

MARK DAVID WALTERS

Faculty of Law
Queen's University
Kingston, Ontario, Canada
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ACADEMIC QUALIFICATIONS

- 1995 **Doctor of Philosophy**
 University of Oxford
 • University College/Faculty of Law
- 1989 **Bachelor of Laws**
 Faculty of Law, Queen's University, Kingston, Ontario
- 1986 **Bachelor of Arts (Political Science)**
 University of Western Ontario, London, Ontario

ACADEMIC APPOINTMENTS

Faculty of Law, Queen's University, Kingston, Ontario

2019-present Full Professor

2019-2023 Dean of Law

Faculty of Law, McGill University, Montréal, Québec

2016-2019 F.R. Scott Professor of Public and Constitutional Law (Full Professor)

Faculty of Law, Queen's University, Kingston, Ontario

2008-2016 Full Professor

2008-2010 Associate Dean (Graduate Studies & Research)

2002-2008 Associate Professor

1999-2002 Assistant Professor

University of Oxford, Oxford, U.K.

1997-1999 **New College**
Fellow and Tutor in Law (five-year fellowship)

1996-1997 **Merton College**
Lecturer in Law

OTHER EMPLOYMENT

1996 **Lerner & Associates, Barristers & Solicitors, Toronto**
Associate Lawyer
• Litigation in the area of Aboriginal title and treaty rights

1989-1990 **Court of Appeal for Ontario, Osgoode Hall, Toronto**
• Clerked for Chief Justice Howland and Justices Carthy, Finlayson and Brooke

AWARDS, FELLOWSHIPS, AND SCHOLARSHIPS

Oliver Smithies Visiting Fellowship, Balliol College, University of Oxford, January-June 2024

H.L.A. Hart Fellowship, Oxford Centre for Ethics and Philosophy of Law, University of Oxford, Hilary Term 2013

Herbert Smith Visitor, Faculty of Law, University of Cambridge, Easter Term, 2013

Visiting Fellow, Pembroke College, University of Cambridge, Easter Term, 2013

Award for Excellence in Graduate Supervision, Queen's University, 2012

Sir Neil MacCormick Fellowship, University of Edinburgh, School of Law, July-September, 2010

Canadian Association of Law Teachers' Award for Academic Excellence, 2006

Herbert Smith Visitor, Faculty of Law, University of Cambridge, Lent Term, 2005

Visiting Fellowship, Clare Hall, University of Cambridge, 2004-2005

Canadian Association of Law Teachers' Scholarly Paper Award, 2001, for "The Common Law Constitution in Canada: Return of *Lex Non Scripta* as Fundamental Law" (2001), 51 *University of Toronto Law Journal* 91-141

Appointment to the Faculty of Law as a Queen's National Scholar, 1999

David Watson Prize, 1998, awarded by the Queen's Law Journal for "Aboriginal Rights, Magna Carta and Exclusive Rights to Fisheries in the Waters of Upper Canada" (1998), 23 *Queen's Law Journal* 301-368

Commonwealth Scholarship (1990-1993), awarded by the Association of Commonwealth Universities and the British Council to fund doctoral studies at Oxford University

GRANTS

Co-Investigator with Professor Joy Porter (Principal Investigator), “Brightening the Covenant Chain: Revealing Cultures of Diplomacy Between the Crown and the Iroquois Confederacy” (£931,042 over 42 months), awarded by the U.K. Arts & Humanities Research Council Grant, 2021

Co-applicant with C. Sypnowich (Principal Investigator), “Toppling Monuments: Colonial Trauma, Justice, Heritage, and Restorative Healing” (\$250,000), a New Frontiers in Research Grant awarded by the Social Sciences and Humanities Research Council Canada (SSHRC), 2021

Sole applicant, Standard Research Grant, Social Sciences and Humanities Research Council (awarded for research on liberal and Indigenous approaches to the Rule of Law), 2008-2012

Jules and Gabrielle Léger Fellowship (\$50,000), awarded by Social Sciences and Humanities Research Council (awarded for research on the Crown and its representatives, and their contribution to Canadian society), 2002-2003

Sole applicant, Standard Research Grant, Social Sciences and Humanities Research Council (awarded for research on Aboriginal legal and constitutional history in Canada), 2002-2005

Advisory Research Committee, Queen's University: research grant, 2001-2002

PUBLICATIONS

Books

A.V. Dicey and the Common Law Constitutional Tradition: A Legal Turn of Mind (Cambridge: Cambridge University Press, 2020), 460 pages

The Promise of Legality: Critical Reflections on the Work of TRS Allan (Oxford: Hart Publishing, 2025) - co-editor with Geneviève Cartier

Book Chapters

“Swearing Allegiance to King Charles in the *Salon Bleu* (or not): The Constitutionality of Quebec’s Abolition of the Oath of Allegiance” in Dave Guénette, Catherine Mathieu and Félix Mathieu (eds.), *From Multilateral Failures to Unilateral Successes? New Trends in Formal Constitutional Amendments* (Montreal & Kingston: McGill-Queen’s University Press, forthcoming, 2026)

(with Geneviève Cartier), “The Promise and Spirit of Legality” in Geneviève Cartier and Mark D. Walters (eds.), *The Promise of Legality: Critical Reflections on the Work of TRS Allan* (Oxford: Hart Publishing, 2025), 1-10

“The High Priest of Orthodox Constitutional Theory: A.V. Dicey Revisited” in Catherine Marshall and Céline Roynier (eds.), *Twenty-First Century Perspectives on the Scholarship of A V Dicey: The Enduring Legacy of a Victorian Constitutionalist* (Oxford: Hart Publishing, 2024), 333-348

“Dicey on Legality and Equality” in Andrew Dickinson, Timothy Endicott and Wolfgang Ernst (eds.), *Dicey + 100: Albert Venn Dicey: A Centennial Commemoration* (Cambridge: Intersentia, 2024), 75-88

“Constitutive Power and the Nation(s) of Quebec” in Richard Albert and Léonid Sirota (eds.), *Does A Written Constitution for Quebec?* (Montreal & Kingston: Queen’s-McGill University Press, 2023), chapter 6, 162-187

“Sovereignty and Legality in the Pines: Re-examining the Oka Crisis of 1990” in Susan Binnie, Eric Tucker and Barry Wright (eds.), *Canadian State Trials*, volume 5: 1945-1990 (Toronto: University of Toronto Press/Osgoode Society, 2022), chapter 10, 428-461

“The Spirit of Legality: A.V. Dicey and the Rule of Law” in Martin Loughlin and Jens Meierhenrich (eds.), *The Cambridge Companion to the Rule of Law* (Cambridge: Cambridge University Press, 2021), chapter 8, 153-170

“The Charter and the Idea of Canada” in Serge Joyal and Judith Seidman (eds.), *Reflecting on our Past and Embracing our Future: A Senate Initiative for Canada* (Montreal & Kingston: McGill-Queen’s University Press, 2018), 172-188

“Foreword” in John Helis, *Quasi-constitutional Laws of Canada* (Toronto: Irwin Law, 2018), xv-xviii

“Deliberating about Constitutionalism” in Hoi Kong, Ron Levy, Graeme Orr and Jeff King (eds.), *The Cambridge Handbook of Deliberative Constitutionalism* (Cambridge: Cambridge University Press, 2018), chapter 12, 167-180

“The British Legal Tradition in Canadian Constitutional Law” in Nathalie Des Rosiers, Patrick Macklem and Peter Oliver (eds.), *The Oxford Handbook of the Canadian Constitution* (Oxford: Oxford University Press, 2017), chapter 5, 105-134

“Rights and Remedies within Common Law and Indigenous Legal Traditions: Can the Covenant Chain be Judicially Enforced Today?” in John Borrows and Michael Coyle (eds.), *The Right(s) Relationship: Reimagining the Implementation of Historical Treaties* (Toronto: University of Toronto Press, 2017), chapter 7, 187-205

“The Unwritten Constitution as a Legal Concept” in David Dyzenhaus and Malcolm Thorburn (eds.), *The Philosophical Foundations of Constitutional Law* (Oxford: Oxford University Press, 2016), chapter 3, 33-52

“Looking for a knot in a bulrush’: Reflections on Aboriginal and Crown Sovereignty”, in Patrick Macklem and Douglas Sanderson (eds.), *From Recognition to Reconciliation: Essays on the Constitutional Entrenchment of Aboriginal and Treaty Rights* (Toronto: University of Toronto Press, 2016), chapter 2, 35-64

“The Aboriginal Charter of Rights: The Royal Proclamation of 1763 and the Constitution of Canada” in Terry Fenge and Jim Aldridge (eds.), *Creating Canada: From the Royal Proclamation of 1763 to Modern Treaties* (Montreal and Kingston: McGill-Queen’s University Press, 2015), chapter 5, 49-68

“Respecting Deference as Respect: Rights, Reasonableness and Proportionality in Canadian Administrative Law” in Mark Elliott and Hanna Wilberg (eds.), *The Scope and Intensity of Substantive Review: Traversing Taggart’s Rainbow* (Oxford: Hart Publishing, 2015), chapter 15, pp. 395-422

“Succession to the Throne and the Architecture of the Constitution of Canada” in Philippe Lagassé and Michel Bédard (eds.), *The Crown and Parliament* (Montreal: Éditions Yvon Blais, 2015), chapter 10, 263-292

Cited by the Quebec Court of Appeal in: *Motard c. Procureur général du Canada*, 2019 QCCA 1826, Rancourt J.A. paras. 47, 88

“Your Sovereign and Our Father’: The Imperial Crown and the Idea of Legal-Ethnohistory” in Shaunnagh Dorsett and Ian Hunter (eds.), *Law and Politics in British Colonial Thought: Transpositions of Empire* (Houndmills: Palgrave Macmillan, 2010), chapter 5, pp. 91-108

“Jurisdiction, Functionalism and Constitutionalism in Canadian Administrative Law”, in Christopher Forsyth, Mark Elliott, Swati Jhaveri, Michael Ramsden, & Anne Scully Hill (eds.), *Effective Judicial Review: A Cornerstone of Good Governance* (Oxford: Oxford University Press, 2010), chapter 18, pp. 300-316

“Promise and Paradox: The Emergence of Indigenous Rights Law in Canada” in Shin Imai, Kent McNeil and Benjamin J. Richardson (eds.), *Indigenous Peoples and the Law: Comparative and Critical Perspectives* (Oxford: Hart Publishing, 2009), chapter 2, pp. 21-50

“The Jurisprudence of Reconciliation: Aboriginal Rights in Canada” in Will Kymlicka & Bashir Bashir (eds.), *The Politics of Reconciliation in Multicultural Societies* (Oxford: Oxford University Press, 2008), chapter 8, pp. 165-191

Cited by the Federal Court of Appeal in: *Coldwater Indian Band v. Canada (Attorney General)*, 2020 FCA 34 at para. 50

“Written Constitutions and Unwritten Constitutionalism” in Grant Huscroft (ed.), *Expounding the Constitution: Essays in Constitutional Theory* (Cambridge: Cambridge University Press, 2008), chapter 10, pp. 245-276

Cited by the Supreme Court of Canada in: *Reference re Senate Reform*, 2014 SCC 32 at para. 26

Cited by the Supreme Court of Canada in: *Toronto (City) v. Ontario (Attorney General)*, 2021 SCC 34 at para. 181 (Abella, Karakatsanis, Martin, and Kasirer JJ. dissenting)

Cited by the Court of Appeal for Ontario in: *Toronto (City) v. Ontario (Attorney General)*, 2019 ONCA 732, Miller J.A. for the majority at para. 84

Cited by the Court of King’s Bench for Saskatchewan in: *Canadian Pacific Railway Company v. Saskatchewan*, 2024 SKKB 157, Kilback J.A. at para. 126

“Human Rights at Common Law and under the Constitution Act, 1867” in Leonard Rotman (ed.), *Constitutional Law: Cases, Commentary and Principles* (Toronto: Carswell, 2008), chapter 15, pp. 733-767

“‘Common Public Law in the Age of Legislation’: David Mullan and the Unwritten Constitution” in Michael Taggart and Grant Huscroft (eds.), *Inside and Outside Canadian Administrative Law: Essays in Honour of David Mullan* (Toronto: University of Toronto Press, 2006), pp. 421-447

“Constitutional Law and Aboriginal Economic Development in Canada” in Dwight Dorey and Joseph Magnet (eds.), *Legal Aspects of Aboriginal Business Development* (Toronto: LexisNexis Butterworths, 2005), chapter 12, pp. 241-261

“The Common Law Constitution and Legal Cosmopolitanism” in David Dyzenhaus (ed.), *The Unity of Public Law* (Oxford: Hart Publishing, 2004), chapter 16, 431-454

“Towards a ‘Taxonomy’ for the Common Law, Legal History, and the Recognition of Aboriginal Customary Law” in Cathy Colborne and Diane Kirkby (eds.), *Law, History, Colonialism: The Reach of Empire* (Manchester: Manchester University Press, 2001), chapter 8, 125-139

(with Paul Craig) “The Courts, Devolution and Judicial Review” in Christopher Forsyth (ed), *Judicial Review and the Constitution* (Oxford: Hart Publishing, 2000), chapter 10, pp. 213-243 [reprint of “The Courts, Devolution and Judicial Review” [1999] *Public Law* 274-303]

Journal Articles

“The ‘Heresy’ of Questioning the Historical Method: Dicey’s Response to Maine’s Historical Jurisprudence” (2025) 16 *Droit & Philosophie* 183-210

“Theorizing Administrative Law—Does *Dunsmuir* have a Philosophy?” (2018) *Canadian Journal of Administrative Law and Practice* 43-46

“Toward the Unity of Constitutional Value—or, How to Capture a Pluralistic Hedgehog” (2017) 63 *McGill Law Journal* 1-21

“The Judicial Recognition of Indigenous Legal Traditions: *Connolly v. Woolrich* at 150” (2017) 22 *Review of Constitutional Studies* 347-378

Cited by the Court of Appeal for Quebec: *Renvoi relatif à la Loi concernant les enfants, les jeunes et les familles des Premières Nations, des Inuits et des Métis* (Cour d’appel du Québec, 10 février 2022) n 368

“Judicial Review of Ministerial Advice to the Crown” (2016) 25 *Constitutional Forum* 33-42

“Public Law and Ordinary Legal Method: Revisiting Dicey’s Approach to *Droit Administratif*” (2016) 66 *University of Toronto Law Journal* 53-82

“Federalism in its Biggest Sense: Justice Louis LeBel and the Federal Idea in Canadian Constitutional Law” (2015) 70 *Supreme Court Law Review* (2d) 307-336

“The Constitutional Form and Reform of the Senate: Thoughts on the Constitutionality of Bill C-7” (2013) 7 *Journal of Parliamentary and Political Law* 37-61

Cited by the Supreme Court of Canada in: *Reference re Senate Reform*, 2014 SCC 32, at paras. 62, 64

“Is Public Law Ordinary?” (2012) 75 *Modern Law Review* 899-918

“Dicey on Writing the *Law of the Constitution*” (2012) 32 *Oxford Journal of Legal Studies* 21-49

“The Law behind the Conventions of the Constitution: Reassessing the Prorogation Debate” (2011) 5 *Journal of Parliamentary and Political Law* 131-154

“Legality as Reason: Dicey, Rand and the Rule of Law” (2010) 55 *McGill Law Journal* 563-586

“Legal Humanism and Law as Integrity” (2008) 67 *Cambridge Law Journal* 352-375

“Histories of Colonialism, Legality and Aboriginality” (2007) 57 *University of Toronto Law Journal* 819-832

“‘Let Right Be Done’: A History of the Faculty of Law at Queen’s University” (2007) 32 *Queen’s Law Journal* 314-388

“The Morality of Aboriginal Law” (2006) 31 *Queen’s Law Journal* 470-520

Cited by the Supreme Court of Canada in: *Mikisew Cree First Nation v. Canada (Governor General in Council)*, 2018 SCC 40, Abella J. (Martin J. concurring) at para. 70

“How to Read Aboriginal Legal Texts from Upper Canada” (2003) 14 *Journal of the Canadian Historical Association* 93-116

“St. German on Reason and Parliamentary Sovereignty” (2003) 62 *Cambridge Law Journal* 335-370

“Common Law, Reason, and Sovereign Will” (2003) 53 *University of Toronto Law Journal* 65-88

“Incorporating Common Law into the Constitution of Canada: *EGALE v. Canada* and the Status of Marriage” (2002) 41 *Osgoode Hall Law Journal* 75-113

“Brightening the Covenant Chain: Aboriginal Treaty Meanings in Law and History after Marshall” (2001) 24 *Dalhousie Law Journal* 75-138

“The Common Law Constitution in Canada: Return of *Lex Non Scripta* as Fundamental Law” (2001) 51 *University of Toronto Law Journal* 91-141

Cited by the British Columbia Court of Appeal in: *Christie v. British Columbia* (2005), 262 DLR (4th) 51 (BCCA), Newbury J.A. at para. 45

“The ‘Golden Thread’ of Continuity: Aboriginal Customs at Common Law and Under the Constitution Act, 1982” (1999) 44 *McGill Law Journal* 711-752

Cited by the New Zealand Court of Appeal in: *Takamore v Clarke*, [2012] 1 NZLR 573 (New Zealand Court of Appeal), Glazebrook and Wild JJ at footnotes 43, 46, 53, 61, 70 and 146

Cited by the Supreme Court of Canada in: *R. v. Desautel*, 2021 SCC 17 at para. 34

“Nationalism and the Pathology of Legal Systems: Considering the *Quebec Secession Reference* and Its Lessons for the United Kingdom” (1999) 62 *Modern Law Review* 371-396

(with Paul Craig) “The Courts, Devolution and Judicial Review” [1999] *Public Law* 274-303

Cited by the South African Constitutional Court in: *Reference re Constitutionality of the Liquor Bill (South Africa)* [1999] S.A.J. No. 60, Case CCT 12/99, para. 61

“According to the Old Customs of Our Nation?: Aboriginal Self-Government on the Credit River Mississauga Reserve, 1826-1847” (1999) 30 *Ottawa Law Review* 1-45

“Aboriginal Rights, Magna Carta and Exclusive Rights to Fisheries in the Waters of Upper Canada” (1998) 23 *Queen's Law Journal* 301-368

“The Extension of Colonial Criminal Jurisdiction over the Aboriginal Peoples of Upper Canada: Reconsidering the *Shawanakiskie* Case (1822-26)” (1996) 46 *University of Toronto Law Journal* 273-310

“*Mobegan Indians v. Connecticut* (1705-1773) and the Legal Status of Aboriginal Customary Laws and Government in British North America” (1995) 33 *Osgoode Hall Law Journal* 785-829

Cited by the High Court of Australia in: *Wik Peoples v. Queensland* (1996), 187 CLR 1, Gummow J. at footnote 464

Cited by the Ontario Superior Court in: *Chippewas of Sarnia v. Canada* [1999] OJ No. 1406, Campbell J. at para. 344, note 175

“British Imperial Constitutional Law and Aboriginal Rights: A Comment on *Delgamuukw v. British Columbia*” (1992) 17 *Queen's Law Journal* 350-413

Cited by the Supreme Court of Canada in:

R. v. Van der Peet, [1996] 2 SCR 507, Lamer C.J.C. at paras. 42, 49, 50; L'Heureux-Dubé J. at para. 174; McLachlin J. at para. 232

Newfoundland and Labrador (Attorney General) v. Uashannuat (Innu of Uashat and of Mani-Utenam), 2020 SCC 4, Moldaver, Côté, Brown and Rowe JJ. (dissenting) at para. 212.

Cited by the Ontario Superior Court in: *Beaver v. Hill* [2017] OJ No. 6409, 2017 ONSC 7245, D.J. Chappel J. at para. 55

“Ecological Unity and Political Fragmentation: The Implications of the Brundtland Report for the Canadian Constitutional Order” (1991) 29 *Alberta Law Review* 420-449

Book Reviews

Review of John Borrows, *Freedom and Indigenous Constitutionalism* (University of Toronto Press), (2017) 43 *Queen's Law Journal* 217-222

Review of Thomas Poole, *Reason of State: Law, Prerogative and Empire* (Cambridge University Press, 2016) (2017) 80 *Modern Law Review* 164-168

Review of *Parliamentary Sovereignty: Contemporary Debates* by Jeffrey Goldsworthy [2012] *Public Law* 792-796

Review of *White Man's Law: Native People in Nineteenth Century Canadian Jurisprudence* (2000) 25 *Queen's Law Journal* 719-724

REPORTS, SUBMISSIONS AND TESTIMONY TO LEGISLATURES, GOVERNMENTS AND COURTS

Expert witness in *The King v. White and Montour*, Superior Court of Quebec, Montreal; filed a written report and provided oral testimony (26-28 October 2021) on the subject of historic Mohawk treaty rights; see judgment of Sophie Bourque J.S.C. in *R. c. Montour*, 2023 QCCS 4154, esp. paras. 738-1084

Oral and written submissions to the Senate of Canada Standing Committee on Legal and Constitutional Affairs on Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts*, 29 March 2018

Written submissions to the Senate of Canada Standing Committee on Legal and Constitutional Affairs on Bill C-53, *An Act to assent to the alternations in the law touching the Succession to the Throne*, 5 March 2013

Expert witness on historic treaty rights appearing for the Mississaugas of Scugog Island First Nation in a constitutional challenge to provincial labour laws: *Mississaugas of Scugog Island First Nation v. National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada), Local 444 et al.* [2006] OJ No 2159 (Div Ct); aff'd (2007), 88 OR (3d) 583 (CA); leave to appeal denied [2008] SCCA 35.

Report to the Government of Quebec on the history of provincial maritime boundaries, 23 March 2005

CONFERENCE, WORKSHOP AND SEMINAR PRESENTATIONS

Presentation to the justices of the Federal Court of Appeal and the Manitoba Court of Appeal, National Judicial Institute seminar, 16 October 2025, Winnipeg, Manitoba
“Legalising the Deportation of Refugees to Rwanda: What Would Albert Venn Dicey Say?” Oliver Smithies Lecture, 30 May 2024, Balliol College, University of Oxford

“Laws of Empire and Laws of Nations: Reflections on the Rule of Law in Crown-Indigenous Relations in North America”, Oliver Smithies Lecture, 8 May 2024, Balliol College, University of Oxford

“Legality of the Safety of Rwanda Act”, presented at the Public Law Discussion Group, Faculty of Law, University of Oxford, 7 May 2024

“The ‘heresy’ of questioning the historical method: reconsidering Dicey’s response to Maine’s historical jurisprudence”, presented at ‘Henry Sumner Maine, aux sources du droit’, a conference organized by L’institut Michel Villey pour la culture juridique et la philosophie du droit, Paris II Panthéon-Assas, 17 May 2024

“Laws of Nations and Laws of Empire: Reading the Royal Proclamation of 1763 in Light of the Plan of 1764”, presented at “Connected Nations: Indigenous Rights and the Royal Proclamation of 1763”, organized by the Treated Spaces Research Group at Hull University (UK) and the Faculty of Law, Queen’s University, held at Queen’s University, Kingston, Ontario, 6-7 October 2023

“Reconciling Sovereignty and Legality in Canada: Is AV Dicey Relevant Anymore?”, the Inaugural Legal Philosophy Research Group Annual Public Lecture, Western University, London, Ontario, 7 November 2022

“Dicey, Equality, and the Rule of Law”, presented at “Dicey + 100”, a conference held at All Souls College and St. Catherine’s College, University of Oxford, 3-4 October 2022

“The Covenant Chain Treaty Relationship and Criminal Justice on the Edges of Settled Canada, 1760-1800”, presented at the Legal Histories of Empires Conference, Maynooth University, Ireland, 29 June-1 July, 2022

“Traversing the Natural Law and Common Law Traditions (with John Finnis as our Guide)”, presented at “The Legacy of John Finnis: Contemporary Engagements and Developments”, a conference held at the Notre Dame University London Global Gateway, London, UK, 16 October 2021

“Indigenous Legal Traditions in Canadian Law: Setting the Stage”, keynote address at “Exploring Indigenous Justice Systems in Canada and Around the World”, a conference organized by the Department of Justice, Government of Canada, 14-15 May 2019, Canadian Museum of History, Gatineau, Quebec

“The Covenant Chain and Criminal Justice in Canada, 1760-1800”, presented at the Osgoode Society Legal History Workshop, University of Toronto, 13 March 2019, Toronto, Ontario

“Dicey’s Rule of Law”, Legal Theory Workshop, University of Toronto, Faculty of Law, 26 October 2018

“Self-determination and the concept of “territoriality” in Canada”, presented at “The Territorial Aspects of Self-Determination”, a workshop organized by the International Law Forum held in the Faculty of Law at Hebrew University of Jerusalem, 7 December 2017

“The Judicial Recognition of Indigenous Legal Traditions: *Connolly v. Woolrich* at 150”, one of the keynote addresses at “Wahkohtowin – Reconciliation”, a conference organized by the Centre for

Constitutional Studies and the Faculties of Law and Native Studies, University of Alberta, held on the Enoch Cree First Nation Territory, 21-23 September 2017

“Are Foundational Constitutional Values in Canada Foundational?”, presented at “Canada’s Constitutional and Governance Challenges After 150 Years”, a conference organized by the Glendon School of Public and International Affairs, Glendon Campus, York University, 29-30 September 2017

“The Charter and the Idea of Canada”, presented at “150th Anniversary of Canadian Confederation”, a symposium organized by the Senate of Canada held in the Senate Chamber, Parliament of Canada, Ottawa, 25-26 May 2017

“Deliberating about Constitutionalism”, presented at “Deliberative Governance and the Law”, a workshop held at McGill University, Faculty of Law, organized by the Australian National University/McGill University Project on Deliberative Governance and Law, Montreal, Quebec, 24 April 2017

“Toward the Unity of Constitutional Value—or, How to Capture a Pluralistic Hedgehog”, Inaugural Lecture as F.R. Scott Professor of Public and Constitutional Law, delivered in the Faculty of Law, McGill University, on March 30, 2017

“Agonistic, Deliberative, and Ordinary Constitutionalism”, presented at “Deliberative Constitutionalism”, a conference held at McGill University, Faculty of Law, organized by the Australian National University/McGill University Project on Deliberative Governance and Law, Montreal, Quebec, 7-8 April 2016

“Constitutive Power and the Nation(s) of Québec”, presented at the Symposium on “Does Quebec Need a Written Constitution?” held at Yale University, with the support of the MacMillan Center for International and Area Studies and the Research Support Program on Intergovernmental Affairs and Québec Identity, March 31, 2016

“Shells and Constitutional Law: The Covenant Chain and the Two-Row Wampum Belts”, presented at the Aboriginal Law Workshop Series, Faculty of Law, University of Toronto, 29 March 2016

“Judicial Review of Ministerial Advice to the Crown”, presented at “The State of Canada’s Constitutional Democracy”, David Asper Centre for Constitutional Rights, Faculty of Law, University of Toronto, 26 February 2016

“Federalism’s Wild Bouquet: Louis LeBel and the Federal Idea”, presented at “The Legacy of Justice Louis LeBel” a workshop held at the Faculty of Law, University of Toronto, 17-18 October 2014

“Public Law and Ordinary Legal Method”, presented at the “Public Law Conference: Process and Substance in Public Law” a conference held at the Faculty of Law, University of Cambridge, 15-17 September 2014

“Succession to the Throne and the Constitution of Canada”, presented at “The Crown and Parliament”, a conference organized by the Canadian Study of Parliament Group, Ottawa, Ontario, 16 May 2014

“Dicey’s Taxonomy for Constitutions”, presented at “Dicey’s Lost Lectures on Comparative Constitutionalism” organized by the Cambridge Centre for Public Law, University of Cambridge, 16 May 2014

“Unwritten Constitutions”, presented at the Philosophical Foundations of Constitutional Law Workshop, Faculty of Law, University of Toronto, 10-11 May 2014

“Where there is a Right there is a (Legal Framework for) a Remedy: Legal Remedies and the Covenant Chain Treaty Relationship”, presented at “Peace, Friendship & Respect: A Critical Examination of the Honour of the Crown on the 250-Year Anniversary of the Royal Proclamation and the Treaty of Niagara”, a conference held in conjunction with the 25th annual meeting of the Indigenous Bar Association in Canada, at the Chippewas of Rama First Nation, 7-9 October 2013

“The Royal Proclamation, the Canadian Constitution and Aboriginal Peoples”, presented at “Creating Canada: From the Royal Proclamation of 1763 to Modern Treaties”, hosted by the Land Claims Agreements Coalition at the Canadian Museum of Civilization, Gatineau, Quebec, 7 October 2013

“Dicey’s Jurisprudence”, presented at the Oxford Jurisprudence Discussion Group, University of Oxford, 21 February 2013

“Looking for a knot in the bulrush’: Reflections on Law, Sovereignty and Aboriginal Rights”, presented at “35@30: Reflecting on 30 Years of Section 35”, a conference held at the University of Toronto Faculty of Law, October 25-27, 2012

“Constitutionality of the Senate Reform Bill”, presented at “Outline of the 42nd Parliament”, organized by the Ontario Bar Association (Constitutional Law section), Ottawa, Ontario, 16 May 2012.

Commentator at “How to Break Out of Colonialism”, a conference held by the Indigenous Peoples and Governance program, 17-20 April 2012, Montreal, Quebec.

“The Law of (Indigenous) Nations in Canada”, presented at “United Nations Declaration on the Rights of Indigenous Peoples: Milestone But What Next?”, a conference held by the Centre for Indigenous Governance and the Ryerson Law Research Centre, Ryerson University, Toronto, Ontario, 29 November 2011.

“Dicey and the Making of Public Law”, presented at the School of Law, University of Edinburgh, Edinburgh, U.K., 10 November 2010.

“‘The Union of Law and Letters’: Dicey on Legal Literature and Legal Method”, presented in a joint session of the Legal and Political Theory Workshop and the Legal Biography Workshop, Department of Law, London School of Economics, London, U.K., 3 November 2010

“The Law behind the Conventions of the Constitution: Reassessing the Prorogation Debate”, presented at Faculté de droit de l’université Laval, Québec, 24 October 2010

“‘The Union of Law and Letters’: Dicey on Legal Literature and Legal Method”, presented in the Legal Theory Workshop at the Faculty of Law, McGill University, Montréal, Québec, 5 March 2010

“Reconciliation and the Foundations of Aboriginal Law in Canada”, presented to the law clerks of the Federal Court and the Federal Court of Appeal, Ottawa, Ontario, 24 February 2010

“The bond of friendship between you & us...’: Writing a History of Aboriginal Law in Canada”, presented at the Osgoode Society Symposium on Canadian Legal History, held in celebration of the 30th anniversary of the Osgoode Society for Canadian Legal History at Osgoode Hall, Toronto, Ontario, 30 October 2009

“Legality as Reason: Dicey and Rand and the Rule of Law” presented at a conference entitled “The Legacy of *Roncarelli v. Duplessis* – 1959-2009, organized by the Université de Sherbrooke and University of Toronto, North Hatley, Québec, 18 & 19 September 2009

“Your Sovereign and our Father’: The Imperial Crown and the Idea of Legal-Ethnohistory” presented at a symposium entitled “The Transposition of Empire” held at the Monash Centre of European Studies in Prato, Italy, 20-22 April 2009

“Jurisdiction, Functionalism and Constitutionalism in Canadian Administrative Law” presented at the “Joint Conference on Effective Judicial Review: A Cornerstone of Good Governance”, organized by the Centre for Public Law, University of Cambridge, and the Chinese University of Hong Kong, at Hong Kong, 10-12 December 2008

“Respecting Deference as Respect”, presented at the Roundtable on *Dunsmuir*, University of Toronto Faculty of Law, 4 June 2008

Discussant on Panel “Kinship, Constitutionalism, and Land Tenure: Expressions of Indigenous Legal Systems” at the American Society for Ethnohistory Annual Conference, Tulsa, Oklahoma, 7-10 November 2007

“The Jurisprudence of Reconciliation: Aboriginal Rights in Canada”, faculty seminar presented at the Faculty of Law, University of Windsor, 22 January 2007

“Written Constitutions and Unwritten Constitutionalism” presented at Interpreting the Constitution: A Colloquium on Constitutional Interpretation, University of Western Ontario, Faculty of Law, 13-14 October 2006

“Hercules as Legal Humanist: The Historical Foundations of Dworkin’s Jurisprudence” presented at the Current Legal Issues Colloquium on Law and Philosophy, University College London, United Kingdom, 3-4 July 2006

“The Dimensions of Reconciliation: *Gladstone* and the Great Lakes” presented at Reconsidering *R v. Gladstone*: Aboriginal Rights to Fish Since 1996, 12-14 October, 2005, Faculty of Law and First Nations House of Learning, University of British Columbia, Vancouver, B.C.

“The Morality of Aboriginal Law” presented at Constitutionalism and Political Morality: A Symposium in Honour of John Whyte, 30 September and 1 October, 2005, Faculty of Law, Queen’s University, Kingston, Ontario

“Christopher St. German on Reason and Legislative Will” presented at the Centre for Public Law, University of Cambridge, 2 May 2005

“Unwritten Constitutionalism” presented at the Oxford Jurisprudence Discussion Group, University of Oxford, 8 February 2005

“Written Texts and Unwritten Constitutionalism” presented at the Centre for Public Law, University of Cambridge, 2 February 2005

“The Emerging Constitutional Law Framework for Aboriginal Business Development in Canada” presented at “Aboriginal Business Development and the Law: From Microcredit to Megaproject”, a conference organized by the Congress of Aboriginal Peoples, Ottawa, Ontario, 20-21 June 2004

“Indigenous and Non-Indigenous Legal Traditions” presented at “Exploring Indigenous Legal Traditions”, a conference organized by the Department of Justice and the Law Commission, held at Dalhousie University, Halifax, Nova Scotia, 30-31 March 2004

Comment on Jeremy Waldron’s presentation, “Indigeneity? First Peoples and Last Occupancy”, at a conference entitled “Reparations: An Interdisciplinary Examination of Some Philosophical Issues”, 6-8 February 2004, Philosophy Department, Queen’s University, Kingston, Ontario

“A Legal-Ethnohistory of Crown-Indian Relations: Methods, Perspectives and Sources” presented at the Legal History Seminar, Faculty of Law, University of Toronto, 30 September 2003

“How to Read Aboriginal Legal Texts from Upper Canada” presented at the Canadian Historical Association Conference, Halifax, Nova Scotia, 29 May 2003

“The Common Law Constitution and Legal Cosmopolitanism” presented at The Authority of Reasons Conference, 3-4 January 2003, Faculty of Law, University of Toronto

“The Right to Cross a River?: Aboriginal Rights and the *Mitchell* Case”, Pacific Business and Law Institute National Conference on Canadian Aboriginal Law, 25-26 October 2001, Toronto, ON

“The Borders of Aboriginal Rights: A Look at the Supreme Court of Canada Decision in *Mitchell*”, Politics Colloquium, Queen's University, Political Studies Department, 24 October 2001

“The Sanctity of Patents?: Why Crown Patents Do Not Extinguish Aboriginal Title”, Pacific Business and Law Institute National Conference on Aboriginal Law and Governance - 2001, 19-20 April 2001, Vancouver, B.C.

“Aboriginal Treaty Rights and the Marshall Case: Implementing the New ‘Covenant-Chain Constitution’ in Canada”, Policy Studies 'Brown Bag' Lecture Series, Queen's University, 5 October 2000

“Dworkin, Legal Positivism and Canada's Unwritten Constitution”, Labour Law Symposium, Labour Law Casebook Editors' Group, University of Toronto, 17 June 2000

“First Nations, Treaties and Courts” delivered at the first annual Aboriginal Studies Symposium, 6 November 1999, organized by the Four Directions Aboriginal Student Centre, Queen's University

“The ‘Golden Thread’ of Continuity: Aboriginal Rights at Common Law”, presented at the Empires/Colonies/Legal Cultures Conference, 17th Annual Conference of the Australian and New Zealand Law and History Society, held jointly with the Canadian Law and Society Association, Melbourne, Australia, 3-5 July 1998

“Aboriginal Culture and Customs in the Law of Former British Colonies”, Anthropology Department, Friday Lecture Series, University of Oxford, 15 May 1998

GRADUATE STUDENT SUPERVISION

Mary McPherson, “Living Together in Appreciation of Incommensurability between Indigenous Philosophy and Canadian Constitutionalism” (LL.M. Queen’s University, 2023; co-supervised with Professor Danielle Lussier)

John-Otto Phillips, “Tort Law, Crown Liability, and the Rule of Law” (LL.M. Queen’s University, January 2022)

Warren John Newman, “The Law of Constitutional Amendment and the Entrenchment and Reform of Canada’s Federal Institutional Architecture since 1982” (Ph.D. Thesis, Queen’s University, September 2019; co-supervised with Professor Cherie Metcalf)

Constantin Schiavon, “La Charte des renards: perspective pluraliste sur le constitutionnalisme Canadien” (LL.M. Thesis, McGill University, August 2018)

Hugo Choquette, “The Constitutional Status of Aboriginal Languages” (Ph.D. Thesis, Queen’s University, October 2016)

John Helis, “Expanding our Constitutional Horizons: A Comprehensive Study of Quasi-Constitutionality in Canada” (Ph.D. Thesis, Queen’s University, October 2016)

Thomas Stuart Harrison, “Between Principle and Practicality: A Dynamic Realist Examination of Independence in the Canadian Justice System” (Ph.D. Thesis, Queen’s University, September 2016; co-supervised with Professor Sharry Aiken)

Peter Atudiwe Atupare, “Constitutional Justice in Africa: An Examination of Constitutional Positivism, Fundamental Law and Rights in Ghana and Nigeria” (Ph.D. Thesis, Queen’s University, April 2011)

Michelle Marie Mann, “Sentencing Aboriginal Offenders: The Honour of the Crown, Reconciliation and Rehabilitation of the Rule of Law” (LL.M. Thesis, Queen’s University, April 2012)

Eric LeBlanc, “Higher Education Legislation and Jurisprudence in Canadian Provinces and Territories: Barriers to Entry of Non-Resident Providers of University Programs” (LL.M. Research Project, Queen’s University, April 2012)

Imran Akram, “The Role of Consent and Communication in Environmental Regulation: A Developing Country Perspective” (LL.M. Thesis, Queen’s University, April 2011)

Matthew Watson, “Culture, Autonomy and Nationhood: Rethinking Multicultural Citizenship” (LL.M. Thesis, Queen’s University, September 2009; co-supervised with Professor Will Kymlicka)

Ian Peach, “Reconciling the Constitutional Order: Positing a New Approach to the Development of Indigenous Self-Government and Indigenous Law” (LL.M. Thesis, Queen’s University, September 2009)

Hugo Choquette, “Translating the Constitution Act, 1867: A Legal-Historical Perspective” (LL.M. Thesis, Queen’s University, September 2009)

D’Arcy Gordon Vermette, “Colonial Oppression and the Law: Myth, Voice, Culture and Identity in Aboriginal Rights Discourse” (LL.M. Thesis, Queen’s University, September 2004)

Sari M. Graben, “Nisga’a Final Agreement: Legitimizing the State’s Authority to Govern the Nisga’a Nation” (LL.M. Thesis, Queen’s University, September 2004)

Michael Ilg, “Economics, Environment, and Evolution: International Rights in the Face of Changing Knowledge” (LL.M. Thesis, Queen’s University, September 2003)