the tag for Gérin-Lajoie’s monthly column, “Entre Nous,” signalled the other purpose of the magazine—to enter the homes (and convents) of French-Canadian women and educate them in this intimate setting. Gérin-Lajoie made these colours most plain in her initial editorial.\(^{116}\)

*La Bonne Parole* served a variety of ends for Gérin-Lajoie and the Fédération: it was a means of contact with a disparate membership, and of announcing activities of the many organizations that were united under its banner as well as a means for taking stands on political and legal issues that most interested the women active in the Fédération. Much of the early struggle for the right to vote in Quebec was played out on the pages of the magazine,\(^{117}\) and positions were taken by Marie Gérin-Lajoie and others on topics such as the admission of women to the

---

\(^{115}\) As signs that the magazine was a tool for the *apostolat social* of the women that edited it, see M.-L. Bergeron, “Apostolat social” (1929) 17:1 La Bonne Parole 7 and Saint-Just, *supra*, note 54.

\(^{116}\) “Entre Nous” (1913) 1:1 La Bonne Parole 1 at 1:

“La Bonne Parole sera l’expression même du grand idéal qui a fait se grouper dans une pensée de haut patriotisme, toutes les femmes qui concourent à l’œuvre de charité, d’éducation, de travail qui s’exerce au sein de la race canadienne-française.”

[Trans.] “*La Bonne Parole* will be the expression of that great ideal which has brought together, in a spirit of high patriotism, all women wishing to collaborate in works of charity, education, and labour carried out among those of the French-Canadian race.”

\(^{117}\) See, e.g., Gérin-Lajoie, “Le vote féminin,” *supra*, note 58.
child welfare, French-Canadian identity, increased economic power for married women and, notably, the women’s movement in Quebec and beyond. And alongside all of this, La Bonne Parole was caught up in Gérin-Lajoie’s vocation as a law teacher. It regularly published articles designed to educate the lectrices, providing a tool for home study of law accessible to those women whose lives in the home kept them there but whose lives nevertheless commanded an understanding of the droit usuel. La Bonne Parole did not, of course, grace the shelves of Quebec’s law schools, nor did lawyers, notaries and judges reach for it in the course of their work. But while this journal does not show up in catalogues of official legal culture, it nevertheless represents a rich source for legal historians concerned with the less visible manifestations of that culture, particularly respecting the history of family law. Historians have begun turning to so-called gendered journals that flourished in the United States for new perspectives on nineteenth and early twentieth century business history, and the same curiosity for unofficial accounts of Quebec law can usefully be brought to the study of legal history beyond its recognized public expression.

Not surprisingly, the substance of everyday law as presented in lectures and her various publications reflected the spirit of Gérin-Lajoie’s apostolat juridique. Her work is too vast, too disparate to be susceptible to any useful generalized description. Above all, it is incomplete: while she saved transcripts on many of the classes she

---

118 “Entre Nous-Discours prononcé à une assemblée pour étudier la question d’un projet de loi qui permettrait aux femmes d’exercer les professions libérales” (1916) 3:12 La Bonne Parole 1.


120 Gérin-Lajoie regularly wrote of language, religion and family values as forming a “patrimoine national” for French-Canadians: see, e.g., “Entre Nous—Vocation du peuple canadien français (Fête de la St-Jean Baptiste, le 24 juin 1916)” (1916) 4:5 La Bonne Parole 1.


122 Gérin-Lajoie followed the activities of the Cercles de fermières (e.g., “Entre Nous—Compte rendu du Congrès des cercles de fermières, 22-23-24 octobre 1919” (1919) 7:11 La Bonne Parole 1), with whose leadership she did not always agree, and commented on the women’s movement in the United States and France (e.g., “Entre Nous—L’organisation sociale catholique aux États-Unis” (1920) 8:4 La Bonne Parole 3).

taught, many others were not saved. While her publications give some of the flavour of the everyday law, virtually every text she prepared went through four or five drafts, often differing radically one from the other, and others were never published. The archives of the Institut contain hundreds of pages of typed and handwritten lectures in various states of readiness for presentation, and drafts and half-drafts of many of her articles and pamphlets. Yet, in spite of the immensity of her output, certain substantive themes emerge consistently in everyday law. The law that Gérin-Lajoie presented was that which dealt most directly with the private life of the family, especially the law of persons, of marriage and the law relating to children. While she touched on many other subjects ranging from legal philosophy to Roman law and the sources of Quebec law, to commercial law and the technicalities of the law of payment, she remained mindful of her intended audience's needs and interests, and chose and presented her material accordingly. Thus, when she gave a course on the law of obligations, she would concentrate on the details of the household mandate that empowered a wife to oblige

124 Stored mostly in INDBC, P2, but several texts may be found in ANQ, P 120, supra, note 7 (the FNSJB papers). One is left with the image of her scribbling furiously in her home study on scraps of paper she saved from the wastebin—her parsimoniousness and her florid handwriting makes the discovery of everyday law particularly challenging.

125 Like the C.C.L.C., Gérin-Lajoie began lecture series with a study of persons, notably the concept of civil status as it related to different family members: e.g., Gérin-Lajoie, supra, note 81.

126 Many speeches and articles refer to the “condition juridique de la femme” by which she meant the status of women under the law of persons, notably as limited by the principle of the husband's marital authority and the wife's attending incapacity to exercise certain rights pursuant to arts 176 and 177 C.C.L.C. See, e.g., INDBC, P2-28, Rights and Obligations of Women under the Code, donnée devant le Women's Temperance Union, mars 1903.

127 Lectures on “La minorité” and the “condition juridique de l’enfant” would invariably extend to the principles of the puissance paternelle, which established parental authority in favour of the father alone during marriage pursuant to former art. 243 C.C.L.C.: see, e.g., INDBC, P2-26, “3e conférence donnée à l’École d’enseignement supérieur, C.N.D” (21 January 1909) at 2 [unpublished].

128 See, e.g., INDBC, P2-26, Gérin-Lajoie, “Première conférence, École [d'enseignement] supérieur” (circa 1908) at 13-15 [unpublished], wherein she lectured on the distinction between natural law (“stable ... et immuable comme toutes les œuvres divines”) and positive law (“varie avec les lieux et les peuples; il s’épuise avec la civilisation et porte l'empreinte des déchfacebooksites

129 She had a clear picture of the direct relationship between the ancien droit and the C.C.L.C. but did not hide her predilection for modern French authorities, nor did she hide her sense of distinctiveness of private law of “latin origin”: see, e.g., Gérin-Lajoie, supra, note 64.
her husband in spite of her incapacity, rather than less relevant aspects of the law of contract.\textsuperscript{130} When addressing the law of persons or the law of property, she would choose examples meaningful to women’s everyday lives.\textsuperscript{131} But judging from the time she devoted to the study and teaching of the topic, it was the law of matrimonial property regimes that constituted Gérin-Lajoie’s principal focus both in her lectures\textsuperscript{132} and in her texts prepared for home study.\textsuperscript{133}

Gérin-Lajoie began her conferences on the legal status of women by embracing a Christian ideal of marriage in explicit terms. Women fulfill themselves in marriage, she would teach, in accomplishing “les vues divines de la création, en s’élevant à la dignité d’épouse, et en prenant le titre auguste de mère.”\textsuperscript{134} The institution of marriage was part of a natural order whereby husband and wife join together to help

\begin{footnotes}
\item[130] See INDBC, P2-26, “9e Conférence à l’École [d’enseignement] supérieur” (circa 1909) at 13-15 [unpublished], wherein she explained the principles underlying the mandat domestique, alluding to the leading case of Hudon v. Marceau, [1878] L.C. Jurist 45 (Q.B.), without citing it by name.

\item[131] For example, to explain the concept of personne morale she would allude to the decision of a group of local women (including members of her family) to incorporate and found the Hôpital Ste-Justine: Gérin-Lajoie, supra, note 128 at 17. She sprinkled both spoken and written texts liberally with illustrations of women with everyday problems such as admitting a child to hospital, finding employment, opening bank accounts, etc.

\item[132] See, e.g., INDBC, P2, M.L. Gérin-Lajoie, “5e conférence à l’École [d’enseignement] supérieur” (circa 1909) [unpublished] [hereinafter “5e Conférence”], on the legal regime of community of property; and INDBC, P2-26, M.L. Gérin-Lajoie, “6e conférence à l’École [d’enseignement] supérieur” (circa 1909) [unpublished] [hereinafter “6e Conférence”], on the conventional regime of separation of property. She returned to the topic after the amendments of 1931 made to both regimes and the creation of the category of reserved property for married women in which she played such an important part: see, e.g., INDBC, P2-27, M.L. Gérin-Lajoie, “De l’incapacité de la femme mariée, De la communauté légale—Donnée aux Écoles ménagères provinciales, 3e leçon” (20 March 1934) [unpublished].

\item[133] See “Entre Nous—La condition légale de la femme mariée” (1913) 1:9 La Bonne Parole 1; “Condition légale de la femme II—Histoire vécue” (1914) 1:11 La Bonne Parole 2 [hereinafter “Condition légale de la femme II”]; “Condition légale de la femme III” (1914) 1:12 La Bonne Parole 2; and “Condition légale de la femme IV” (1914) 2:1 La Bonne Parole 2, a four-part essay on matrimonial law which includes an exposition of what she perceived as the advantages of community of property for women, the disadvantages of separation of property, and the reform the law cried out for in order to protect the unité morale de la famille.

\item[134] INDBC, P2-26, Gérin-Lajoie, “4e conférence donnée à l’École [d’enseignement] supérieur” [unpublished]. [Trans.] “[T]he divine objectives of creation by rising to the dignified station of wife and by taking the august title of mother.”
\end{footnotes}
one another, forming a *société domestique*. She would explain its legal
detail in precise terms, holding close to the logic of the *Civil Code* that
built the juridical edifice of marriage on the principle enunciated at
article 174 of the *Code*: “[a] husband owes protection to his wife; a wife
obedience to her husband.” She taught that the incapacity of the
married woman was unlike that afflicting minors, established for the
minor’s protection, since the incapacity of married women “est établie
uniquement pour assurer la suprématie du mari.”

She did not
explicitly advocate the suppression of the *puissance maritale*, perhaps in
deference to her sense of a natural order of things, but Gérin-Lajoie
taught her students that some of the limits on women’s economic power
were not justified by the *puissance’s* purpose. Nevertheless, misgivings
about incapacity, as a general rule, were always voiced with very carefully
chosen words.

But incapacity notwithstanding, women were able to achieve
their ‘sublime vocation’ in marriage, and the finest means to this end in
respect of their patrimonial interests was the legal matrimonial regime
of community of property. Gérin-Lajoie expressed in her lectures an
unwavering attachment to the legal community, seeing it as the surest
means for spouses to live out their respective roles of wife and husband
in marriage. She was undaunted by the fact that the legal community
was premised on the antithesis of equality of the spouses during
marriage. The *ancien droit*, consolidated as it was in the Lower Canada
codification of 1866, was said to have as its design for community the
principle of “les pouvoirs au mari et la protection à la femme.” Indeed,
articles 1292 and 1298 of the *Code* reflected the old French law whereby
the husband was “maître et seigneur de la communauté conjugale” and
the wife relied on his benevolence and certain safeguard devices built
into the regime for her protection. Yet, Gérin-Lajoie nevertheless saw
community of property as most in keeping with the interests of husband
and wife. By giving the wife the option to demand partition of
community property at dissolution, the legal regime provided a measure

---

135 This was not far from the traditional view: incapacity was not *propter imbecilitatem sexus*
but was said to find its justification in the inherently hierarchical nature of marriage: see, e.g., L.J.
Loranger, *De l’incapacité légale de la femme mariée* (Montréal: C. Théoret, 1901) at 2-3.

136 See, e.g., Gérin-Lajoie, *supra*, note 134 at 21ff. Typically she would direct her students to
the lessons of comparative law, pointing to jurisdictions where private law considered married
women to be the formal equals of their husbands in marriage.
of substantive equality for women at the end of marriage far more important than whatever (limited) formal equality they might enjoy under separation of property during marriage. For Gérin-Lajoie, a woman could take up her natural role as wife and mother in the home with the security that half of the family's wealth generated by her husband would be hers at dissolution. The community allowed men and women to fulfill their natural roles in marriage: “notre idéal d'un foyer bien ordonné persiste à faire de l'homme le soutien matériel de la famille, tandis que la femme en est le soutien moral.”

But her support for the legal community was not unqualified. She took strong exception to the nearly unfettered powers of administration that the husband exercised over community property during the life of the regime. Her lobbying would contribute to its amendment in 1931, but until that time article 1292 of the Code provided that a husband could not only dispose of common property without his wife’s consent by onerous title, he could also give away common property without asking her permission, providing he did so without fraud. Citing modern French law as her guide, she taught that these powers given to the husband were exorbitant, far in excess of what he needed respecting his otherwise natural role as head of the household. A further imperfection hindered the community from realizing its full potential as a safeguard of family interests. The salaries of both spouses, designated as common property during marriage, fell necessarily under the control of the husband. But Gérin-Lajoie was aware that increasingly the women in her audiences were entering the workplace: “si la femme est mère avant d'être ouvrière,” she wrote to the readers of La Bonne Parole in 1927, “on ne saurait fermer les yeux

---

137 For Gérin-Lajoie—and for art. 185 C.C.L.C. (repealed by An Act to Amend the Civil Code, S.Q. 1969, c. 74, s. 5)—dissolution of marriage could only be brought about by death, although she took care to explain that women could protect themselves by dissolving their matrimonial regime, through legal separation or judicial separation of property, while leaving the sacred bond of marriage intact.

138 Gérin-Lajoie, supra, note 64 at 15. [Trans.] "our ideal of the well-ordered home continues to be based on the man as the material support for the family, whereas the woman provides its moral support."

139 See Gérin-Lajoie, supra, note 62 at 19-21, in which she argued that the Quebec legislature should adopt the principle of art. 1422 of the French Code civil limiting the husband's power to dispose of immovable property of the community by gratuitous title without the consent of his wife. Article 1292 C.C.L.C. was 'modernized' on this very basis within two years of Gérin-Lajoie making her case by An Act to Amend the Civil Code, 1930-31.
cependant au nombre de femmes mariées qui, sous la poussée d'événements quelquefois bien douloureux, sont obligées de gagner leur vie.”

She taught—indeed sometimes distinguishing teaching and demands for law reform in her work is a difficult task—that women should be given powers of administration over the proceeds of their work during the life of the community. Again she cited modern French law which, in 1907, had given married women such control over their salaries, and she contended that married women in Quebec, whatever their matrimonial regime, should be accorded the same powers. Her primary preoccupation was not equality, but rather helping women deal with what she called the sad reality of those who were forced out of the home to work when their husbands failed in their duties. Following the amendments brought to matrimonial law which reserved administration of personal earnings to married women, Gérin-Lajoie was even more inclined to see the legal community as an ideal prototype for marriage.

Perhaps the clearest signal of Gérin-Lajoie’s apostolat in the substance of everyday law was her deep suspicion of voluntarism—notably freedom of contract and freedom of willing—in family relations. While the animating theme of family law of the day has appropriately been characterized as autocratic and paternalistic, the wide discretion family members had at the outset of marriage and in contemplation of death to arrange their patrimonial affairs as they saw fit gave the law some of the liberal flavour shared by the Code’s books on property and obligations. Future spouses were virtually unrestricted in their freedom to fix the patrimonial cadre for their relations in

---

140 Gérin-Lajoie, supra, note 64 at 15-16.

[Trans.] “while the woman's role is that of mother before it is that of worker, one cannot however ignore the number of married women who, prompted by circumstances that are sometimes most difficult, are obliged to go out and earn a living.”

141 As a teaching device to make her point she alluded to the facts of a well-known case in which a husband used his powers over community property to empty his wife's bank account without her consent: Bonin v. La Banque d'Épargne de la Cité et du District de Montréal (1923), 34 B.R. 322, cited in ibid. at 16.

142 See her renewed expression of faith in the legal community in INDBC, P2-27, “Des divers régimes matrimoniaux, [conférence donnée aux Écoles ménagères provinciales]” (circa 1934) at 2-3 [unpublished].
marriage, and freedom of willing, under article 831 of the Code, was unrestricted by the reserve or légitime known to French law. In her lectures Gérin-Lajoie denounced this wide freedom as a means for future husbands to avoid their natural responsibilities in marriage. But she took greatest exception to what she felt was the irresponsible behaviour of women in not knowing their rights when they signed marriage contracts, a genteel, but wrongheaded, innocence that "imprime à tout notre sexe un caractère dégradant." As she told a class in 1905,

Il faut chercher à en sortir, ce n'est pas seulement par une fierté légitime mais c'est surtout par un pressant besoin de devoir; c'est la conscience [et] c'est le sentiment de la responsabilité qui doit nous imposer l'obligation de nous lier sciemment.

She taught her students that freedom in this context was an anti-freedom: "Liberté de contrat et liberté de testament qui n'est que l'écrasement du faible par le fort." She took particular exception to women adopting the regime of separation as to property in marriage contracts, her lectures often amounting to what she described as "mise ... en garde contre ces renonciations irréfléchies à la communauté légale et la passation de contrats dont l'équité est trop souvent

---

143 Articles 1257-1259 C.C.L.C. only restricted the future spouses from covenants against public order and good morals, including derogations from "the rights incident to the authority of the husband over the persons of the wife and the children, or belonging to the husband as the head of the conjugal association" (art. 1259).

144 She argued the case against voluntarism in letters to Hon. P.-B. Mignault who espoused the view that it would be impossible to limit freedom of contract or willing by legislation without radically upsetting society: see INDBC, P2-29, letter from P.-B. Mignault to M.L. Gérin-Lajoie (17 March 1914).

145 Gérin-Lajoie, supra, note 78 at 23.

[Trans.] "One must endeavour to overcome [this genteel, but wrongheaded, innocence], not only through legitimate pride in ourselves but mostly by a pressing sense of duty; it is consciousness and responsibility that together impose an obligation on us to enter into contracts knowingly."

146 "Condition légale de la femme II," supra, note 133 at 3.

147 She saw the regime of separation as a threat to women who sought to fulfill their natural destiny as mothers in the home, and her lectures on this regime constantly warned women of its inherent inequality at dissolution for all but the richest of women: see, e.g., "6e Conférence," supra, note 132 at 15ff.
absente."\(^{148}\) Her solution to the problem was above all the education of women so that they would understand the consequences of separation of property and encourage their husbands to opt for the community. A woman versed in everyday law would be in a position to make an informed choice and not be at the mercy of her own ignorance. Again in this instance, the substance of family law, transformed by Gérin-Lajoie into everyday law, reflected the fundamental principles of her *apostolat juridique*.

**CONCLUSION**

The history of law teaching in Quebec has largely been told as a history of buildings or, at best, as a history of the people who occupied those buildings, rather than as a history of ideas.\(^{149}\) Yet it seems fair to suggest, on the strength of the forty-year teaching career of Marie Lacoste Gérin-Lajoie, that the buildings and their occupants only account for a formal or public part of that history.\(^{150}\) In the period between 1895 and 1935, during which Gérin-Lajoie embarked on her *apostolat juridique* to teach everyday law to women across the province, law teaching had an intellectually vigorous private dimension having little or nothing to do with the usual buildings, the usual people and the usual ideas. Retrospectively, Gérin-Lajoie's presence is not felt nor even suspected, at least not directly, unless one moves away from the buildings and people generally depicted as dominating legal education. There was, it would seem, a less visible side to the institutional life of legal education. By shaping law into everyday law in her lectures and

\(^{148}\) Gérin-Lajoie, “Condition légale de la femme II,” *supra*, note 133 at 2, in which she analyzed for readers a marriage contract in which a woman agreed to separation and accept several small gifts worth $40,000 at the time of marriage at the behest of a husband: “Voilà, mesdames qui vous fait frémir, et c'est bien là ce que j'ai éprouvé moi-même en lisant cet acte que je qualifierai de criminel.”

\(^{149}\) There are some notable exceptions: e.g., J.E.C. Brierley, “Quebec Legal Education Since 1945: Cultural Paradoxes and Traditional Ambiguities” (1986) 10 Dalhousie L.J. 5; and Macdonald, *supra*, note 61.

\(^{150}\) In this sense, Gérin-Lajoie's story is different from those of women who broke into the often unwelcoming legal professions at various moments in twentieth century Canadian history. For an account of the entry of one of Gérin-Lajoie's contemporaries into the 'public' world of law, see C. Backhouse, “‘To Open the Way for Others of my Sex’: Clara Brett Martin's Career as Canada's First Woman Lawyer” (1985) 1 C.J.W.L. 1.
Apostolat juridique

scholarship, Gérin-Lajoie showed that law teaching was not restricted to the law faculties, the law libraries and the lawyers' offices conventionally thought of as the only places where one learned about law. She taught law to women in the institutions closest to the private sphere of family life. Her classrooms were first and foremost the home itself, and next the home once removed: convent schools, normal schools, écoles ménagères, study circles and temperance union meetings in which her Traité and articles circulated most freely. Inspired by devotional zeal and enabled by social opportunity, Gérin-Lajoie decided to bring law into the private world of the family so that women would understand the rights and duties inherent to their roles in life as wives and mothers. Teaching law for Gérin-Lajoie was part of a mission, an apostolat juridique, which was law's guide not only as to form but also as to substance. A careful reading of the body of everyday law is suggestive not only of a parallel world of law teaching, but a parallel dimension of the law itself. Droit usuel was not the exegetical law that dominated the discourse of early twentieth century law faculties, nor was it an account of folk law or customary law that exists in every legal system. Instead, droit usuel drew on both the exegetical reality of the formal law and the popular sensibility of how law was perceived in the setting of the family. Everyday law was a mediating institution between formal and informal normative expressions, its sources and sensibilities reflecting a normative richness lost to the formal law which it purported to contextualize for women students and readers. Family law was described differently as droit usuel, and it may be fair to suggest that we should adjust our understanding of early twentieth century law to take into account its perspective. Indeed new insight as to the meaning and perceived meaning of the incapacity of married women, the community of property, and the puissance paternelle can be gained from reading Gérin-Lajoie's articles and lecture notes. Historicizing the family law of the period invites an exploration of how law was contemplated in the private world of the family.

151 On the links among codal exposition, lawyers' professionalism and the scholarship of the period, see S. Normand, "Une analyse quantitative de la doctrine en droit civil québécois" (1982) 23 C. de D. 1009, especially at 1013-16; and R.A. Macdonald, "Understanding Civil Law Scholarship in Quebec" (1985) 23 Osgoode Hall L.J. 572, especially at 592-99.

152 For a telling account of how popular custom constitutes a source of law in the area of law that interested Gérin-Lajoie most, see M. Ferron & R. Cliche, Les Beaucerons ces insoumis, suivi de Quand le peuple fait la loi (LaSalle, Que.: Hurtubise HMH, 1982) at 279-90.
In recent years, some scholars have suggested that there are two spheres of activity for law: first, the public sphere of human relations regulated and monitored by law; and, second, an unregulated, private sphere for interaction among women and men where the state and law seem shy to intervene. Often the family is held up as an example of this domain of the private, where values of privacy and freedom are invoked to keep law out and, often to the detriment of those economically vulnerable, to keep the family unregulated. The history of everyday law suggests that there may have been an early twentieth century response from within the private sphere to teach and to learn the everyday workings of a discipline otherwise thought of as having little to do with the everyday family. Marie Lacoste Gérin-Lajoie's work evokes a private world regulated not only by law, but by droit usuel.

\footnote{153 For a well-known presentation of these ideas emphasizing family relations, see K. O'Donovan, \textit{Sexual Divisions in Law} (London: Weidenfeld and Nicolson, 1985).}