

# CONSTITUTIONAL CURRENTS



E-Newsletter



## Upcoming Webinars

### Is the Supreme Court of Canada the Most Powerful Court in the World?

Wednesday, November 16, 2022

12:00pm-1:00pm MDT

Speaker: Richard Albert

Moderator: Richard Mailey



[Register Here](#)

## Recent Webinars

### A Nation in Crisis? The Legacy of the Charlottetown Accord

Wednesday, October 26, 2022

12:00-1:30pm MDT

Panelists: Guy Laforest, Marion Sandilands, Wendy Moss, Susan Delacourt

Moderator: by Ian Peach

[watch here](#)

## RECENT WEBINARS

### CONSTITUTIONALIZING CRIMINAL LAW

OCTOBER 14, 2022

### THE ALBERTA SOVEREIGNTY ACT: WHERE DO WE GO FROM HERE?

OCTOBER 5, 2022

### ONLINE CHARTER SERIES: PROPERTY RIGHTS AND THE CHARTER

SEPTEMBER 29, 2022

### FISCAL FEDERALISM IN THE WAKE OF THE ALBERTA EQUALIZATION REFERENDUM

MAY 26, 2022

## The Problem of "Awful but Lawful" Speech: Law and Policy Responses to Online Extremism

Monday, October 17, 2022

12:15-1:15pm MDT

Panelists: Richard Moon,  
Carissima Mathen, Emily Laidlaw

Moderator: Dax D'Orazio

[watch here](#)

## Upcoming Podcasts

The Centre is pleased to announce the release of two new podcast series.



[Listen Here](#)

**Free Expression: The Future of a Fundamental Freedom** is hosted by the Centre's research affiliate Dax D'Orazio. The series includes interviews with a number of legal experts and addresses important questions, including: Why is free expression so important for democratic societies? When can a state or community legitimately restrict expression? And why has debate about free expression become so polarized on university campuses and across society?

### CAN WOMEN'S EQUAL RIGHTS SLAY THE NOTWITHSTANDING CLAUSE?

MAY 18, 2022

### THE FEDERAL IMPLICATIONS OF MODERN ENVIRONMENTAL REGULATION IN CANADA

MAY 16, 2022

### SELECTED STUDENT ARTICLES

#### *R v Bissonnette: The Weight of Human Dignity*

Zachary Fischer

#### Interpretive Prism or Shield? A Primer on Section 25 of the Charter

Hassan Ahmed

#### Bill C-7: Addressing the Gaps in the Regulation of Medical Assistance in Dying

Tina Tai

#### Hate Speech and Freedom of Expression: The Constitutionality of the Trudeau Government's Plans to Criminalize Holocaust Denial

Hassan Ahmed

## Reproductive Rights Podcast Coming Soon

This year's CCS summer students elected to produce a four-part podcast series on the constitutional implications of abortion regulation in Canada. The students conducted interviews with four experts on reproductive rights: Kerri Froc (New Brunswick), Rachael Johnstone (Dalhousie), Joanna Erdman (Dalhousie), and Marie Gordon. The series will tell the story of how abortion was decriminalized in Canada, and will consider how the Constitution might be used to address ongoing controversies regarding abortion regulation and funding.

coming soon

## Upcoming Conferences

### McDonald Lecture

November 25, 2022



This year's McDonald Lecture will be delivered by Jacob Mchangama, Executive Director of Justitia and the author of *Free Speech: A History From Socrates to Social Media*. Jacob also hosts a renowned podcast, *Clear and Present Danger*.

More details to come.

coming soon

## STUDENT INTERVIEWS

[Q&A With Professor Leah West: The Emergencies Act and the "Freedom Convoy" \(Tina Tai\)](#)

[Q&A With Dr Dave Guenette: Quebec's Bill 96 \(Zachary Fischer\)](#)

[Q&A With Federico Diaz Chacon: Constitution-Making in Chile \(Hassan Ahmed\)](#)

## RECENT CONFERENCES

[Legacies of Patriation Conference](#)

[April 21-22, 2022](#)

[In 1982, Canada "patriated" its Constitution, shedding an important vestige of UK control, entrenching fundamental rights and freedoms, and instituting procedures for formal constitutional change. Over the ensuing decades, Canada has experienced profound social, political, legal and institutional change. This fortieth anniversary conference provided an opportunity to examine patriation and its many, varied legacies.](#)

## Global Summit on Constitutionalism

March 16-18, 2023

The Global Summit on Constitutionalism will be held in Austin, Texas and our Centre will be sponsoring a keynote lecture by Professor Linda Colley. Professor Colley is a constitutional historian at Princeton and the author of *The Gun, the Ship and the Pen: Warfare, Constitutions and the Making of the Modern World*.

More details to come.

coming soon

## Constitutional Crossroads Conference

January 12-14, 2023

The conference is co-sponsored by the Review of Constitutional Studies and aims to bring together a group of interdisciplinary academics, judges, and lawyers to discuss the future of constitutionalism in Canada and beyond.

More details to come.

coming soon

## USchool

October 4, 2022

Grade 5 students from Prince Charles Elementary School participated in a workshop on federalism and the Constitution led by University of Alberta law students and under the supervision of the Centre for Constitutional Studies.

## RECENT SYMPOSIUM

### Reimagining Rivers: Rethinking and Reframing Environmental Jurisdiction

Friday, June 10, 2022

Jointly organized by the Centre for Constitutional Studies and the Environmental Law Centre, the Symposium brought together a group of academics, municipal and other politicians, and members of civil society groups to examine the ways in which constitutional jurisdiction and legal rights impact the flourishing of the environment. This was the culmination of a year-long webinar series which explored jurisdictional hurdles that impact the thriving of our environment, as well as innovative approaches to rethinking our relationship with it.

# Review of Constitutional Studies/ Revue d'études constitutionnelles

## Recently Published: Volume 26.1 (2022)

Available in print and online through HeinOnline and EBSCO.

Published by the Centre for Constitutional Studies since 1993, the Review is Canada's only peer-reviewed, interdisciplinary, academic journal dedicated to the exploration and analysis of constitutional law and theory.

To subscribe, please email [ccslaw@ualberta.ca](mailto:ccslaw@ualberta.ca).



## Articles

Treaty Renewal and Canadian Constitutional Politics  
*Daniel Sherwin*

The Administrative State after the Carbon Tax  
References  
*Paul Daly*

Interlocutory Stays in Charter Challenges: An  
Alternative to the Private Law  
*Nathaniel Reilly*

Limiting Rights to Protect Morality: Upholding  
Charter Values as a Pressing and Substantial  
Objective  
*Mark Friedman & Anthony Sangiuliano*

## Book Review

Review of Peter H Russell, *Sovereignty: The  
Biography of a Claim*  
*Joshua Nichols*

## Review Essay

Unsettled and Free in the Here and Now  
*Pablo Ouziel*

**UPCOMING: SPECIAL DOUBLE ISSUE**

**SPECIAL DOUBLE ISSUE VOLUME 26.2 AND 27.1  
FROM THE CHARTER AT 40 CONFERENCE**

# Constitutional Forum/ Forum constitutionnel

**Recently Published: Volume 31.1 (2022), Volume 31.2 (2022)**

Published by the Centre for Constitutional Studies since 1989, the Constitutional Forum constitutionnel (Forum) is available free of charge through the University of Alberta Online Journal System (OJS). Articles published draw from many disciplines, including law, history, economics, political science, sociology and philosophy. The Forum's publication schedule and the reasonably short turnaround time from submission to publication allow the Forum to provide insightful commentary on current topics of Canadian and international constitutional importance.



## Volume 31.1 Articles

Covid, Courts, Communists  
and Common Sense  
*David M. Beatty*

Mandatory Covid-19  
Vaccinations and the  
*Charter*  
*Colton Fehr*

Minority Language School  
Boards and Personal  
Federalism in Canada –  
Recent and Ongoing  
Developments  
*Dave Guénette & Félix  
Mathieu*

## Volume 31.2 Articles

Introduction: Special Issue  
on *Dickson v Vuntut Gwitchin  
First Nation*, 2021 YKCA 5  
*Amy Swiffen*

Checking our Attachment to  
the *Charter* and Respecting  
Indigenous Legal Orders: A  
Framework for *Charter*  
Application to Indigenous  
Governments  
*Naiomi Metallic*

Towards a Renewed  
Relationship: Modern Treaties  
& the Recognition of  
Indigenous Law-Making  
Authority  
*Kate Gunn*

*Dickson v Vuntut Gwitchin  
First Nation*, Section 25 and  
a Plurinational *Charter*  
*Amy Swiffen*

Doctrine Calling: Inherent  
Indigenous Jurisdiction in  
*Vuntut Gwitchin*  
*Ryan Beaton*

The Paradox of Political  
Questions in Canadian  
Aboriginal Law: Why *Dickson  
v Vuntut Gwitchin First  
Nation* Requires  
Reconsideration of the  
Political Questions Doctrine  
in Canada  
*Robert Hamilton*

# Student Articles and Key Terms

**Toronto v Ontario: Municipal Elections, Freedom of Expression, and Provincial Authority**  
Hassan Ahmed

**Our Constitution’s “Most Basic Normative Commitments”? Unwritten Constitutional Principles, Municipal Elections, and Democracy**  
Hassan Ahmed

**Interpretive Prism or Shield? A Primer on Section 25 of the Charter**  
Hassan Ahmed

**Hate Speech and Freedom of Expression: The Constitutionality of the Trudeau Government’s Plans to Criminalize Holocaust Denial**  
Hassan Ahmed

**Bill C-7: Addressing the Gaps in the Regulation of Medical Assistance in Dying**  
Tina Tai

**Innocent if Intoxicated? Part 1: Before *Brown***  
Zachary Fischer

**Innocent if Intoxicated? Part 2: The *Brown* Decision**  
Zachary Fisher

***R v Bissonette*: The Weight of Human Dignity**  
Zachary Fischer

***Emergencies Act***

***Paramountcy***

***Remedies***

***Section 28: Gender Equality***

Tina Tai

***Human Dignity***

Hassan Ahmed

***Section 9: Detention or Imprisonment***

***Section 10: Rights Upon Arrest and Detention***

***Section 11(d): The Presumption of Innocence***

***Section 12: Cruel and Unusual Punishment or Treatment***

Zachary Fischer