

Grégoire Webber, M.S.M.

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, 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)
Professeur invité, 2024-2025
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 Assistant Deputy Minister (Public Law and Legislative Services Sector) to provide legal advice to the Department on key files

Office of the Minister of Justice and Attorney General of Canada, Government of Canada, 2016-2017

Legal Affairs Advisor to the Honourable Jody Wilson-Raybould, P.C.

- 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

- 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 provided briefings to Ministers and senior staff

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. *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. 'Legislative measures and legislators' motives' (2024) 2 *Comparative Constitutional Studies* 150-157
9. 'The notwithstanding clause and the precedent in *Ford: le dit et le non-dit*' (2023) 32 *Constitutional Forum* 13-19
10. 'What *Oakes* could have said (or how else to read a limitation clause)' (2023) 112 *Supreme Court Law Review* (2d) 61-82
11. 'Vignettes of insight' (2022) 67 *American Journal of Jurisprudence* 327-348
12. 'Notwithstanding rights, review, or remedy? On the notwithstanding clause and the operation of legislation' (2021) 71 *University of Toronto Law Journal* 510-538
13. 'Legislación, derechos humanos y derechos legislados' (2021) 12 *Revista del Centro de Estudios Constitucionales* 81-135
14. 'The Rule of Law in a pandemic' (2021) 46 *Queen's Law Journal* 317 (with Victoria Carmichael)
15. '*Legislated Rights* and contemporary constitutional government' (2020) 11 *Jurisprudence* 632-644 (with Richard Ekins)
16. '*Legislated Rights* in the real world' (2020) 21 *Jerusalem Review of Legal Studies* 145-170 (with Paul Yowell)
17. 'A conservative disposition and constitutional change' (2019) 39 *Oxford Journal of Legal Studies* 526-552 (with Graham Gee)
18. 'Legislated Rights in the Anglo-American Tradition' (2018) 10 *Faulkner Law Review* 129-169 (with Richard Ekins)

19. 'Judicial power and judicial responsibility' (2017) 36 *University of Queensland Law Journal* 205-220
20. 'Loyal Opposition and the political constitution' (2017) 37 *Oxford Journal of Legal Studies* 357-382
21. 'The Question Why and the Common Good' (2017) 8 *Jurisprudence* 99-109
22. 'Asking why in the study of human affairs' (2015) 60 *American Journal of Jurisprudence* 51-78
23. 'Eulogy for the constitution that was' (2014) 12 *International Journal of Constitutional Law* 468-486
24. 'Parliament and the Management of Conflict' [2014] *Public Law* 101-112
25. 'Rationalism in Public Law' (2013) 76 *Modern Law Review* 708-734 (with Graham Gee)
26. 'Rights and the Rule of Law in the Balance' (2013) 129 *Law Quarterly Review* 399-418
27. 'A Grammar of Public Law' (2013) 14 *German Law Journal* 2137-2155 (with Graham Gee)
28. 'Some Internal Points of View and the Study of Law' (2012) 28 *Constitutional Commentary* 325-345
29. 'L'activité politique et la constitution de Westminster' (2012) 9 *Jus politicum* 1-17
30. 'The Polycentricity of Political Financing' [2012] *Public Law* 310-327
31. 'What is a Political Constitution?' (2010) 30 *Oxford Journal of Legal Studies* 273-299 (with Graham Gee)
32. 'Proportionality, Balancing, and the Cult of Constitutional Rights Scholarship' (2010) 23 *Canadian Journal of Law and Jurisprudence* 179-202
33. 'The Unfulfilled Potential of the Court and Legislature Dialogue' (2009) 42 *Canadian Journal of Political Science* 443-465
34. '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

35. 'Opposition in the separation of powers' in *The Cambridge Handbook of the Separation of Powers*, eds. Mathieu Leloup et al (Cambridge University Press, forthcoming 2025)
36. 'Gilead constitutionalism' in *The Morality in Law: Themes from Leslie Green*, eds. Thomas Adams, Kate Greasley, and Denise Réaume (Oxford University Press, forthcoming 2024)

37. 'Rights and the law's progressive measures' in *Rights and Institutional Relationships: Parliamentary Systems in Canada and beyond*, ed. Emmett Macfarlane (University of Toronto Press, forthcoming 2024)
38. '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, 2024) 93-108
39. 'Can the constitution of a fruit fly be written?' in *From morality to law and back again: Liber amicorum for John Gardner*, eds. Michelle Dempsey and François Tanguay-Renaud (Oxford University Press, 2023) 17-37
40. 'Opposition' in *The Cambridge Handbook of Constitutional Theory*, eds. Richard Bellamy and Jeff King (Cambridge University Press, 2024) 262-278
41. '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
42. 'Human rights and justice' in *Encyclopaedia of the Philosophy of Law and Social Philosophy*, eds. Mortimer Sellars and Stephan Kirste (Springer, 2021)
43. 'Proportionality and limitations on freedom of speech' in *The Oxford Handbook of Freedom of Speech*, eds. Frederick Schauer and Adrienne Stone (Oxford University Press, 2020) 173-192
44. 'The duty to govern and the Rule of Law in an emergency' in *Vulnerable: The Law, Policy, and Ethics of COVID-19*, eds. Colleen Flood, Jane Philpott et al (University of Ottawa Press, 2020) 175-182
45. 'Past, present, and justice in the exercise of judicial responsibility' in *Constitutional dialogue: rights, democracy, institutions*, eds. Geoffrey Sigalet, Grégoire Webber, and Rosalind Dixon (Cambridge University Press, 2019) 129-160
46. 'The "What" and "Why" of Constitutional Dialogue' in *Constitutional dialogue: rights, democracy, institutions*, eds. Geoffrey Sigalet, Grégoire Webber, and Rosalind Dixon (Cambridge University Press, 2019) 1-31 (with Geoffrey Sigalet and Rosalind Dixon)
47. 'Proportionality and absolute rights' in *Proportionality: New Frontiers, New Challenges*, eds. Vicki Jackson and Mark Tushnet (Cambridge University Press, 2017) 75-99
48. 'On the loss of rights' in *Proportionality and the Rule of Law: Rights, Reasoning, Justification*, eds. Grant Huscroft, Bradley W Miller, and Grégoire Webber (Cambridge University Press, 2014) 123-154
49. '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)

50. 'Originalism's Constitution' in *The Challenge of Originalism: Theories of Constitutional Interpretation*, eds. Grant Huscroft and Bradley W Miller (Cambridge University Press, 2011) 147-178
51. 'Legal Reasoning and Bills of Rights' in *Modern Challenges to the Rule of Law*, ed. Richard Ekins (Wellington: Lexis Nexis, 2011) 143-164
52. 'La disposition limitative de la Charte canadienne : une invitation à définir les droits et libertés aux contours indéterminés' 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) 37-57
53. 'Introduction: La fin de Oakes?' 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
LEGAL
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, Kitty Newman Award, 2024
- 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, Standing Research Review Committee, Office of the Vice Principal Research, 2023-
- Member, Faculty of Law Appointments Committee, 2015-2016, 2017-2018, 2023-

- Member, Workload Policy Review Committee, 2023-2024
- 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

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

Canada Research Chair (Tier 2)

- Canada Research Chair (Tier 2) (renewed), 2019-2024, \$650,000
- Canada Research Chair (Tier 2), 2014-2019, \$650,000

Social Science and Humanities Research Council (SSHRC)

- Insight Grant, 2024-2028, \$58,700
- 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

- Bruce Mitchell Research Program (Doctoral Trainees) Award (joint *with* Ashwini Vasanthakumar), 2024-2028, \$140,000
- Catalyst Fund, 2020-2021, \$24,725
- Research Leaders' Fund, 2017-2019, \$48,200