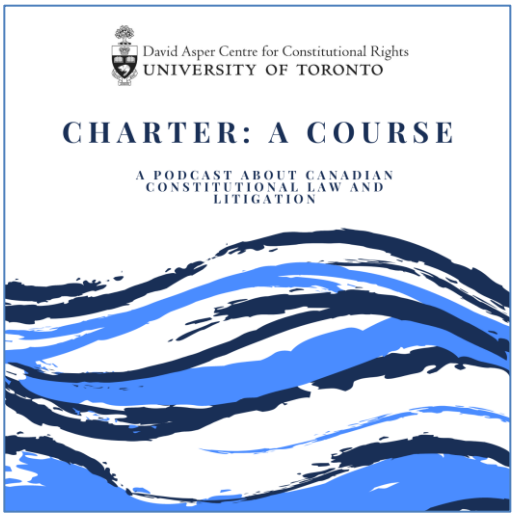
# Charter: A Course podcast




## Season 5, Episode 1: Charter History

In this episode, we explore the origins of the how the Canadian Charter of Rights and Freedoms came to be. In the first part, Professor Adam Dodek of the University of Ottawa discusses the political negotiations, constitutional debates and work of the Special Joint Committee on the Constitution that shaped the Charter, including the origins of section 33, the notwithstanding clause.

We then speak with constitutional lawyer Mary Eberts, who played a significant role in drafting section 15, about the advocacy that helped shape the Charter's equality provisions, the development of substantive equality, and the questions raised by Quebec's Bill 21 litigation.

Please note: This episode was recorded in Fall 2025, before the Supreme Court of Canada heard the Bill 21 appeal, otherwise known as the *Hak* case, in March of 2026. A decision was still awaited at the time of release of this episode.

Find a full transcript of this episode here.

### Cases and other resources

The following cases are discussed in the episode:

- R. v. Drybones, [1970] S.C.R. 282
- Attorney General of Canada v. Lavell, [1974] S.C.R. 1349
- Bedard v. Dawson, [1972] S.C.R. 681
- Bliss v. Canada (Attorney General), [1979] 1 S.C.R. 183
- Reference re Resolution to Amend the Constitution, [1981] 1 S.C.R. 753 (Patriation Reference)
- R. v. Oakes, [1986] 1 S.C.R. 103
- Ford v. Quebec (Attorney General), [1988] 2 S.C.R. 712
- Irwin Toy Ltd. v. Quebec (Attorney General), [1989] 1 S.C.R. 927
- R. v. Morgentaler, [1988] 1 S.C.R. 30
- Hunter v. Southam Inc., [1984] 2 S.C.R. 145
- Vriend v. Alberta, [1998] 1 S.C.R. 493
- Andrews v. Law Society of British Columbia, [1989] 1 S.C.R. 143
- Hak c. Procureur général du Québec, 2021 QCCS 1466 (CanLII)

Constitutional and legislative resources:

- Canadian Charter of Rights and Freedoms
- Canadian Bill of Rights
- Quebec's Act respecting the laicity of the State (Bill 21)

Books by Adam Dodek discussed in this episode:

- The Charter Debates: The Special Joint Committee on the Constitution, 1980–81 and the Making of the Canadian Charter of Rights and Freedoms (University of Toronto Press, 2018)
- Constitutional Challengers: The Heroes, Villains, and Crusaders Behind Some of Canada's Biggest Cases (Dundurn Press, 2026)

## About the podcast series

Charter: A Course is a podcast created by the David Asper Centre for Constitutional Rights at the University of Toronto's Jackman Faculty of Law and hosted by the Centre's Executive Director, Cheryl Milne.

Each episode is co-produced by a Jackman Law student who helps shape the topic, connect with guests, and develop the questions for our conversations. The podcast explores Canadian constitutional law and litigation, including the meaning and application of rights under the Canadian Charter of Rights and Freedoms.

## Thank you

We would like to acknowledge the land from which our podcast is recorded. For thousands of years, this has been the traditional territory of the Wendat Nation, the Seneca, and the Mississaugas of the Credit. Today, it remains home to many Indigenous peoples from across Turtle Island, and we are grateful to live and work here. As you listen to this podcast from your own location, we invite you to take a moment to reflect on the land you are on, and the Indigenous communities connected to it, both historically and today.

Thank you to our guests, Professor Adam Dodek and Mary Eberts, and to University of Toronto Jackman Faculty of Law student Romina Hajizadeh for her contributions to the production of this episode. Thank you as well to producer Tal Schreier for all her work behind the scenes.

Thank you to our audio producer, Liam Morrison of Bell Room Media Solutions.

Thank you to the creators of our theme music, "Charter a Course." Constitutional law professor Howie Kislowicz and law professor Rob Currie licensed their constitutional law shanty to us in exchange for a donation to the Calgary Food Bank. The song is performed by Vanessa Carroll, Rob Currie, Howie Kislowicz, Avinash Kowshik, Anna Lund, Patricia Paradis, Elin Sigurdson, Lyle Skinner, and Dave Wright.