

# Constitutional Forum constitutionnel: Volume 31.1 (2022)

In this issue, edited by Colton Fehr (Assistant Professor, Simon Fraser University), and Jean-Christophe Bedard-Rubin (SJD candidate at the Faculty of Law of the University of Toronto and a Joseph Armand Bombardier Scholar) both Research Affiliates with the Centre for Constitutional Studies:

- **David Beatty** (Professor Emeritus, U of Toronto) makes a compelling case for clear, concise, and comprehensible judgments from the courts that focus on common sense and proportionality. This would put an end to the fixation people have with their rights, he says, such that our duty not to harm others would become a first priority. In this way, explaining when and why vaccination mandates are legal, for example, could mark a watershed in the history of law;
- **Colton Fehr** (Assistant Professor, Simon Fraser University) urges Canadian governments to impose vaccine mandates as other countries have done, but to carefully craft penalties for violation if they are to ensure that the mandates do not violate the Charter of Rights and Freedoms;
- **Dave Guénette** (Postdoctoral Fellow, Faculty of Law, McGill University) and **Félix Mathieu** (Assistant Professor in the Department of Political Science at the University of Winnipeg) argue that the Superior Court of Quebec's ruling on the constitutionality of the Act Respecting the laicity of the State (Bill 21) where the Court exempted English-language school boards from its application, leads to the question whether English language school boards in Quebec are becoming a constitutionally protected order of (local) government. To answer the question, they examine the historical and constitutional background of local governments in Canada, the recent and ongoing developments in Quebec, and then conclude with observations about what the evolution of minority educational rights (section 23 of the Charter of Rights and Freedoms) could mean for concepts such as 'personal federalism' in Canada.

**Articles:**

1. [Covid, Courts, Communists and Common Sense](#)  
David M. Beatty
2. [Mandatory Covid-19 Vaccinations and the Charter](#)  
Colton Fehr
3. [Minority Language School Boards and Personal Federalism in Canada -  
Recent and Ongoing Developments in Quebec](#)  
Dave Guénette & Félix Mathieu