

**Professor Richard Stith**  
**Jean Monnet Module, Michael and Dianne Swygert Research Fellow**  
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- Education:** A.B. political theory, Harvard University, 1965  
M.A. political theory, University of California, Berkeley, 1967  
M. Phil. Christian ethics, Yale University, 1971  
J.D. law, Yale University, 1973  
Ph.D. religious ethics, Yale University, 1973
- Selected Academic Experience:** 1973-present: Professor, Valparaiso University School of Law  
1976-1977: Director, Biomedical Ethics, St. Louis Univ. School of Medicine  
1980-1981: Visiting Professor of Philosophy, Poona University, India (Fulbright)  
1988, fall: Visiting Professor of Law, Universidad de Valparaíso, Chile (Fulbright)  
1992, spring: Visiting Professor of Law, Zhongshan University, China (Fulbright)  
1996, spring: Visiting Professor of Political Science, UKMA, Ukraine (Fulbright)  
2000-2001: Visiting Professor of Law, U. Panamericana, Guadalajara, Mexico (Fulbright)
- Selected Offices:** Advisory Council, National Lawyers Association  
Board of Editors, AMERICAN JOURNAL OF COMPARATIVE LAW  
Board of Directors, University Faculty for Life  
Board of Directors, Consistent Life  
ALAFa Legal Committee (organizing amicus briefs for Latin America)  
Academic Council, Doctoral Program in Law, Universidad de los Andes, Chile
- Selected Memberships:** American Society for Political and Legal Philosophy  
International Association for Philosophy of Law and Social Philosophy  
Christian Legal Society  
Fellowship of Catholic Scholars  
National Association of Scholars  
Society of Catholic Social Scientists  
Law Professors Christian Fellowship  
U.S. Association of Constitutional Law  
Mirror of Justice, a Catholic legal theory blog  
Board of Visitors, Ave Maria School of Law
- Law Teaching:** Gromley Teaching Award (1997); “Jean Monnet Module” award (2001). Courses taught include *Jurisprudence (Philosophy of Law)*, *Comparative Law*, *Introduction to American Law Education*, *European Federalism*, *American Legal History*, *Comparative Constitutional Law*, *Criminal Law*, *Family Law*, *Conflict of Laws*, *Federal Income Taxation*, *Rights of Juveniles and Mentally Handicapped*, *Theory of Justice*, *Church and State*, *Legal Philosophy of Roberto Unger*, *Legal Process*, *Law and Society*. (Courses currently taught are italicized).

**Languages:** Spanish (fluent lecturing), German (conversation and reading), French (conversation and reading).

**Admitted to the Bar:** United States Court of Appeals for the Seventh Circuit (1986), U.S.D.C. Northern District of Indiana (1978), State Bar of Indiana (1974).

**Selected Publications:**

*Un camino equivocado*, prologue, CONSTITUCIONIZACIÓN DE LAS FALACIAS 23-31, edited by Ilva Miriam Hoyos (Bogotá., Editorial Temis, S.A., 2005).

*Nietzsche vs. Christ: Abortion Is More Than “Murder”*, forthcoming in XV LIFE AND LEARNING, by J. Koterski; shorter version appeared in NEW OXFORD REVIEW, Nov. 2005.

*Roe v. Reason*, essay published by the United States Conference of Catholic Bishops, Oct. 2005, and distributed by them to all U.S. Catholic parishes and institutions. Also widely reprinted.)

*Death By Hunger and Thirst*, 30/6 ETHICS AND MEDICS 1, 6 June 2005, National Catholic Bioethics Center, also published in THE CRESSET, Easter 2005.

*La vida considerada como cosa*, XVI CUADERNOS DE BIOÉTICA 23-42 (Spain, 2005).

*The Priority of Respect*, 44 INTERNATIONAL PHILOSOPHICAL QUARTERLY 165-84 (2004). (My most significant work.)

*Keeping Friendship Unregulated*, 18 JOURNAL OF LAW, ETHICS, & PUBLIC POLICY 263-71 (2004).

*Respect for the Individual: The Foundation of Law*, XII LIFE AND LEARNING 5 (lead chapter). (Peer-reviewed book series of the University Faculty for Life).

*México: ¿nuevamente una colonia europea?* Monnet-Schumann Papers, U. of Miami (2003)

*Location and Life: How Stenberg v. Carhart Undercut Roe v. Wade*, 9 WILLIAM AND MARY JOURNAL OF WOMEN AND THE LAW 255-78 (2003)

DOS VISIONES DE LA JURISDICCIÓN DE LA UNIÓN EUROPEA, with Joseph H.H. Weiler (Universidade de Compostela, 2000). Partially republished in English as *Can Treaty Law Be Supreme, Directly Effective and Autonomous—All at the Same Time? (An Epistolary Exchange)*, with J.H.H. Weiler, 34 NEW YORK UNIVERSITY JOURNAL OF INTERNATIONAL LAW AND POLITICS 729-47 (2002).

La antidemocracia de los matrimonios homosexuales, with José Pérez Adán (Professor of Sociology, University Valencia) ISTMO, Vol. 44, July-August 2002, pp. 36-39 (published in Mexico).

*¿El embrion como persona?* Published in 2002, in the book *LA BIOÉTICA: UN RETO DEL TERCER MILENIO*, Instituto de Investigaciones Juridicas, UNAM, Mexico.

*Don't Call Abortion "Murder"*, short column published in *CELEBRATE LIFE*, Jan.-Feb. 2001. (This magazine has a world-wide circulation. I received compliments from Colombia, Mexico and even India!)

*Respect for Life: The Foundation of Law*, presented in the 1999-2000 academic year as a short paper and chosen for publication in the fall of 2000 in the *RESEARCH BULLETIN* of the Association for Interdisciplinary Research in Values and Social Change (Vol. 15, No. 3, July-Oct. 2000).

*¿Son seres humanos? (Are They Human?)*, newspaper commentary on the anniversary of the U.S. Supreme Court's 28 June 2000 decision on partial-birth abortion. Printed in several Mexican newspapers, including *EL INFORMADOR*, Guadalajara's largest.

*Candor and the Court*, *AMERICA*, April 1, 2000 (also reprinted in Spanish).

*Nominal Babies*, *FIRST THINGS*, February 1999. Excerpted in *GLOBAL CONSTITUTIONALISM* (Yale Law School, 1999). Also published as *Deconstructing Roe v. Wade's Birth Wall*, *VIII LIFE AND LEARNING* 131 (1999); and in *41 PERSONA Y DERECHO* 441 (1999), Pamplona, Spain.

*A Non-Religious Community May Not Use the Death Penalty*, *HARMONY*, February, 1999.

*On the Image of God and Man in the Unborn Child*, *THE CRESSET*, October, 1997 at 6; also reprinted in *23/8 ETHICS AND MEDICS* 3, August 1998, published by the National Catholic Bioethics Center.

*The Ninth Circuit's Analogy Between Fetuses and the Terminally Ill*, *NATIONAL LAWYERS ASSOCIATION REVIEW*, Spring 1997, at 8.

*The Rule of Law vs. the Rule of Judges: A Plea for Legal Pluralism*, 1997(3) *POLITICAL THOUGHT* 31-55 (Kyiv). Published simultaneously in English, Ukrainian and Russian. Translated into Spanish and republished as *Imperio del Derecho versus Imperio de los Jueces*, *12 REVISTA DE DERECHO* 157-82 (Coquimbo, Chile: 2005).

*On Death and Dworkin: A Critique of His Theory of Inviolability*, *56 MARYLAND LAW REVIEW* 289-383 (1997). Translated into Spanish and published electronically by *CUADERNOS DE BIOETICA* (Galicia, Spain).

*The Extraordinary Counter-Majoritarian Power of the New Supreme Court of Nepal*, *4 ASIA LAW REVIEW* 38 (New Delhi 1995); reprinted with minor revisions as *Unconstitutional Constitutional Amendments: The Extraordinary Power of Nepal's Supreme Court*, *11 AMERICAN UNIVERSITY JOURNAL OF INTERNATIONAL LAW AND POLICY* 47-77 (1996).

*Images, Spirituality, and Law*, *10 JOURNAL OF LAW AND RELIGION* 33-47 (1993-94). Also appeared in *FOLLOWING THE STAR FROM THE EAST: ESSAYS IN HONOUR OF ARCHIMANDRITE BONIFACE LUYKX* 120 (Ottawa 1992).

*Why the Taint to Religion? The Interplay of Chance and Reason in the U.S. and Abroad*, 1993 BRIGHAM YOUNG UNIVERSITY LAW REVIEW 467.

*Can Practice Do Without Theory? Differing Answers in Western Legal Education*, 80 ARCHIV FÜR RECHTS- UND SOZIALPHILOSOPHIE 426 (1994); also in 4 INDIANA INTERNATIONAL AND COMPARATIVE LAW REVIEW 1 (1993), in Special Issue #1 ASIA PACIFIC LAW REVIEW 83 (Hong Kong 1994) and in 30 COMPARATIVE JURIDICAL REVIEW 77 (1993) in Spanish. Also published in Beijing in Chinese. Re-published as *¿Puede la práctica prescindir de la teoría? Diferentes respuestas en la educación jurídica occidental*, new Spanish translation by Carolina Pereira of article by R. Stith, under his guidance and with his additions, 21 ANUARIO DE FILOSOFIA JURIDICA Y SOCIAL (2002).

*En base a su dignidad humana*, 15.3 CUADERNOS DE BIOTECA 49 (Santiago de Compostela 1993), reprinted in 21 REVISTA CHILENA DE DERECHO 359 (1994).

*Generosity: A Duty Without a Right*, 25 JOURNAL OF VALUE INQUIRY 203 (1991).

*¿Habrá ciencia del derecho en el siglo XXI?*, EN EL UMBRAL DEL SIGLO XXI (Valparaíso, Chile, 1989). Revised and reprinted in Spain in 12-13 CUADERNOS INFORMATIVOS DE DERECHO HISTORICO PUBLICO, PROCESAL Y DE LA NAVEGACION 3008 (1990). Translated into English and reprinted in 22 REVUE GÉNÉRALE DE DROIT 373 (Quebec, 1991).

*On Krauskopf on Glendon*, 39 JOURNAL OF LEGAL EDUCATION 619 (1989).

*El feto en la jurisprudencia constitucional occidental*, 16 REVISTA CHILENA DE DERECHO 367 (1989), revised and reprinted in Spain as *Los límites de la comunidad humana en la jurisprudencia constitucional occidental* in FAMILIA, DROGA, CONTROL DE LA NATALIDAD Y CAMBIO DE ESTRUCTURAS POLITICAS EN LA RETORICA DE LA MODERNIDAD Y DE LA POST-MODERNIDAD 55 (1991).

*Can We Do Without "Rights" in Manners, Religion, and Law?*, LAW AND THE ORDERING OF OUR LIFE TOGETHER 54 (R. J. Neuhaus, ed., 1989).

*New Constitutional and Penal Theory in Spanish Abortion Law*, 35 AMER. J. COMP. L. 513-558 (1987); other versions appeared in 104-105 LAW AND JUSTICE (London, 1990); 17 PERSONA Y DERECHO 137-197 (Pamplona, 1987); ABORTION, MEDICINE, AND THE LAW 368-404, ed. J. Douglas Butler and David F. Walbert, 4<sup>th</sup> Edition (New York: Facts on File, 1992); in Spanish in 15 REVISTA DE DERECHO PUBLICO 345-393 (Madrid, 1989) and in 39 REVISTA DE CIENCIAS SOCIALES 219 (Valparaíso, Chile 1994).

*On the Preservation of Morality*, 20 VAL. U.L. REV. 71 (1985) [a response to Neil MacCormick].

*A Critique of Fairness*, 16 VAL. U.L. REV. 459-81 (1982) [Inaugural Lecture, critiquing Rawls and others].

*Taking Life Seriously*, testimony presented by invitation to the United States Subcommittee on the Constitution (November 1981), reprinted in THE CRESSET (February 1982).

*Thinking About Ecology*, THE CRESSET (November 1981) [originally presented to All-India Seminar on Man and Nature, January 1981].

*The Problem of Public Pretense*, VIII(1) INDIAN PHIL. Q. 13 (October 1980) [published in Pune, India].

*Toward Freedom from Value*, 38 THE JURIST 48 (1978) [a critique of the concept and experience of valuing], reprinted in two parts in BIOETHICS DIGEST (January 1978 and February 1978). Also reprinted in ON MORAL MEDICINE 127-43, S.E. Lammers and A. Verhey, eds. (Grand Rapids: Eerdmans, 1987), and in the second edition of the same anthology (1998).

*The World as Reality, as Resource, and as Pretense*, 20 AM. J. JURIS. 141 (1975), reprinted in full in BIOETHICS DIGEST (September 1976).

Doctoral dissertation: *A Theory of Respect* (UNIVERSITY MICROFORMS, 1973) [phenomenology of the attitude of respect].

*Bases para un Acuerdo*, PERSPECTIVAS DE DIÁLOGO (Montevideo, Uruguay: November 1970), translated and printed in part in ESPERANCE DES PAUVRES (Liege, Belgium: 1971).

*Must Schools Go?: a short response to Ivan Illich*, YALE GRADUATE-PROFESSIONAL (February 19, 1970).

*Contre la connaissance calculatrice*, ESPRIT (Paris: August-September 1968) [Emmanuel Mounier's journal], reprinted in Spanish in PERSPECTIVAS DE DIALOGO (Montevideo: May 1969), reprinted in English with an additional article as *The New Revolution*, CROSS CURRENTS (Winter 1969) [letter to Professor Charles Reich and reflections from the Paris of June 1968].

*Collaboration and Learning: Modern Organization Theory Applied to Education*, EXPERIMENT AND INNOVATION, with Jeffrey Pressman (July 1968) [University of California journal of education].

[This list does not include numerous short commentaries that have appeared in journals such as the Washington Post, Indianapolis News, Harmony, Democracy, Yale Alumni Magazine, Commonweal, ABC, Cuadernos de Bioética, New York Review of Books, and others].

### **Selected post-1996 Presentations (not including guest lecturing within Valparaiso University):**

Teaching a week-long seminar (approximately 16 hours total) in Aguascalientes, Mexico, for selected students (in the morning) and for faculty (in the afternoon) on American Legal Realism. Universities in Aguascalientes, Guadalajara, and Mexico City, the Phoenix Institute, and the American consulate in Guadalajara are co-sponsoring the seminar. Entirely in Spanish. May-June, 2006.

Presentations at Georgetown University, as part of the "Cardinal O'Connor Conference on Life", co-sponsored by University Faculty for Life, on 1/23/05 and 1/22/06.

Supreme Court justice in the mock appeal (re an actual upcoming abortion case) at IU Bloomington on 3 December 2005.

At the 15<sup>th</sup> annual conference of University Faculty for Life, I made two presentations. I led a discussion of my paper, mentioned above, which is forthcoming in the peer-reviewed proceedings of this conference. In addition, I was invited to do the response-comment for our plenary speaker (on issues of international and comparative law).

Judge of Doctoral Dissertation Defense in Spain: I was the senior vocal (though not the president) of a five-person academic tribunal set up to judge the written and oral quality of a doctoral thesis and defense on the law of the European Union. I was the only non-Spaniard on the panel.

Presented a talk entitled “A Culture of Betrayal” to the Bioethics Committee of St. Margaret Mercy Medical Center, Dyer, Indiana, on 10 August 2005.

Presentation (which I may revise for publication) entitled “Respect and Stewardship for Imperfect Life,” to the St. Paul Catholic Church “Respect Life Committee,” here in Valparaiso, on 4 May 2005.

During the summer of 2004, I had a grant from the Chilean government (covering all my costs, including travel and lodging) to do some teaching and collaborative research down in Chile. I gave one lecture in a first-year course and led five hours of seminar studies for doctoral candidates in law, all at the Universidad de los Andes. I also directed two hours of a law doctorate seminar at the Universidad Católica de Valparaíso. (All spring and summer lecturing was in Spanish, of course.)

During the spring of 2004, I was invited (virtually all expenses paid, including travel and lodging, plus honoraria) by a number of Spanish universities (in Navarra, Valencia, and in Alicante) to do a lecture tour in Spain. In Navarra, I gave the inaugural lecture in the 2004 cycle of the Permanent Seminar on Human Rights, as well as an informal session on American legal pedagogy. In Valencia, I addressed doctoral candidates in Biotechnology and Human Rights, and in Alicante I taught a two-hour bioethics session to medical professionals seeking a master’s degree.

Short panel presentation and discussion, *La salud como mensaje incluyente*, Décimo Congreso Ciencia y Vida, Universidad Libre Internacional de las Américas, Montevideo, Uruguay, 29 July 2004.

Short panel presentation and discussion, “Icons, Law, and Life”, *Epiphanies of Beauty: The Arts in a Post-Christian Culture*, University of Notre Dame, 19 November 2004.

“How did we get into this mess?”, talk for Independent Students Against Abortion, Indiana University Calumet, 5 November 2004.

“How Abortion is Worse Than Ordinary Murder”, banquet speech, annual dinner, Illiana Right to Life, Lansing, Illinois, 12 November 2004. (Over 500 people were present. Standing ovation.)

Two “tertulias” (talks with slides and discussion in Spanish), 15/1/04 and 16/12/04, at the Don Quijote restaurant. Topics were the Way of St. James and the Galapagos Islands.

Three interviews in Spanish, for two Chilean magazines and one Chilean newspaper. The longest (for *Cosas Magazine*) was quite difficult: rapid, hostile questioning, on a controversial topic (gay marriage), in a major magazine (equivalent of *Life Magazine* in the USA), with no chance to revise any transcript of what I said.

“Mexico: A New European Colony?”, invited presentation to an interdisciplinary conference on “EU-NAFTA: A Comparative Integration Symposium”, Miami European Union Center, University of Miami, 31 March 2003.

Same lecture in Spanish, Jean Monnet Center, Universidad de Santiago de Compostela, 21 May 2003.

“La cultura de la muerte en la jurisprudencia norteamericana,” class on Comparative Law, Departamento de Derecho Público, Universidad de Santiago de Compostela, 20 May 2003.

“La educación jurídica occidental comparada”, presentation to doctoral candidates, Universidad de Santiago de Compostela, 20 May 2003.

“O papel político do tribunal supreme norteamericano”, two two-hour presentations, Facultade de Ciencias Sociais e da Comunicación, Universidade de Vigo, 26 May 2003.

“Keep Friendship Unregulated!”, Conference on “Formation and Renewal”, Notre Dame Center for Ethics and Culture, 3 Oct. 2003.

“The Priority of Respect”, conference on “La vida humana en un mundo globalizado”, Madrid, Spain, 8 Nov. 2003.

Seminar Leader (in Spanish, Galego, and Portuguese only) on “Lectura urgente: Do proxecto do Constitución Europea” (I developed and presented questions and led discussion among some eight Spanish and Portuguese law professors and doctoral candidates on the newest European Union draft constitution), University of Santiago de Compostela, 25 June 2003.

Ten hours of lectures (five two-hour sessions) on the theme “Natural Law and the Gospel of Life”, with power-point and many handouts, St. Paul Church, Mar.-Apr. 2003:

- 1) “How the Alternatives to Natural Law Endanger the Vulnerable”, 9 March 2003.
- 2) “Natural Justice and the Invalidity of Unjust Laws”, 16 March 2003.
- 3) “Natural Law Arguments Against Abortion, Euthanasia, and Capital Punishment”, 23 March 2003.
- 4) “The Challenge of the Culture of Death in American Law and Medicine”, 30 March 2003.
- 5) “Finding Practical Ways to Avoid Cooperating with Unjust Laws and Practices”, 6 April 2003.

“Partial Birth Abortion Revisited”, presentation at LeMans Academy, Rolling Prairie, IN, 27 April 2003.

Presentation on India to women's group, Santiago de Compostela, Spain, May 2003.

"Nominalism and Realism in the American Legal Culture of Death", Atheneum Regina Apostolorum (a new university in Rome) 7 March 2002.

"Respect for the Individual: The Foundation of Law" annual meeting, University Faculty for Life, Ann Arbor, MI, June 2002.

"The Priority of Respect", annual meeting, American Political Science Association, Boston, MA, 30 August 2002.

"Toward Legal Pluralism", national conference sponsored by the Notre Dame Center for Ethics and Culture, entitled "From Death to Life: Agendas for Reform", 28 September 2002.

"The Peculiar Nature of American Legal Education", Calcutta University Law Department, 27 December 2002.

"Educating Judges vs. Educating Advocates", Calcutta University Law Department, 30 December 2002.

"Social Theory vs. Legal Theory", Calcutta University Law Department, 31 December 2002.

One of only twelve scholars invited (with honorarium) to participate in a Notre Dame seminar organized by John Finnis. This time our topic was "The Development of Church Teaching on Capital Punishment", 12-14 April 2002.

"Partial Birth Abortion", presentation to assembly at LeMans Academy, Rolling Prairie, IN, 27 April 2002.

"Legal Aspects of Abortion", presentation at Shellbourne Conference Center, Valparaiso, IN, 14 June 2002.

"Legal Aspects of Cloning", presentation at Shellbourne Conference Center, 21 June 2002.

"The Image of God in the Least of Our Sisters and Brothers", presentation at First Presbyterian Church, Michigan City, IN, 28 July 2002.

"Legal Aspects of Cloning", presentation to St. Paul Altar and Rosary Society, 12 November 2002.

"El embrión como persona", paper read to the Second Interuniversity Symposium on Bioethics, Mexico City, March 13-16, 2001. Among the twenty-one sponsors of the Symposium were four academic associations, four bar associations, and seven universities. Speakers came from as far away as Argentina, Chile, Spain and Belgium. There was only one other American. Approximately 800 persons were in my audience.

"Destruir una vida, es destruir un alguien", paper presented as the inaugural (keynote) address at another university-sponsored bioethics conference, in Aguascalientes, Mexico, 16-18 May 2001. I was told to speak for two hours, but I took pity on my audience and left some time for questions.

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"Un argumento liberal en contra del reconocimiento jurídico de uniones de personas del mismo sexo", shorter

paper presented at the same conference in Aguascalientes, and again at an international conference on the family and related matters in San José, Costa Rica, 25-28 July 2001.

Lecture on U.S. Constitutional Law, Universidad Panamericana (the main campus, in Mexico City), 28 August 2000 (attended by about 200 persons).

Two-hour lecture-discussion on American Legal Realism, Phoenix Institute Conference, Guadalajara, 10 November 2000.

“Excuses and Justifications in Mexican Abortion Law”, lecture given at monthly legal philosophy roundtable, 20 May 2001; repeated in greater depth in a two-hour session for professors of criminal law, 2 August 2001.

“Comparative Legal Education”, class for LL.M. students, Universidad del Valle de Atemajac, Guadalajara, 6 and 13 July 2001.

“Legal and Cultural Dimensions in the U.S. Pro-Life Struggle”, two-hour lecture-discussion, San José, Costa Rica, 25 July 2001.

Co-ordinator (in advance) and Moderator (at the conference) of the panel on “Family or Families?” (one of four panels) at the International “Ciencia y Vida” Summer School, held in San José, Costa Rica, 25-28 July 2001. (I was especially pleased to be listed as a member of the *Mexican* delegation of professors at the conference!)

Guest Professor at the Faculty of Law, Universidad de Santiago de Compostela and at the Asociacion Galega de Estudios Europeos, both in Spain during the month of May 1999. Lecture topics given there included: on the problem of how to respond to wrong interpretation, in the U.S. and Europe (7 May); graduate seminar on my critique of Dworkin (14 May); a brief version of my longer lecture (above), with discussion (19 May); interpretation in the E.U. (19 May); selected problems of the European Court of Justice (21 May); Another repeat with improvements, of my first lecture (above), but in another city (A Coruña) (21 May); graduate seminar on my theory of the three fundamental approaches in philosophy of law (28 May).

Participation by highly selective invitation in another Conference on Catholic Thought, organized by John Finnis and Gerard Bradley, April 2000. Topic: slavery.

“Does Practice Need Theory?” Guest lecture, Philosophy Dept., Purdue University, fall 1998.

Participation along with “a select group of Catholic scholars” (words in the letter of invitation) in a two-day discussion of a draft of Professor John Finnis’ new work on the legal theory of St. Thomas Aquinas, held at Notre Dame.

Public Three-Lecture Series at Taras Shevchenko University School of Law, Kyiv, in 1997 on Comparative Curriculum Vitae, Richard Stith

Legal Education (Lecture titles: “Contrasts between European and American Legal Education”; “Training Judges vs. Training Advocates in Europe and America”; “The Effect of Social Science on Legal Education in

Europe and America”).

Another Public Three-Lecture Series in 1997 at Taras Shevchenko University School of Law, entitled “Who’s Afraid of the Rule of Law?” (Lecture titles: “The Rule of Law vs. the Rule of High Courts”; “Will Judges Become Lawless in the Next Century?”; “American and European Checks on Judicial Power”)