

described. No project can be effective without leadership, cooperation, commitment and dedication. Yet one is certain that there must have been some conflict, minor power struggles and some despair. The author perhaps was aware that the previous articles in the book presented sufficient negativism and, therefore, did not address such issues.

It is not possible to pay tribute to all of the contributors in a short review. Through this reviewer's rose-colored glasses, the authors made an impact. In most cases, one wishes to seek out other articles by the authors. The book is not for easy after dinner reading; it does not flow from front to back. It is, however, mandatory reading for persons interested in and dedicated to school improvement. It is indeed a pleasure to be stimulated by the great minds in school improvement. It is hoped that educators will read it, react to it and be motivated to respond to the challenges inherent in the text.

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Manley-Casimir, M.E., & Sussel, T.A. (1986). *Courts in the classroom: Education and the Charter of Rights and Freedoms*. Calgary, Alberta: Detselig Enterprises Ltd., 244 pp., \$16.95 (paper).

No adult living in Canada — or for that matter in the United Kingdom — could have been entirely unaware of the political turmoil which surrounded the adoption of the *Constitution Act*, 1982. With varying degrees of interest, excitement, hope or cynicism, Canadians reacted to their new Constitution and the *Canadian Charter of Rights and Freedoms*. The judicial meaning still obscured by the need for legal decisions, the emotive wording of Section 15 of the Charter which guaranteed to all Canadian “equality before and under law and equal protection and benefit of law” demanded attention. If it was clear that the rights and freedoms guaranteed by the Charter would “make a difference” to Canada’s educational institutions, it was less clear what the nature and scope of the difference was likely to be.

The collection of essays which resulted largely from the fourth National Policy conference held at Simon Fraser University (June, 1983) is an attempt to alert all those with responsibilities for educational governance to the need for examining current policies and practices. The essays cover four major topics: (1) the potential impact of the Charter on the rights of students and teachers; (2) perspectives on the interaction between education and the Charter for minorities; (3) the potential impact of the Charter on educational policymaking; and (4) a survey of recent constitutional trends in Charter jurisprudence and education.

Will the Charter “make a difference” to students? In describing Canada as “a deferential society” MacKay cautions that it is too soon to tell. While there are some signs that societal attitudes toward the rights of children are changing, students of school age are generally viewed as part of a family unit. In Canada, the doctrine of *in loco parentis* is still firmly entrenched and the extensive, largely unregulated, authority of parents over children is not affected by the Charter. Consequently, there is not likely to be any immediate impact from the Charter on the rights of young students. However, MacKay does believe that section 7 of the Charter which guarantees everyone “the right to life, liberty and security of person” may bring about changes in the way school rules are enforced. In examining the equality provisions embedded in the Charter, Cruickshank contends that there is the potential for litigation based not on a child’s right to education but on “a demand for equal *opportunity* to receive an education suited to the child’s individual *needs*” (p. 70).

What impact will the charter have on teachers whose lifestyles are restricted currently by denominational school boards? Magsino describes the clash between individual rights and freedoms guaranteed by section 2 of the Charter and the constitutionally entrenched denominational rights upheld by section 29 as a new paradigm in constitutional law which “is marked by the supremacy of the Charter to determine legal entitlements of individuals and groups in this country” (p. 77). Since denominational school boards are not protected unambiguously, the problem is a highly complex one. Whatever the rights of denominational schools to preserve their Catholic culture, Magsino warns that the impact on the courts of prevailing societal values which emphasize personal freedom should not be underestimated.

The second section of the book offers some background understanding of the interaction between minority rights and education. By sketching the Japanese Canadian experience and outlining the issue of aboriginal rights of Native peoples, Berger reminds us of the *need* for the specificity of section 15 which disallows discrimination “based on race, national or ethnic origin, colour, religion, sex, age or mental or physical ability.” At the very least, the Charter “will offer minorities a place to stand, ground to defend, and the means for others to come to their aid” (p. 104).

Magnet’s exploration of the potential problems for school systems which could stem from the right to mother tongue instruction in English or French “where numbers warrant” is alarming.

Section 23 is unlike other rights enumerated in the Charter . . . it can reorder priorities for

the expenditure of public funds; it can require the construction of schools; it can reorder the allocation of educational television networks; it can require the redrawing of school districts; . . .  
(p. 112)

On the other hand, judicial decisions are not made in a cultural vacuum. Irving reminds us that “the extent of the protection afforded by a charter of rights

can vary greatly with the political tides as judges are appointed whose views reflect those of the politicians of the day'' (p. 119).

Some groups have no guaranteed rights. For those groups who have chosen private schooling, there is no guarantee that future provincial governments will permit (never mind support) alternative schooling. Olthuis stresses some omissions in the charter: (a) education is not a stated basic right, and (b) other than the language rights granted by section 23, parents have no stated rights to select among educational alternatives.

Despite some possibility of an initial reluctance to believe that study of the American scene is necessary, Canadian educators may be well advised to read such papers as the ones by Stephen Arons and Arthur Wise in the third section. While Judith Anderson is of the opinion that the ''individual rights'' granted by the *Constitution Act, 1982*, may not result in as much litigation in Canada as has been the case in the United States she does believe that European and American legal precedents may influence the judiciary.

In conclusion, Sussel and Manley-Casimir provide an overview of recent trends in Charter jurisprudence with respect to education. They contend that ''developing the most desirable combination of constitutional protections and administrative practices no doubt will become one of the most important issues on the Canadian education agenda in the years and decades ahead'' (p. 228).

Of course, the full impact of the Charter has still not been judicially determined but no one who reads this book could remain unaware that the ''taken-for-granted'' aspects of school authority and educational practice must be examined. If educators do not ensure that policies adhere to the evolving understanding of the *Canadian Charter of Rights and Freedoms*, it is likely that the result will be long and costly litigation.

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