

# GRÉGOIRE WEBBER, M.S.M.

Canada Research Chair in Public Law and Philosophy of Law  
Queen's University • Faculty of Law • 128 Union St • Kingston, Ontario • K7L 3N6 Canada

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## – Academic Appointments –

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

*Canada Research Chair (Tier II) and Associate Professor (tenured) of Law*, 2014–

- College Member, Royal Society of Canada (College of New Scholars, Artists and Scientists), 2019–
- Cross-appointed to the Department of Philosophy, 2018–
- Founding convenor (*with* Jean Thomas), Colloquium in Legal and Political Philosophy

### **London School of Economics and Political Science, Department of Law**

*Senior Lecturer in Law, retitled Associate Professor (tenured)*, 2012–2014

*Lecturer in Law [Assistant Professor]*, 2009–2012

- Major Review Teaching Prize (2012)

## – Visiting Appointments –

### **London School of Economics and Political Science (LSE), Department of Law**

*Visiting Fellow*, 2015–

### **Université Panthéon-Assas (Paris II), Institut Michel Villey**

*Enseignant invité (Visiting Professor)*, 2011–2013

## – Academic and Professional Qualifications –

### **University of Oxford, Balliol College and Faculty of Law**, 2004–2008

*Doctorate of Philosophy (DPhil) in Law*

- Dissertation: *Limitation of Constitutional Rights as a Negotiating of Political Legitimacy*
- Committee: John Finnis, Leslie Green, Richard Bellamy
- Trudeau Scholar, Pierre Elliott Trudeau Foundation, 2004–2007
- Research Scholarship, Fonds québécois de recherche sur la société et la culture, 2004–2006

### **McGill University, Faculty of Law**, 1999–2003

*Bachelor of Common Law (LLB) & Bachelor of Civil Law (BCL) (Great Distinction), with a minor concentration in Philosophy*

- Valedictorian, Convocation Ceremonies

### **Law Society of Ontario**, 2004–

*Barrister and Solicitor*

## – Professional Experience –

### **Supreme Court Advocacy Institute | Institut de plaidoirie devant la Cour suprême**

*Executive Director | Directeur général*, 2006–

- The Institute offers to all counsel with an appeal before the Supreme Court of Canada a free advocacy session with a panel of experienced barristers
- Approximately 50% of cases before the Court benefit from the Institute's advocacy program

- In 2015, the Governor General of Canada awarded me 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

- Responsible for democratic, electoral, and parliamentary reform, for assisting legislative drafting and litigation in related areas, and for comparative democratic reform developments

### **Parliament of Canada, House of Commons**

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

### **Supreme Court of Canada**

*Law Clerk to the Honourable Justice W. Ian C. Binnie*, 2003-2004

### **Quebec Court of Appeal**

*Law Clerk (Student) to the Honourable Justice André Rochon*, 2001-2002

## **– Publications –**

### **Books**

1. *Legislated Rights: securing human rights through legislation* (New York: Cambridge University Press, 2018; paperback edition 2019) (*jointly authored with* P. Yowell, R. Ekins, M. Köpcke, F.J. Urbina, and B.W. Miller), xi, 209 pp.
2. *The Negotiable Constitution: On the Limitation of Rights* (Cambridge: Cambridge University Press, 2009; paperback edition, 2012), viii, 231 pp.

### **Edited collections**

3. *Constitutional Dialogue: Rights, Democracy, Institutions* (Cambridge: Cambridge University Press, 2019) (*edited with* Geoff Sigalet and Rosalind Dixon) xi, 471 pp.
4. *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.

5. *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 Tremblay) iv, 181 pp.

#### **Journal articles and contributions to collections (peer reviewed, selection)**

1. 'Legislated Rights in the Anglo-American Tradition' (with Richard Ekins) (2020) — *Faulkner Law Review* — (forthcoming)
2. 'Legislated Rights: a reply to critiques' (2020) — *Jurisprudence* — (forthcoming)
3. 'Legislated Rights: a reply to critiques' (with Paul Yowell) (2020) — *Jerusalem Review of Legal Studies* —
4. 'Opposition' in Richard Bellamy and Jeff King (eds) *The Cambridge Handbook of Constitutional Theory* (Cambridge: Cambridge University Press, expected 2021) — —
5. 'Yes, there can be a written constitution' in Michelle Dempsey and François Tanguay-Renaud (eds) *John Gardner* — (Oxford: Oxford University Press, expected 2020) — —
6. 'A conservative disposition and constitutional change' (2019) 39 *Oxford Journal of Legal Studies* 526-552 (with G Gee)
7. '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, forthcoming)
8. 'Past, present, and justice in the exercise of judicial responsibility' in Rosalind Dixon, Geoffrey Sigalet, and Grégoire Webber (eds), *Constitutional dialogue: rights, democracy, institutions* (New York: Cambridge University Press, forthcoming 2019)
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* 109-119
12. 'Proportionality and absolute rights' in Vicki Jackson and Mark Tushnet (eds) *Proportionality: New Frontiers, New Challenges* (Cambridge: Cambridge University Press, 2017)
13. 'Asking why in the study of human affairs' (2015) 60 *American Journal of Jurisprudence* 51-78
14. 'Eulogy for the constitution that was' (2014) 12 *International Journal of Constitutional Law* 468-486
15. 'On the loss of rights' in G Huscroft, BW Miller, and G Webber (eds) *Proportionality and the Rule of Law: Rights, Reasoning, Justification* (New York: Cambridge University Press, 2014) 123-154
16. 'Parliament and the Management of Conflict' [2014] *Public Law* 101-112
17. 'Rationalism in Public Law' (2013) 76 *Modern Law Review* 708-734 (with G Gee)
18. 'Rights and the Rule of Law in the Balance' (2013) 129 *Law Quarterly Review* 399-418
19. 'Some Internal Points of View and the Study of Law' (2012) 28 *Constitutional Commentary* 325-345

20. 'The Polycentricity of Political Financing' [2012] *Public Law* 310-327
21. 'Originalism's Constitution' in G Huscroft and BW Miller (eds) *The Challenge of Originalism: Theories of Constitutional Interpretation* (New York: Cambridge University Press, 2011) 147-178
22. 'Legal Reasoning and Bills of Rights' in R Ekins (ed) *Modern Challenges to the Rule of Law* (Wellington: Lexis Nexis, 2011) 143-164
23. 'What is a Political Constitution?' (2010) 30 *Oxford Journal of Legal Studies* 273-299 (with G Gee)
24. 'Proportionality, Balancing, and the Cult of Constitutional Rights Scholarship' (2010) 23 *Canadian Journal of Law and Jurisprudence* 179-202
25. 'The Unfulfilled Potential of the Court and Legislature Dialogue' (2009) 42 *Canadian Journal of Political Science* 443-465
26. 'La disposition limitative de la Charte canadienne : une invitation à définir les droits et libertés aux contours indéterminés' in LB Tremblay and G 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
27. '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)

#### – Media (selection) –

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

#### – Research grants (selection) –

- Canada Research Chair (Tier 2), Government of Canada, 2014-2019, \$650,000
- Insight Development Grant, *Foundations of Law and the Common Good*, SSHRC, Government of Canada, 2016-2019, \$58,181
- Research Leaders' Fund, *Law & Common Good*, Queen's University (Office of the Vice-Principal (Research)), 2017-2019, \$48,200

