VILLANOVA UNIVERSITY SCHOOL OF LAW

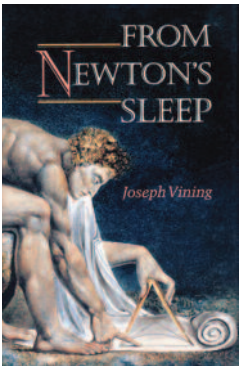
The Fourth Annual John F. Scarpa Conference on Law, Politics, and Culture

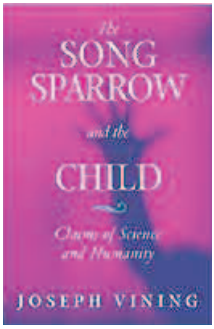
A Celebration and Exploration of the Path-breaking Work of

Joseph Vining

The fourth annual John F. Scarpa Conference on Law, Politics, and Culture

will be a celebration and exploration of the path-breaking work of Joseph Vining, the Hutchins Professor of Law Emeritus at the University of Michigan, where he taught from 1969 until 2009. Over four decades, Vining has changed the way we think about law by challenging us to resist the reductions and totalizing impulses that are so common in legal and other theory. Where others find in law cause for cynicism or despair, Vining discovers cause for hope and aspiration, even evidence of the transcendent. Administrative law, criminal law, group criminality, corporations, and animal law – Vining has left his signature contribution on each of these bodies of law and on our understanding of the interrelatedness of their deep springs in language, responsibility, value, and personhood. Among Vining's many works are *Legal Identity* (Yale University Press, 1978), *The Authoritative and the Authoritarian* (University of Chicago Press, 1988), *From Newton's Sleep* (Princeton University Press, 1995), and *The Song Sparrow and the Child* (University of Notre Dame Press, 2004). The legal scholars and others who will gather to mine the riches of Vining's achievement are themselves a measure of his living legacy.





JOHN F. SCARPA has been a leader in the telecommunications industry for more than 25 years, including cable television, broadcasting and cellular telephone service. Once the co-founder, president, and chief operating officer of American Cellular Network Corporation (NASDAQ), Mr. Scarpa went on to additional success as co-founder and now director of Unitel Wireless Network. Mr. Scarpa has also served on the board of several national trade associations and as chairman of the National Cellular Telephone, Paging and Internet Association.

Acting through the John F. Scarpa Foundation, Mr. Scarpa has long been a dedicated philanthropist, primarily in the fields of education, healthcare, and disadvantaged families. He was the recipient of the United Way's 2002 Alexis de Toqueville National Award, and serves on the Board of Directors of the United Way of Palm Beach County, Florida, as well as on the Board of the Palm Beach Community Chest.

SCHEDULE

8:00	Registration
8:45	Welcome
9:00	**Lee Bollinger,** "An Appreciation"
9:30	**Steven Smith,** "Persons All the Way Up"
10:00	**Rev. John McCausland,** "Finding a Footing: A Theological Perspective on Law and the Work of Joseph Vining"
10:30	Break
10:45	**H. Jefferson Powell,** "Tradition as Conflict: Joseph Vining and the Emptiness of Hyper-Realism"
11:15	**Patrick Brennan,** "Legislation: 'The Arbitrary that We Allow'?"
11:45	Lunch
1:00	**Keynote Address, Joseph Vining,** "The Filaments of the Vicarious"
1:45	Break
2:00	**Judge John T. Noonan, Jr.,** "Through Papers to Persons"
2:30	**Jack Sammons,** "The Law's Melody"
3:00	**James Boyd White,** "The Creation of Authority in a Sermon by St. Augustine"
3:30	Break
3:45	Panel Discussion
5:00	End
5:15	Mass Celebrant: **Very Rev. Georges Thiers, C.O.**

SPEAKERS

Joseph Vining is Harry Burns Hutchins Collegiate Professor Emeritus at the University of Michigan Law School. Professor Vining received a B.A. in zoology from Yale College, an M.A. in history from Cambridge University, and a J.D. from Harvard Law School. Following law school, Vining worked as an attorney in the Office of Criminal Justice in the U.S. Department of Justice, and from 1965 to 1966 he served as Assistant to the Executive Director of the President's Commission on Law Enforcement and the Administration of Justice. Vining then entered private practice with the Covington and Burling law firm in Washington, D.C. Vining joined the University of Michigan Law faculty in 1969, where taught for forty years before retiring in 2009.

In addition to dozens of articles, essays, and book chapters, Vining is the author of four books: *The Song Sparrow and the Child: Claims of Science and Humanity* (University of Notre Dame Press, 2004), *From Newton's Sleep* (Princeton University Press, 1995), *The Authoritative and the Authoritarian* (The University of Chicago Press, 1988), and *Legal Identity* (Yale University Press, 1978). Professor Vining has lectured and published extensively in the fields of legal philosophy, administrative law, corporate law, comparative law, animal law, and criminal law.

A lifetime member of the American Law Institute, Joseph Vining is also a member of the American Academy of Arts and Sciences. In addition, Professor Vining has served as a senior fellow of the National Endowment for the Humanities and was a Rockefeller Foundation Bellagio Fellow.

Lee Bollinger is President of Columbia University and Professor of Law at Columbia University School of Law. President Bollinger earned his B.A. from University of Oregon and his J.D. from Columbia. Following law school, President Bollinger clerked for Chief Justice Warren Burger on the Supreme Court of the United States. Following his clerkship, President Bollinger joined the faculty of the University of Michigan Law School and later became dean of the Law School. President Bollinger then became Provost of Dartmouth College and subsequently returned to the University of Michigan as President. President Bollinger has authored many scholarly articles and books on free speech and the First Amendment, including: *Images of a Free Press* (University of Chicago Press, 1991), *The Tolerant Society: Freedom of Speech and Extremist Speech in America* (Oxford University Press, 1986). In addition, President Bollinger was co-editor of *Eternally Vigilant: Free Speech in the Modern Era* (University of Chicago Press, 2003).

Patrick McKinley Brennan is Professor of Law and John F. Scarpa Chair in Catholic Legal Studies at Villanova University School of Law. Professor Brennan earned his B.A. in philosophy from Yale College. He then earned an M.A. in philosophy from the University of Toronto, where he also pursued doctoral course work. Brennan received his J.D. from Boalt Hall, University of California, Berkeley, where he was elected to the Order of the Coif. Following law school, Professor Brennan clerked for the Honorable John T. Noonan, Jr., of the United States Court of Appeals for the Ninth Circuit. Brennan is the co-author of *By Nature Equal: The Anatomy of a Western Insight* (Princeton University Press, 1999), the editor of *Civilizing Authority: Society, State, and Church* (Lexington, 2007) and *The Vocation of the Child* (W.B. Eerdmans, 2008). In addition, Professor Brennan has authored nearly forty articles, essays, and book chapters that study questions in jurisprudence, American public law, law and religion, and Catholic social thought.

Reverend John Lesher McCausland is the Vicar of Holy Cross Episcopal Church in Weare, NH. He graduated from Harvard College and Harvard Law School (where he was a classmate and editor of the Law Review with Joseph Vining). After working briefly in the Justice Department and Department of Housing and Urban Development in Washington, Father McCausland practiced corporate law in Chicago for 16 years before going to Nashotah House, an Episcopal seminary in Wisconsin to study for the priesthood. He was ordained in 1983 and served parishes in the Chicago area before moving to New Hampshire and his present position in 1997.

Honorable John T. Noonan, Jr. is Senior Circuit Judge on the United States Court of Appeals for the Ninth Circuit. Judge Noonan earned his A.B. and J.D. from Harvard University and his M.A. and Ph.D. from the Catholic University of America. Before his judicial appointment, Judge Noonan was a professor at the University of Notre Dame Law School and at Boalt Hall, University of California, Berkeley. Judge Noonan's scholarly publications are numerous and include several books: *A Church That Can And Cannot Change: The Development of Catholic Moral Teaching* (University of Notre Dame Press, 2005), *Narrowing the Nation's Power: The Supreme Court Sides with the States* (University of California Press, 2002), *The Lustre of Our Country: The American Experience of Religious Freedom* (University of California Press, 1998), *Professional and Personal Responsibilities of the Lawyer* (West Publishing, 2d ed. 2001) (with Richard W. Painter), *The Antelope: The Ordeal of the Recaptured Africans in the Administrations of John Quincy Adams & James Monroe* (University of California Press,

1977), *Bribes* (Macmillan Publishing Co., 1984), *A Private Choice: Abortion in American in the Seventies* (Free Press, 1979), *Persons and Masks of the Law: Cardozo, Holmes, Jefferson, and Whythe as Makers of the Masks* (Farrar, Straus and Giroux, 1976), *Power to Dissolve Lawyer and Marriages in the Court of the Roman Curia* (Belknap Press, 1972), *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists* (Harvard University Press, 1965), *The Believer and the Powers that Are: Cases, History, and Other Data Bearing on the Relation of Religion and Government* (Macmillan Pub. Co., 1987).

H. Jefferson Powell is Frederic Cleaveland Professor of Law and Divinity at Duke University School of Law. Professor Powell earned his B.A. from St. David's University College, University of Wales, his A.M. from Duke University, and his M.Div. from Yale Divinity School. He earned his J.D. from Yale Law School and his Ph.D. from Duke University. After law school, Professor Powell clerked for the Honorable Sam J. Ervin, III on the United States Court of Appeals for the Fourth Circuit. In addition to many articles, Professor Powell's authored and co-authored books includes: *Law and Democracy in the Empire of Force* (University of Michigan Press, 2009) (ed. with James Boyd White), *No Law: Intellectual Property in the Image of an Absolute First Amendment* (Stanford University Press, 2009) (with David L. Lange), *Constitutional Conscience: The Moral Dimension of Judicial Decision* (University of Chicago Press, 2008), *A Community Build on Words: The Constitution in History and Politics* (University of Chicago Press, 2002, rev. ed. 2005), *The President's Authority Over Foreign Affairs: An Essay in Constitutional Interpretation* (Carolina Academic Press, 2002), *William Howard Taft, Our Chief Magistrate and His Powers* (orig. ed 1916) (Carolina Academic Press, 2002), *The Constitution and the Attorneys General* (Carolina Academic Press, 1999), *The Moral Tradition of American Constitutionalism: A Theological Interpretation* (Duke University Press, 1993), *Languages of Power: A Source Book of Early American Constitutional History* (Carolina Academic Press, 1991).

Jack L. Sammons is Griffin B. Bell Professor of Law at Mercer University School of Law. Professor Sammons earned his B.A. from Duke University, his J.D. from the University of Georgia School of Law, and his M.A.T. from Antioch School of Law. Professor Sammons is the author of *Lawyer Professionalism* (Carolina Academic Press, 1988), which is the required reading in numerous law schools for legal ethics courses. In addition, his article "The Search for Good Lawyering: A Concept and Model of Lawyering Competencies," co-authored with Dr. Russell Cort, has been translated into

several languages and serialized by the ABA. Professor Sammons's numerous scholarly publications focus on freedom of speech, legal ethics, and law and religion. He has twice received the most distinguished professor award and is a member of the Brainerd Currie Honor Society.

Steven D. Smith is the Warren Distinguished Professor of Law at the University of San Diego School of Law and the Co-Director of the University of San Diego's Institute of Law and Philosophy. Professor Smith earned his B.A. from Brigham Young University and his J.D. from Yale University. In addition to many scholarly articles on law and religion and constitutional law, Professor Smith is the author of *Law's Quandary* (Harvard University Press, 2004), *Getting Over Equality: A Critical Diagnosis of Religious Freedom in America* (New York University Press, 2001), *The Constitution and the Pride of Reason* (Oxford University Press, 1998) and *Foreordained Failure: The Question for a Constitutional Principle of Religious Freedom* (Oxford University Press, 1995). Before joining the faculty of University of San Diego, he was the Robert and Marion Short Professor of Law at the University of Notre Dame Law School and the Byron R. White Professor of Law at the University of Colorado School of Law.

James Boyd White is L. Hart Wright Collegiate Professor Emeritus of Law and Professor English Emeritus at the University of Michigan. Professor White earned his A.B. from Amherst College in classics, his M.A. from Harvard University in English, and his LL.B. from Harvard Law School. Among Professor White's many writings are: *Law and Democracy in the Empire of Force* (University of Michigan Press, 2009) (ed. with H. Jefferson Powell), *Living Speech: Resisting the Empire of Force* (Princeton University Press, 2006), *How Should We Talk About Religion?* (University of Notre Dame Press, 2006) (edited volume), *The Edge of Meaning* (University of Chicago Press, 2001), *From Expectation to Experience: Essays on Law and Legal Education* (University of Michigan Press, 1999), A*cts of Hope: Creating Authority in Literature, Law, and Politics* (University of Chicago Press, 1994), *"This Book of Starres": Learning to Read George Herbert* (University of Michigan Press, 1994), *Justice as Translation: An Essay in Cultural and Legal Criticism* (University of Chicago Press, 1990), *Heracles' Bow: Essays on the Rhetoric and Poetics of the Law* (University of Wisconsin Press, 1985), *When Words Lose Their Meaning: Constitutions and Reconstitutions of Language, Character, and Community* (University of Chicago Press, 1984), *Constitutional Criminal Procedure* (with James Scarboro, Foundation Press, 1976), *The Legal Imagination: Studies in the Nature of Legal Thought and Expression* (Little, Brown & Co., 1973).

Villanova University School of Law is a Catholic and Augustinian institution that seeks to reflect the spirit of St. Augustine by the cultivation of knowledge, by respect for individual differences and by adherence to the principle that mutual love and respect should animate every aspect of the Law School's life.

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