

**Professor STEVEN D. SMITH**  
*University of San Diego, U.S.A.*

*Warren Distinguished Professor of Law*

*Co-Executive Director, Institute for Law & Religion*

*Co-Executive Director, Institute for Law & Philosophy*

- JD, 1979, Yale University
- BA, 1976, Brigham Young University

### **Areas of Expertise**

Professor Smith teaches in the areas of law and religion, constitutional law, and torts.

### **Professional Experience**

Smith taught at the University of Notre Dame Law School, the University of Colorado School of Law, and the University of Idaho. He was a visiting professor at the University of Michigan and the University of Virginia. Smith joined the USD School of Law faculty in 2002.

### **Honors and Affiliations**

Smith was the Robert and Marion Short Professor of Law at the University of Notre Dame Law School and was the Byron R. White Professor of Law at the University of Colorado School of Law. He is the co-director of USD's Institute of Law and Religion.

### **Key Works**

- “Freedom of Religion or Freedom of the Church?” in *Legal Responses to Religious Practices in the United States* (Sarat, ed.) (Cambridge University Press, 2014);
- *The Rise and Decline of American Religious Freedom* (Harvard University Press, 2014);
- “That Old-Time Originalism” in *The Challenge of Originalism: Theories of Constitutional Interpretation* (Huscroft, and Miller, eds.) (Cambridge University Press, 2013);
- *The Disenchantment of Secular Discourse* (Harvard University Press, 2010);
- “Discourse in the Dusk: The Twilight of Religious Freedom” in 122 *Harvard Law Review* 1869 (2009);
- “How To Remove a Federal Judge” in 116 *Yale Law Journal* 72 (with Prakash) (2006);
- *Law's Quandary* (Harvard University Press, 2004);
- *The Constitution and the Pride of Reason* (Oxford University Press, 1998);
- *Foreordained Failure: The Quest for a Constitutional Principle of Religious Freedom* (Oxford University Press, 1995).

For more information:

<https://www.sandiego.edu/law/faculty/recent-scholarship.php?ID=731>

## **RESEARCH PROJET**

My work has been mainly in the areas of religious freedom, legal philosophy, and constitutional law. My current project, which is in an early stage, might be explained as follows. In 1939, T. S. Eliot gave some lectures at Cambridge University that were later published under the title of "The Idea of a Christian Society". Eliot argued that the future of Western societies would be determined by a choice between Christianity and "modern paganism". Essentially, my project seeks to explore and defend Eliot's thesis. But the thesis probably would strike most educated people today as implausible; its defense will require me to present a version of "paganism" that seems plausible and illuminating of modern ways of thinking usually described as "secular". In any case, I need to do a lot of research on older Christian history and on older Roman religion and the interactions between these. That is why it seemed appropriate to spend part of my sabbatical in Rome.