

Catherine M.A. McCauliff
Professor of Law
Seton Hall University School of Law

Education

University of Chicago, J.D., 1975

University of Toronto, M.A., 1966; Ph.D. 1969

M.A. Thesis: *Stephen Langton's Role in Magna Carta.*

Ph.D. Thesis: *The Origin of the Doctrine of Estates in Land.*

Bryn Mawr College, A.B., *cum laude*, 1965.

Law School Positions

Adjunct Professor of Law, Seton Hall University School of Law, MSJ Program in Health Law, 2019-
Fundamentals of Business Law; Constitutional Law Survey.

Professor of Law, Seton Hall University School of Law, 1984 - 2019. Agency, Partnerships, and LLCs,
European Union Law, the First Amendment, European Legal History, English Legal History,
Seminars in Theory of Contracts, Religion and the First Amendment, and Shakespeare and the
Law, Jurisprudence.

Assistant Professor of Law, Washington and Lee University School of Law, 1979-82: Corporate Finance,
Business Organizations. Acting Director, Law Student Program at Alderson, FCI, 1980. Director,
Law Student Program, U.S. Attorney's Office, W.D. Va., 1981-82. CJA attorney in habeas corpus
cases.

Other Legal Employment

Associate, Skadden, Arps, Slate, Meagher & Flom, 1977-79. Securities litigation.

Associate, Ullman, Van Ginkel, Miller & Wrubel, P.C., 1977. Commercial and securities practice.

Attorney, Federal Reserve Bank of New York, 1975-76. Reviewed contracts, bank pension and employee
benefit plans.

Publications

Where's the Meat? Lochner and the President's Executive Order, 100 NEB. L. REV. 210 (2021).

What Makes A Marketplace Trustworthy, 1 CORP. & BUS. L. J. 1 (2020).

Originalism: Privileges v. Fundamental Values, 47 HOFSTRA L. REV. 1279 (2019).

Borders not Walls, Brothers not Others: Choosing Integration Over Losers and Winners, 1 INT'L COMP., POLICY & ETHICS L. REV. 1 (2017).

Is Free Movement of Workers a Fundamental Right or Merely the Price for Full Access to the Internal Market of the EU?, 17 GERMAN L. J. 45 (2016).

Book Review: The Reconceptualization of European Union Citizenship, 41 EUROPEAN L. REV. 138 (2016).

Gender Considerations of the Boards of European Companies, 16 GEORGETOWN J. GENDER & LAW 505 (2015 (with Catherine A. Savio).

EU Citizenship: Why Can't the Advocates General Keep Sheila Mc Carthy's Family together?, 36 FORDHAM INT'L L.J. (2013).

Dreyfus, *Laicite'* and the Burqa, 28 CONN. J. INT'L L. 117 (2012).

Union in Europe: The Constitutional Philosophy of Robert Schuman, May 9, 1950, 18 COLUM. J. EUR. L. 441 (2012).

Book review, DONALD DRAKEMAN, CHURCH, STATE AND ORIGINAL INTENT, 52 AM. J. L. HIST 218 (2012).

Book review, Steven Johnstone, A History of Trust in Ancient Greece, 89 INTERPRETATION: A JOURNAL OF POLITICAL PHILOSOPHY 165 (2012).

Jacques Maritain's Embrace of Religious Pluralism and the Declaration on Religious Freedom, 41 SETON HALL L. REV. 593 (2011).

Religion and the Secular State: The First Amendment, 58 AM. J. COMP. L. 31-49, supplemental volume, (2010).

Didn't Your Mother Teach You to Share?: Wealth, Lobbying and Distributive Justice in the Wake of the Economic Crisis, 62 RUTGERS L. REV. 363-445 (2010).

Cognition and Consensus in the Natural Law Tradition and in Neuroscience: Jacques Maritain

- and The Universal Declaration of Human Rights*, 54 VILLANOVA L. REV. 435-477 (2009).
- The Right to Resist the Government: Tyranny, Usurpation, and Regicide in Shakespeare's Plays*, 14 ILSA J. INT'L & COMP. L. 9-44 (2007).
- Responses to Jacques Maritain's philosophy of Christian engagement with secular society*, XXXI NOTES ET DOCUMENTS 61-68 (Sep. 2006).
- Distant Mirror or Preview of our Future? Education Law in England and School Financing in the United States of America*, 29 VERMONT L. REV. 365 (2005).
- Book Review: *Alan Harding, Medieval Law & the Foundations of the State*, 79 SPECULUM 1084-85, the Journal of the Medieval Academy of America, (2004).
- The Bawd and the Bard: Mercy Tempers Strict Statutory Application in Shakespeare's Measure for Measure*, 43 THE CATHOLIC LAWYER 81-123 (2004).
- A Historical Approach to the Contractual Ties That Bind the Parties Together*, 71 FORDHAM L. REV. 841-67 (2002).
- A Christian Looks at Contract Law*, in CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT 470-485 (Robert Cochran, Michael McConnell and Angela C. Carmella eds. Yale U. Press, 2001).
- A Theme of Fairness Revisited: Lord Mansfield's Legacy for a Holistic Theory of Contract Today*, 2000 DENNING LAW JOURNAL 67-91.
- Author, revision of CORBIN ON CONTRACTS VOLUME 3A, §§ 622-771, now vol. 8 (1999).
- Parliament and the Supreme Headship: Church-State Relations according to Thomas More (essay on Peter Ackroyd's THE LIFE OF THOMAS MORE)*, 48 CATHOLIC L. REV. 101-31 (1999).
- On Not Making Law*, 61 LAW AND CONTEMPORARY PROBS. 157-227 (Summer 1998) co-authored with G.M. Gulati.
- Mother Teresa's Legacy to Lawyers*, 28 SETON HALL L. REV. 765-69 (1998) (with Paula Franzese).
- Freedom of Contract Revisited: Johnson Controls*, 9 J. CONTRACT LAW 226-233 (1996).
- The Environment Held in Trust for Future Generations or the Dormant Commerce Clause Held Hostage to the Invisible Hand of the Market*, 40 VILL. L. REV. 645-685 (1995).
- The Medieval English Marriage Portion From Cases of Mort D'Ancestor and Formedon*, 38 VILL. L. REV. 933-1002 (1993).
- The Medieval Origin of the Doctrine of Estates in Land: Substantive Property Law, Family Considerations, and the Interests of Women*, 66 TUL. L. REV. 919-1013 (1992).

The Community of Law Teachers and Scholars Expands: Guideposts for New Faculty, 22 SETON HALL L. REV. 1375-1388 (1992) (with Paula A. Franzese).

New Protection in Arbitrating Public Securities Disputes in the Wake of McMahon, 34 VILL. L. REV. 25-61 (1989).

Law as a Principle of Reform, 40 RUTGERS L. REV. 429-465 (1988). (On Richard Hooker's LAWS OF ECCLESIASTICAL POLITY.)

Constitutional Jurisprudence of History and Natural Law: Complementary or Rival Modes of Discourse?, 24 CAL. WEST. L. REV. 287-335 (1988).

The First English Adoption Law, 16 SETON HALL L. REV. 656-677 (1986).

Book Review: *Hartog, Public Property and Private Power*, 19 AM. J. OF LEGAL HIST. 277-280 (1985).

Burdens of Proof: Degrees of Belief, Quanta of Evidence or Constitutional Guarantees?, 35 VAND. L. REV. 1293-1335 (1982).

Federalism & the Constitutionality of State Take Over Statutes, 67 VA. L. REV. 295-313 (1981).

The Reach of the Constitution: American Peacetime Court in Berlin, 55 NOTRE DAME L. REV. 682-707 (1980).

Trial Advocacy, 30 J. LEGAL ED. 536-545 (1980).

Honors

James Madison Visiting Fellow, Dep't of Politics, Princeton University, Sept, 2005-June, 2006.

Participant, National Endowment for the Humanities Workshops on Natural Law at Princeton University, Jan.-May, 2006.

Samuel I. Golieb Fellow in Legal History at New York University School of Law, 1998-99.

National Endowment for the Humanities Summer Grant at the Folger Shakespeare Library, Washington, D.C., 1998.

Invited Lecturer at conference on VALUES, WORK, EDUCATION: THE MEANING OF WORK, St. Catherine's College, Oxford University, England, July 22-25, 1993. Topic: *Freedom of Contract Revisited: Johnson Controls' Lesson About Work Safety*.

Selected Recent Presentations and Summer School

Borders, not Walls, Brothers, not Others, NYU Conference: Imposing Liberty, La Pietra, Florence, April 14, 2016.

European Union Citizenship at Workshop on Doubting the Essence of EU Citizenship, March 25, 2013.

Presentation on Hans Kelsen's positivist influence at Conference on The Troubled Legacy of Kantorowicz's *Kampf*, Washington & Lee U. School of Law, September 9-10, 2012.

Presentation on The Declaration on Religious Freedom, American Maritain Association, Boston, October, 2008.

Seton Hall University School of Law Summer Program in Italy, Comparative Law and Religion, June, 2006.

Presentation on Shakespeare and the Law, James Madison Program, Princeton University, Shakespeare as a Precursor to Lockean Views in the History Plays, February 8, 2006.

Keynote Speech, Conference on Shakespeare, The Shakespeare Theatre, New Jersey, Drew University, Shakespeare, Kingship and the Ethical Repository of Power, November 13, 2004.

Colloquium on Shakespeare and the Law, Farleigh Dickinson University, Justice and Mercy in Measure for Measure, October 18, 2003.

Bar Admissions and Committees

Admitted to the bars of New York State and the District of Columbia.

Reporter, ABA Committee on Federal Regulation of Securities (1980-82).

Chair, Trial Advocacy Seminar, ALI-ABA, October, 1982.

Co-chair, Columbia Seminar on Law and Politics, July, 2002-05, July 2007-09.

Life Member, American Law Institute, Philadelphia (elected 1993).