

# Grégoire Webber, M.S.M.

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## CONTACT INFORMATION

Queen's University  
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## ACADEMIC APPOINTMENTS

**Queen's University, 2014-**  
Canada Research Chair in Public Law and Philosophy of Law

- Professor of Law, 2020- ; Associate Professor of Law, 2014-2020
- Cross-appointed to the Department of Philosophy, 2018-
- Founding convenor, Colloquium in Legal and Political Philosophy, 2015-

**London School of Economics and Political Science (LSE), 2009-2014**  
Associate Professor of Law, 2012-2014; Assistant Professor of Law, 2009-2012

- Major Review Teaching Prize, 2012

## VISITING APPOINTMENTS

**London School of Economics and Political Science (LSE)**  
Visiting Senior Fellow, LSE Law School, 2015-

**Université Panthéon-Assas (Paris II)**  
Villey Fellow, Institut Michel Villey, 2023  
*Enseignant invité*, Institut Michel Villey, 2011-2013

**University of Oxford (Faculty of Law and St John's College), 2023**  
Visiting Researcher (Trinity Term)

## EDUCATION & PROFESSIONAL QUALIFICATIONS

**University of Oxford (Balliol College), 2004-2008**  
Doctorate of Philosophy (DPhil) in Law

- Trudeau Scholar, Pierre Elliott Trudeau Foundation
- Graduate Teaching Assistant in Human Rights, 2005-2007
- Captain, Oxford University Ice Hockey Club (OUIHC)

**Law Society of Ontario, 2004-**  
Barrister and Solicitor

**McGill University, 1999-2003**  
Bachelor of Common Law & Bachelor of Civil Law (*Great Distinction*)

- Valedictorian, Convocation Ceremonies
- Editorial Board, McGill Law Journal
- Chief Justice Laskin Constitutional and Administrative Law Moot, 2003
- Dean's Honour List and recipient of a number of awards

## PROFESSIONAL EXPERIENCE

**Supreme Court Advocacy Institute, 2006-**  
Executive Director (and joint founder)

- The Institute offers to all counsel with an appeal before the Supreme Court of Canada a free oral advocacy session with a panel of experienced barristers
- More than 67% of cases before the Court benefit from the Institute's advocacy program annually
- Received a Meritorious Service Medal (M.S.M.) from the Governor General of Canada for improving 'access to justice for all Canadians' and

for increasing ‘the effectiveness and the quality of advocacy before the Court’

**Department of Justice, Government of Canada**

Legal Agent, 2017-

- Appointed by the Deputy Minister of Justice and Deputy Attorney General of Canada to provide legal advice to the Department of Justice on key files

**Office of the Minister of Justice and Attorney General of Canada, Government of Canada (Trudeau ministry)**

Legal Affairs Advisor to the Honourable Jody Wilson-Raybould, 2016-2017

- Principal areas of responsibility focused on the Attorney General of Canada’s role as the Chief Law Officer of the Crown providing legal advice to the Government of Canada and having carriage of litigation involving Canada
- Participated in the development of the *Principles respecting the Government of Canada’s relationship with Indigenous peoples*, the introduction of Charter Statements to accompany every government bill, the appointment of Supreme Court Justices, and other initiatives in relation to Indigenous justice and the Charter of Rights and Freedoms

**Privy Council Office, Government of Canada**

Senior Policy Advisor, 2008-2009, part-time 2009-2012

Policy Advisor, 2007-2008

- Drafted Memoranda to Cabinet and briefing notes to the Prime Minister and Ministers and provided briefings to Ministers and senior staff
- Principal areas of responsibility included democratic, electoral, and parliamentary reform and supporting legislative drafting and litigation in related areas

CLERKSHIPS

**Supreme Court of Canada, 2003-2004**

Chambers of the Honourable Justice W. Ian C. Binnie

**Quebec Court of Appeal (student clerkship), 2001-2002**

Chambers of the Honourable Justice André Rochon

DISTINCTIONS &  
MAJOR AWARDS

**Governor General of Canada**

Meritorious Service Medal, 2015

Academic Medal (Bronze), 1997

**Royal Society of Canada**

College of New Scholars, Artists and Scientists, 2019

**Chevrette-Marx Annual Lecture in Constitutional Law**

Delivered the 2019 Lecture at the Université de Montréal

**Pierre Elliott Trudeau Foundation**

Trudeau Scholar, 2004-2007

PUBLICATIONS

**Monographs**

1. *The Political Constitutions* (under contract with Cambridge University Press) (*with* Graham Gee)
2. *Droits et droit* (Montréal: Thémis, 2020), xvii, 62 pp.

3. *Legislated Rights: securing human rights through legislation* (New York: Cambridge University Press, 2018; paperback edition 2019) (with Richard Ekins, Maris Köpcke, Bradley Miller, Francisco Urbina, Paul Yowell), xi, 209 pp.
4. *The Negotiable Constitution: On the Limitation of Rights* (Cambridge: Cambridge University Press, 2009; paperback edition, 2012), viii, 231 pp.

#### **Edited collections**

5. *Constitutional dialogue: rights, democracy, institutions* (Cambridge: Cambridge University Press, 2019) (edited with Geoffrey Sigalet and Rosalind Dixon) xi, 471 pp.
6. *Proportionality and the Rule of Law: Rights, Reasoning, Justification* (New York: Cambridge University Press, 2014; paperback edition, 2016) (edited with Grant Huscroft and Bradley Miller), ix, 421 pp.
7. *The Limitation of Charter Rights: Critical Essays on R. v. Oakes / La limitation des droits de la Charte : Essais critiques sur l'arrêt R. c. Oakes* (Montreal: Thémis, 2009) (edited with Luc B Tremblay) iv, 181 pp.

#### **Journal articles**

8. 'The notwithstanding clause and the precedent in *Ford: le dit et le non-dit* (2023) *Constitutional Forum* (forthcoming)
9. 'What *Oakes* could have said (or how else to read a limitation clause)' (2023) 112 *Supreme Court Law Review* (2d) \_\_\_-\_\_
10. 'Vignettes of insight' (2022) 67 *American Journal of Jurisprudence* 327-348
11. 'Notwithstanding rights, review, or remedy? On the notwithstanding clause and the operation of legislation' (2021) 71 *University of Toronto Law Journal* 510-538
12. 'Legislación, derechos humanos y derechos legislados' (2021) 12 *Revista del Centro de Estudios Constitucionales* 81-135
13. 'The Rule of Law in a pandemic' (2021) 46 *Queen's Law Journal* 317 (with Victoria Carmichael)
14. '*Legislated Rights* and contemporary constitutional government' (2020) 11 *Jurisprudence* 632-644 (with Richard Ekins)
15. '*Legislated Rights* in the real world' (2020) 21 *Jerusalem Review of Legal Studies* 145-170 (with Paul Yowell)
16. 'A conservative disposition and constitutional change' (2019) 39 *Oxford Journal of Legal Studies* 526-552 (with Graham Gee)
17. 'Legislated Rights in the Anglo-American Tradition' (2018) 10 *Faulkner Law Review* 129-169 (with Richard Ekins)
18. 'Judicial power and judicial responsibility' (2017) 36 *University of Queensland Law Journal* 205-220

19. 'Loyal Opposition and the political constitution' (2017) 37 *Oxford Journal of Legal Studies* 357-382
20. 'The Question Why and the Common Good' (2017) 8 *Jurisprudence* 99-109
21. 'Asking why in the study of human affairs' (2015) 60 *American Journal of Jurisprudence* 51-78
22. 'Eulogy for the constitution that was' (2014) 12 *International Journal of Constitutional Law* 468-486
23. 'Parliament and the Management of Conflict' [2014] *Public Law* 101-112
24. 'Rationalism in Public Law' (2013) 76 *Modern Law Review* 708-734 (with Graham Gee)
25. 'Rights and the Rule of Law in the Balance' (2013) 129 *Law Quarterly Review* 399-418
26. 'A Grammar of Public Law' (2013) 14 *German Law Journal* 2137-2155 (with Graham Gee)
27. 'Some Internal Points of View and the Study of Law' (2012) 28 *Constitutional Commentary* 325-345
28. 'L'activité politique et la constitution de Westminster' (2012) 9 *Jus politicum* 1-17
29. 'The Polycentricity of Political Financing' [2012] *Public Law* 310-327
30. 'What is a Political Constitution?' (2010) 30 *Oxford Journal of Legal Studies* 273-299 (with Graham Gee)
31. 'Proportionality, Balancing, and the Cult of Constitutional Rights Scholarship' (2010) 23 *Canadian Journal of Law and Jurisprudence* 179-202
32. 'The Unfulfilled Potential of the Court and Legislature Dialogue' (2009) 42 *Canadian Journal of Political Science* 443-465
33. 'L'utilisation de la procédure de l'avis consultatif devant la Cour suprême du Canada : Essai de typologie' (2003) 82 *Canadian Bar Review* 757-780 (with François Chevrette)

#### **Chapters in edited collections**

34. 'Rights and the law's progressive measures' in *Rights and Institutional Relationships*, ed. Emmett McFarlane (University of Toronto Press, forthcoming 2024)
35. 'The notwithstanding clause, the operation of legislation, and judicial review' in *The Notwithstanding Clause and the Canadian Charter: Rights, Reforms, and Controversies*, ed. Peter Biro (McGill-Queen's University Press, forthcoming 2023)

36. 'Can the constitution of a fruit fly be written?' in Michelle Dempsey and François Tanguay-Renaud (eds) *From morality to law and back again: Liber amicorum for John Gardner* (Oxford: Oxford University Press, forthcoming 2023) 17-34
37. 'Opposition' in Richard Bellamy and Jeff King (eds) *The Cambridge Handbook of Constitutional Theory* (Cambridge: Cambridge University Press, forthcoming 2023)
38. 'Human goods and human rights law' in *The Cambridge Handbook of Natural Law and Human Rights*, eds. Tom Angier, Iain Benson, and Mark Retter (Cambridge University Press, 2022) 324-337
39. 'Human rights and justice' in Mortimer Sellars and Stephan Kirste (eds) *Encyclopaedia of the Philosophy of Law and Social Philosophy* (Springer, 2021)
40. 'Proportionality and limitations on freedom of speech' in Frederick Schauer and Adrienne Stone (eds) *The Oxford Handbook of Freedom of Speech* (Oxford: Oxford University Press, 2020) 173-192
41. 'The duty to govern and the Rule of Law in an emergency' in Colleen Flood, Jane Philpott et al (eds), *Vulnerable: The Law, Policy, and Ethics of COVID-19* (Ottawa: University of Ottawa Press, 2020 and [online](#)) 175-182
42. 'Past, present, and justice in the exercise of judicial responsibility' in Geoffrey Sigalet, Grégoire Webber, and Rosalind Dixon (eds) *Constitutional dialogue: rights, democracy, institutions* (Cambridge: Cambridge University Press, 2019) 129-160
43. 'The "What" and "Why" of Constitutional Dialogue' in Geoffrey Sigalet, Grégoire Webber, and Rosalind Dixon (eds) *Constitutional dialogue: rights, democracy, institutions* (Cambridge: Cambridge University Press, 2019) 1-31 (with Geoffrey Sigalet and Rosalind Dixon)
44. 'Proportionality and absolute rights' in Vicki Jackson and Mark Tushnet (eds) *Proportionality: New Frontiers, New Challenges* (Cambridge: Cambridge University Press, 2017) 75-99
45. 'On the loss of rights' in Grant Huscroft, Bradley W Miller, and Grégoire Webber (eds) *Proportionality and the Rule of Law: Rights, Reasoning, Justification* (New York: Cambridge University Press, 2014) 123-154
46. 'Introduction' in Grant Huscroft, Bradley W Miller, and Grégoire Webber (eds) *Proportionality and the Rule of Law: Rights, Reasoning, Justification* (New York: Cambridge University Press, 2014) 1-17 (with Grant Huscroft and Bradley W Miller)
47. 'Originalism's Constitution' in Grant Huscroft and Bradley W Miller (eds) *The Challenge of Originalism: Theories of Constitutional Interpretation* (New York: Cambridge University Press, 2011) 147-178
48. 'Legal Reasoning and Bills of Rights' in Richard Ekins (ed) *Modern Challenges to the Rule of Law* (Wellington: Lexis Nexis, 2011) 143-164

49. 'La disposition limitative de la Charte canadienne : une invitation à définir les droits et libertés aux contours indéterminés' in Luc B Tremblay and Grégoire Webber (eds) *The Limitation of Charter Rights: Critical Essays on R. v. Oakes / La limitation des droits de la Charte : Essais critiques sur l'arrêt R. c. Oakes* (Montreal: Thémis, 2009) 37-57
50. 'Introduction: La fin de Oakes?' in in *The Limitation of Charter Rights: Critical Essays on R. v. Oakes / La limitation des droits de la Charte : Essais critiques sur l'arrêt R. c. Oakes*, eds. Luc B Tremblay and Grégoire Webber (Montreal: Thémis, 2009) 1-12 (*with* Luc B Tremblay)

CONTINUING  
JUDICIAL  
EDUCATION

**The Cambridge Lectures**

Invited Speaker, Canadian Institute for Advanced Legal Studies, Cambridge, UK, 07/2023

**Federal Court of Appeal**

Speaker, Federal Court of Appeal Education Seminar, National Judicial Institute, Kingston, Ontario, 10/2019

**Court of Appeal for Ontario**

Honorary Guest Speaker, Judges' Education Seminar, Stratford, Ontario, 06/2018

COMMUNITY  
SERVICE

**Royal Society of Canada**

- Member, Selection Committee (Law/Politics/Business), College of New Scholars, 2020

**Pierre Elliott Trudeau Foundation**

- Member, Application and Nomination Review Committee, 2021
- Founding President and Executive Committee member, Trudeau Foundation Alumni Association, 2010-2013

**Parliament of Canada**

- House of Commons Legislative Committee on Bill C-20, invited to testify in 2008 as a public servant with joint policy responsibility for Bill C-20, Senate Appointments Consultation Act
- House of Commons Standing Committee on Justice and Human Rights, invited to testify in 2006 during the Committee's review of s. 25.1 of the Criminal Code, which authorises public officers and others to commit acts or omissions that would otherwise constitute offences

**Queen's University**

- Member, Vice Principal (Research)'s Nomination Committee for the Canada Excellence Research Chair in World Constitutions, 2022
- Chair (joint), Strategic Plan 2021-2026 Implementation Committee, 2022
- Chair, Renewal, Tenure, and Promotion Committee, 2020-2022
- Chair (joint), Committee for the Faculty of Law 2020-2026 Strategic Plan, 2020-2021
- Member, Principal's Advisory Committee for selecting the new Dean of Law, 2018-2019
- Senator (Law), Queen's Senate, 2018-2019
- Member, Faculty of Law Appointments Committee, 2015-2016, 2017-2018

**London School of Economics**

- Director, Summer School Law Programme, 2012-2014

- Director, Double Degree Programme with Columbia Law School, 2010-2014
- Faculty representative, Strategic Planning Committee, 2012-2014
- Member, Research Quality Investment Fund (RQIF) special appointments committee, 2012-2013

#### **Editorial boards**

- Modern Law Review, 2013- ; American Journal of Jurisprudence, 2019- ; Canadian Journal of Law and Jurisprudence, 2015- ; Queen's Law Journal (joint Faculty advisor), 2015- ; Hart Publishing, Constitutional Systems of the World monograph series, 2011-2016

#### **GRANTS & AWARDS**

#### **Social Science and Humanities Research Council (SSHRC)**

- Insight Grant, 2021-2024, \$85,725
- Institutional Grant, 2020-2021, \$6,870
- Canada Research Chair (Tier 2) (renewed), 2019-2024, \$650,000
- Canada Research Chair (Tier 2), 2014-2019, \$650,000
- Insight Development Grant, 2017-2019, \$58,181

#### **Queen's University**

- Catalyst Fund, 2020-2021, \$24,725
- Research Leaders' Fund, 2017-2019, \$48,200