

# Stéphane Beaulac, Ph.D.

## Counsel



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## Overview

Stéphane Beaulac serves as counsel on our Litigation team. Along with his work at Dentons, Stéphane is a professor of law (professeur titulaire) at the Université de Montréal, where he teaches subjects in international law, constitutional law and statutory interpretation. He holds a Ph.D. in international public law from the University of Cambridge, where he also earned an LL.M. (first class honour) in comparative constitutional law. His background is bijural: civil law at the University of Ottawa (summa cum laude) and common law at Dalhousie Law School; he clerked at the Supreme Court of Canada. He was a Max Weber Fellow at the European University Institute in Florence, a Neil MacCormick Fellow at the University of Edinburgh, a James Flaherty Fellow at the University College Cork, and a visiting professor in Toulouse, Amsterdam, Ulster, Trento and Padua.

Stéphane is the author (coauthor) or the coeditor of some 20 law books and he has published over 100 articles and papers in law journals and elsewhere, including with Oxford University Press, Cambridge University Press, Springer and Routledge. His writings have won awards and, indeed, were cited by the Supreme Court of Canada and by the International Court of Justice in The Hague. A lawyer with the Ontario Bar and a solicitor with the Québec Bar, Stéphane's expertise in legislative drafting and interpretation was called upon in Quebec; he was also a witness on public law matters before parliamentary committees in Ottawa. He has given conferences in the United States, in Europe and around the world. He is a public academic, often contributing to current debates in printed and online media, as well as on radio and television.

## Recognition

- **Order of Merit** from the Faculty of Law (Civil Law Section), University of Ottawa, 2018
- **Teaching Award** from the Rector of the Université de Montréal, 2010
- **Scholarship** from the Academy of International Law in The Hague, 2004
- Commonwealth **Scholarship** for doctoral studies, University of Cambridge, 1999-2002
- Cambridge Commonwealth Trust **Scholarship** for LL.M., University of Cambridge, 1996-1997
- Paul Martin Sr. **Scholarship** for LL.M., University of Cambridge, 1996-1997

- **Award** for finishing first in the National Program in Common Law (LL.B.), Dalhousie University, 1994
- **Silver Medal** for the License in Civil Law (LL.L.), University of Ottawa, 1993

## In the Media

- Interviewed “Vaccination obligatoire, un frein à l'accès à l'éducation? Entrevue avec Stephane Beaulac ,” *Radio-Canada*, August 2021
- Quoted in “Le très mince équilibre entre le droit et la santé publique,” *Le Droit*, August 2021
- Quoted in “De quels droits Québec impose-t-il les mesures sanitaires?,” *Le Devoir*, August 2021
- Quoted in "Court mostly upholds controversial Quebec secularism law, exempts English school boards," *CTV News*, April 2021
- Quoted in “Le jugement sur la taxe carbone « érode les compétences provinciales », dit Kenney,” *Radio-Canada*, March 2021
- Quoted in “Non aux voyages à l'étranger ,” *La Presse*, January 2021
- Quoted in “L'idée de modifier la Constitution fait son chemin au Québec ,” *Le Devoir*, January 2021
- Interviewed “Est-il possible d'interdire les voyages? Le point avec professeur Beaulac,” *Radio-Canada*, January 2021
- Interviewed “Démission de Julie Payette,” *Radio-Canada*, January 2021
- Interviewed “Québec demande à Ottawa d'interdire les vols internationaux,” *Radio-Canada*, January 2021
- Quoted in “Legal experts question ‘justification’ of Quebec’s COVID curfew ,” *The Lawyer’s Daily* , January 2021
- Quoted in “Trois questions sur le couvre-feu au Québec,” *Le Devoir*, January 2021

## Insights

### Books

- *Précis de droit international public – théorie, sources, interlégalité, sujets*, 3rd ed., Montreal: LexisNexis, 2021, 832 pages
- Co-author, *Common Law and Civil Law: A Comparative Primer / Droit civil et common law : convergences et divergences*, Montreal: Éditions Thémis, 2017, 160 pages (with J.-F. Gaudreault-DesBiens)
- *Textes constitutionnels et documents (nationaux, internationaux) relatifs aux droits humains*, 2nd ed., Montreal: Éditions JFD, 2017, 302 pages
- Co-author, *Law of Independence – Quebec, Montenegro, Kosovo, Scotland, Catalonia*, Toronto: LexisNexis, 2016, 131 pages (with F. Bérard)
- Co-author, *Précis d'interprétation législative*, 2nd ed., Montreal: LexisNexis, 2014, 553 pages (with F. Bérard)
- Co-author, *The Interpretation of Legislation in Canada*, 4th ed., Toronto: Thomson Carswell, 2011, 811 pages (with P.-A. Côté & M. Devinat)
- *Handbook on Statutory Interpretation – General Methodology, Canadian Charter and International Law*, Toronto: LexisNexis, 2008, 492 pages
- Co-author, *International Human Rights and Canadian Law – Legal Commitment, Implementation and the*

*Charter*, 4th ed., Toronto: Thomson Carswell, 2007, 532 pages (with W.A. Schabas)

- Author, *The Power of Language in the Making of International Law – The Word Sovereignty in Bodin and Vattel and the Myth of Westphalia*, Leiden & Boston: Martinus Nijhoff, 2004, 214 pages

## Book chapters

- "The Lotus Case in Context – Sovereignty, Westphalia, Vattel, Positivism," in S. Allen, D. Costelloe, M. Fitzmaurice, P. Gragl & E. Guntrip (eds.), *Oxford Handbook of Jurisdiction in International Law*, Oxford: Oxford University Press, 2019, 40-58
- Stéphane Beaulac, "Canada," in F.M. Palombino (dir.), *Duelling for Supremacy: International Law vs. National Fundamental Principles*, Cambridge: Cambridge University Press, 2019, 21-42
- "Canada," in M. Mercat-Bruns, D.B. Oppenheimer & C. Sartorius (eds.), *Comparative Perspectives on the Enforcement and Effectiveness of Anti-discrimination Law – Challenges and Innovative Tools*, Dordrecht (Netherlands): Springer, 2018, 111-128
- "La mise en œuvre judiciaire des obligations internationales du Canada en matière de droits humains – Obstacles et embûches," in O.E. Fitzgerald, V. Hughes & M. Jewett (eds.), *Reflections on Canada's Past, Present and Future in International Law / Réflexions sur le passé, le présent et l'avenir du Canada en matière de droit international*, Waterloo: CIGI, 2018, 31-47
- "Post-World War I / Quiet Revolution (1920-1970) – Through the Lenses of Legal Interpretations and International Law," in E. Mendes (ed.), *Canada's Constitutional Democracy: The 150th Anniversary Celebration*, Toronto: LexisNexis, 2017, 79-93
- "Constitutional Interpretation: On Issues of Ontology and of Interlegality," in P. Oliver, P. Macklem & N. Des Rosiers (eds.), *Oxford Handbook of the Canadian Constitution*, Oxford: Oxford University Press, 2017, 867-890
- "La problématique de l'interlégalité et la méthodologie juridique – Exemples canadiens d'opérationnalisation du droit international," in J.-Y. Chérot *et al.* (eds.), *Le droit entre autonomie et ouverture – Mélanges en l'honneur de Jean-Louis Bergel*, Brussels: Bruylant, 2013, 5-16
- "Lost in Transition? – Domestic Courts, International Law and Rule of Law 'À la Carte'," in E. Kristjánsdóttir, A. Nollkaemper & C. Ryngaert (eds.), *International Law in Domestic Courts – Rule of Law Reform in Post-Conflict States*, Antwerp: Intersentia, 2012, 17-34
- Co-author, "Canada," in D. Shelton (ed.), *International Law and Domestic Legal Systems – Incorporation, Transformation, and Persuasion*, Oxford: Oxford University Press, 2011, 116-157 (with J.H. Currie)
- "Thinking Outside the 'Westphalian Box': Dualism, Legal Interpretation and the Contextual Argument," in C.C. Eriksen & M. Emberland (eds.), *The New International Law – An Anthology*, Leiden: Brill Publishers, 2010, 17-32
- "The Rule of Law in International Law Today," in G. Palombella & N. Walker (eds.), *Relocating the Rule of Law*, Oxford: Hart Publishing, 2009, 197-223
- "International Law and Statutory Interpretation: Up with Context, Down with Presumption," in O.E. Fitzgerald *et al.* (eds.), *The Globalized Rule of Law – Relationships between International and Domestic Law*, Toronto: Irwin Law, 2006, 331-365
- "Customary International Law in Domestic Courts: Imbroglia, Lord Denning, *Stare Decisis*," in C.P.M. Waters (ed.), *British and Canadian Perspectives on International Law*, Leiden & Boston: Martinus Nijhoff, 2006, 379-392

## Edited books

- Co-editor, *JurisClasseur – Droit constitutionnel*, Montreal: LexisNexis, 2011, loose-leaf (over 1200 pages) (as

a book co-editor, with J.-F. Gaudreault-DesBiens)

- Co-editor, *Interpretatio non cessat – Mélanges en l'honneur de Pierre-André Côté / Essays in Honour of Pierre-André Côté*, Cowansville: Yvon Blais, 2011, 363 pages (with M. Devinat)
- Co-editor, *The Joy of Torts – Essays in Honour of Justice Allen M. Linden*, Toronto: LexisNexis Butterworths, 2003, 484 pages (with S.G.A. Pitel & J.L. Schulz)

## Law journals

- "'Texture ouverte', droit international et interprétation de la Charte canadienne" (2013) 61 *Supreme Court Law Review (2d)* 191-240
- "The Myth of *Jus Tractatus* in *La Belle Province*: Quebec's Gérin-Lajoie Statement" (2012) 35 *Dalhousie Law Journal* 237-266
- "Модель правового государства с привлечением международного права для местных судов в государствах переживающих переходный период: утонченная, уплотненная или 'à la carte'? [What Model of a Legal State for Countries in Transition to Choose: Full, Reduced or 'a la Carte?']" (2012) 16 *Annual Journal for Canadian Studies in Russia* 122-165
- "International Law Gateway to Domestic Law: Hart's 'Open Texture,' Legal Language and the Canadian Charter" (2012) 46 *Revue juridique Thémis* 443-484
- "Проявление Силы Вестфальского Мифа в Международном Праве [The Influence of the Westphalian Myth in International Law]" (2011) 5 *Правоведение / Jurisprudence* 141-153
- "The Rule of Law, International Law and Interlegality: What Heuristic Model (Thin, Thick or 'À la Carte')" (2011) 24 *Revue de la recherche juridique – Cahiers de méthodologie juridique* 2171-2184
- "Вестфальская Парадигма и Дуалистическая Теория Претворения Международного Права: Уроки Северной Америки по Использованию Международного Права в Национальных Юрисдикциях [The Westphalian Paradigm and the Dualist Theory of Reception: Lessons from North America in Using International Law Domestically]" (2010) 14 *Annual Journal for Canadian Studies in Russia* 13-43
- Co-author, "L'immunité des États et le *jus cogens* en droit international: étude croisée Italie / Canada" (2009) 43 *Revue juridique Thémis* 491-529 (with R. Pavoni)
- Co-author "Driedger's 'Modern Principle' at the Supreme Court of Canada: Interpretation, Justification, Legitimization" (2006) 40 *Revue juridique Thémis* 131-172 (with P.-A. Côté)
- "L'interprétation de la Charte: reconsidération de l'approche téléologique et réévaluation du rôle du droit international" (2005) 27 *Supreme Court Law Review (2d)* 1-46
- "The Canadian Federal Constitutional Framework and the Implementation of the Kyoto Protocol" (2005) 5 *Revue juridique polynésienne (hors série)* 125-146
- "Recent Developments on the Role of International Law in Canadian Statutory Interpretation" (2004) 25 *Statute Law Review* 19-39
- "The Westphalian Model in Defining International Law: Challenging the Myth" (2004) 8 *Australian Journal of Legal History* 181-213
- "Arrêtons de dire que les tribunaux au Canada sont 'liés' par le droit international" (2004) 38 *Revue juridique Thémis* 359-387
- "National Application of International Law: The Statutory Interpretation Perspective" (2003) 41 *Canadian Yearbook of International Law* 225-269
- "Le transfert de territoire en droit international selon Vattel et la cession de la Louisiane aux États-Unis d'Amérique" (2003) 63 *Louisiana Law Review* 1361-1395

- "The Social Power of Bodin's 'Sovereignty' and International Law" (2003) 4 *Melbourne Journal of International Law* 1-28
- "Emer de Vattel and the Externalization of Sovereignty" (2003) 5 *Journal of the History of International Law* 237-292
- "Le pouvoir sémiologique du mot 'souveraineté' dans l'œuvre de Bodin" (2003) 16 *International Journal for the Semiotics of Law* 45-76
- "A Comparative Look at Punitive Damages in Canada" (2002) 17 *Supreme Court Law Review (2d)* 351-373
- "The Suresh Case and Unimplemented Treaty Norms" (2002) 15 *Quebec Journal of International Law* 221-240
- "Les dommages-intérêts punitifs depuis l'affaire *Whiten* et les leçons à en tirer pour le droit civil québécois" (2002) 36 *Revue juridique Thémis* 637-687
- "The Westphalian Legal Orthodoxy – Myth or Reality?" (2000) 2 *Journal of the History of International Law* 148-177
- "Recent Developments at the Supreme Court of Canada on the Use of Parliamentary Debates" (2000) 63 *Saskatchewan Law Review* 581-616
- "Parliamentary Debates in Statutory Interpretation: A Question of Admissibility or of Weight?" (1998) 43 *McGill Law Journal* 287-324
- "Les bases constitutionnelles de la théorie de l'imprécision: partie d'une précaire dynamique globale de la Charte" (1995) 55 *Revue du Barreau* 257-293
- "Exclus de la Charte: un privilège?" (1995) 4 *Dalhousie Journal of Legal Studies* 253-269
- "Les leçons du passé repoussent les frontières de la retenue judiciaire" (1994) 3 *Dalhousie Journal of Legal Studies* 197-207

## Shorter papers

- "Bodin, Jean (1530-96)," in M.T. Gibbons (dir.), *The Encyclopedia of Political Thought*, Oxford & Malden: Wiley-Blackwell, 2014, website (2 pages)
- Co-author, "Le projet de Loi sur l'identité québécoise (Projet de loi no 195) ne passe ni le test des Chartes ni celui de la Déclaration universelle des droits de l'homme" (2008) 3 *Bulletin québécois de droit constitutionnel* 49-50 (with F. Chevrette, F. Crépeau, J.-F. Gaudreault-DesBiens and J. Leclair).
- "Bodin, Jean," in J.J. McCusker (ed.), *History of World Trade since 1450*, vol. 1, Farmington Hills: Thomson-Gale, 2005, 68
- "Le droit international comme élément contextuel en interprétation des lois" (2004) 6 *Canadian International Lawyer* 1-6
- "On the Saying that 'International Law Binds Canadian Courts'" (2003) 29 *Bulletin of the Canadian Council on International Law* 1-4

## Blog posts

- Co-author, "The Supreme Court of Canada finds the Greenhouse Gas Pollution Pricing Act constitutional," *Commercial Litigation Blog*, March 26, 2021
- "Asymétrie Canada-Québec en droits linguistiques – ou 'what is good for the goose is NOT (necessarily) good for the gander'," National Observatory on Language Rights / Observatoire national en matière de droit linguistique, 12 May 2016, 4 pages

- "The Mugesera Stay Decision," International & Transnational Criminal Law (Robert Currie's blog), 20 January 2012, 4 pages

## Reports

- Report for the Barreau de Montréal concerning the enactment of bilingual legislation by the Quebec National Assembly, March 2017, 8 pages
- Co-author, *D'un common effort : améliorer le Sénat canadien / Working Together: Improving Canada's appointed Senate*, report submitted to the Parliament of Canada in December 2015, 60 pages (with Sen. S. Joyal, E. Mendes, *et al.*)
- "La suprématie de la constitution," report prepared for the Supreme Court of Canada in regard to the AACPUF triannual congress on 4-6 June 2015, 40 pages
- Co-author, "The Common Law and Civil Law Traditions in Canada: Some Red Flags for Transferring Lawyers," report prepared for the Federation of Law Societies of Canada, April 2014, 100 pages (with J.-F. Gaudreault-DesBiens)
- Report for the Chambre des notaires du Québec, concerning the revision of the regime on the publicity of rights, January 2014, 27 pages
- Report for the Fédération québécoise des directions d'établissement d'enseignement, on the constitutional ramifications of a possible reform of Quebec school board system, December 2011, 10 pages
- Report for the Board of Trade of Metropolitan Montreal, on the constitutional ramifications of the proposed reform of Quebec electoral district map, May 2011, 5 pages

## Activities and Affiliations

- Board Member of the International Commission of Jurists (Canadian Section)
- Faculty Member responsible for the Language Rights Platform, Université de Montréal
- Director of the Observatory on National Security Measures, Université de Montréal

## Areas of focus

### Practices

- Public Law
- Public International Law
- Aboriginal Law (Canada)
- Environment and Natural Resources
- Public Policy and Regulation
- Corporate Governance

### Industry sectors

- Government
- Energy

- Oil and Gas
- Infrastructure and PPP

## Education

- University of Cambridge, 2002, PhD, International Law
- University of Cambridge, 1997, Comparative Law, 1997, *first class honours*
- University of Ottawa, Faculty of Law, 1995, Diploma in Legislative Drafting (D.E.S.S.)
- Dalhousie Law School, LL.B.
- University of Ottawa, Faculty of Law, 1993, License in Civil Law (LL.L.), *summa cum laude*

## Admissions and qualifications

- Bar of Québec, 2019
- Ontario, 1998

## Languages

- English
- French