

MARK C. MODAK-TRURAN

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EDUCATION:

THE UNIVERSITY OF CHICAGO, THE DIVINITY SCHOOL - Ph.D., 2002

- Dissertation Title: *Reenchanting the Law: The Religious Dimension of Judicial Decision Making*
- Dissertation Committee: Franklin I. Gamwell (advisor), Jean Bethke Elshtain (reader), David A. Strauss (reader - law school)
- Ph.D. Qualifying Examinations: Philosophical Ethics; Theological Ethics; Religion and the Political Order; and Philosophy of Religions

NORTHWESTERN UNIVERSITY, SCHOOL OF LAW - J.D., 1989.

- Editor-in-Chief - *Northwestern Journal of International Law and Business* (1988-1989)

THE UNIVERSITY OF CHICAGO, THE DIVINITY SCHOOL - M.A., 1988.

GUSTAVUS ADOLPHUS COLLEGE - B.A., magna cum laude, 1983.

- Double Major: Business Administration & Religious Studies

PROFESSIONAL EXPERIENCE:

MISSISSIPPI COLLEGE, SCHOOL OF LAW – J. Will Young Professor of Law, 2005-present; Associate Professor of Law, 2002-2005; Assistant Professor of Law, 1998-2002.

- *Distinguished Professor of the Year 2008* (college faculty selected);
- *Outstanding Law Professor of the Year 2003-2004* (law student selected).

Courses and Seminars: Business Associations I, Constitutional Law, First Amendment, Law and Religion, Legal Theory, Religious Freedom, Secured Transactions, and Torts I & II.

CENTER OF THEOLOGICAL INQUIRY (Princeton, NJ) – Research Fellow, 2014-2015.

- *Inquiry on Law and Religious Freedom* (Selected as 1 of 12 scholars (6 legal scholars and 6 theologians) to participate in year-long academic study of law and religious freedom)
- Presented Research Papers, Responded to Other Scholars Research Papers, and Participated in Colloquium, Symposium, and Seminars

NORTHWESTERN UNIVERSITY, SCHOOL OF LAW - Adjunct Professor of Law, Fall 1997. Seminar: Law and Religion.

COOK COUNTY MANDATORY ARBITRATION PROGRAM - Arbitrator 1994-98.

GRIPPO & ELDEN - Part-time Associate 1992-1994. Practice focused primarily on complex civil litigation involving class action lawsuits, contract disputes, securities issues, franchise and dealer cases, insurance coverage, and employment discrimination.

SCHIFF HARDIN & WAITE - Associate 1989 to 1991, Summer Associate 1988. Practice focused primarily on complex civil litigation involving class action lawsuits, antitrust cases, public utilities rate filings, intellectual property disputes, leveraged-buyout cases, multi-party, construction cases, and First Amendment issues.

PUBLICATIONS:**Articles:**

Legitimation, in The Encyclopedia of Political Thought (Michael T. Gibbons et al., Eds., 2014) (Wiley-Blackwell) (ISBN: 978-1-4051-9129-6).

A Process Theory of Natural Law and the Rule of Law in China, 25 Penn. St. Int'l L. Rev. 607 (2008) (Symposium entitled *Reifying Law: Rule of Law, Government, the State, and Transnational Governance*).

Beyond Theocracy and Secularism (Part I): Toward a New Paradigm for Law and Religion, 27 Miss. C. L. Rev. 159 (2007-2008) (Symposium on *Religion, Religious Pluralism, and the Rule of Law*).

Symposium Introduction, 27 Miss. C. L. Rev. 1 (2007-2008) (Symposium on Religion, Religious Pluralism, and the Rule of Law).

Secularization, Legal Indeterminacy, and Habermas's Discourse Theory of Law, 35 Fla. St. U. L. Rev. 73 (2007).

Prolegomena to a Process Theory of Natural Law, in 1 HANDBOOK OF WHITEHEADIAN PROCESS THOUGHT 507-19, 533-36 (Michel Weber and Will Desmond, eds., Ontos Verlag, 2009) (reprinted in NATURAL LAW: A JURISPRUDENTIAL DEBATE 121-41 (P. Sabiha Khanum ed., The Icfai Univ. Press 2008)).

Reenchanting the Law: The Religious Dimension of Judicial Decision Making, 53 Cath. U. L. Rev. 709 (2004).

Reenchanting International Law, 22 Miss. C. L. Rev. 263 (2003) (Symposium on Law, Religion, and Human Rights in Global Perspective).

Symposium Introduction, 22 Miss. C. L. Rev. 165 (2003) (Symposium on Law, Religion, and Human Rights in Global Perspective).

A Pragmatic Justification of the Judicial Hunch, 35 U. RICH. L. REV. 55 (2001).

Corrective Justice and the Revival of Judicial Virtue, 12 YALE J.L. & HUMAN. 249 (2000).

The Religious Dimension of Judicial Decision Making and The De Facto Disestablishment, 81 Marq. L. Rev. 255 (1998) (Symposium on Religion and the Judicial Process).

Habermas's Discourse Theory of Law and the Relationship Between Law and Religion, 26 Cap. U. L. Rev. 461 (1997).

Comment, *Section 337 and GATT in the Akzo Controversy*, 9 Nw. J. Int'l L. & Bus. 382 (1988), *reprinted in* 22 Intell. Prop. L. Rev. 189 (1990) (selected for reprinting because of its "comprehensive and scholarly treatment" and "enduring value").

Book Reviews:

Book Review, 88 J. Religion 257 (2008) (*reviewing* MICHAEL J. PERRY, *TOWARD A THEORY OF HUMAN RIGHTS: RELIGION, LAW, COURTS* (2007)).

Book Review, 86 J. Religion 342 (2006) (*reviewing* JAMES HITCHCOCK, THE SUPREME COURT AND RELIGION IN AMERICAN LIFE: THE ODYSSEY OF THE RELIGION CLAUSES (Vol. 1)(2004) and JAMES HITCHCOCK, THE SUPREME COURT AND RELIGION IN AMERICAN LIFE: FROM "HIGHER LAW" TO "SECTARIAN SCRUPLES" (Vol. 2) (2004)).

Book Review, Law and Politics Book Review, Volume 15, No. 8 (August 27, 2005) (<http://www.bsos.umd.edu/gvpt/lpbr/subpages/reviews/hammond-machacek-mazur805.htm>) (*reviewing* PHILLIP E. HAMMOND, ET AL. RELIGION ON TRIAL: HOW SUPREME COURT TRENDS THREATEN FREEDOM OF CONSCIENCE IN AMERICA (2004)).

Book Review, 84 J. Religion 136 (2004) (*reviewing* LUCINDA PEACH, LEGISLATING MORALITY: PLURALISM AND RELIGIOUS IDENTITY IN LAWMAKING (2002)).

Book Review, Law & Politics Book Review, Vol. 13, No. 10 (October 2003) (<http://www.bsos.umd.edu/gvpt/lpbr/subpages/reviews/Bauman1003.htm>) (*reviewing* RICHARD W. BAUMAN, IDEOLOGY AND COMMUNITY IN THE FIRST WAVE OF CRITICAL LEGAL STUDIES (2002)).

Book Review, 16 J. Law & Relig. 823 (2001-2002) (*reviewing* FRANKLIN I. GAMWELL, DEMOCRACY ON PURPOSE: JUSTICE AND THE REALITY OF GOD (2000)).

Book Review, 82 J. Religion 313 (2002) (*reviewing* ERIC MICHAEL MAZUR, THE AMERICANIZATION OF RELIGIOUS MINORITIES (1999)).

Book Review, 79 J. Religion 160 (1999) (*reviewing* MICHAEL J. PERRY, RELIGION IN POLITICS: CONSTITUTIONAL AND MORAL PERSPECTIVES (1997)).

WORK IN PROGRESS:

Lessons from RLUIPA for Protecting Religious Freedom in a Post-Secular World, for Symposium entitled *The Modern Metropolis: Contemporary Legal Issues in Urban Communities*, to be published in the Belmont Law Review (Spring 2017).

A Post-Secular Pluralistic Legitimation of Law, in 22 *Studies in Law, Politics, and Society* (2017) (Special Issue entitled *Religious Inspirations and Legal Responses*).

Defining Religion and Secularity for a Post-Secular Understanding of Religious Liberty (article).

BEYOND THEOCRACY AND SECULARISM: A POST-SECULAR PARADIGM FOR LAW AND RELIGION (drafting book proposal for publishers).

Law and Human Rights in a Post-Secular World (Book Proposal for edited volume of essays).

REENCHANTING THE LAW: THE RELIGIOUS DIMENSION OF JUDICIAL DECISION MAKING (revising book manuscript).

Book Review, J. Religion (reviewing BRIAN LEITER, WHY TOLERATE RELIGION? (2013)).

PRESENTATIONS AND CONFERENCE PAPERS

Defining Religion and Secularity for a Post-Secular Understanding of Religious Liberty, for Conference entitled *Religious Critiques of Law* at Pepperdine University School of Law, Malibu, CA (March 9-10, 2017).

Protecting Religious Land Use under RLUIPA, for Symposium in Belmont Law Review entitled *The Modern Metropolis: Contemporary Legal Issues in Urban Communities* (October 7, 2016).

Panel Organizer, Panel Chair, and Presenter, *Defining Religion and Secularity for a Post-Secular Understanding of Religious Liberty*, for Panel entitled *Law and Religion*, at the Law and Society Association Annual Meeting, New Orleans, LA (June 2 - 5, 2016).

Panelist, *Inquiry on Law and Religious Freedom*, for the Ethics and Law Interest Group at the 2016 Annual Meeting of The Society of Christian Ethics, Toronto, Canada (January 7-10, 2016).

Defining Religion and Secularity for a Post-Secular Understanding of Religious Liberty, Faculty Forum (with John D. Haskell) on *Law and Religion*, Mississippi College School of Law, Jackson, MS (November 18, 2015).

RFRA and a Post-Secular Understanding of Religious Liberty, for Albany Law Review Symposium, Albany, NY (October 22, 2015).

Law Track Co-Chair, Session Chair, Panelist, and Presenter, *Legal Pluralism and a Process Theory of Law*, for Panel entitled *Process Thought and Legal Theory*, and Panelist for Panel entitled *Franklin I. Gamwell's Process Political Theory and Constitutional Law*, Conference entitled *Seizing an Alternative: Toward an Ecological Civilization* (10th International Whitehead Conference), Claremont, CA (June 4-7, 2015).

Presenter, *Religion and Civic Virtue in a Post-Secular, Pluralistic World*, for Panel entitled *Wisdom and Legal Theory*, at Conference entitled *Wisdom Law and Lawyers* at Pepperdine University School of Law, Malibu, CA (February 27-28, 2015).

Presenter, Colloquium entitled *A Post-Secular Pluralistic Legitimation of Law*, for *Inquiry on Law and Religious Freedom*, Center of Theological Inquiry, Princeton, NJ (February 24, 2015).

Presenter, *A Post-Secular Pluralistic Legitimation of Law*, 2014 Princeton Con Law Schmooze: The Constitution and Human Rights, Program on Law and Public Affairs, Princeton, NJ (December 5-6, 2014).

Presenter, Colloquium entitled *A Post-Secular Interpretation of Religious Liberty*, for *Inquiry on Law and Religious Freedom*, Center of Theological Inquiry, Princeton, NJ (November 4, 2014).

Panel Organizer, Panel Chair, and Presenter, *Legal Pluralism, Religious Pluralism, and A Post-Secular Theory of Law*, for Panel entitled *Law and Human Rights in a Post-Secular World*, at the Law and Society Association Annual Meeting, Minneapolis, MN (May 29-June 1, 2014).

Conference Organizer and Presenter, *Legal Pluralism, Religious Pluralism, and A Post-Secular Theory of Law*, for Conference entitled *Law and Human Rights in a Post-Secular World*, Mississippi College School of Law, Jackson, MS (March 28-29, 2014).

Faculty Forum (with John P. Anderson and John D. Haskell) entitled *The Challenge of Pluralism: Law, Politics and Religion*, Mississippi College School of Law, Jackson, MS (November 8, 2013).

Panel Organizer, Panel Chair, and Presenter, *A Post-Secular Interpretation of Religious Liberty*, for Panel entitled *An Existential Crisis for Secular Liberalism* (Part I & II), at the Law and Society Association Annual Meeting, Boston, Massachusetts (May 30-June 2, 2013).

The Challenge of Religious and Legal Pluralism for Economic Justice, for a symposium entitled *Markets, Justice, and the Law*, co-sponsored by the Berkley Center for Religion, Peace & World Affairs at Georgetown University and the Martin Marty Center for the Advanced Study of Religion at the University of Chicago under a grant from the Ford Foundation (May 17, 2013).

Panel Organizer, Panel Chair, and Presenter, *A Post-Secular Interpretation of Religious Liberty*, Panel entitled *An Existential Crisis for Secular Liberalism* (Part I & II), at the 16th Annual Meeting of the Association for the Study of Law, Culture, and the Humanities at the University of London School of Law (Birkbeck) in London, England (March 22-23, 2013).

Panel Organizer, Panel Chair, and Presenter, *A Pluralistic Post-Secular Legitimation of Law and Other Forms of Social Ordering*, Panel entitled *Re-Imagining the Structural Relationship between Law and Religion I & II*, at the Law and Society Association Annual Meeting in Honolulu, Hawaii (June 5-8, 2012).

Panel Organizer and Presenter, *A Pluralistic Post-Secular Legitimation of Law and Other Forms of Social Ordering*, Panel entitled *Re-Imagining the Structural Relationship between Law and Religion I & II*, at the 15th Annual Meeting of the Association for the Study of Law, Culture, and the Humanities at the Texas Wesleyan University School of Law in Fort Worth, Texas (March 16-17, 2012).

Beyond Theocracy and Secularism (Part III): A Post-Secular Pluralistic Legitimation of Law, at a conference entitled *The Competing Claims of Law and Religion: Who Should Influence Whom?* at Pepperdine University School of Law (February 23-25, 2012).

Beyond Theocracy and Secularism (Part III): A Post-Secular Pluralistic Legitimation of Law, Panel on *Secularism as a Constitutional Problem*, at the Law and Society Association Annual Meeting in San Francisco, CA (June 2-5, 2011).

Panel Chair and Presenter, *Beyond Theocracy and Secularism (Part III): A Post-Secular Pluralistic Legitimation of Law*, Panel on *Law and Religion*, at the Annual Meeting of the Association for the Study of Law, Culture and the Humanities at the William S. Boyd School of Law, University of Nevada, Las Vegas (March 11-12, 2011).

Pluralism and A Pluralistic Process Theory of Natural Law, for *Politics as a Moral Question: A Conference on Process Philosophy and Political Theory*, Martin E. Marty Center of the Divinity School of the University of Chicago, in coordination with the Center for Process Studies, Chicago, Illinois (October 14-16, 2010).

Panel Chair and Presenter, *Political Theology and A Post-Secular Paradigm for Law and*

Religion, Panel on *Political Theory and Law*, Law and Society Association Annual Meeting, Chicago, Illinois (May 27-30, 2010).

Political Theology and A Post-Secular Paradigm for Law and Religion, Panel on *Political Theory and Law*, Annual Meeting of the Association for the Study of Law, Culture and the Humanities, Brown University, Providence, Rhode Island, (March 19-20, 2010).

Panel Chair and Presenter, *Beyond Theocracy and Secularism (Part II): The New Religious Pluralism and A Post-Secular Paradigm for Law and Religion*, Panel on *Perspective on Law and Religious Pluralism*, Law and Society Association Annual Meeting, Denver, Colorado (May 28 - 31, 2009).

Beyond Theocracy and Secularism (Part II): The New Religious Pluralism and A Post-Secular Paradigm for Law and Religion, Panel on *Law and Religion*, Annual Meeting of the Association for the Study of Law, Culture and the Humanities, Suffolk University Law School, Boston, Massachusetts (April 3-4, 2009).

Pluralism and A Process Theory of Natural Law: Moving Beyond Modern and Deconstructive Postmodern Legal Theory, 2nd Political Theory Colloquium, The Center for Process Studies, a faculty center of Claremont School of Theology and affiliated with Claremont Graduate University in Claremont, California (February 26-28, 2009).

Beyond Theocracy and Secularism (Part II): The New Religious Pluralism and a Post-Secular Paradigm for Law and Religion, Journal of Law and Religion 25TH Anniversary Symposium, (October 23-25, 2008).

Panel Chair and Presenter, *Beyond Theocracy and Secularism (Part I): Toward a New Paradigm for Law and Religion*, Panel on Locating Law and Religion, Law and Society Association Annual Meeting, Montreal, Quebec, Canada (May 29-June 1, 2008).

Beyond Theocracy and Secularism (Part I): Toward a New Paradigm for Law and Religion, Faculty Colloquium, University of St. Thomas School of Law (April 4, 2008).

Beyond Theocracy and Secularism (Part I): Toward a New Paradigm for Law and Religion, Faculty Colloquium, Hamline University School of Law (April 3, 2008).

Panel Chair and Presenter, *Constructive Postmodern Relational Ontology: Moving Beyond Modern and Deconstructive Postmodern Legal Theory*, Panel on Ontology and Legal Theory, Annual Meeting of the Association for the Study of Law, Culture and the Humanities, University of California at Berkeley (March 28-29, 2008).

A Process Theory of Natural Law and the Rule of Law in China, Conference entitled *Law, Morality, and Politics from a Constructive, Post-modern Perspective*, China University for Political Science and Law, Beijing, China (July 8-9, 2007).

Prolegomena to a Process Theory of Natural Law, Panel on Law and Ontology (Chair and Presenter), Annual Meeting of the Association for the Study of Law, Culture and the Humanities, Georgetown Law School, Washington, D.C. (March 23-24, 2007).

Program Chair and Presenter, *Religion, Religious Pluralism, and the Rule of Law*, Section on Law and Religion, Association of American Law Schools Annual Meeting (January 3, 2007)(program to be published in Mississippi College Law Review , Fall 2007).

Law and Religion: Taking Religion Seriously, Law and Religion Forum (with Michael J. Perry), Mississippi College School of Law, Jackson, Mississippi (September 22, 2006).

Prolegomena to a Process Theory of Natural Law, Section on Law, Human Rights, and the Rights of Nature at the International Whitehead Conference, Salzburg, Austria (July 3-6, 2006)(Co-Chair of Section on Law, Human Rights, and the Rights of Nature and presenter).

The Ten Commandments in Contemporary Public Life, Federalist Debate, Mississippi College School of Law (April 17, 2006).

The Ten Commandments, Religious Pluralism, and Conceptions of Law, First Amendment Symposium, Austin College, Sherman, Texas (March 31, 2006).

Conceptions of Law and the Separation of Church and State, Annual Meeting of the Association for the Study of Law, Culture and the Humanities, Syracuse, New York (March 17, 2006).

Reenchanting the Law: Religious Pluralism and Conceptions of Law, Annual Meeting of the Association for the Study of Law, Culture and the Humanities (March 12, 2005).

Reenchanting the Law: The Religious Dimension of Judicial Decision Making, The Center for Process Studies, a faculty center of Claremont School of Theology and affiliated with Claremont Graduate University in Claremont, California (January 10, 2005).

Reenchanting International Law, Section on Law and Religion, Association of American Law Schools Annual Meeting (January 3, 2003).

Reenchanting International Law, for Conference entitled *Democracy, Globalization, and Law* (Co-Sponsored by Hamline University School of Law and the Center for Process Studies) St. Paul, Minnesota (September 19-23, 2002).

Religion and the Full Justification of Judicial Decisions in Hard Cases, Section on Law and Religion, Association of American Law Schools Annual Meeting (January 6, 2001).

BAR AND PROFESSIONAL ASSOCIATION MEMBERSHIP:

Association of American Law Schools:

- Section on Law and Religion: Co-Chair (2009, 2002), Co-Chair Elect and Newsletter Editor (2008, 2001), Program Co-Chair (2006, 2000), Executive Committee 2000-03, 2006-10);
- Member of House of Representatives (2005, 2003, 2001).

American Academy of Religion, American Bar Association, American Society for Political and Legal Philosophy, and the Society of Christian Ethics.

Admitted to *Illinois Bar and No. Dist. of Illinois* (1989).

LAW SCHOOL AND INSTITUTIONAL SERVICE

- **Scholarship Committee (Chair):** Editor of Mississippi College School of Law e-Journal; Facilitating participation in the Legal Scholars Network; Preparing Recommendations on Publicity of Faculty Publications, Collecting Data for Assessment of Strategic Plan Objectives and Action Plan, Organizing faculty forum, Coordinating Faculty Forum Exchange

with University of Mississippi.

- Academic Program Committee
- Admissions Committee
- Committee on Committees
- Distinguished Professor Committee (university-wide committee)
- Facilities Committee
- Faculty Mentor
- Faculty Appointments Committee
- Faculty Forum Committee (university-wide committee)
- Promotion and Tenure Committee