Under the Canadian Charter of Rights and Freedoms, there is a growing body of jurisprudence which reflects ongoing debates about who should ultimately maintain control of the formal and informal curriculum in our schools. In these cases, debates about curricular battles play out through rights conflicts, which our courts are required to resolve. These conflicts typically involve claims relating, directly or indirectly, to fundamental freedoms such as freedom of religion and freedom of expression as well as claims associated with the right to equality.

In Professor Clarke’s presentation, he provides a critique of some relevant case law while drawing on the theoretical work of Rob Reich and Jeremy Waldron. Reich suggests that our best hope of understanding and resolving the curricular struggles related to the control of children's education requires a balanced approach whereby we attempt to reconcile the educational interests of three primary actors: parents, the state and children. Waldron maintains that rights conflicts are fundamentally about conflicts of duties and that we are likely to have more success reconciling conflicts of rights when we conceive of these conflicts in this manner.

Paul T. Clarke holds graduate degrees in French, education, and law. He is a professor in the Faculty of Education at the University of Regina. His research focuses primarily on constitutional law and public education in Canada. His most recent publication is Understanding Curricular Control: Rights Conflicts, Public Education and the Charter (2013, The Althouse Press, U.W.O.).

Monday, September 16, 2013
12pm (noon)
College of Law, Room 150
MacPherson Leslie & Tyerman LLP Lecture Theatre

Everyone welcome!