

# Grégoire Webber, M.S.M.

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CONTACT INFORMATION	Queen's University 128 Union Street Kingston, Ontario K7L 3N6 Canada	<a href="mailto:gregoire.webber@queensu.ca">gregoire.webber@queensu.ca</a> <a href="http://law.queensu.ca/directory/gregoire-webber">law.queensu.ca/directory/gregoire-webber</a>
ACADEMIC APPOINTMENTS	<b>Queen's University</b> Canada Research Chair in Public Law and Philosophy of Law (Tier 2), 2014- Associate Professor of Law, 2014- <ul style="list-style-type: none"><li>• Cross-appointed to the Department of Philosophy, 2018-</li><li>• Founding convenor, Colloquium in Legal and Political Philosophy, 2015-</li></ul> <b>London School of Economics and Political Science (LSE)</b> Associate Professor of Law (formerly: Senior Lecturer in Law), 2012-2014 Assistant Professor of Law (formerly: Lecturer in Law), 2009-2012 <ul style="list-style-type: none"><li>• Major Review Teaching Prize, 2012</li></ul>	
VISITING APPOINTMENTS	<b>Princeton University</b> Faculty member, Seminar on the Moral Foundations of Law (James Madison Program), Department of Politics, 2020- <b>London School of Economics and Political Science (LSE)</b> Visiting Fellow, Department of Law, 2015- <b>Université Panthéon-Assas (Paris II)</b> <i>Enseignant invité</i> , Institut Michel Villey, 2011-2013	
EDUCATION	<b>University of Oxford</b> (Balliol College) Doctorate of Philosophy (DPhil) in Law, 2004-2008 <ul style="list-style-type: none"><li>• Dissertation: <i>Limitation of Constitutional Rights as a Negotiating of Political Legitimacy</i></li><li>• Committee: John Finnis, Leslie Green, Richard Bellamy</li><li>• Trudeau Scholar, Pierre Elliott Trudeau Foundation</li><li>• Graduate Teaching Assistant in Human Rights, 2005-2007</li></ul> <b>McGill University</b> Bachelor of Common Law (LLB) & Bachelor of Civil Law (BCL) (Great Distinction), 1999-2003 <ul style="list-style-type: none"><li>• Minor concentration in Philosophy</li><li>• Valedictorian, Convocation Ceremonies (2003)</li><li>• Dean's Honour List, 1999-2003; J.W. McConnell Entrance Scholarship, 1999-2003; John W. Cook, K.C. Prize, 2003; Stanley Kandestin, Q.C. Prize, 2003; Maurice Goldenberg Memorial Scholarship, 2002; Law Students Association Graduating Student Award, 2003; Alan Neil Assh Award 2003; course prizes</li><li>• Chief Justice Laskin Constitutional and Administrative Law Moot, 2003</li><li>• McGill Law Journal (editorial board, book reviews editor), 2000-2002</li></ul>	
PROFESSIONAL QUALIFICATIONS	<b>Law Society of Ontario</b> Barrister and Solicitor, 2004-	

PROFESSIONAL  
EXPERIENCE

**Supreme Court Advocacy Institute**

Executive Director, 2006-

- 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
- Approximately 50% of cases before the Court benefit from the Institute's advocacy program annually
- In 2015, received from the Governor General of Canada a Meritorious Service Medal (M.S.M.), citing the Institute's work in increasing 'the effectiveness and the quality of advocacy before the Court' and in improving 'access to justice for all Canadians'

**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 services to the Department of Justice

**Office of the Minister of Justice and Attorney General of Canada,  
Government of Canada**

Legal Affairs Advisor, 2016-2017

- Principal areas of responsibility focused on the Minister's role as Attorney General of Canada, being the chief law officer of the Crown providing legal advice to the Government of Canada and having carriage of litigation involving Canada

**Privy Council Office, Government of Canada**

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

Policy Advisor, 2007-2008

- Principal areas of responsibility included democratic, electoral, and parliamentary reform and supporting legislative drafting and litigation in related areas
- Drafted Memoranda to Cabinet and briefing notes to the Prime Minister and Ministers and testified before a parliamentary committee on a bill's policy justification

**Parliament of Canada, House of Commons**

- Legislative Committee on Bill C-20, 2008 (testified as a public servant with joint policy responsibility for Bill C-20, Senate Appointments Consultation Act)
- Standing Committee on Justice and Human Rights, 2006 (invited to testify on s. 25.1 of the Criminal Code on the basis of my article, 'Legal Lawlessness and the Rule of Law')

CLERKSHIPS

**Supreme Court of Canada**

Chambers of the Honourable Justice W. Ian C. Binnie, 2003-2004

**Quebec Court of Appeal** (student clerkship)

Chambers of the Honourable Justice André Rochon, 2001-2002

DISTINCTIONS  
AND AWARDS

**Royal Society of Canada**

College of New Scholars, Artists and Scientists, 2019-

**Governor General of Canada**

Meritorious Service Medal, 2014

## **Pierre Elliott Trudeau Foundation**

Trudeau Scholar, 2004-2008

### RESEARCH

#### **Books**

1. *Droits et droit* (Montréal: Thémis, forthcoming 2020)
2. *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.
3. *The Negotiable Constitution: On the Limitation of Rights* (Cambridge: Cambridge University Press, 2009; paperback edition, 2012), viii, 231 pp.

#### **Edited collections**

4. *Constitutional dialogue: rights, democracy, institutions* (Cambridge: Cambridge University Press, 2019) (*edited with* Geoffrey Sigalet and Rosalind Dixon) xi, 471 pp.
5. *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.
6. *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**

7. 'A conservative disposition and constitutional change' (2019) 39 *Oxford Journal of Legal Studies* 526-552 (*with* Graham Gee)
8. 'Legislated Rights in the Anglo-American Tradition' (2018) 10 *Faulkner Law Review* 129-169 (*with* Richard Ekins)
9. 'Judicial power and judicial responsibility' (2017) 36 *University of Queensland Law Journal* 205-220
10. 'Loyal Opposition and the political constitution' (2017) 37 *Oxford Journal of Legal Studies* 357-382
11. 'The Question Why and the Common Good' (2017) 8 *Jurisprudence* 99-109
12. 'Asking why in the study of human affairs' (2015) 60 *American Journal of Jurisprudence* 51-78
13. 'Eulogy for the constitution that was' (2014) 12 *International Journal of Constitutional Law* 468-486
14. 'Parliament and the Management of Conflict' [2014] *Public Law* 101-112
15. 'Rationalism in Public Law' (2013) 76 *Modern Law Review* 708-734 (*with* Graham Gee)

16. 'Rights and the Rule of Law in the Balance' (2013) 129 *Law Quarterly Review* 399-418
17. 'A Grammar of Public Law' (2013) 14 *German Law Journal* 2137-2155 (with Graham Gee)
18. 'Some Internal Points of View and the Study of Law' (2012) 28 *Constitutional Commentary* 325-345
19. 'L'activité politique et la constitution de Westminster' (2012) 9 *Jus politicum* 1-17 ([online](#))
20. 'The Polycentricity of Political Financing' [2012] *Public Law* 310-327
21. 'What is a Political Constitution?' (2010) 30 *Oxford Journal of Legal Studies* 273-299 (with Graham Gee)
22. 'Proportionality, Balancing, and the Cult of Constitutional Rights Scholarship' (2010) 23 *Canadian Journal of Law and Jurisprudence* 179-202
23. 'The Unfulfilled Potential of the Court and Legislature Dialogue' (2009) 42 *Canadian Journal of Political Science* 443-465
24. '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 Chevette)

### **Book chapters**

25. '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
26. '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)
27. 'Proportionality and absolute rights' in Vicki Jackson and Mark Tushnet (eds) *Proportionality: New Frontiers, New Challenges* (Cambridge: Cambridge University Press, 2017) 75-99
28. '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
29. '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
30. 'Legal Reasoning and Bills of Rights' in Richard Ekins (ed) *Modern Challenges to the Rule of Law* (Wellington: Lexis Nexis, 2011) 143-164

31. '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

### **Forthcoming publications and work-in-progress**

32. 'Legal Obligation, Natural Rights, and Positive Rights' in Tom Angier, Iain Benson, and Mark Retter (eds) *The Cambridge Companion to Natural Law and Human Rights* (Cambridge: Cambridge University Press, expected 2022)
33. 'Opposition' in Richard Bellamy and Jeff King (eds) *The Cambridge Handbook of Constitutional Theory* (Cambridge: Cambridge University Press, expected 2021)
34. '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, expected 2021)
35. '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, expected 2020)

### **MEDIA**

'The faulty received wisdom around the notwithstanding clause' (*with* Robert Leckey and Eric Mendelsohn) (*IRPP Policy Options*, 10 May 2019)

'Une idée reçue sur la disposition dérogatoire' (*with* Robert Leckey and Eric Mendelsohn) (*IRPP Options politiques*, 10 May 2019)

'The Charter Party and the work of Parliament' (*IRPP Policy Options*, 27 January 2016)

Interview with editor: 'Grégoire Webber, de LSE: "Una Constitución debe ser del pueblo, por el pueblo y para el pueblo"' *Pulso* [Chile] (26 April 2016)

Interview with editor: 'Grégoire Webber y proceso constituyente: "La gente tiene que reconocer a la nueva constitución como la válida"' *Pulso* [Chile] (23 September 2015)

'The Two Party System Is Imperfect, but More Effective' *The New York Times: Room for Debate* (9 September 2015)

'Our nine-person amending formula' *The National Post* (29 June 2015) (online title: 'Changing the constitution is easy — if you're a Supreme Court Justice')

'The Current System Holds Parties and Candidates to Account' *The New York Times: Room for Debate* (6 May 2015)

'Judges transcend political labels' (*with* Lorne Sossin) *The Globe & Mail* (18 December 2014)

'Charte des valeurs québécoises - Où sont les bombes, Madame Marois?' *Le*

*Devoir* (9 September 2013)

'From London, Marois's view of British multiculturalism sounds odd' *The Montreal Gazette* (12 September 2013)

'Most of us are not bilingual, so our leaders must be' *The Ottawa Citizen* (20 April 2010)

'Bilingual Justice and Legal Competency' *The Mark News* (15 April 2010)

'The Demise of Public Discourse' *The Mark News* (7 May 2009)

'Pour un vrai discours public' (2008) 1 *Génération d'idées* 19 (with Stéphanie Vig)

'Le mariage homosexuel, la Cour suprême et le Parlement – Le dit et le non-dit' *Le Devoir* (15 December 2004)

## TEACHING

### **Queen's University**

Colloquium in Legal and Political Philosophy, 2015, 2017-2019, 2021-  
Constitutional Law, 2018-2019, 2020

Public Law, 2018

Advanced Constitutional Law, 2018-2019

Contracts, 2014-2016

Law and Philosophy, 2015

Graduate Legal Studies Forum, 2015

### **London School of Economics and Political Science**

Jurisprudence, 2009-2014

Public Law, 2009-2014

Legal Research and Writing Skills, 2013-2014

Jurisprudence and Legal Theory, 2011-2013

Comparative Constitutional Law, 2009-2012

Protection of Rights at English Law (Summer School), 2010-2013

International Human Rights Law (Summer School), 2011

### **Université Panthéon-Assas (Paris II)**

Fondements du droit public (graduate seminar), 2011-2013

### **University of Ottawa (Common Law)**

Democratic Rights and Electoral Law (undergraduate seminar), 2009

### **University of Oxford**

Comparative Human Rights (BCL tutorials), 2005-2007

## COMMUNITY SERVICE

### **Royal Society of Canada**

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

### **Federal Court of Appeal**

Faculty, 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

**International Association of Constitutional Law**

Executive Committee member, 2014-2016

**Pierre Elliott Trudeau Foundation**

Trudeau Foundation Society (alumni association)

Founding President and Executive Committee member, 2010-2013

**UNIVERSITY  
SERVICE****Queen's University**

Reader, Major Admission Award (for undergraduate applicants), 2019-2020

Member (Law), Senate, 2018-2019

Member, Principal's Advisory Committee for selecting the new Dean of Law,  
2018-2019

Member, School of Policy Studies Transition and Implementation Working  
Group, Office of the Provost and Vice-Principal (Academic), 2018

**Queen's University (Faculty of Law)**

Chair (joint), Committee for the 2020-2025 Strategic Plan, 2020

Program Director, Public and Constitutional Law (JD concentration), 2019-

Member, Appointments Committee, 2015-2016, 2017-2018

Faculty Advisor, Queen's Law Journal, 2015-2016, 2017-2020

Coach (joint), Chief Justice Laskin Moot in Constitutional and Administrative  
Law, 2015, 2016

Chair (joint), Visiting Speakers series, 2014-2015

**London School of Economics (Department of Law)**

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

Member, LLM Admissions Committee, 2009-2010

Course co-convenor, Legal Research and Writing Skills course LL4F9, 2013-  
2014

Course convenor, Introduction to English Law LL101 (Summer School), 2012-  
2014

Advisor, LLB students, 2014

Advisor, LSE General Course [visiting] students, 2009-2012

**University of London (International Programmes)**

Deputy Chair, Undergraduate Laws Committee, 2011-2014

Chair, Institutions Panel, 2011-2014

Member, Academic Committee; Member, Institutions Sub Committee, 2011-  
2014

**OTHER  
PROFESSIONAL  
SERVICE****Editorial boards**

Modern Law Review, 2013-

American Journal of Jurisprudence, 2019-

Canadian Journal of Law and Jurisprudence, 2015-

Hart Publishing, Constitutional Systems of the World monograph series, 2011-2016

**Refereeing for monographs**

Cambridge University Press  
Oxford University Press  
Hart Publishing

**Refereeing for journals**

American Journal of Jurisprudence  
Australian Journal of Legal Philosophy  
Canadian Journal of Law and Jurisprudence  
Critical Review of International Social and Political Philosophy  
Current Legal Problems  
European Journal of Political Theory  
Global Constitutionalism  
Jurisprudence  
Law and Philosophy  
Law Quarterly Review  
Modern Law Review  
Oxford Journal of Legal Studies  
Queen's Law Journal  
University of Toronto Law Journal

**Refereeing for grants and awards**

Leverhulme Trust  
Social Sciences and Humanities Research Council of Canada (SSHRC)

**Conferences and workshops organised**

University of Ottawa/Queen's Workshop on Public Law  
Queen's University, 05/2019 (*with* Lisa Kerr, Mike Pal, Peter Oliver)  
University of Ottawa, 05/2018 (*with* Mike Pal and Vanessa MacDonnell)

Oxford/Queen's Workshop on Political and Legal Philosophy  
University of Oxford, 06/2019 (*with* Richard Ekins, David Miller, and Ashwini Vasanthakumar)

King's/Queen's Workshop on Legal Philosophy  
King's College London, 06/2018 (*with* John Tasioulas)

Princeton conference on constitutional dialogue  
Princeton University, 04/2016 (*with* Geoff Sigalet)

Legislated Rights workshop  
University of Oxford, 01/2014 (*with* Paul Yowell)  
University of Oxford, 08/2011 (*with* Richard Ekins)

European Public Law Theory seminar series  
LSE Department of Law and European Institute, 2010-2013 (*with* Michael Wilkinson)



JAG Griffith and the Development of Public Law  
LSE Department of Law, 05/2012 (*with* Martin Loughlin)

Symposium on the Limitation of Rights  
Université de Montréal, 12/2006 (*with* Luc Tremblay)

Human Rights Discussion Group  
University of Oxford, 2005-2007 (*with* Veronia Fikfak)

CONFERENCE  
AND WORKSHOP  
PRESENTATIONS  
(*since 2015*)

‘Securing human rights through legislation’, *Policy Talks* series, Queen’s School of Policy Studies, 01/2020

‘Comment on Jeff King’s *The Social Dimension of the Rule of Law*’, manuscript workshop, Public Law Centre, University of Ottawa, 01/2020

‘Yes, there can be a written constitution if ...’, *From morality to law and back again: Liber amicorum for John Gardner*, All Souls College, University of Oxford, 12/2019

‘Acting for good’, Notre Dame Law School, 11/2019

‘The acting person’

- Faculty work-in-progress series, Queen’s Law, 10/2019
- *Oxford/Queen’s Workshop on Political and Legal Philosophy*, University of Oxford, 06/2019

‘Droits et droit’, Conférence Chevette-Marx Lecture 2019, Université de Montréal, 09/2019

‘*Legislated Rights* workshop’ (*with* Paul Yowell), Radzyner Law School, IDC Herzliya, Tel Aviv, 05/2019

‘Legislation and human rights’, a presentation to the executive committee of the Canadian Human Rights Commission, Ottawa, 02/2019

‘Commentator: manuscript workshop on Mark Walters, *AV Dicey and the Common Law Constitutional Tradition*’, McGill University, 09/2018

‘A conservative disposition in constitutional thought’ (*with* Graham Gee)

- *Aspects of conservatism* series, Blavatnik School of Government & Programme for the Foundations of Law and Constitutional Government, University of Oxford, 05/2018
- *University of Ottawa & Queen’s University public law workshop*, University of Ottawa, 05/2018

‘*Legislated Rights*: book launch’

- Queen’s Law, 11/2018 [*with* Chief Justice Glenn Joyal, Mark Walters, Jean Thomas]
- Department of Law, London School of Economics 05/2018 [*with* Gavin Phillipson, Ioanna Tourkochoriti]

- Bonavero Institute of Human Rights & Programme for the Foundations of Law and Constitutional Government, University of Oxford 05/2018 [*with* Timothy Endicott, John Finnis, Aileen Kavanagh, Kate O'Regan]

'Past, present and justice in the exercise of judicial responsibility'

- *Constitutional Dialogue: What's in the metaphor?*, Princeton University 04/2016
- *6th Annual Conference on Emerging Issues in Canadian Public Law*, University of Ottawa 05/2016

'The Puzzle of a Right to Justification', International Workshop on Exploring Structures of Justification and Proportionality in Contemporary Constitutional Law: Methods Against Injustice, University of Amsterdam, 01/2016

'Common good and the principle of subsidiarity', Facultad de Derecho, Pontificia Universidad Católica de Chile, 09/2015

Commentator: Katharina Nieswandt 'Authority and Interest in the Theory of Right', *Legal Philosophy Workshop*, University of Edinburgh, 06/2015

'On common good in the thought of John Finnis', *Law and the Culture of Liberty conference*, James Madison Program, Princeton University, 05/2015

'Absolute rights and proportionality', *Workshop on proportionality*, Harvard Law School, 03/2015

'Asking why in the study of human affairs'

- *Jurisprudence Discussion Group*, University of Oxford, 02/2015
- Faculty seminar, Department of Philosophy, McMaster University, 02/2016
- Dean's Lecture, Faculty of Law, Queen's University, 02/2016

## GRANTS AND AWARDS

### Research grants

*Social Science and Humanities Research Council (SSHRC)*

Canada Research Chair (Tier 2) (renewed), 2019-2024, \$650,000

Canada Research Chair (Tier 2), \$650,000

Insight Development Grant, Foundations of Law & Common Good, \$58,181

*Internal awards, Queen's University*

Research Leaders' Fund, Law & Common Good, 2016-2018, \$48,200 (*note: deferred to 2017-2019 on account of my period of leave*)

*Internal awards, London School of Economics and Political Science*

Seminar series grant (with Michael Wilkinson), European Public Law Theory, LSE Department of Law and European Institute, 2010-2013, £4,000 p.a.

*Other sources*

Modern Law Review: seminar grant (with Martin Loughlin), JAG Griffith and the development of public law, 2012, £2,500

Centre de recherche en éthique de l'Université de Montréal (CRÉUM): conference grant, Symposium on the Limitation of Rights, 2006, \$10,000

Pierre Elliott Trudeau Foundation: conference grant, Symposium on the

Limitation of Rights, 2006, \$3,500

**Graduate scholarship awards**

Pierre Elliott Trudeau Foundation

Doctoral Scholarship and Trudeau Scholar, 2004-2007, \$150,000

UK Government

Overseas Research Students (ORS) Scholarship, 2005-2007, £17,000

Fonds québécois de recherche sur la société et la culture (FQRSC)

Research Scholarship, 2004-2006, \$30,000