

CURRICULUM VITAE

1 September 2024

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Languages: English and French

Academic Appointments:

Professor Emeritus, Faculty of Law, University of Victoria, 2023 to present.
Honorary Professorial Fellow, University of Melbourne, 2023 to 2027.
Full Professor, Faculty of Law, University of Victoria, 2002 to 2023.
Guest Professor, Eötvös Lorand University Faculty of Law, Budapest, April 2019.
Professor and Dean, Faculty of Law, University of Victoria, 2013 to 2018.
Canada Research Chair in Law and Society, Faculty of Law, University of Victoria,
2002 to 2014 (surrendered because of my appointment as Dean).
Trudeau Fellow, 2009 to present (funded 2009-12).
Distinguished Visiting Mentor, College of Law, Australian National University,
August 2012.
Visiting Professor, Faculty of Law, University of Calgary, May 2008.
Visiting Professor, Faculty of Law, University of New South Wales, 2004 to 2007.
Visiting Professor, School of Law, Macquarie University, April 2006.
Professor (Level E) and Dean, Faculty of Law, University of Sydney, 1998 to 2002.
Associate Dean (Graduate Studies and Research), Faculty of Law, McGill
University, 1994 to 1997.
Visiting Fellow, Faculty of Law, University of New South Wales, 1993 to 1994.
Associate Professor, Faculty of Law, McGill University, 1993 to 1998.
Member, Institute of Comparative Law, McGill University, 1990 to 1998.
Assistant Professor, Faculty of Law, McGill University, 1987 to 1993.

Post-secondary Education:

B.A. (Honours) Political Science, U.B.C., 1980.
LL.B., B.C.L. (First Class Honours; Gold Medal), McGill University, 1984.
LL.M., Osgoode Hall Law School, York University, 1988 (Thesis supervisors:
Professor Paul Craven; President Harry W. Arthurs. Thesis title: "Standards of
Industrial Justice: Ideology and the Reports of Conciliation Boards under the
Industrial Disputes Investigation Act, 1907-1925").

Professional Qualifications:

Called to the Bar of the B.C. Supreme Court, 27 September 1985 (resigned 31
December 1986).

Scholarships and Awards (from most recent to 1975):

1. Doctorem et professorem iuris constitutionalis honoris causa, Eötvös Loránd University, Budapest, Hungary, 2024.
2. Honorary Professorial Fellow, University of Melbourne, 2023 to present.
3. Fellow of the Royal Society of Canada, 2016 to present.
4. Distinguished Visiting Mentor, College of Law, Australian National University, August 2012.
5. Trudeau Fellow, 2009-2012.
6. Canada Research Chair in Law & Society, 2002, renewed 2009.
7. Law Students Society First-Year Teaching Award, University of Victoria, 2007-08.
8. Canada Research Chair in Law & Society, awarded 2002.
9. *Labouring Lives* winner of the Ontario Historical Society's J.J. Talman Award as "the best book on Ontario's social, economic, political or cultural history published in the past three years", 1998.
10. *Reimagining Canada* named a Choice Outstanding Academic Book, 1995.
11. *Reimagining Canada* shortlisted for the Harold Adams Innis Scholarly Book Prize of the Social Science Federation of Canada, 1995.
12. Viscount Bennett Fellowship, 1986.

McGill:

13. Aimé Geoffrion National Programme Gold Medal, 1984.
14. Wainwright Essay Prize (shared; for the best essay in the Faculty), 1984.
15. John W. Cook K.C. Prize (discretionary), 1984.
16. "I.M.E." Prize in Commercial Law (highest standing in Commercial Law throughout the programme), 1984.
17. Caron Memorial Award (shared; for "superior ability in either fiscal, civil or commercial law"), 1984.
18. University Scholar, 1984.
19. Faculty Prize in Taxation I (highest standing in that course), 1983.
20. George S. Challies Memorial Award (discretionary), 1983.
21. Wainwright Essay Prize (shared; for the best essay in the Faculty), 1983.
22. Maurice Alexander Scholarship (highest standing in second year), 1982.
23. Dean Ira A. MacKay Prize (highest standing in Torts), 1981.
24. Lord Reading Society of Montreal Prize (highest standing in first year), 1981.
25. James McGill Award/Faculty Scholar (for top 5% in each faculty), 1981, 1982, 1983.
26. Wainwright Scholarship (one of two entrance scholarships awarded to students intending to pursue the National Programme), 1980. Renewed: 1981, 1982, 1983.

U.B.C:

27. Robert L. Stanfield Book Prize, 1980.
28. Alan Boag Scholarship (for best essay on socialism), 1979.

29. U.B.C. Scholarship (for top 7% in each faculty), 1978.
30. Norman MacKenzie Alumni Scholarship, 1975.
31. B.C. Government Scholarship, 1975.

I. RESEARCH:

Solely-Authored Books:

1. *Las gramáticas de la ley: Derecho, pluralismo y justicia* (Barcelona: Anthropos, 2017), trans Francisco Beltrán Adell and Álvaro R. Córdova Flores.
2. *The Constitution of Canada: A Contextual Analysis* (Oxford: Hart Publishing, 1st edition 2015, 2nd edition 2021).
3. *Reimagining Canada: Language, Culture, Community and the Canadian Constitution* (Montreal: McGill-Queen's University Press, 1994).

Collaborative Books and Special Issues:

1. Editor (with Oliver Schmidtke and Eszter Bodnár), special issue on "Populism, Democracy, and the Rule of Law in Central and Eastern Europe," (2024) 16(2) Hague Journal on the Rule of Law 219-374.
2. Editor (with Oliver Schmidtke and Eszter Bodnár), special issue on "Democratic Constitutionalism in a Populist Age," (2023) 32(6) Social and Legal Studies 841-995.
3. Editor (with Oliver Schmidtke and Eszter Bodnár), special issue on "The Resurgence of Populism: Tackling the Crisis of Liberal Democracy," (2021) 10 Social Sciences.
4. Editor (with Karine Gentelet and Pierre Noreau), journal section on "Complexe d'identité et de territoire", (2017) 46(2-3) Recherches amérindiennes au Québec 77-116.
5. Editor (with Avigail Eisenberg, Glen Coulthard, and Andrée Boisselle), *Recognition versus Self-Determination: Dilemmas of Emancipatory Politics* (Vancouver: UBC Press, 2014).
6. Editor (with Hester Lessard and Rebecca Johnson), *Storied Communities: Narratives of Contact and Arrival in Constituting Political Community* (Vancouver: UBC Press, 2011).
7. Editor (with Colin Macleod), *Between Consenting Peoples: Political Community and the Meaning of Consent* (Vancouver: UBC Press, 2010).

8. Editor (with Hamar Foster and Heather Raven), *Let Right Be Done: Aboriginal Title, the Calder Case, and the Future of Indigenous Rights* (Vancouver: UBC Press, 2007).
9. Co-author (as member of Labour Law Casebook Group), *Labour Law: Cases, Materials and Commentary* (5th ed.) (Kingston, Ont: Industrial Relations Centre, Queen's University, 1991). (Responsible for the chapter on Industrial Conflict, 178 pages, and made contributions to other chapters, especially regarding Quebec labour law.)

Articles and Book Chapters:

1. "A Democracy-Friendly Theory of the Rule of Law", (2024) 16(2) *Hague Journal on the Rule of Law* 339-374.
2. "Understanding Populism", (2023) 32(6) *Social and Legal Studies* 849-876.
3. "A Nationalism Open Towards the World", in Rajeev Bhargava, ed, *Politics, Ethics and the Self: Re-reading Gandhi's Hind Swaraj* (New Delhi: Routledge, 2022), 162-189.
4. "Governing Ourselves: Reflections on Reinvigorating Democracy Stimulated by Gitxsan Governance", in James Tully, Keith Cherry, Fonna Forman, Jeanne Morefield, Joshua Nichols, Pablo Ouziel, David Owen, and Oliver Schmidtke, eds, *Democratic Multiplicity: Perceiving, Enacting and Integrating Democratic Diversity* (Cambridge: Cambridge University Press, 2022), 281-303.
5. "Federalism's Radical Potential", (2020) 18(4) *International Journal of Constitutional Law* (Symposium on Peace Processes & Constitution-Making) 1324-1349.
6. (with Val Napoleon, Mireille Fournier, and John Borrows) "Sally Engle Merry, Legal Pluralism, and the Radicalization of Comparative Law" (2020) 54 *Law and Society Review* 846-857.
7. "Frustrations of Federalism, Frustrations of Democracy: Trudeau, Transformative Change, and the Canadian Constitutional Order" (2020) 99 *Supreme Court Law Review* (2nd series) 101-134.
8. "Recognition in Its Place," in Daniel Weinstock, Jacob Levy and Jocelyn Maclure, eds, *Interpreting Modernity: Essays on the Work of Charles Taylor* (Montreal: McGill-Queen's University Press, 2020), 247-264.

9. "Introduction and Overview", in Freya Kodar, ed, "John Borrows' *Freedom and Indigenous Constitutionalism: Critical Engagements*" (2019) 3:2 Lakehead Law Journal 100-107. On-line: <https://llj.lakeheadu.ca/article/view/1687/906>.
10. "Canadian Federalism, Canadian Allegiance, and Economic Inequality" in Carolyn Hughes Tuohy, Sophie Borwein, Peter John Loewen, and Andrew Potter, eds, *Policy Transformation in Canada: Is the Past Prologue?* (Toronto: University of Toronto Press, 2019), 117-123.
11. "Canada's Agonistic Constitution: Themes, Variations, Tensions, and Their On-Going Reconciliation" [2017/2] ELTE [Eötvös Loránd University] Law Journal 13-30. On-line: <http://eltelawjournal.hu/canadas-agonistic-constitution-themes-variations-tensions-and-their-on-going-reconciliation/>
12. "The Delayed (and Qualified) Victory of the Meech Lake Accord: The Role of Constitutional Reform in Undermining and Restoring Intercommunal Trust" in Dimitrios Karmis and François Rocher, eds, *Trust, Distrust, and Mistrust in Multinational Democracies: Comparative Perspectives* (Montreal: McGill-Queen's University Press, 2018), 166-209. [English version, updated, of "La victoire tardive..." (2012) below]
13. "Contending Sovereignties" in Peter Oliver, Patrick Macklem, and Nathalie Des Rosiers, eds, *The Oxford Handbook of the Canadian Constitution* (New York: Oxford University Press, 2017), 281-301.
14. "We Are Still in the Age of Encounter: Section 35 and a Canada beyond 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), 63-99.
15. "Rod Macdonald's Society of Friends" in Richard Janda, Rosalie Jukier, and Daniel Jutras, eds, *The Unbounded Level of the Mind: Rod Macdonald's Legal Imagination* (Montreal: McGill-Queen's University Press, 2015), 190-197.
16. "Three Dimensions of Indigenous Economic Development" in Roderick Macdonald and Véronique Fortin, eds, *Autonomie économique autochtone : dimensions multiples / Dimensions of Indigenous Economic Autonomy* (Montreal: Thémis, 2014), 295-313.
17. "El federalismo canadiense" in Javier Tajadura and Josu de Miguel Bárcena, eds, *Federalismos del siglo XXI* (Madrid: Centro de estudios políticos y constitucionales, 2014), 153-202.

18. “The Generosity of Toleration” in Avigail Eisenberg, Jeremy Webber, Glen Coulthard and Andrée Boisselle, eds, *Recognition versus Self-Determination: Dilemmas of Emancipatory Politics* (Vancouver: UBC Press, 2014), 269-292.
19. “The Public-Law Dimension of Indigenous Property Rights” in Nigel Bankes and Timo Koivurova, eds, *The Proposed Nordic Saami Convention: National and International Dimensions of Indigenous Property Rights* (Oxford: Hart, 2013), 79-102.
20. (with Kirsty Gover) “Proprietary Constitutionalism” in Mark Tushnet, Thomas Fleiner, and Cheryl Saunders, eds, *Routledge Handbook of Constitutional Law* (New York: Routledge, 2013), 361-74.
21. “A Two-Level Justification of Religious Toleration” (2012) 4(Winter) *Journal of Indian Law and Society* 25-53.
22. “Empire and Solidarity in International Legal Reform,” (2012) 4 *Middle East Law and Governance* 326-55.
23. “La victoire tardive (mais mitigée) de l’Accord du lac Meech: le rôle relatif des amendements constitutionnels et de la pratique constitutionnelle dans la rupture et le rétablissement de la confiance intercommunautaire,” in Dimitrios Karmis et François Rocher, eds., *La dynamique confiance/méfiance dans les démocraties multinationales : Le Canada sous l’angle comparatif* (Québec : Presses de l’Université Laval, 2012), 165-207.
24. “Forms of Transitional Justice,” in Melissa S. Williams, Rosemary Nagy, and Jon Elster, eds., *NOMOS LI: Transitional Justice* (New York: New York University Press, 2012), 98-128.
25. “Why Should Governments that Reject Religious Belief Respect Freedom of Religion?” (为什么反对宗教信仰的政府也应该尊重宗教自由), published in Chinese in (2011) 43 *Leaders* (领导者) 109-19 (30 December 2011). On-line: http://www.21ccom.net/articles/dtxw/news_2012010551493.html.
26. “Un nationalisme ni chauvin ni fermé,” (2011) 3 *Cahiers de la Fondation Trudeau* 72-98. Also published in English: “A Nationalism Neither Chauvinistic Nor Closed,” (2011) 3 *Trudeau Foundation Papers* 64-87.
27. “Section 7, *Insite* and the Competence of Courts,” (2011) 19 *Constitutional Forum constitutionnel* 125-29.
28. (with Hester Lessard and Rebecca Johnson) “Stories, Communities, and Their Contested Meanings,” in Hester Lessard, Rebecca Johnson, and Jeremy Webber,

- eds., *Storied Communities: Narratives of Contact and Arrival in Constituting Political Community* (Vancouver: UBC Press, 2011), 5-25.
29. “Formas de Justicia de Transición” in Claire A. Poulin and Xavier Landes, eds., *Ética en Democracia para Mesoamérica : Gobernabilidad, Derechos Humanos y Transparencia en una Sociedad Diversa* (San Salvador : Embajada de Canadá en El Salvador, 2010), 49-60 (Spanish translation of abbreviated and adapted version of “Forms of Transitional Justice”).
 30. “The Meanings of Consent,” in Jeremy Webber and Colin Macleod, eds., *Between Consenting Peoples: Political Community and the Meaning of Consent* (Vancouver: UBC Press, 2010), 3-41.
 31. “The Grammar of Customary Law” (2009) 54 McGill L.J. 579-626.
 32. “Naturalism and Agency in the Living Law,” in Marc Hertogh, ed., *Living Law: Reconsidering Eugen Ehrlich* (Oxford: Hart, 2009), 201-221.
 33. “Understanding the Religion in Freedom of Religion,” in Peter Cane, Carolyn Evans and Zoe Robinson, eds., *Law and Religion in Theoretical and Historical Context* (Cambridge: Cambridge University Press, 2008), 26-43. [reprinted in John Eekelaar, ed, *Family Rights and Religion* (The Library of Essays on Family Rights Series) (Ashgate: Farnham UK, 2016).]
 34. “The Separation of Church from State,” in S. Banerjee, H. Coward, M. A. Lakhani, and J. Webber, *Clashing Fundamentalisms: When Rival Truth Claims Meet Head-On* (Victoria: Centre for Studies in Religion and Society, University of Victoria, 2008), 58-86.
 35. “National Sovereignty, Migration, and the Tenuous Hold of International Legality: The Resurfacing (and Resubmersion?) of Carl Schmitt,” in Oliver Schmidtke and Saime Ozcurumez, eds., *Of States, Rights, and Social Closure: Governing Migration and Citizenship* (New York: Palgrave Macmillan, 2008), 61-90.
 36. (with Christina Godlewska) “The *Calder* Decision, Aboriginal Title, Treaties, and the Nisga’a” in Hamar Foster, Heather Raven, and Jeremy Webber, eds., *Let Right Be Done: Aboriginal Title, the Calder Case, and the Future of Indigenous Rights* (Vancouver: UBC Press, 2007), 1-33.
 37. “A Judicial Ethic for a Pluralistic Age,” in Omid Payrow Shabani, ed. *Multiculturalism and Law: A Critical Debate* (Cardiff: University of Wales Press, 2007), 67-100.
 38. “The Past and Foreign Countries” (2006) 10 Australian Journal of Legal History 1-11.

39. "Legal Pluralism and Human Agency" (2006) 44 Osgoode Hall Law Journal 167-198.
40. "A Modest (but Robust) Defence of Statutory Bills of Rights," in Tom Campbell, Jeffrey Goldsworthy and Adrienne Stone, eds., *Human Rights Without a Bill of Rights: Institutional Performance and Reform in Australia* (Aldershot: Ashgate, 2006), 263-287.
41. "Democratic Decision Making as the First Principle of Contemporary Constitutionalism," in Richard W. Bauman and Tsvi Kahana, eds, *The Least Examined Branch: The Role of Legislatures in the Constitutional State* (New York: Cambridge University Press, 2006), 411-430.
42. "The Irreducibly Religious Content of Freedom of Religion," in Avigail Eisenberg, ed. *Diversity and Equality: The Changing Framework of Freedom in Canada* (Vancouver: University of British Columbia Press, 2006), 178-200.
43. "Rights and Wrongs, Institutions and Time: Species of Historic Injustice and their Modes of Redress," in David Dyzenhaus and Mayo Moran, eds. *Calling Power to Account: Law, Reparations, and the Chinese Canadian Head Tax Case* (Toronto: University of Toronto Press, 2005), 165-195.
44. "Legal Research, the Law Schools and the Profession" (2004) 26 Sydney Law Review 565-586.
45. "Culture, Legal Culture, and Legal Reasoning: A Comment on Nelken" (2004) 29 Australian Journal of Legal Philosophy 27-36.
46. "Commentary: Indigenous Dispute Settlement, Self-Governance, and the Second Generation of Indigenous Rights," in Catherine Bell and David Kahane, eds. *Intercultural Dispute Resolution in Aboriginal Contexts* (Vancouver: UBC Press, 2004), 149-157.
47. "Supreme Courts, Independence and Democratic Agency" (2004) 24 Legal Studies 55-72.
48. "The Foundation of the Rule of Law in the Public Justification of Governmental Action", published in Chinese in (2002) 18 Nanjing University Law Review (Nanjing Daxue Falu Pinlun) 1-13.
49. "Institutional Dialogue between Courts and Legislatures in the Definition of Fundamental Rights: Lessons from Canada (and elsewhere)", in Wojciech Sadurski, ed, *Constitutional Justice, East and West: Democratic Legitimacy and Constitutional Courts in Post-Communist Europe in a Comparative Perspective*

- (The Hague: Kluwer Law International, 2002), 61-99; adapted version published in (2003) 9 Australian Journal of Human Rights 135-182.
50. "Conflicts between Cree Hunting and Sport Hunting: Co-Management Decision Making at James Bay" (with Colin H Scott) in Colin H Scott, ed, *Aboriginal Autonomy and Development in Northern Quebec and Labrador* (Vancouver: UBC Press, 2001), 149-174.
 51. "Multiculturalism and the Australian Constitution" (2001) 24 University of New South Wales Law Journal 882-893.
 52. "Constitutional Reticence" (2000) 25 Australian Journal of Legal Philosophy 125-155.
 53. "Beyond Regret: *Mabo*'s Implications for Australian Constitutionalism", in Duncan Ivison, Paul Patton, and Will Sanders, eds., *Political Theory and the Rights of Indigenous Peoples* (Cambridge: Cambridge University Press, 2000), 60-88.
 54. "Die Legalität einer einseitigen Unabhängigkeitserklärung nach kanadischem Recht" (2000) 48 (Neue folge) Jahrbuch des Öffentlichen Rechts der Gegenwart 421-469 [German version of "The Legality of a Unilateral Declaration of Independence", below].
 55. "Constitutional Poetry: The Tension Between Symbolic and Functional Aims in Constitutional Reform" (1999) 21 Sydney Law Review 260-277.
 56. "Just How Civic is Civic Nationalism in Quebec," in Alan C. Cairns et al., eds, *Citizenship, Diversity and Pluralism: Canadian and Comparative Perspectives* (Montreal: McGill-Queen's University Press, 1999), 87-107.
 57. "Una constitución asimétrica" in Enric Fossas and Ferran Requejo, eds, *Asimetría Federal y Estado Plurinacional: El debate sobre la acomodación de la diversidad en Canadá, Bélgica y España* (Madrid: Editorial Trotta, 1999) 99-139 [Spanish translation of chapter 7 of *Reimagining Canada*].
 58. "Native Title as Self-Government" (1999) 5(2) University of New South Wales LJ Forum 5-7.
 59. "Commitment and Community in the Inter-Referendum Period," (1997) 9 Constitutional Forum 1-8.
 60. "The Legality of a Unilateral Declaration of Independence under Canadian Law," (1997) 42 McGill Law Journal 281-318.

61. "The Rule of Law Reconceived," in Kálmán Kulcsár and Denis Szabo, eds., *Dual Images: Multiculturalism on Two Sides of the Atlantic* (Budapest: Royal Society of Canada and Hungarian Academy of Sciences, 1996), 197-207.
62. "Multiculturalism and the Limits to Toleration," in André Lapierre, Patricia Smart and Pierre Savard, eds., *Language, Culture and Values in Canada at the Dawn of the 21st Century* (Ottawa: International Council for Canadian Studies and Carleton University Press, 1996), 269-79.
63. "Rapports de force, rapports de justice: la genèse d'une communauté normative entre colonisateurs et colonisés," in Jean-Guy Belley, éd., *Le droit soluble: Contributions québécoises à l'étude de l'internormativité* (Paris: Librairie générale de droit et de jurisprudence, 1996), 113-49.
64. "Relations of Force and Relations of Justice: the emergence of normative community between colonists and Aboriginal peoples," [English version of above article] (1995) 33 Osgoode Hall Law Journal 623-660.
65. "Labour and the Law," in Paul Craven, ed., *Labouring Lives: Work and Workers in 19th Century Ontario* (Toronto: University of Toronto Press/Ontario Historical Studies Series, 1995), 105-201.
66. "La référendum et l'avenir des anglophones du Québec/The Referendum and the Future of Anglophones in Quebec," (1995) 1(9) [I.R.P.P.] Choices: Québec-Canada series 16-27.
67. "The Jurisprudence of Regret: The Search for Standards of Justice in *Mabo*," (1995) 17 Sydney Law Review 5-28.
68. "Tales of the Unexpected: Intended and Unintended Consequences of the Canadian Charter of Rights and Freedoms," (1993) 5 Canterbury Law Review 207-34.
69. Contributor to a collaborative volume under the general editorship of John E.C. Brierley and Roderick A. Macdonald, *Quebec Civil Law: An Introduction to Quebec Private Law* (Toronto: Emond-Montgomery, 1993) (responsible for the sections on moveables/immoveables, ownership, occupation, prescription, accession, and registration).
70. "Individuality, Equality and Difference: Justifications for a Parallel System of Aboriginal Justice," in Royal Commission on Aboriginal Peoples, ed., *Aboriginal Peoples and the Justice System: Report of the National Round Table on Aboriginal Justice Issues* (Ottawa: Minister of Supply and Services, 1993), 133-160.
71. "The Adjudication of Contested Social Values: Implications of Attitudinal Bias for the Appointment of Judges," in *Appointing Judges: Philosophy, Politics and*

Practice: Papers Prepared for the Ontario Law Reform Commission (Toronto: OLRC, 1991), 3-29.

72. “Compelling Compromise: Canada Chooses Conciliation over Arbitration, 1900-1907,” (1991) 28 *Labour/Le Travail* 15-57; republished in Laurel Sefton MacDowell and Ian Radforth, eds, *Canadian Working Class History*, 2d ed (Toronto: Canadian Scholars Press, 2000).
73. “The Mediation of Ideology: How Conciliation Boards, Through the Mediation of Particular Disputes, Fashioned a Vision of Labour’s Place within Canadian Society,” (1989) 7(2) *Law in Context* (Melbourne) 1-23.
74. “Living Wage and Living Profit: Wage Determination by Conciliation Boards under the Industrial Disputes Investigation Act, 1907-1925,” in W. Wesley Pue and Barry Wright (eds.), *Canadian Perspectives on Law and Society: Issues in Legal History* (Ottawa: Carleton University Press, 1988), 207-242.
75. “Evidence in Charter Interpretation: A Comment on B.C. Teachers’ Federation v. A.G. B.C.” (1988) 23 *Carswell Practice Cases* (2d) 245-268.
76. “The Malaise of Compulsory Conciliation: Strike Prevention in Canada During World War II” (1985) 15 *Labour/Le Travail* 57-88; abridged version republished in Bryan D. Palmer (ed.), *The Character of Class Struggle: Essays in Canadian Working-Class History, 1850-1985* (Toronto: McClelland and Stewart, 1986).
77. “The Limits to Judges’ Free Speech: A Comment on the Report of the Committee of Investigation into the Conduct of the Honourable Mr. Justice Berger” (1984) 29 *McGill Law Journal* 370-406.

Notes, Comments, Reviews, Blog Posts, Video Presentations:

1. (with Oliver Schmidtke and Eszter Bodnár) “Special Issue of the Hague Journal on the Rule of Law on Populism, Democracy, and the Rule of Law in Central and Eastern Europe” (2024) 16(2) *Hague Journal on the Rule of Law* 219-223.
2. (with Oliver Schmidtke and Eszter Bodnár) “Introduction: Democratic Constitutionalism in a Populist Age”, (2023) 32(6) *Social and Legal Studies* 841-848.
3. “UVic Law Faculty News: Defending Democracy in Myanmar” (2021) 79(3) *The Advocate* 409-412.
4. “UVic Law Faculty News: Conference on ‘Constitutionalism in the Age of Populism’ at the University of Victoria, March 6-8, 2020” (2020) 78(4) *The Advocate* 569-574.

5. "UVic Law Faculty News: UVic Law's Indigenous Law Program Opens Its Doors in September 2018" (2018) 76(3) *The Advocate* 423-430.
6. (with Karine Gentelet and Pierre Noreau) "Introduction: Le droit foncier au regard des réalités autochtones" (2017) 46(2-3) *Recherches amérindiennes au Québec* 77-78.
7. "The Law Schools and the Future of Indigenous Law in Canada," on-line: "Slaw: Canada's Online Legal Magazine," <http://www.slaw.ca/2015/08/04/the-law-schools-and-the-future-of-indigenous-law-in-canada/>, posted 4 August 2015.
8. "Thursday Thinkpiece: Webber on Evolution in Constitutional Law," on-line: "Slaw: Canada's Online Legal Magazine," <http://www.slaw.ca/2015/05/14/thursday-thinkpiece-webber-on/>, posted 14 May 2015.
9. Commentary on the Quebec Charter of Values, on "off the cuff: The Charter of Quebec Values" on-line: "The Immanent Frame," <http://blogs.ssrc.org/tif/2014/02/20/the-charter-of-quebec-values/#Webber>, posted 20 February 2014.
10. "UVic Law Faculty News" – introduction to Alyssa Holland, "The Law Centre: Raising the Bar on Legal Education" (2014) 72(1) *The Advocate* 77.
11. "UVic Law Faculty News: UVic Law: An International Law School?" (2013) 71(6) *The Advocate* 907-909.
12. "The Grammar of Customary Law," video presentation prepared by Yianni Pappas-Acreman, Cassandra Paterson, and Stuart McAlister, for SSHRC competition: "Research for a Better Life: the Storytellers," March 2013. On-line: www.sshrc-crsh.gc.ca/storytellers.
13. "Secularism, Lexical Ordering, and Resistance to Dialogue," invited comment on Akeel Bilgrami's "Secularism: Its Content and Context," on-line: "The Immanent Frame," <http://blogs.ssrc.org/tif/2012/02/07/secularism-lexical-ordering-and-resistance-to-dialogue/>, posted 7 February 2012.
14. "UVic Law Faculty News: Cowichan Conference on Indigenous Law" (2011) 69(1) *The Advocate* 95.
15. Interview, "Frank Calder and Thomas Berger: A Conversation," in Hamar Foster, Heather Raven, and Jeremy Webber, eds., *Let Right Be Done:*

Aboriginal Title, the Calder Case, and the Future of Indigenous Rights (Vancouver: UBC Press, 2007), 37-53.

16. "The Inauguration of the Julius Stone Institute of Jurisprudence," (2000) 25 *Australian Journal of Legal Philosophy* 123-124.
17. "Constitutional Poetry" (1999) 74 *Reform: A Journal of National and International Law Reform* 17-23.
18. "Normative Autonomy and the Judicialisation of Tribunals," (1998) 19 *Australian Institute of Administrative Law Forum* 22-27.
19. "Commentaire sur la nature sociale du droit et le rôle du pouvoir," in Andrée Lajoie et al., eds., *Théories et émergence du droit: pluralisme, surdétermination et effectivité* (Montreal: Thémis, 1998) 191-197.
20. "Why they protest," (1998) 3(6) [Council for Canadian Unity] *Direction* 1-2.
21. "Nota Bene... National Unity Bills," (1996) 5(1) *Literary Review of Canada* 5.
22. "The Response to Parizeau's 'Ethnic Vote'," (1995) 4 *Canada Watch* 34-5.
23. "Constitutional Exhaustion? A Response to Ramsay Cook," (1995) 4(2) *Literary Review of Canada* 23.
24. "Réponse à Ramsay Cook," (1994) 22(6) *Cité Libre* 10-2 [French version of above article, translated by Pierre Joncas].
25. "Understanding the Recent Developments in Canadian Constitutional Reform: A Contextual Overview" (1993) 16 [A.B.A.] *Canadian Law Newsletter* 33-40.
26. Book review of: Philip Resnick, *Letters to a Québécois Friend, with a reply by Daniel Latouche* *Canadian Forum*, May 1990, 28-29.
27. Book review of: John Stanton, *Never Say Die!: The Life and Times of a Pioneer Labour Lawyer* (1989) 96 *Queens' Quarterly* 538-539.
28. Book review of: Paul Craven "*An Impartial Umpire*": *Industrial Relations and the Canadian State 1900-1911* (1983) 16 *Canadian Journal of Political Science* 179-180.

Newspaper Articles:

1. (with Hamar Foster and Heather Raven) “The day that the lieutenant-governor and the chief justice danced onto the stage” [*Victoria*] *Times-Colonist* (25 September 2020), in print and on-line:
<<https://www.timescolonist.com/opinion/op-ed/comment-the-day-the-lieutenant-governor-and-the-chief-justice-danced-onto-the-stage-1.24209571>>
2. (with Joel Bakan and Margot Young) “Opinion: B.C.’s Lt.-Gov. may determine who can form government” *Vancouver Province* (30 May 2017), in print and on-line: <<http://theprovince.com/opinion/op-ed/opinion-b-c-s-lt-gov-must-determine-who-can-form-government>>
3. “Opinion: Religion vs. equality – Issue of accreditation of TWU’s Law program is complicated” *Vancouver Sun* (8 April 2014), on-line edition:
<<http://www.vancouversun.com/business/Opinion+Religion+equality/9715430/story.html>>
4. “Inclusion, Xenophobia in Quebec’s Charter” [*Victoria*] *Times Colonist* (12 March 2014), A9.
5. “Nurturing Strong Indigenous Voices,” (and follow-up comments in the discussion forum) *ABC* [*Australian Broadcasting Corporation*] *The Drum Unleashed* (8 June 2010). On-line:
<<http://www.abc.net.au/unleashed/stories/s2921191.htm>>
6. Article on the prorogation of Parliament, signed by more than 150 professors and published under various titles in many papers across the country, especially in the CanWest group, January 2010 (Daniel Weinstock played by far the predominant role in drafting and circulating this letter).
7. “Canadian Muslims are fellow citizens” [*Victoria*] *Times Colonist* (24 November 2006), A19.
8. “The frustration of international law in current conflict” [*Victoria*] *Times Colonist* (7 April 2003), A9.
9. “Missing: a positive political morality” *The Australian Financial Review* (26 March 2002), 63.
10. “The value of adaptability is more than symbolic” *The Australian* (2 November 1998).
11. “Kirim Tatarlari Yardimi hak Ediyor”, Emel, online Journal of Crimean Tartars, [www.euronet.nl/users/sota/emel2304.html] (Tatar version of article below).

12. “Crimea’s Tatars deserve help,” *Kyiv Post* (9 October 1997).
13. “Caging Quebec is the wrong strategy,” *The Montreal Gazette* (4 March 1996).
14. Article on the content and strategy of constitutional renewal, following the referendum, published under various titles in the *Montreal Gazette*, the *Toronto Star*, the *Saskatoon Star-Phoenix*, and perhaps other papers, November 1995.
15. “Difficile avenir pour la communauté anglophone dans un Québec souverain,” *La Presse* (18 mars 1992).
16. “Repression is not the solution to unity crisis,” *The Montreal Gazette* (4 December 1991).
17. “Choosing our judges: Canada’s courts need diversity, openness,” *The Ottawa Citizen* (5 September 1990).
18. With Ron Watts and Peter Russell, “On Meech, all sides must now show generosity,” *The Toronto Star* (25 May 1990).
19. “Myth about Meech Lake,” *The Winnipeg Free Press* (23 March 1990).
20. Article regarding distinct society clause, co-authored with Wade MacLauchlan, translated by Daniel Jutras, signed by several colleagues, and published under various titles in English and French in *The [Montreal] Gazette*, *La Presse*, *The Toronto Star*, the *Ottawa Citizen*, the *Kingston Whig-Standard*, the *Saskatoon Star-Phoenix*, the *Halifax Chronicle-Herald*, the *McGill Reporter*, and I believe others, in November and December 1989.

Academic Talks/Presentations at Conferences/Community Talks:

Address to the Ceremonial Meeting of the University Senate (Aula Magna), Pázmány Day 2024, Eötvös Loránd University, 10 May 2024.

“Towards a Truly Democratic Constitutionalism”, Honorary Doctoral Lecture, Faculty of Law, Eötvös Loránd University, 9 May 2024.

Commentator on Ingrid Robeyns (Universiteit Utrecht), “Limiting Lifetime Inheritances and Gifts”, Symposium on “The Economics, Ethics, and Politics of Wealth and Capital Income Inequality,” University of Victoria, 29-30 November 2023.

“Les Promesses qui nous forment”, Université de Montréal, 24 November 2023.

“A Democracy-Friendly Theory of the Rule of Law”, Legal Theory Workshop, McGill University, Montreal, 23 November 2023.

“A Democracy-Friendly Theory of the Rule of Law”, Victoria Colloquium on Political, Social, and Legal Theory, University of Victoria, 10 November 2023.

“Democratic Decision Making as the First Principle of Contemporary Constitutionalism, Victoria Colloquium on Political, Social, and Legal Theory pre-seminar, University of Victoria, 3 November 2023.

One of five “senior mentors”, Early Career Scholar Workshop, Allard School of Law, University of BC, Vancouver, 16 October 2023.

“A Democracy-Friendly Theory of the Rule of Law”, Australasian Society of Legal Philosophy Annual Conference, Auckland NZ, 6-7 July 2023.

“University of Victoria’s Indigenous Law Program”, with Professor Val Napoleon, Victoria University Wellington - Te Herenga Waka, Wellington NZ, 4 July 2023.

“Popular Sovereignty, Plural Peoples, and Political Agency in Indigenous/non-Indigenous Societies”, Panel 2 on Plurinational Constitutionalism in Practice: Plural Institutions, Intersocietal Laws, in Australia, Canada and New Zealand/Aotearoa, ICON-S Annual Conference, Wellington NZ, 4 July 2023.

Co-Convenor, Panels on Plurinational Constitutionalism in Practice: Plural Institutions, Intersocietal Laws, in Australia, Canada and New Zealand/Aotearoa, ICON-S Annual Conference, Wellington NZ, 3 and 4 July 2023.

Presenter, Symposium with the Chacachas, Government of Canada, and Ishkonigan Inc (consultants) on the Reconstitution of the Chacachas as a Treaty Band, University of Victoria, 9-10 December 2022.

“Contemporary Politics and Culture in Canada,” Fórum sobre Política y Cultura de las Américas: Tendencias globales y locales,” Centro de Estudios Parlamentarios, Universidad Autónoma de Nuevo León (UANL), Mexico, 1 November 2022.

“Strategies of Justice,” UBC Legal Theory Workshop, 26 September 2022.

“The Rule of Law in Democratic Constitutionalism”, 2022 ICON•S Annual Conference on “Global Problems and Prospects in Public Law,” Wrocław Poland, 5 July 2022.

Participant in the “Learning from the Land” Symposium, University of the Fraser Valley, Chilliwack BC, 6-9 June 2022.

“Strategies of Justice,” Argumentation Network of the Americas, Ethics of Argumentation Speaker Series (by zoom: <https://www.argnet.org/ethics-of-arg>), 6 May 2022. Recording available at: <https://www.youtube.com/watch?v=FaSfCeny2zM>.

Assistance in Organizing and Participant in two-part Expert Workshop on Rights of Indigenous Peoples, Institute for Law and Public Policy, Moscow, Russia (by Zoom), 14-15 September 2021 and 16-17 February 2022.

“Pandemic, Populism & Democracy,” CCSLAW Webinar, Centre for Constitutional Studies/Centre d'études constitutionnelles, University of Alberta (by Zoom), 29 April 2021. Recording available at: <https://www.youtube.com/watch?v=UwJ-s7UpvIw>

Co-presenter with Val Napoleon of “Bringing Indigenous Law into the Heart of the Law School Curriculum,” Faculty Workshop, University of Sydney (by Zoom), 23 April 2021.

Commentator on the Workshop as a Whole, Symposium on “Making Promises: Oaths, Treaties, and Covenants in Multi-jurisdictional and Multi-religious Societies,” York, Toronto, and Tübingen Universities (by Zoom), 5-7 November 2020.

Speaker and Commentator, Book Launch of Gordon Christie, *Canadian Law and Indigenous Self-Determination: A Naturalist Analysis* (Toronto: University of Toronto Press, 2019), University of British Columbia (by Zoom), 8 October 2020.

“Cutting our Way through the Thicket: Populism, its Affinities, its Consequences, and our Responses,” Conference on “Constitutionalism in an Age of Populism,” University of Victoria, 6-8 March 2020.

“Federalism and the Frustration of Transformational Change,” Conference on “L’héritage de Pierre Elliott Trudeau/The Legacy of Pierre Elliott Trudeau,” Université de Montréal, 6-8 November 2019.

Keynote Address, “Law of the Feast Hall, Law of the Courts: Bringing State and Non-State into Conversation in the Classroom,” Annual Conferences of the Canadian Law and Society Association (CLSA) and Canadian Association of Law Teachers (CALT), Vancouver BC, 5 June 2019. On-line: <https://mediasite.audiovisual.ubc.ca/Mediasite/Play/1a2713e9c16241c7b1b2f7ade618cd0b1d>

Research Seminar, “Federalism’s Radical Potential,” Department of Political Science, Universidad Autónoma de Madrid, 25 April 2019.

Commentator on the Project Proposal, Opening Conference of the Research Group on EU Differentiation, Dominance and Democracy (EU3D), Luiss University, Rome, 12 April 2019.

Seminar, “Teaching Indigenous Law in Intense Comparison to State Law: Questions and Challenges,” Institut für Kultur- und Sozialanthropologie, University of Vienna, 4 April 2019.

Seminar, “We are still in the age of encounter: Five forms of sovereignty, perceived through the lens of Indigenous sovereignty,” Section for International Law and International Relations, University of Vienna, 4 April 2019.

Respondent to a presentation by Verónica Yuquilema Yupangui, Lateinamerika-Kolloquium: Pluralismo Jurídico en el Estado Pluri-Uninacional de Ecuador: Realidades y Desafíos, University of Vienna, 1 April 2019.

Chair of session on “Democracy Decay – Institutions”, Conference of the ICON-S [International Society of Public Law] CEE Regional Chapter on “Traditional Concepts: New Perspectives, New Challenges”, Charles University, Prague, 29 March 2019.

Presenter, “The Changing Face of Religious Rights in Canada,” IdeaFest 2019, University of Victoria, 7 March 2019.

Commentator on Panel 2 (Mark Tushnet, “Conceptualizing the Role of Courts in Peace Processes” and David Landau, “Judicial Review of Peace: The Colombian Constitutional Court and the Colombian Peace Process”), Conference on “Peace Processes, Federalism and Constitution-Making: Comparative Perspectives on the Complexities of Conflict Resolution and Maintenance,” University of New South Wales, Sydney Australia, 6-7 December 2018.

“What Exactly Needs to be Agreed in a Constitutional Settlement? What Accommodations does a Federal Option Permit? The Case for Agonistic Constitutionalism,” Conference on “Peace Processes, Federalism and Constitution-Making: Comparative Perspectives on the Complexities of Conflict Resolution and Maintenance,” University of New South Wales, Sydney Australia, 6-7 December 2018.

“Creating UVic’s Indigenous Law Program: Questions and Challenges,” Teaching Seminar, Melbourne Law School, University of Melbourne, 25 October 2018.

“We are Still in the Age of Encounter: Indigenous Rights, the Nature of Sovereignty, and Agonistic Constitutionalism,” Seminar, Centre for Comparative

Constitutional Studies, Melbourne Law School, University of Melbourne, 23 October 2018.

“We are Still in the Age of Encounter: Indigenous Rights, the Nature of Sovereignty, and Agonistic Constitutionalism,” College Seminar, College of Law, Australian National University, 18 October 2018.

“We are Still in the Age of Encounter: Indigenous Rights, the Nature of Sovereignty, and Agonistic Constitutionalism,” Seminar, Indian Institute for Human Settlements (live-streamed and on YouTube: <https://www.youtube.com/watch?v=GvBa5YNea-E>), Bengaluru, India, 27 July 2018.

“We are Still in the Age of Encounter: Indigenous Rights, the Nature of Sovereignty, and Agonistic Constitutionalism,” Faculty Seminar, Azim Premji University, Bengaluru, India, 26 July 2018.

Presentation to graduate students on the development of a research agenda, Azim Premji University, Bengaluru, India, 26 July 2018.

Presentation to faculty on the Joint Degree Program on Canadian Common Law and Indigenous Legal Orders, Azim Premji University, Bengaluru, India, 26 July 2018.

“We are Still in the Age of Encounter: Indigenous Rights, the Nature of Sovereignty, and Agonistic Constitutionalism,” Faculty Seminar, School of Social Sciences, University of Hyderabad, 23 July 2018; followed by discussion with graduate students in the School of Social Sciences, 25 July 2018.

“Teaching Indigenous Law in a ‘Modern’ Jurisdiction,” Jigme Singye Wangchuck School of Law Conference on “Gross National Happiness and Law”, Thimphu Bhutan, 17-18 July 2018.

Commentator on “Chapter 7: Subnational Governance and Ethnic Recognition” in seminar on draft manuscript for Melissa Crouch, *The Constitution of Myanmar: A Contextual Analysis*, University of New South Wales Law School, Sydney, 6 July 2018 [participated by internet].

“Refining the National Legal System of Vietnam: A Report on the Principles and Mechanisms of the Rule of Law”, and “Comments on the Lexicon Project”, both at National Legislative Development Project in Vietnam, “Consultative Workshop on the Lexicon and the Study Report on Legal System Improvement,” Ministry of Justice, Government of Vietnam, Hanoi, 18 May 2018.

“Proprietary Constitutionalism”, Faculty Seminar Hanoi Law University, 17 May 2018.

Chair and animator of session on the work of Ted Chamberlin, “Storyteller, Scholar, Transformer”, University of Victoria, 12 April 2018.

Master of Ceremonies and Chair, Ideafest Session on “The Role of the Sacred in Indigenous Law and Reconciliation,” Alix Goolden Hall, Victoria BC, 8 March 2018.

Commentator, Author-Meets-Reader Session on Patricia Cochran, *Common Sense and Legal Judgment: Community Knowledge, Political Power, and Rhetorical Practice*, University of Victoria, 7 March 2018.

Keynote address on “Decolonizing the Academy: An Explorer’s Guide”, Graduate Law Students Association Conference, Osgoode Hall Law School, 22-23 February 2018.

“Canadian Federalism, Canadian Allegiance, and Economic Equality”, Conference on Canada at its Centennial and Sesquicentennial”, School of Public Policy and Governance, University of Toronto, 17-18 November 2017.

“Indigenous Law Program Proposal, University of Victoria,” Canadian Bar Association of British Columbia Provincial Council, Vancouver, 23 September 2017.

Keynote address on “An Agonistic Constitution: Themes, Variations, Tensions, and their Reconciliation in Canada’s Evolving Constitution” International Symposium on “What Can Central and Eastern Europe Learn from the Development of Canada’s Constitutional System?”, Eötvös Loránd University (ELTE) Faculty of Law, Budapest, 28 June 2017.

Speaker, Dean’s Diversity Dialogue, University of British Columbia, 7 March 2017.

Commentator, Author-Meets-Reader Session on Kathryn Chan, *The Public-Private Nature of Charity Law* by Kathy Chan, University of Victoria, 6 March 2017.

Keynote address, National Judicial Institute Seminar on Indigenous Law, Musqueam Cultural Education Resource Centre, Vancouver, BC, 14-17 February 2017.

Commentator, Author-Meets-Reader Session on John Borrows, *Freedom and Indigenous Constitutionalism*, University of Victoria, 1 February 2017.

“Legal Education for a Post-Colonial Age: Proposed Joint Degree Program in the Common Law and Indigenous Legal Orders (JD/JID),” Seminar for the UNSW Network for Interdisciplinary Studies of Law, University of New South Wales, 28 July 2016.

“The Nature and Continuing Significance of Responsible Government in the Canadian Constitution,” Continuing Legal Education colloquium on “Responsible: Legislative Authority and the Nature of Executive Government,” Legal Services Branch, Ministry of Justice, Victoria BC, 16 June 2016.

Speaker on the ability to discuss contentious issues in law schools, Deans’ Panel, Thompson Rivers University Law Student Conference on “Keeping It Civil: Exploring Civil Liberties and the Charter in Canada”, 4 February 2016.

Keynote address on “Citizenship in Non-State Societies: Does it exist? What might it tell us about citizenship within states?” 2015 European Union Observatory on Democracy (EUODO) Dissemination Conference, European University Institute, Fiesole, 26-27 November 2015.

Commentator, Author-Meets-Reader Session on Pooja Parmar, *Indigeneity and Legal Pluralism in India: Claims, Histories, Meanings*, University of Victoria, 18 November 2015.

Panelist, “Perspectives from Legal Studies,” workshop on Pluralization and Religious and Sexual Identities in the Public Sphere, Trinity Western University, Langley, BC, 30 October 2015.

Commentator, Author-Meets-Reader Session on Supriya Routh, *Enhancing Capabilities Through Labour Law*, University of Victoria, 21 October 2015.

Panelist, “What will nations look like in 150 years? Will Canada be a province in a global nation? What can we learn from our First Nations about governance for millennia? What actions can we take now to make Canada the nation we want it to be on its 300th birthday?” Palmer Conference, Prince Edward Island, 3-4 September 2015.

Speaker on the changes facing law schools and the legal curriculum, Deans’ Panel, Thompson Rivers University Law Student Conference on “Trending Now #NewLaw”, 5 February 2015.

“Update from BC’s Law Schools,” Canadian Bar Association of British Columbia Provincial Council, 6 December 2014.

“Religion versus Equality in the Accreditation of TWU’s Law Program,”
Workshop on “Norms of Minority Religious Participation,” University of Victoria,
28-29 November 2014.

“Federalism, Decentralization, and Ethnic Minority Rights,” Australia-Myanmar
Constitutional Democracy Project, Yangon Workshop, 26-27 November 2014,
Yangon Myanmar.

Moderator and interviewer, Visit of Justice Rosalie Abella, Faculty of Law,
University of Victoria, 30 October 2014.

Commentator, Robert Gibbs’ seminar on “Future Humanities,” Electronic Textual
Cultures Lab, University of Victoria, 8 September 2014.

“Proprietary Constitutionalism: The Intersection between Constitutional Law and
Property Law in Constitutional Orders Worldwide,” Faculty of Law, Renmin
University, 28 August 2014.

“The Separation of Church from State,” Institute of Law, Chinese Academy of
Social Sciences, Beijing, 26 August 2014.

Program of six lectures on Canadian Constitutional Law, “6th Summer Lecture on
Global Constitutional Law,” Faculty of Law, Peking University, 26-31 August
2014.

Moderator and Interviewer, Panel on “Remembering and Forgetting: The Role of
Reconciliation” (Phil Fontaine and Chuck Strahl, panelists), 2014 Trudeau
Foundation Summer Institute, Osoyoos BC, 14 May 2014.

“We are Still in the Age of Encounter: Indigenous Rights, the Nature of
Sovereignty, and Agonistic Constitutionalism,” Seminar, Centre for Sámi Studies,
Tromsø University, 12 May 2014.

“We are Still in the Age of Encounter: Indigenous Rights, the Nature of
Sovereignty, and Agonistic Constitutionalism,” Seminar, Faculty of Law,
University of Lapland, Rovaniemi Finland, 9 May 2014.

“Negotiation and Democratic Decision-Making,” Groupe de recherché sur les
sociétés plurinationales, Conference on “Civic Freedom in an Age of Diversity :
James Tully’s Public Philosophy,” Montreal, 24-26 April 2014.

“We are Still in the Age of Encounter: Indigenous Rights, the Nature of
Sovereignty, and Agonistic Constitutionalism,” Julius Stone Institute Seminar
Series, University of Sydney, 15 April 2014.

Presenter, “Democracy, Religion & Toleration: Lessons from the Charter of Quebec Values,” IdeaFest 2014, University of Victoria, 4 March 2014.

“A Society of Friends,” Conference on “The Unbounded Level of the Mind: Rod Macdonald's Legal Imagination,” McGill University, 7-8 February 2014.

Chair, Plenary Presentation of Prof Bryant Garth, Annual meeting of the Canadian Association of Law Teachers, Congress of the Humanities and Social Sciences, Victoria BC, 5 June 2013.

“The Horizontal Structure of the State in a Multi-Ethnic Society: Federalism, Regional Autonomy, and Minority Rights,” Myanmar Constitutional Democracy Workshop, Yangon, Myanmar, 8-10 May 2013.

Chair, Panel, Community Conference on “Singing a New Song: Creating a Renewed Relationship with First Nations,” Church of St John the Divine, Victoria BC, 26 April 2013.

Plenary Speaker on “A Multi-Juridical Canada”, Canadian Bar Association, “2013 National Aboriginal Law Conference: Working With and Within Indigenous Legal Traditions,” Victoria BC, 11-12 April 2013.

“Community Development, Governance, and Customary and Religious Legal Traditions,” meeting of Ottawa Branch of University of Victoria Alumni Association, 9 April 2013.

Chair, Keynote Session, and Animator, World Café, in UVic Law Community Conference, “Aboriginal Title: 40 Years after *Calder v AG (BC)*,” 15 March 2013.

“Religious Communities as Legal and Political Orders,” University of Victoria Keynote Lecture in Religious Diversity, International Symposium on “Governance of Religious Diversity in China, India and Canada,” University of Victoria, 22-24 November 2012. Online: <https://vimeo.com/55034784>.

“We are Still in the Age of Encounter: Section 35 and a Canada Beyond Sovereignty,” Conference on “35@30: Reflecting on 30 Years of Section 35 of the Constitution Act, 1982,” University of Toronto, 26-27 October 2012.

“Lessons Learned from the Charlottetown Accord,” Conference on “Reflections on Things Past: The Legacy of the Charlottetown Accord Negotiations 20 Years Later,” University of New Brunswick, Fredericton, 25-26 October 2012.

“The Importance of Critical Questions,” Symposium on “Indigenous Law in the World,” Faculty of Law, University of Victoria, 8 September 2012.

“The Grammar of Customary Law,” Seminar, Network for Interdisciplinary Studies of Law, University of New South Wales, Sydney, 3 September 2012.

Research Masterclass, College of Law, Australian National University, 31 August 2012.

“Indigenous Legal Traditions and Indigenous Governance: the Challenges of Working Across Indigenous and Non-Indigenous Organizational Forms,” College Seminar, College of Law, Australian National University, 30 August 2012.

“Strategies of Justice,” Special Seminar, Australian Institute for Aboriginal and Torres Strait Islander Studies, Canberra, 29 August 2012. Online: <https://vimeo.com/49643406>.

“The Over-Emphasis on Recognition in Interpretations of Charles Taylor’s Arguments for Cultural Accommodation,” Seminar, RegNet, Australian National University, Canberra, 27 August 2012.

“A Two-Level Justification of Religious Toleration”, Seminar, West Bengal National University of Juridical Sciences, Kolkata, 24 August 2012.

“On the Grounds for Recognition of Cultural Difference”, Centre for the Study of Developing Societies, Delhi, 16 August 2012; School of Social Sciences, University of Hyderabad, 21 August 2012; Azim Premji University, Bangalore, 23 August 2012. Online: https://www.youtube.com/watch?v=46t_Vg-FtmM.

Closing Remarks, Conference on “De-parochializing Political Theory: East Asian Perspectives on Politics – Advancing Research on Comparative Political Theory,” University of Victoria, 2-4 August 2012.

Speaker, Closing Session of Final Conference of the Research Group on Indigenous Peoples and Governance on “Comment sortir du colonialisme?/How to Break out of Colonialism,” Montreal, 17-20 April 2012.

Chair and Provider of Summaries of Presentations in English, “Régimes juridiques et institutions autochtones: leur usage actuel,” Final Conference of the Research Group on Indigenous Peoples and Governance on “Comment sortir du colonialisme?/How to Break out of Colonialism,” Montreal, 17-20 April 2012.

“Strategies of Justice,” Final Conference of the Research Group on Indigenous Peoples and Governance on “Comment sortir du colonialisme?/How to Break out of Colonialism,” Montreal, 17-20 April 2012.

“The Delayed (and Qualified) Victory of the Meech Lake Accord: The Relative Roles of Constitutional Amendment and Constitutional Practice,” Conference on

“30 Years After the Patriation: Taking Stock,” Association Internationale des Études Québécoises, Montreal, 12-14 April 2012.

“Cultural Differences, Languages, Perspicuous Contrasts, and Recognition,” International Conference in Honour of Professor Charles Taylor, Montreal, 29-31 March 2012.

Chair and Master of Ceremonies, Trudeau Lecture of Steven Loft, 2010 Visiting Trudeau Fellow, “Meaning and Memory: Reflections on contemporary Aboriginal art in Canada,” Victoria BC, 7 February 2012.

Commentator on Jared Giesbrecht, “The Violence of the Liberal Tradition,” Trudeau Foundation Scholars’ Workshop on “Between tradition and innovation: a forum on a new kind of conservatism,” Victoria BC, 6 February 2012.

Speaker, Closing Panel on “East-Asian contribution to the innovation of political discourses—responses from the West”, workshop on “People and Citizens in the History and Political Imaginations of East Asia: Changing Conceptions of 民 (*Min*),” Keio University, Tokyo, Japan, 17-19 December 2011 (East Asian Perspectives of Politics, Workshop V).

Commentator, Panel on “The Courts as Arbiters of Multilevel Governance,” Conference on “Comparing Modes of Governance in Canada and the European Union: Social Policy Engagement across Complex Multilevel Systems, University of Victoria, 14-15 October 2011.

“How to Approach Indigenous Legal Traditions,” Aboriginal Cultural Awareness Camp, Penelakut BC, 29 September 2011.

“A Nationalism that is neither Chauvinistic nor Closed,” Seminar, Centre of Excellence in Foundations on European Law and Polity Research, University of Helsinki, Helsinki Finland, 22 September 2011.

“The Public-Law Dimension of Indigenous Property Rights,” meeting of research group on “Recognition of Indigenous Property Systems within Arctic States,” Rovaniemi, Finland, 19-21 September 2011.

“Indigenous Legal Traditions and Indigenous Governance – Challenges and Opportunities,” Fourth Akureyri Symposium on Polar Law, Nuuk, Greenland, 8-10 September 2011.

“The Grammar of Customary Law,” Special Introductory Session, Workshop Series in Legal Theory, University of Edinburgh, 30 May-1 June 2011.

Chair, presentation by Dominique Payette, Trudeau Foundation Summer Institute on "Courage and Public Policies," Whistler BC, 16-20 May 2011.

"Strategies of Justice," Faculty Seminar, University of Western Australia, Perth WA, 6 April 2011.

Launch of Kirsty Gover, *Tribal Constitutionalism: States Tribes and the Governance of Membership* (Oxford: Oxford University Press, 2010), Centre for Comparative Constitutional Studies (CCCS) and the Centre for Resources, Energy and Environmental Law (CREEL), University of Melbourne, 5 April 2011.

"Strategies of Justice," with comment by Dr Steve Curry, Legal Theory Workshop, Melbourne Law School, 5 April 2011. [Graduate student lunch on the talk held on 4 April 2011]

« Un nationalisme ni chauvin ni fermé, » Conférence Trudeau, Université Laval, 24 March 2011.

"Taking Indigenous Traditions Seriously: Process, Possibilities, Outcomes," Symposium on Indigenous Legal Traditions, Justice Canada – Aboriginal Affairs Portfolio, Ottawa Ontario, 9 March 2011.

"Indigenous Legal Traditions and Indigenous Governance: Challenges and Opportunities," Conference on "Inclusion and Representation in Anishinabek Self-Government," Nipissing First Nation, North Bay Ontario, 21-22 January 2011.

Commentator, Panel entitled "Regards sur les clivages nationaux," colloquium on "La dynamique confiance/méfiance dans les Démocraties Plurinationales," Université du Québec à Montréal, 5-6 November 2010.

Panellist, "Sovereignty and Self-Rule," Conference on "Citizenship from Coast to Coast to Coast: Citizenship Without the Nation," Liu Institute for Global Issues, Vancouver BC, 29-30 October 2010.

"Law, Property and Adjudication in the Coast Salish World," meeting of research group on "Recognition of Indigenous Property Systems within Arctic States," Tromsø, Norway, 19-20 October 2010.

"Gandhi's Nationalism: a Nationalism Open towards the World," West Bengal National University of Juridical Sciences, Kolkata, 2 September 2010.

"What Kind of Nationalism is Gandhi's Nationalism?" School of Social Sciences, University of Hyderabad, 30 August 2010.

“Strategies of Justice,” Centre for Political Studies, Jawaharlal Nehru University, Delhi, India, 25 August 2010.

“Why Should Societies that are Skeptical of Religion Respect Freedom of Religion?,” Conference on Religious Freedom and Ethnic Harmony, Center for Constitutional and Administrative Law, Faculty of Law, Peking University, 21-22 August 2010.

“The Generosity of Toleration,” Canadian Law and Society Association annual meeting, Congress of the Humanities and Social Sciences of Canada, Montreal, Quebec, 2 to 4 June 2010.

Panellist on “Applied Research and Academic Career – an Impossible Duo?” Trudeau Foundation 2010 Summer Institute, Saskatoon, Saskatchewan, 17 to 21 May 2010.

“A Nationalism Open towards the World,” Gandhi reading group, University of Victoria, 22 April 2010.

“The Grammar of Customary Law,” Legal Theory Workshop, Faculty of Law, University of Michigan, 11 February 2010.

“The Grammar of Customary Law,” Seminar, Law and Society Series, Faculty of Law, University of British Columbia, 27 January 2010.

“The Grammar of Customary Law,” Seminar, Faculty of Law, University of New Brunswick, 25 November 2009.

“Strategies of Justice,” Seminar, Centre for Ethics, University of Toronto, 24 November 2009.

“Forms of Transitional Justice,” International Conference on “Ethics and Democracy” (Conferencia Internacional para Mesoamérica: Gobernabilidad, Derechos Humanos y Transparencia en una Sociedad Diversa), San Salvador, El Salvador, 11-13 November 2009.

“Reconciliation and Injustice in Indigenous/non-Indigenous Relations,” Lecture, Distinguished Speakers Program, Faculty of Law, University of Sydney, 5 November 2009, followed by Seminar, Julius Stone Institute, University of Sydney, 6 November 2009.

“The Grammar of Customary Law,” Public Seminar, Australian National University and the Australian Institute of Aboriginal and Torres Strait Islander Studies, 22 October 2009.

“The Grammar of Customary Law,” Faculty Seminar, Centre for Comparative Constitutional Studies, University of Melbourne, 21 October 2009.

“The relationship between the protection of indigenous property rights and governmental autonomy; indigenous property rights requiring public law responses,” initial workshop on Nordic Council project on “The Recognition of Indigenous Property Systems within Arctic States,” Banff, Alberta, 16-18 October 2009.

“Justice, Injustice and Tragic Conflicts in Indigenous/non-Indigenous Relations,” Indigenous Law Conference, Faculty of Law, University of Victoria, 16-17 July 2009.

“Justice, Injustice and Tragic Conflicts in Israel/Palestine,” Faculty Seminar, Faculty of Law, University of Victoria, 9 July 2009.

"Past Injustice, Agonistic Encounter, and the Construction of Community among Those Who Have Nothing in Common," keynote address to the conference, “Israel/Palestine: Mapping Models of Statehood and Paths to Peace,” York University, Toronto, 22-24 June 2009.

“A Nationalism Open towards the World,” International Conference on *Hind Swaraj*, Centre for the Study of Developing Societies, New Delhi, India, 16-19 May 2009.

"Past Injustice, Agonistic Encounter, and the Construction of Community among Those Who Have Nothing in Common," delivered in French to the Groupe de recherche interdisciplinaire sur les sociétés plurinationales, Université du Québec à Montréal, 3 April 2009.

“Charters of Rights as Nation-Building Mechanisms: Reflections on Experience under the Canadian Charter,” workshop entitled “Lessons from Europe’s and Canada’s Constitutional Experiences,” RECON (Reconstituting Democracy in Europe) workshop, ARENA – Centre for European Studies, University of Oslo, Oslo, 20-21 March 2009.

“The Grammar of Customary Law,” Seminar, Research Unit on the Study of the Foundations of Law, University of Leuven, 20 February 2009.

“The Generosity of Toleration,” Seminar presented to the Advanced Course in Philosophy of Law, European University Institute, Fiesole, Italy, 17 February 2009.

“Elections, Governments, Governors-General and Prime Ministers: How to Make Sense of the Recent ‘Constitutional Crisis’,” presentation to a general audience in the series, University of Victoria on the Saanich Peninsula, 22 January 2009.

“The Grammar of Customary Law,” Lecture (with Profs Jiang Shigong and Xu Aiguo, commentators), Constitutional and Administrative Law Center, Faculty of Law, Peking University, 25 November 2008.

“Graduate Study in Law in Australia and Canada,” Faculty of Law, Southeast University, Nanjing, China, 21 November 2008.

“The Grammar of Customary Law,” presented by Prof Daniel Salée (in my absence due to family illness) to the mid-term conference of the research group on Indigenous Peoples and Governance, 9-11 October 2008.

“The Grammar of Customary Law,” Annual Conference of the Research Committee on the Sociology of Law, International Sociological Association, Milan, Italy, 9-12 July 2008.

Commentator, Manuscript Workshop on Mary Liston, *Honest Counsel: Institutional Dialogue and the Rule of Law*, Centre for Ethics, University of Toronto, 20 June 2008.

“The Grammar of Customary Law,” Faculty Seminar, Faculty of Law, University of Calgary, 12 May 2008.

“The Conundrum of Recognition: How Can One Respect Beliefs that One Firmly Considers to be False?,” Demcon/Indigenous Peoples and Governance/Ethnicity and Democratic Governance conference on “Recognition and Self-Determination,” University of Victoria, 28 February to 2 March 2008.

“The Hobbesian Premise,” Workshop on “State, Security and Subject Formation,” University of Alberta, 26-27 October 2007; also presented to the Faculty of Law, McGill University, 6 December 2007.

“Graduate Student Workshop: Legal Theory,” Canadian Law and Society Association annual meeting, Congress of the Humanities and Social Sciences of Canada, Saskatoon, Saskatchewan, 31 May to 2 June 2007.

“National Sovereignty, Migration and the Tenuous Hold of International Legality: the Resurfacing (and Resubmersion?) of Carl Schmitt,” Canadian Law and Society Association annual meeting, Congress of the Humanities and Social Sciences of Canada, Saskatoon, Saskatchewan, 31 May to 2 June 2007.

“Religion and Government,” Centre for Studies in Religion and Society 2007 Community Seminar on “Clashing Fundamentalisms: When Rival Truth-Claims Meet Head On,” University of Victoria, 26-27 April 2007.

“The Contested Impact of the Canadian Charter of Rights and Freedoms: Societal, Symbolic, Institutional,” Keynote Address to the 28th Annual Conference of the German Canadian Studies Association (GKS), Grainau, Germany, 17 February 2007.

Chair and Animator, sessions for research domain 3, Research Program on Indigenous Peoples and Governance, Montreal, 19-20 January 2007.

“Protecting Freedom of Religion without the Religion? Current Debates over Religion and Government,” McGill Society Public Lecture Series, Victoria BC, 17 October 2006.

Chair and Animator, sessions for research domain 3, National Conference of the Research Program on Indigenous Peoples and Governance, Mnjikaning First Nation, 28-30 June 2006.

“The Irreducibly Religious Content of Freedom of Religion”, Conference on “Law, Religion and Social Change,” Research School of Social Sciences, Australian National University, Canberra ACT, 25-27 May 2006.

“A Modest (but Robust) Defence of Statutory Bills of Rights”, Constitutional Law Group Seminar (Richard Bellamy and Keith Ewing commenting), University College London, 8 May 2006.

“Naturalism and Agency in the Living Law,” workshop entitled “Living Law: Rediscovering Eugen Ehrlich,” International Institute for the Sociology of Law, Onati Spain, 4-5 May 2006.

Commentary on Franz and Keebet von Benda Beckman, “The Social Life of Living Law in Indonesia,” workshop entitled “Living Law: Rediscovering Eugen Ehrlich,” International Institute for the Sociology of Law, Onati Spain, 4-5 May 2006.

“The Past and Foreign Countries: What Paying Attention to the Past, and Other Countries, Can Tell Us about Law Today,” keynote address to the launch of the Centre for Comparative Law and History, Division of Law, Macquarie University, Sydney NSW, 7 April 2006.

“Commentary: Transitional Justice Disaggregated and Reassembled,” annual conference of the American Society for Political and Legal Philosophy, American Political Science Association, Washington D.C., 1-4 September 2005.

“Legal Pluralism and Human Agency,” Harry W. Arthurs Symposium, Osgoode Hall Law School, 5 May 2005. Revised version presented to “Law’s Empire: the Annual Conference of the Canadian Law and Society Association,” Harrison Hot Springs, 25-29 June 2005.

“Cultural Industries and Cultural Protection under the WTO,” Vietnam Legal Reform Assistance Project, Ministry of Justice, Government of Vietnam, Hanoi, 15 April 2005 (with Bill Neilson).

“National Sovereignty, Migration and the Tenuous Hold of International Legality: the Resurfacing (and Resubmersion?) of Carl Schmitt,” conference on “Governing Migration in the Age of De-nationalization: A Transatlantic Dialogue,” University of Victoria, 11-12 March 2005; also presented to the Faculty of Law, University of Sydney, 12 April 2006.

“Mechanisms for Public Participation in Law-Making: Canadian Comparisons,” Workshop on Public Participation in Law-Making, Vietnam Legal Reform Assistance Project, Ministry of Justice, Government of Vietnam, Hanoi, 2-3 December 2004.

“Democratic Decision-Making as the First Principle of Contemporary Constitutionalism,” Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong, 30 November 2004.

“A Judicial Ethic for a Pluralistic Age,” International Conference in Social and Political Philosophy at the University of Guelph, Guelph, Ontario, 13-14 November 2004.

Debate with Jeremy Waldron on “Law and Morality: Hart-Devlin Debate Today,” International Conference in Social and Political Philosophy at the University of Guelph, Guelph, Ontario, 13-14 November 2004.

Commentator on panel on “Economic Development”, Symposium on Aboriginality and Governance, Montreal, Quebec, 21-22 October 2004.

“Challenges of Consent”, discussion paper for conference on “Consent as the Foundation for Political Community”, University of Victoria, Victoria BC, 1-3 October 2004.

Commentator on presentation by Kent McNeil, “The Problem of Sovereignty,” Victoria Colloquium on Political, Social and Legal Theory, Victoria BC, 1 October 2004.

“Democratic Decision-Making as the First Principle of Contemporary

Constitutionalism,” conference on “Legislatures and Constitutionalism: the Role of Legislatures in the Constitutional State,” Centre for Constitutional Studies, University of Alberta, Banff, Alberta, 2-5 July 2004.

Point/Counterpoint with Prof. Lorraine Weinrib on the international influence of the *Canadian Charter of Rights and Freedoms*, BC Provincial Court Judges’ Conference, Victoria BC, 29-30 April 2004.

“A Modest (Yet Committed) Defence of Statutory Bills of Rights,” workshop on “Protecting Human Rights in Australia: Past, Present and Future,” Melbourne, Australia, 10-12 December 2003; also delivered as a Faculty Seminar, University of New South Wales, Sydney, Australia, 9 March 2004; also delivered as a seminar for the Constitutional Law Group, Faculty of Law, University College London, 8 May 2006 (with Professor Keith Ewing and Richard Bellamy, commentators).

Moderator and interviewer, “The *Calder* Case: A Participants’ Panel Discussion,” with Frank Calder and Thomas Berger, conference entitled “Let Right be Done’: *Calder*, Aboriginal Rights and the Treaty Process,” University of Victoria, Victoria BC, 13-15 November 2003.

“Australian by Choice (Not Merely the Accident of Birth),” St John's College 2003-04 Lecture Series: “Challenging Nation”, University of British Columbia, Vancouver, BC, 20 October 2003.

Commentator on presentation by David Nelken, “Legal Cultures”, Joint conference of the Australian Society of Legal Philosophy and the Julius Stone Institute of Jurisprudence, Sydney, Australia, 18-20 July 2003.

“Is this the Role of a Judge? Theoretical Reflections on Judicial Dispute Resolution”, Symposium for judges entitled “Whose Court is it Anyway? Judicial Dispute Resolution in Canadian Courts”, Royal Roads University, Victoria BC, 25-26 April 2003.

“What Does the Rule of Law Mean for the Governance of Indigenous Communities?”, Law Commission of Canada Conference on “Governance, Self-Government, and Legal Pluralism”, Hull, Quebec, 23-24 April 2003; also delivered to the annual conference of the Indigenous Bar Association, Vancouver, BC, 16-17 October 2003.

“Rights and Wrongs, Institutions and Time: Species of Historic Injustice and their Modes of Redress”, Conference on “Achieving Human Rights in a Multicultural Society: Reparations, Human Rights and the Limits of Law,” Faculty of Law, University of Toronto, 12-13 April 2003.

“Multi-Nationality: What does it mean to have a national allegiance? Why should we respect it? Can you have more than one?”, Deans’ Lunchtime Lecture Series, University of Victoria, 21 March 2003.

Commentator on presentation by John Whyte, “The Concept of Constitutional Continuity”, Centre for Constitutional Studies, Faculty of Law, University of Alberta, 25 February 2003.

“The Irredeemably Religious Content of Freedom of Religion”, Symposium on “Diversity and Equality: Minorities and the Protection of Fundamental Freedoms”, Centre for Studies in Religion and Society, University of Victoria, Victoria, 20 February 2003.

Commentator on panel on “Governance, Identity and Immigration: Rights in an Enlarging Europe”, Graduate Student Conference on Multilevel and Federal Governance: The Experiences of Canada and the European Union”, University of Victoria, Victoria, 16-19 October 2002.

Commentator on panel on “Epistemic Considerations on Identities, Rights, and the State”, Law and Society Association and Canadian Law and Society Association 2002 joint meetings, Vancouver, 30 May – 1 June 2002.

“The Foundation of the Rule of Law in the Public Justification of Governmental Action”, International Conference on Rule of Law and Legal Education, China University of Political Science and Law, Beijing, 5-6 May 2002; also delivered as part of the Lansdowne Lecture Series, Department of Political Science, University of Victoria, 4 November 2002.

Panelist, “Postgraduate research in constitutional law: pitfalls and prospects”, 2002 Constitutional Law Teachers Workshop, University of New South Wales, Sydney, 14 February 2002.

Panelist, Federalism Forum with Thomas Fleiner, NSW Centenary of Federation event, NSW Parliament House, Sydney, 25 September 2001

Commentator on Thomas Fleiner, “Ageing Constitutions in Comparative Context”, Australian Association of Constitutional Law Conference on “The Australian Constitution in Retrospect and Prospect”, Perth, 21-23 September 2001.

Panelist, Federalism Forum, “Thinking Differently”, NSW Centenary of Federation event, NSW Parliament House, Sydney, 28 August 2001.

Presenter, “Aboriginal Rights in the Light of History”, Conference on “Philosophy and Aboriginal Rights: Critical Dialogues”, University of Winnipeg, 22-24 June 2001.

“Foundations of the Modern Treaty Process in Canada”, National Native Title Tribunal (Sydney Office) Staff Seminar, 13 February 2001. Also presented in Canadian Studies Seminar, University of Wollongong, 11 May 2001, and in Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Treaty Seminar Program, 21 May 2001.

“A Constitutional Dialogue? Comparative Approaches to Rights Protections in Canada”, workshop on “Constitutional Justice, East and West: Democratic Legitimacy and Constitutional Courts in Postcommunist Central and Eastern Europe, in Comparative Perspective”, European University Institute, 26-27 May 2000.

“Judicial Conflicts of Interest”, bi-annual meeting of the Judges of the Federal Court of Australia, Sydney, 13 April 2000.

“Constitutional Reticence”, conference on “Philosophical Foundations of Constitutional Reform”, Faculty of Law, University of Sydney, 13-14 August 1999.

“Secession Under the Rule of Law: Reflections from the Canadian Case”, Australian Institute of International Affairs, Sydney, 3 August 1999.

“The Challenges of Funding High-Quality Undergraduate Education: The View from Sydney”, Australasian Legal Education Forum, Hobart Tasmania, 3 July 1999.

“Trust and Reticence in Constitutional Reform”, Annual meeting of the Canadian Philosophical Association, Sherbrooke Quebec, 6 June 1999.

“Reflections on Constitutionalised Bills of Rights”, Government Service Delivery Australian Labor Party Caucus Committee meeting, Sydney, 6 May 1999.

“Property, Rights and Reconciliation”, presented to Workshop on “Law, Ethics, and Political Transition: Appropriateness and Legal Judgement in Reconciliation”, Law School, Macquarie University, 18-19 November 1998.

“Constitutional Poetry: the tension between symbolic and functional aims in constitutional reform”, Sydney University, 21 October 1998.

“Normative Autonomy and the Judicialisation of Tribunals”, Address to the Annual Meeting of the Australian Institute of Administrative Law, Sydney, 23 September 1998.

Commentator on Neil MacCormick, "New Unions for Old: Nationalism, Federalism and Democracy", State Library of New South Wales, 24 July 1998

"Business Approaches to Resolving Native Title Claims in Canada," seminar on "Beyond Wik: Making Native Title Work" Brisbane, Queensland, 20 April 1998 and Sydney NSW, 6 May 1998. Text printed in unpublished conference proceedings.

"Your Lecturers as Researchers" Occasional address to the LLB Graduation, Sydney University, 2 May 1998.

Panelist, Public Debate on "Citizenship and Cultural Diversity: Defining a Relationship, Finding an Equilibrium?" 14th Biennial Conference of the Canadian Ethnic Studies Association, Montreal, Quebec, 20-23 November 1997.

"Just How Civic is Civic Nationalism in Quebec," conference on "Citizenship, Diversity and Pluralism: Comparative Perspectives," University of Saskatchewan, Saskatoon, Sask., 30 October to 1 November 1997.

"Commitment and Community in the Inter-Referendum Period," seminar series on "Quebec and Canada: Implications for the Maritimes," Faculty of Law, University of New Brunswick, Fredericton, N.B., 6 October 1997.

"The Legality of a Unilateral Declaration of Independence under Canadian Law," Faculty Seminar, University of New South Wales, 14 August 1997.

"Citizenship and Cultural Belonging: An Essay on Formal and Informal Definitions of Membership," Macquarie Guest Seminar Series, School of Law, Macquarie University, Sydney, NSW, 13 August 1997.

"Beyond Regret: *Mabo*'s Implications for Australian Constitutionalism," conference on "Indigenous Rights, Political Theory and the Reshaping of Institutions," Australian National University, Canberra, ACT, 8-10 August 1997. Also presented at Faculty Seminar, Faculty of Law, University of Sydney, 20 August 1997.

"Recent Trends in the Discourse of Indigenous Peoples in Canada," international seminar between visiting academics and representatives of Crimean Tatars, Simferopol, Ukraine, 25 May 1997.

"The Special Case of Indigenous Peoples: A Canadian and Comparative Perspective," International Seminar on "Managing Diversity in Plural Societies," Kyiv, Ukraine, 20-23 May 1997.

"Legal Pluralism, First Nations, and the Design of Regulatory Agencies" (paper co-authored with John Olynyk), 6-7 December 1996, AGREE workshop on

“Negotiating Nationhood: An Intercultural Dialogue on Native Issues,” McGill University.

Panelist, 25-28 October 1996, closing session of Royal Society of Canada/Hungarian Academy of Sciences conference on “Citizenship and Pluralism: Canada-Hungary: A Comparative Approach,” Orford, Quebec.

“Constitutional Asymmetry,” 3 June 1996, plenary session on “After the 1995 Referendum: Dealing with Quebec,” Canadian Political Science Association meetings, Learned Societies Congress, Brock University, Saint Catherines, Ontario.

“Commitment and Community in the Inter-Referendum Period,” 1 June 1996, plenary session, Canadian Philosophy Association meetings, Learned Societies Congress, Brock University, Saint Catherines, Ontario.

Chair, panel on “Droit, éthique et tolérance,” 14 May 1996, Annual Congress of the Association canadienne-française pour l’avancement des sciences, Montreal, Quebec.

Debate with Melvin H. Smith over Smith’s book, *Our Home or Native Land? What governments’ aboriginal policy is doing to Canada* (Victoria: Crown Western, 1995), 15 April 1996, XPO (Ontario Chapter) meeting, Toronto, Ontario.

Panelist, “Roundtable on Key Issues,” 2 March 1996, Canadian Bar Association (B.C. Branch) conference on “Canada and Quebec: Perspectives and Strategies,” Vancouver, B.C.

“Ethical Reflections on the Referendum Debate in Quebec,” 8 January 1996, Newman Chaplaincy Centre, McGill University.

Commentator, Colloque Théories et émergence du droit: pluralisme, surdétermination et effectivité, 20-21 October 1995, Université de Montréal, Montreal.

“The Rule of Law in Culturally Divided Societies,” 11-13 September 1995, Canadian-Hungarian Symposium on “National Minority and Multicultural Policy,” Hungarian Academy of Sciences, Budapest, Hungary.

“Nations within Nations: the Canadian Experience,” 21 August 1995, Canadian Bar Association National Legal Symposium and Annual Meeting, Winnipeg. Conference proceedings videotaped by the Parliamentary channel, CPAC, and broadcast on several occasions. A portion of my remarks was also taped and broadcast on various CBC radio outlets.

“Accommodation and Imposition: Resolving Conflicts of Values in a Multicultural Canada,” 1-2 June 1995, International Symposium on “Languages, Cultures and Values in Canada at the Dawn of the 21st Century,” International Council of Canadian Studies, Ottawa. Conference proceedings videotaped by the Parliamentary channel, CPAC, and broadcast on several occasions.

“The Reinvention of Mechanisms for the Enforcement of Cree Wildlife Harvesting Controls Under the JBNQA,” joint CASCA/CAG session on “Environment, Development and Indigenous Self-Determination in the North,” 29 May 1995, Learned Societies, Montreal.

“Reconceiving the Rule of Law, given the Impossibility of Legal Positivism and the Existence of Normative Pluralism,” 2-3 May 1995, workshop on “Implementation of Impersonal Law in Developing Societies,” Oñati International Institute for the Sociology of Law, Oñati, Spain.

Response to Werner Menski, “Legal pluralism and South Asian Minorities in Britain,” 30 March 1995, conference on “Interfaith and Legal Dimensions of Multiculturalism and Immigration,” McGill University.

Discussant, “Self-Determination and the State: The New Politics of the First Nations of Canada,” 4 March 1995, conference on “Citizenship and Self-Determination: The New Politics of Canada’s Aboriginal Peoples,” Princeton University.

“The Referendum and Democracy” and “Quebec Anglophones and the Referendum,” 2-3 March 1995, conference on “Referendum 1995 Beyond Rhetoric: Québec on the Eve, Canada on the Edge,” Robarts Centre for Canadian Studies, York University.

“Relations of Power, Relations of Justice: The Emergence of Normative Community between Colonists and Aboriginal Peoples,” 3 February 1995, STANDD/AGREE seminars, McGill University.

“La place de l’appartenance culturelle dans l’idée de citoyenneté,” 14-15 October 1994, “Séminaire de travail: Le libéralisme politique mis à l’épreuve des nationalismes contemporains,” Université Laval.

Debate with Ramsay Cook on *Reimagining Canada*, 28 September 1995, McGill Institute for the Study of Canada.

“A Challenge for Judges: The Adjudication of Social and Community Values,” Supreme Court of Western Australia, 2 June 1994.

Participant, Liberty Fund colloquium on “Liberty and Civil Society,” Australian National University, 19, 20, and 21 May 1994.

“The Jurisprudence of Regret: The Search for Standards of Justice in *Mabo*,” Law Faculty Seminar, University of New South Wales, Sydney, Australia, 15 March 1994. Also presented at Law Faculty Seminar, Australian National University, Canberra, Australia, 18 April 1994; Law Faculty Seminar, Macquarie University, Sydney, Australia, 27 April 1994; Law Faculty Seminar, Flinders University, Adelaide, Australia, 30 May 1994; Law Faculty Seminar, Murdoch University, Perth, Australia, 1 June 1994.

Presentation of *Reimagining Canada: Language, Culture, Community and the Canadian Constitution*, Australian Law and Society Conference, Macquarie University, Sydney, Australia, 10-12 December 1993. Also presented at Federalism Research Centre, Australian National University, Canberra, Australia, 12 April 1994; Law Faculty Seminar, Murdoch University, Perth, Australia, 3 June 1994.

“Tales of the Unexpected: Intended and Unintended Consequences of the Canadian Charter of Rights and Freedoms,” speech to the first plenary session, Australasian Law Teachers’ Association Conference, University of Canterbury, Christchurch, New Zealand, 1-3 October 1993.

Panelist on “Indigenous Self-Determination within the Nation - models from Australia, Canada, and New Zealand,” Symposium on Self-Determination for Aboriginal Peoples, University of New South Wales, Sydney, Australia, 28 August 1993. Remarks reported in University of New South Wales, 1993 Annual Symposium: Compilation of Papers.

“Individuality, Equality and Difference: Justifications for a Parallel System of Aboriginal Justice,” presented to Royal Commission on Aboriginal Peoples, National Round Table on Justice Issues, Ottawa, 25-27 November 1992; revised version presented to University of Kansas School of Law, Lawrence, Kansas, 23 April 1993.

“Rapports de force, rapports de justice: la genèse d’une communauté normative entre colonisateurs et colonisés,” presented at various stages of drafting to the Réseau québécois of the “Droit et société” programme of the Canadian Institute for Advanced Research, and presented in substantially complete form to the réseau’s meeting of 24-26 September 1992.

Participant, seminar on the process of constitutional change sponsored by the Network on the Constitution, Montreal, Quebec, 27-28 April 1991 (remarks reported in Donald G. Lenihan (ed.), *Taking Stock: The Network Seminars on Canadian Federalism* (Network on the Constitution, July 1991), at 47-60).

Panelist, Invitational Conference on the Future of African-American State Universities, Birmingham, Alabama, 26 July 1990.

“Adjudicating Between Visions of Society: Transcending Gender Bias, Class Bias, Cultural Bias in Judicial Decision-making,” presented at University of Victoria, Law Faculty seminar, 10 January 1990. Revised version presented at Seminar in the Philosophy of Law, University of Sydney, Sydney, Australia, 18 March 1994; Law Faculty Seminar, University of Melbourne, Melbourne, Australia, 30 March 1994; Law Faculty Seminar, University of Wollongong, 28 April 1994; Research School of Social Sciences, Australian National University, 18 November 1996.

“The Adjudication of Contested Social Values: Implications of Attitudinal Bias for the Appointment of Judges,” presented at the Ontario Law Reform Commission Conference on the Nomination of Persons for Judicial Appointment, Kingston, Ontario, 14 September 1989.

Commentator, Osgoode Society Conference on Lawyers and Business in Canada 1830s-1950s, Toronto, Ontario, 12 May 1989.

“Compulsion and Consent in Canadian Labour Law: Canada’s Choice of Conciliation over Arbitration, 1900-1907,” presented at the Australian Canadian Labour History Conference, University of Sydney, Sydney, Australia, 15 December 1988; revised version presented at York University Advanced Research Seminar on Labour and the Law in the Commonwealth, Toronto, Ontario, 2 February 1989.

“The Mediation of Ideology: How Conciliation Boards, Through the Mediation of Particular Disputes, Fashioned a Vision of Labour’s Place within Canadian Society,” presented at the Australian Law and Society Conference, La Trobe University, Melbourne, 4 December 1988; previous draft presented at McGill session of the Ottawa-Montreal Legal History Workshop, 22 April 1988.

“What Legal Historians Have to Say to Commercial Lawyers,” presented at the 18th Annual Workshop on Commercial and Consumer Law, McGill University, 14-15 October 1988.

“Living Wage and Living Profit: Wage Determination by Conciliation Boards under the Industrial Disputes Investigation Act, 1907-1921”, presented at the Canadian Law in History Conference, Ottawa, Ontario, June, 1987; revised version presented to McGill Law and Policy Workshop, November 1987.

Research Contracts, Grants, and Teams:

1. Co-Applicant with Eszter Bodnár, Eötvös Loránd University, Budapest Hungary, Erasmus+ International Credit Mobility Grant, 2020-2023. Amount: UVic portion EUR 7,180 over three years.
2. Connections Grant, SSHRC, awarded for conference on “Democratic

Constitutionalism in a Populist Age”, University of Victoria, 6-8 March 2020.
Amount: \$24,979.

3. Member of Advisory Board on “EU Differentiation, Dominance and Democracy (EU3D)” (Principal Investigator: John Erik Fossum), 1 February 2019-31 January 2023. Funded from the European Commission under the Horizon 2020 program. EUR 3,000,000 over four years.
4. Co-Applicant with Eszter Bodnár, Eötvös Loránd University, Budapest Hungary, Erasmus+ International Credit Mobility Grant, 2018-2020. Amount: EUR 11,000 over two years.
5. Co-Investigator (Ghislain Otis, Principal Investigator), and member of the Comité intégrateur, SSHRC Partnership Grant, “État et cultures juridiques autochtones: un droit en quête de légitimité.” Amount: \$1,901,675 over five years (2013-2018) (among 23 researchers). [Withdrew 2013 upon becoming Dean of Law]
6. Co-Investigator, (Melissa Williams, Principal Investigator), SSHRC Connection Grant, “De-Parochializing Political Theory,” July-August 2012. Amount: \$38,400.
7. Aid to Scholarly Publications Program, Social Sciences Federation of Canada, subvention for the publication of Hester Lessard, Rebecca Johnson, and Jeremy Webber, eds., *Storied Communities: Narratives of Contact and Arrival in Constituting Political Community* (Vancouver: UBC Press, 2011). Amount: \$8000.
8. Aid to Scholarly Publications Program, Social Sciences Federation of Canada, subvention for the publication of Jeremy Webber & Colin McLeod, eds., *Between Consenting Peoples: Political Community and the Meaning of Consent* (Vancouver: UBC Press, 2010). Amount: \$8000.
9. Canada Research Chair in Law and Society, renewed for period 1 July 2009 to 30 June 2016. Amount: \$1.4 million.
10. Trudeau Fellow, 2009-2012. Amount: \$50,000 prize, \$25,000 research grant in each of three years. Total: \$225,000.
11. Co-Investigator, with Timo Koivurova and Nigel Bankes, Chief Investigators, “The Recognition of Indigenous Property Systems within Arctic States,” Nordic Council of Ministers, Arctic Co-operation Programme, 2009-2011. Total amount awarded: 300,000 DK (CAD 65,000) for 2009, with renewals for 2010 and 2011.
12. Co-Investigator and Member of the Steering Committee, with Pierre Noreau,

Chief Investigator, “Peuples autochtones et Gouvernance,” Social Sciences and Humanities Research Council of Canada, Major Collaborative Research Initiative grant, 2006-13. Total amount awarded: \$2.5 million over seven years (among 33 researchers).

13. Aid to Research Workshops and Conferences in Canada, SSHRC, awarded for conference on “Supranational Political Community: Substance, Conditions, Pitfalls – The European Union and Debates about Supranational Political Organization”, University of Victoria, 30 September to 2 October 2005. Amount: \$22,500.
14. Aid to Research Workshops and Conferences in Canada, SSHRC, awarded for conference on “Consent as the Foundation for Political Community”, University of Victoria, 1-3 October 2004. Amount: \$10,000.
15. Canada Research Chair in Law and Society, awarded for period 1 July 2002 to 30 June 2009. Amount: \$1.4 million.
16. Conference Visitorship, conference on “Indigenous Rights, Political Theory, and the Reshaping of Institutions,” Humanities Research Centre, 8-10 August 1997. Amount: \$3000.
17. Co-investigator, SSHRC research grant, awarded for period 1 April 1995 to 31 March 1998. Principal Investigator: Roderick Macdonald, Law, McGill. Title: “Critical legal pluralism, interlegality and social diversity.” My specific project concerns the design of regulatory institutions and economic development policy under the James Bay and Northern Quebec Agreements. Total amount awarded: \$165,000 (among four investigators).
18. Member of research team, FCAR grant, awarded for 1994-1997. Coordinator: Colin Scott, Anthropology, McGill. Title: “Gouvernement autochtone: structures et principes de fonctionnement.” Total amount awarded: \$125,000 (among five researchers).
19. Consultant on Aboriginal title and implementation issues, 1994-95; Author of discussion paper on the fundamental justifications for a parallel aboriginal justice system for the National Round Table on Justice Issues, 25-27 November 1992. Royal Commission on Aboriginal Peoples.
20. Co-investigator, SSHRC research grant, for period 1 April 1992 to 31 March 1995. Principal Investigator: Roderick Macdonald, Law, McGill. Title: “Access to justice, legal pluralism and internormativity.” My specific project concerns the design of regulatory institutions under the James Bay and Northern Quebec Agreements. Total amount awarded: \$186,597 (among three investigators).

21. Member of the Réseau québécois of the Institut canadien des recherches avancées, 1989 to 1995. This involves a research grant of \$1500 for my personal use, and subsidization of the costs of interaction of the réseau.
22. Author of chapter on Labour and the Law in 19th Century Ontario, for a collaborative volume entitled, *Labouring Lives* (cited above under publications), 1989-1995. Substantial research funding used to hire researchers acting jointly for all contributors.
23. Member (1989-1993) of the Labour Law Casebook Group, publishers of the casebook, *Labour Law: Cases, Materials and Commentary* (Kingston: Industrial Relations Centre, Queen's University) (5th edition). Research allowance for preparation of the 5th edition: \$2000.
24. Author of one of six background studies commissioned for the Ontario Law Reform Commission project on the Nomination of Persons for Judicial Appointment, 1989 to 1990.
25. Holder of SSHRC small grant for project on "The Mediation and Arbitration of Labour Disputes in Canada, 1860-1910", 1988 to 1992. Amount: \$2800.

[Teaching, Post-graduate Supervision, Administration, Community Engagement, Consulting, and Media Engagement have been omitted from this version of my Curriculum Vitae.]