

## GERARD V. BRADLEY

### Home:

1319 East Washington Street  
South Bend, Indiana 46617  
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### Business:

Notre Dame Law School  
Notre Dame, Indiana 46556  
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### EMPLOYMENT:

- 1992-present - Professor, Notre Dame Law School.  
Courses: Constitutional Law, Civil Liberties, Criminal Procedure, Legal Ethics.
- Spring 2009 - Visiting Professor of Politics, Princeton University
- 1989-1992 - Professor, University of Illinois College of Law.  
Courses: Criminal Procedure, Constitutional Law, Religion and Law, Trial Advocacy.
- 1987-1989 - Associate Professor, University of Illinois College of Law.
- 1983-1987 - Assistant Professor, University of Illinois College of Law.
- 1980-1983 - Assistant District Attorney, Trial Division, New York County District Attorney.
- July 1978-July 1980 - Researcher and writer, Cornell Institute on Organized Crime.

### EDUCATION:

- Cornell Law School - J.D., 1980, Summa Cum Laude.  
Graduated first in class; also received Boardman Prize as highest ranking student at end of second year.
- Cornell Graduate School - Partially completed work for Masters Degree in American History. Thesis topic: "The Blaine Amendment of 1876."

Cornell University

- B.A. degree, Cum Laude, 1976.  
Major: History; Specialization in history of American politics. Shared DeKiewet Prize for Outstanding History Major, Class of 1976

## PUBLICATIONS

### **Books**

*Labor Racketeering: Background Materials*  
(published by Cornell Institute on Organized Crime, 1979) (with Blakey and Goldstock).

*Fraud: Background Materials* (published by Cornell Institute on Organized Crime, 1980)(with Israel and Sanders).

*Church-State Relationships Today* (Greenwood, 1987).

*Set No Limits: Health Care for the Elderly* (edited, with R. Barry) (University of Illinois Press 1992).

Catholicism, Liberalism and Communitarianism (edited, with K. Grasso, R. Hunt) (Rowman & Littlefield, 1995).

*Science and Faith* (edited, with D. DeMarco) (St. Augustine's Press, 2000).

*Same-Sex Attraction: A Parent's Guide* (edited, with Rev. John Harvey, OSFS) (St. Augustine's Press, 2003).

*A Student's Guide to the Study of Law* (ISI, 2006).

*Religious Liberty in the American Republic* (Heritage 2008).

*Challenges to Religious Liberty in the Twenty-First Century* (edited) (Cambridge, 2012).

Essays on Law, Religion and Morality (Saint Augustine's Press, 2014).

Unquiet Americans: U.S. Catholics and the Genuine Common Good (Saint Augustine's Press, 2017).

## Scholarly Articles and Book Chapters

“Dogmatomachy: A ‘Privatization’ Theory of the Religion Clause Cases,” 30 *Saint Louis Law Journal* 275-330 (1986).

“Imagining the Past and Remembering the Future: The Supreme Court’s History of the Establishment Clause,” 18 *Connecticut Law Review* 703 (1986).

“Present At the Creation? A Critical Guide to Weeks v. United States and Its Progeny,” 30 *Saint Louis Law Journal* 1025-1097 (1986).

“The No Religious Test Clause and the Constitution of Religious Liberty: A Machine That Has Gone of Itself,” 37 *Case Western Reserve Law Review*, 674-747 (1987).

“Law Enforcement and The Separation of Powers,” 30 *Arizona Law Review*, 901-88 (1988).

“The Constitutional Theory of the Fourth Amendment,” *DePaul Law Review* 817 (1989)

“Does Autonomy Require Informed and Specific Refusal of Life-Sustaining Medical Treatment?” 5 *Issues in Law and Medicine* 301 (1989).

“Church Autonomy in the Constitutional Order,” 49 *Louisiana Law Review* 1057 (1989).

"The Enduring Revolution: Law and Theology in a Secular State," 39 *Emory Law Journal* 217-51 (1990).

"Slaying the Dragon of Politics with the Sword of Law," 1990 *Illinois Law Review* 243-287 (1990).

"Commentary," 4 *Notre Dame Journal of Law, Ethics, and Public Policy* 639-48 (1990).

"The Curran Case," 2 *Ius Ecclesiae* 193-209 (1990).

"Remaking the Constitution: A Critical Reexamination of the *Bowers v. Hardwick* Dissent," 25 *Wake Forest Law Review* 1-45 (1990).

- "Beyond Murray's Articles of Peace and Faith," in K. Grasso, R. Hunt, eds., *The Thought of John Courtney Murray* 181-204. (Eerdmans, 1992).
- "Inescapably a Liberal: Richard Rorty as Social Theorist," in C. Wolfe, J. Hittinger, eds., *Liberalism at the Crossroads*, 135-150 (1994) (revised for 2nd Edition, 2002).
- "John Courtney Murray and the Privatization of American Religion," in S. Krason, D. D'Elia, eds., *We Hold These Truths and More* 120 (1993).
- "Tribe's 'Jurisprudence of the Religion Clauses'," 4 *Benchmark* 137 (1990).
- "The Bill of Rights and Originalism," 1992 *University of Illinois Law Review* 401-427.
- "Beguiled: Free Exercise Conduct Exemptions and the Siren Song of Liberalism," 20 *Hofstra Law Review* 245 (1992).
- "Protecting Religious Liberty: Legislative and Judicial Responsibilities," 42 *De Paul Law Review* 253 (1992).
- "Morality and Legal Reasoning," 55 *The Review of Politics* 311 (1993).
- "The Right of Privacy Sustained," 1993 *Public Interest Law Review* 41.
- "*Life's Dominion* -- A Review Essay," *Notre Dame Law Review* 69 (1993).
- "The New Natural Law Theory: A Reply to Jean Porter," 39 *American Journal of Jurisprudence* 303 (1994) (with R. George).
- "Shall We Ratify the New Constitution? The Judicial Manifesto in *Casey* and *Lee*," in T. Eastland, ed., *Benchmarks: Great Constitutional Controversies in the Supreme Court* (1995).
- "Natural Law as Real 'Law': A Response to Hittinger," 39 *American Journal of Jurisprudence*, 33 (1994).
- "Moral Truth, the Common Good, and Judicial Review," in G. Bradley, et al, editors, *Catholicism, Liberalism, and Communitarianism* (1995).
- "Catholic Institutions and the New Evangelization," 1994 *Proceedings of the Fellowship of Catholic Scholars*. (reprinted in K. Whitehead, W. May, eds., *The Battle for the Catholic Mind* (2000).

"No Intentional Killing Whatsoever: The Case of Capital Punishment," in R. George ed., *Natural Law and Moral Inquiry* 155 (Georgetown, 1998).

"The Post-Constitutional Era," in R. Royal, ed., *Reinventing the American People* 137 (1995).

"Marriage and the Liberal Imagination," 84 *Georgetown L. J.* 301 (1995) (with R. George).

"Overcoming Posner," 94 *Mich. L. Rev.* 1898 (1996).

"Catholic Faith and Legal Scholarship," 47 *Journal of Legal Education* (13 (1997).

"Natural Law and Constitutional Law," 1 *Cath. Soc. Science Rev.* 36 (1996).

"Pluralistic Perfectionism," 71 *Notre Dame L. Rev.* 671 (1996).

"Outer Limits: Judicial Review and the Commerce Clause," in K. Masugi, B. Wilson, eds., *The Supreme Court and American Constitutionalism*, 195 (1997) (with R. George).

"Religion and the Common Good," in C. Wolfe, ed., *The Family, Civil Society, and The State* (1998)

"Originalism and Criminal Procedure," in K. Grasso, ed., *Liberty Under Law* 77 (1997).

"The Pluralist Game," 2 *Cath. Soc. Sci. Rev.* 13 (1997).

"Law and Morality," in T. Boxx, G. Quinlivan, editors, *Law and the Free Society*, 13 (1998).

"Marriage Hawaiian Style?" in C. Wolfe, ed., *Homosexuality and American Public Life*, 192 (1998).

"Natural Law," in M. McConnell, et al., editors, *Christian Perspectives in Legal Thought* (Yale 2002).

"A Case for Proposition 209," 11 *N.D.J. of Law, Ethics & Public Policy* 97 (1997).

- “The Tragic Case of Capital Punishment,” in S. Levinson, W. Eskridge, eds., *Hard Constitutional Questions* (NYU Press).
- “Criminal Procedure as Constitutional Law,” 17 *Crim. Justice Ethics* (58 (1998))
- “Originalism and Criminal Procedure,” in K.Grasso, ed., *Liberty Under Law* (1998).
- “Plea Bargaining and the Criminal Defendant’s Obligation to Plead Guilty,” 40 *South Tex. L. Rev.* 65 (1999).
- “Is Constitutional Law What The Winners Say It Is,” in C. Wolfe, ed., *That Eminent Tribunal* (Princeton University Press 2004).
- “Retribution and the Secondary Aims of Punishment,” 44 *Am. J. Jur.* 105 (1999).
- “Same-Sex Marriage: Our Final Answer?”, 14 *N.D. J. of L. Ethics and Pub. Policy* 729 (2000).
- “The Case Against Same-Sex Marriage,” 6 *Cath. Soc. Science Rev.* 87 (2001).
- “The Ends of Marriage: A Response to Robert George,” in K. Whitehead *Marriage and the Common Good* (St. Augustine’s Press, 2000).
- “Legal Beagle: ECE’s Best Friend May Be The Civil Law,” *Fellowship of Catholic Scholars Quarterly* (Fall 1999).
- “A Catholic View of Crime and Punishment,” *Fellowship of Catholic Scholars Quarterly* Summer, 2000.
- “An Unconstitutional Stereotype: Catholic Schools as Pervasively Sectarian,” 7 *Texas Journal of Law and Politics* 1-24 (2002).
- “Looking Ahead at Catholic Higher Education,” *Fellowship of Catholic Scholars Quarterly*, (Spring 2002).
- “*E Pluribus Unum*: The Aftermath of September 11,” 2 *Journal of the Historical Society* 193 (2002).
- “The Constitutionality of Recent Pro-Life Legislation,” in N. Molfese, ed., *Human Dignity and Reproductive Technology* (2004).

“John Paul II,” in F. Alexander, J. Witte, eds., *Law and Human Nature: The Teachings of Modern Christianity* (Columbia University Press, 2005) (with R. George).

“*Roe v. Wade*: Thirty Years Later,” 26 *Fellowship of Catholic Scholars Quarterly* 14 (2003).

“Liberalism and Marriage: The Pluralist Game Revisited,” in K. Grasso, R. Hunt, eds., *A Moral Enterprise: Essays in Honor of Francis Canavan*, 185-202 (2002).

“Commentary on *McCollum* Transcript,” 5 *Engage* 131 (2004).

“Law and the Culture of Marriage,” *N.D. J. of Ethics and Pub. Policy* (2004).

“Retribution: The Central Aim of Punishment,” 27 *Harv. J. L. & Pub. Pol.* 19 (2003).

“The Public Morality of Having Children,” in M. Kelly, N. Lund-Molfese, eds., *Bioethics* (University Press of America, 2004).

“Reflections on *Newdow*,” 5 *Engage* 141 (2004).

“The Case of the Wise Electrician,” 50 *Am. J. Jur.* 257 (2005).

“The Choice to Home-School,” in M. Aquilina, ed., *Essays in Honor of Ronald Lawler* (2006).

“The Judicial Experiment with Privatizing Religion,” 1 *Liberty Law Review* 17 (2006).

“The Public Square: Naked No More?,” in C. Wolfe, editor *The Naked Public Square Reconsidered* (ISI, 2009).

“And What Do You Say I Am? The Meaning of The Kentucky Displays,” 6 *Engage* 144 (2005).

“The Blaine Amendment of 1876: Harbinger of Secularism?,” 8 *Engage* 138 (2007).

“Pope John Paul II and Religious Liberty,” 6 *Ave Maria L.Rev.* 39 (2007).

“Religion at a Public University,” 49 *Wm & Mary Law Rev.* 2217 (2008).

“What’s In A Name?”: A Philosophical Critique of Civil Unions Predicated Upon a Sexual Relationship”, 91 *The Monist* 606 (2008).

“Three Liberal – But Mistaken – Arguments for Same Sex-Marriage”, 50 *So. Texas L. Rev.* 45 (2008).

“Amerykanske prawo aborcyjne przed Obama iza jego Kadencji”, 17 *Pressjezia* (2009) (in Polish).

“The Moral Bases For Legal Regulation of Pornography”, in J. Stoner, D. Hughes, eds., *The Social Costs of Pornography* (Witherspoon 2010).

“The Role of the Family in Criminal Law”, 33 *Harv. J. Of Law & Pub. Pol.* 1151 (2010).

“The Audacity of Faith”, in A Bryk, editor, *The United States and Religion* (international edition of *Krakov International Studies* 2011).

“*We Hold These Truths* and the Problem of Public Morality”, 16 *Catholic Social Science Review* (2011).

“Keynote Remarks on Proselytism”, Georgetown Symposium: Proselytism and Religious Freedom in the 21<sup>st</sup> Century” (March 2010).

“The USCCB and Catholic Social Teaching”, in E. Shaw, ed., *Catholic Social Teaching and Economics*, (published by the Fellowship of Catholic Scholars 2012)

“Dueling Clios: Justices Scalia and Stevens the the Establishment Clause”, in G. Bradley, ed., *Challenges to Religious Liberty in the 21<sup>st</sup> Century* (Cambridge, 2012).

“*Veritatis splendor*: Exceptionalness Moral Norms, Human Rights, and The Common Good”, in R. George, et al, eds., *A Second Look at First Things: A Case for Conservative Politics*, (Saint Augustine’s Press 2013).

“The Story of *Burstyn v. Wilson*”, in R. Garnett, A. Kopplman, eds., *First Amendment Stories* 145 - 170 (Foundation 2012).

“Emerging Challenges to Religious Freedom in America and Other English-Speaking Counties”, in A. Hertzke, ed., *The Future of Religious Freedom* 215 - 234 (Oxford 2012).



“Constitutional and Other Persons”, in J. Keown, R. George, eds., *Reason, Morality and Law* 249 - 268 (Oxford 2013), reprinted in *5 Quaestiones Disputatae* 61 - 85 (2015).

“*Veritatis Splendor*”: Exceptionless Moral Norms, Human Rights, and the Common Good”, in R. George, et al, Eds., *A Second Look at First Things*, 226 - 246 (Saint Augustine 2013)

“*Roe v. Wade* at 40”, *13 Claremont Review of Books* 66 - 70 (Fall 2013)

“Institutional Ministries and the Church’s Temporal Mission”, in H. Alvare, ed., *The Conscience of an Institution*, 83 - 103 (Witherspoon 2014)

“The Future of Catholic Institutional Ministries”, in E. Shaw, ed., *Religious Liberty: Fellowship of Catholic Scholars Proceedings* 79 - 101 (2014)

“Missing Persons, Fugitive Families, and Big Brother: The Government in Relation to the Family and the Person”, in J. Stoner, H. James, eds., *The Thriving Society: On the Social Conditions of Human Flourishing*, 161 - 74 (Witherspoon Institute, 2015).

“A Culture of Religious Liberty”, in S. Krason, ed., *The Crisis of Religious Liberty*, 11 - 22 (Rowman & Littlefield 2015).

Foreword to R. Rychlak, ed., *American Law From a Catholic Perspective* (Rowman & Littlefield 2015)

# “The Culture of Religious Liberty”, *9 Citizens and Statesmen: An Annual Review of Political Theory and Economic Thought* (2016)

# “Executive Overreach: The Obama Administration and Religious Liberty”, in J. Yoo, D. Reuter, ed., *Liberty’s Nemesis: The Unchecked Expansion of the State* (Encounter 2016) (with R. George).

# “John Paul II”, in J. Witte, ed., *Christianity and Family Law: An Introduction*, (Cambridge 2017 ) (with R. George)

# “Let Us Pray: *Greece v. Galloway*”, in R. Williams, D. Robinson, ed., *Religious Liberty: Essays on the First Amendment*, 84 (Cambridge University Press 2016)

# “The Christian Jurisprudence of Robert George”, in M. Hall, D. Dreisbach, ed., *Great Christian Jurists in American History* (Cambridge University Press 2017)

- # “Natural Law Theory and Constitutionalism”, in G. Duke, R. George, ed., *Cambridge Companion to Natural Law* (Cambridge University Press 2017)
- # “Today’s Challenges to Religious Liberty in Historical Perspective”, 2017 *Texas Journal of Law and Politics* (forthcoming).
- # “Whither United States Abortion Law”, presently being refereed by *National Catholic Bioethics Quarterly*
- # “It’s Dangerous to Believe”, Winter 2017 *Claremont Review of Books*

## Book Reviews

Review of L. Levy, *The Establishment Clause*, 1987 *Journal of Church and State* 535-36.

Review of R. Ellis, *The Union at Risk*, 8 *Law and History Review* 139-44 (1990).

Review of D. Dreisbach, *Real Threat and Mere Shadow: Religious Liberty and the First Amendment*, 23 *This World* 144-48 (Fall 1988).

Review of D. Novak, *Jewish-Christian Dialogue*, 7 *Journal of Law & Religion* 251-55 (1990).

Review of R. McElroy, *The Search for an American Public Theology*, 81 *Social Justice Review* 151 (1990).

Review of R. Bork, *Tempting of America*, 53 *The Review of Politics* 491-96 (1990).

Review of H. Arkes, *Beyond the Constitution* 54 *The Review of Politics* 144 (1992).

Review of M. Perry's *Love and Power*, *Review of Metaphysics* (1995).

Review of J. Finnis, *Moral Absolutes*, *New Oxford Review* 30-31 (Sept. 1993).

Review of D. Novak, *Jewish Social Ethics*, 56 *The Review of Politics* (1995).

Review of D. Dallin, *American Jews and The Separationist Faith*, Fellowship of Catholic Scholars Newsletter.

Review of R. George, *Making Men Moral*, *New Oxford Review* 29-30 (May 1994).

Review of R. George, Editor, *Natural Law Theory Contemporary Essays* *New Oxford Review* (April 1995).

Review of K. Pavlischek, *John Courtney Murray and the Dilemma of Religious Toleration*, *New Oxford Review* (Jan.-Feb. 1996).

Review of S. Presser, *Recapturing the Constitution: Race, Religion and Abortion Reconsidered*, *58 Review of Politics* 197 (1995).

Review of K. Greenawalt, *Private Consciences and Public Reasons*, *26 Hastings Center Report* 47 (1996).

Review of A. Scalia, *A Matter of Interpretation*, *CRISIS*, Sept. 1997.

Review of G. Grisez, *Difficult Moral Questions*, *New Oxford Review*, October 1998.

Review of R. Moore, I. Kramnick, *The Godless Constitution 2 Religious Liberties News* 10 (1998).

Reviews of M. Nussbaum, S. Olyan, *Sexual Orientation & Human Rights* in: *National Review*, Dec. 7, 1998; *First Things*, Oct., 1999.

Reviews of M. Buckley, *The Catholic University as Promise and Project Crisis*, July/August 1999; *Fellowship of Catholic Scholars Quarterly*, Summer 1999.

Review of S. Neff, *Justice Among Nations: A History of International Law*, in: *58 Review of Metaphysics* 671 - 73 (2015)

### **Other Publications:**

"Privatizing Religion," *4 Crisis* No. 7 (1986).

"The Constitution, Religion and American Public Life," *40 This World* (1988).

"The U.S. Constitution and Religious Freedom," 80 *Social Justice Review* 99-104 (1989).

"Developments in Church and State," 77 *Illinois B. J.* 806-12 (1989).

"The Constitution and the Erotic Self," 16 *First Things* 28-34 (October 1991).  
 "Academic Integrity Betrayed," *First Things* 10-12 (1990).

"The New Constitutional Covenant," *The World and I*; (March 1994) 359-374; ("Reply" to Critics, *id.* at 392-395).

"Homosexuality and Public Policy," 84 *Social Justice Review* 152-39 (1993).

"In the Case of Martha Nussbaum," 44 *FIRST THINGS* 11-14 (June July 1994).

"Deja Vu, All Over Again," *CRISIS* (April 1995).

"Business As Usual, Only More So," 58 *FIRST THINGS* 24 (Dec. 1995).

"Marriage Penalty," *National Review*, January 26, 1998.

"Ex Corde Ecclesiae and the Civil Law," *CRISIS*, February 1998.

"The Politics of Life" 18 *Culture Wars* 38 (Feb. 1999).

"Histrionics," *National Review*, Dec. 7, 1998, (with R. George).

"The Dubious Liberalism of Stephen Carter," *The World & I* (April 1999).

"The Fantasy Life of Justices," *National Review* December 31, 1999.  
 (reprinted in 26 *Human Life Review* 119 (2000).

"Who's Afraid of a Backlash," *National Catholic Register* (April 11-17, 1999).

"Indeed, Catholics May Apply," *National Catholic Register* (April 18-24, 1999).

"The First Amendment And The Public Square: The 'Rights to Religious Liberty' Amendment," *Insight* Number 222 June 12, 2000.

"*Ex Corde Ecclesiae*: The Next Phase," *Catholic World Report* April 2000  
 (reprinted in Fellowship of Catholic Scholar Quarterly, Spring 2000).

"*Dignitatis Humanae* and American Constitutional Law," *Catholic Dossier* (March-April 2000).

“Teaching Tools”, *World*, March 24, 2001.

*The Heritage Guide to the Constitution*, (2003) (entries for Fourth Amendment, Article VI).

“Why The Government Has An Interest In Preserving Life,” *The World & I*, (May 2003).

“Pervasively Sectarian,” *The World & I*, (Dec. 2003).

“Against Same-Sex Marriage,” 26 *Fellowship of Catholic Scholars Quarterly* 12 (2003).

“Stand and Fight,” *National Review* (July 28, 2003).

“President for Life,” *National Review* (Nov. 8, 2004) (with R. George).

“George Anthony Kelly,” in K. Whitehead, ed., *The Catholic Citizen* (2005).

“Why A Marriage Amendment?,” *Touchstone* (Nov. 2005) (with Bill Saunders).

“Faith and Law,” *Our Sunday Visitor* (Oct. 16, 2005).

“Steady,” in K. Whitehead, ed., *Vatican II at Forty* (2006).

“Barring Faith,” *Weekly Standard* (July 17, 2006) (with R. George).

“John Courtney Murray, Vatican II, and a Catholic State”, *Latin Mass* (2008).

“The Challenge of Peace and *Evangelium Vitae*”, 7 *The Sign of Peace*, 2 (2008).

“Introduction to F. Morgan, *Both Sides of the Alter*,” (Saint Augustine 2010).

“Love of Truth, Love of Justice”, in P. Berkowitz, ed., *Endangered Virtues* (Hoover 2011).

“A Reminiscence of Ralph”, in C. Kaczor, ed., *O Rare Ralph McInerny* 26 (2011)

“Introduction” to F. Morgan *Both Sides of the Altar* ix - xv (Saint Augustine’s Press 2011)

“The Audacity of Faith”, 35 *Fellowship of Catholic Scholars Quarterly* 5 - 8 (Spring 2012)

“What’s Behind the HHS Mandate?”, *35 Fellowship of Catholic Scholars Quarterly* 8 - 10 (Spring 2012)

“The Blessings of Liberty”, *35 Fellowship of Catholic Scholars Quarterly* 4 - 6 (Summer 2012)

“Preface” to B. Harrison, A. Guminski *Dignitatis humane Revisited* (Saint Augustine’s Press 2103)

“A Pope Resigns”, *35 Fellowship of Catholic Scholars Quarterly* 5 (Fall-Winter 2012)

“The Paradox of Persons Forty Years After *Roe*”, *35 Fellowship of Catholic Scholars Quarterly* 9 (Fall-Winter 2012)\_

“A Renewed Mission”, (with R. Shaw), *Our Sunday Visitor*, July 21, 2013 (with replies by John Cavadini, Carolyn Woo, Mark Gray).

# “Breaking the Stained Glass Ceiling”, *National Review*, April 11, 2016

### **Leadership Positions, Boards of Directors, Etc.**

Director, Notre Dame Natural Law Institute (with John Finnis)  
Editor, *American Journal of Jurisprudence*, (with John Finnis)  
Senior Fellow, Witherspoon Institute (Princeton, NJ).  
Board of Directors, Fellowship of Catholic Scholars  
Executive Committee, Federalist Society Religious Liberties Practice Group  
Society of Scholars, James Madison Program, Princeton University  
Charter Member, Academy of Catholic Thinkers and Artists  
Society of Catholic Social Scientists, Co-Chair of Board of Advisors  
Campion College (Australia), International Advisory Board

Catholic Social Science Review Editorial Board  
Issues in Law & Medicine Editorial Board  
The National Catholic Bioethics Quarterly Editorial Board  
*Public Discourse* Editorial Board