

# JOSHUA KLEINFELD

Northwestern Law School  
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## EMPLOYMENT

### Northwestern University

Professor, School of Law and (by courtesy) Department of Philosophy, 2017-  
(Associate Professor, 2014-17 • Assistant Professor, 2011-14)

Courses: Jurisprudence: Philosophy in the Practice of Law • Criminal Law  
Criminal Procedure: Theoretical Foundations • Corporate Criminal Law  
Criminal Justice Reform

Honors: Northwestern Searle Innovative Teaching Grant, 2015  
Northwestern Searle Teaching Fellowship, 2014-15

### Stanford Law School

Visiting Professor, 2017-18

### Harvard Law School

Visiting Professor, 2017-18

## EDUCATION

### Goethe University Frankfurt, Ph.D. in Philosophy, 2016

Dissertation: *Embodied Ethical Life and Criminal Law*

Supervisors: Axel Honneth (primary), Klaus Günther, and Rainer Forst

### Yale Law School, J.D., 2006

### Yale College, B.A. in Philosophy, 2001

## PUBLICATIONS – <http://ssrn.com/author=1514408>

*Why Mens Rea Matters to a Reconstructivist*, 11 Criminal Law and Philosophy \_ (2017) (peer-reviewed)

*Manifesto of Democratic Criminal Justice*, 111 Northwestern University Law Review \_ (2017)

*Three Principles of Democratic Criminal Justice*, 111 Northwestern University Law Review \_ (2017)

*White Paper of Democratic Criminal Justice*, 111 Northwestern University Law Review \_ (2017) (co-authored)

*Reconstructivism: The Place of Criminal Law in Ethical Life*, 129 Harvard Law Review 1485 (2016)

*Two Cultures of Punishment*, 68 Stanford Law Review 933 (2016)

***Embodied Ethical Life and the Criminal Law***, in *The New Philosophy of Criminal Law* (Chad Flanders & Zach Hoskins, eds., 2015)

***A Theory of Criminal Victimization***, 65 Stanford Law Review 1087 (2013)

- Selected for Yale/Stanford/Harvard Junior Faculty Forum

***Enforcement and the Concept of Law***, 121 Yale Law Journal Online (2011)

***Skeptical Internationalism: A Study of Whether International Law Is Law***, 78 Fordham Law Review 2451 (2010)

***Tort Law and In Vitro Fertilization***, 115 Yale Law Journal 237 (2005)

***President's Council on Bioethics, Beyond Therapy: Biotechnology and the Pursuit of Happiness*** (2003) (participating author)

***President's Council on Bioethics, Human Cloning and Human Dignity: An Ethical Inquiry*** (2002) (participating author)

***The Union Lincoln Made***, 47 History Today 24 (1997)

## WORKING PAPERS AND WORKS IN PROGRESS

***Against the New Formalism in Criminal Law*** (work-in-progress)

***Criminal Theory and the Present Crisis*** (working paper)

***The Place of Courts in the Theory of Justice*** (working paper)

***"We the People" as the Normative Center of Criminal Procedure*** (work-in-progress) (co-authored)

***Two Views of Killing: An Enlightenment Legacy*** (work-in-progress) (co-authored)

***The Case for Prosecutor/Public Defender Merger*** (working paper) (co-authored)

***Collateral Consequences and the Principle of Pro-Social Punishment*** (work-in-progress) (co-authored)

## CLERKSHIPS

**Hon. J. Harvie Wilkinson III**, U.S. Court of Appeals for the Fourth Circuit, clerk, 2007–08

**Hon. Janice Rogers Brown**, U.S. Court of Appeals for the D.C. Circuit, clerk, 2006–07

**Hon. Aharon Barak**, Supreme Court of Israel, summer clerk, 2004

## OTHER PROFESSIONAL EXPERIENCE

**Debevoise & Plimpton LLP**, Associate, 2008-09

- Practiced FCPA and transnational criminal law in Frankfurt, Germany

**Irell & Manella LLP**, summer associate, 2005

**Kirkland & Ellis LLP**, summer associate, 2005

**The President's Council on Bioethics**, senior research analyst, 2002–03

- Represented the United States in UNESCO negotiations over genetic privacy
- Worked with the White House and State Department to formulate bioethics foreign policy
- Contributed to reports to the President on human cloning and human enhancement

## **SERVICE, AWARDS, AND FELLOWSHIPS**

**AALS Section on Jurisprudence**, Chair, 2017–18 and 2018-19 (officer, 2015-16)

**Northwestern Law School**

- Curriculum Committee, 2016-17
- Workshops Committee, 2016-17
- HBKU Curriculum & Oversight Committees, Chair, 2015-16 (chaired two committees as part of Northwestern's work with Hamid bin Khalifa University to found new law school in Qatar; first committee designed new school's curriculum, focusing on critical thinking, a commitment to justice, and a comparative study of common, civil, and sharia law; second committee recruited faculty and oversaw new school's rollout)
- Workshops Committee, 2014-15
- Clerkships Committee, 2011-12
- Educational Resources Committee, 2011-12
- CLR Search Committee, 2011-12 (identifying new director for the program in legal research and writing)

**Justitia Amplificata Centre for Advanced Studies Research Fellowship**, 2016, supporting research sabbatical at institute in Bad Homburg, Germany, for the study of political philosophy

**Paul M. Bator Award**, 2015, given annually to one scholar under 40 for excellence in legal scholarship, significant public impact, a commitment to teaching, and a concern for students

**American Bar Association Rule of Law Initiative**, 2012 (teaching international human rights law on a pro bono basis at Addis Ababa University School of Law, Ethiopia; subsequently developed teaching materials for Ethiopian law students in the future)

## **ACADEMIC CONFERENCES – AS ORGANIZER**

***Philosophy, Criminal Law, and the Present Crisis***

- AALS Section on Jurisprudence, San Diego, January 2018
- Celebrating a renaissance in the philosophy of criminal law as philosophers respond to criminal justice crisis

***Democratizing Criminal Justice***

- Northwestern Law School, November 2016
- Examining the prospect of reforming criminal justice by democratizing the criminal system

## ACADEMIC CONFERENCES – SELECTED PRESENTATIONS

### ***Democratizing Criminal Justice***

- Yale-Harvard-Stanford-Columbia Criminal Justice Roundtable, Columbia Law School, May 2017
- Columbia Legal Theory Workshop, April 2017
- Georgetown University Law & Philosophy Colloquium, April 2017

### ***“We the People” as the Normative Center of Criminal Procedure***

- Toronto/Osgoode Law School Conference on Philosophical Perspectives on Criminal Procedure, November 2016

### ***Two Views of Killing in the Enlightenment Intellectual Tradition***

- Cardozo Law School Conference on Law and the Humanities, April 2017

### ***Why Mens Rea Matters to a Reconstructivist***

- Georgetown Institute for the Study of Markets and Ethics, Conference on Crime Without Fault: The Justifiability of Public Welfare Offenses and the Responsible Corporate Officer Doctrine, March 2017

### ***Normative Reconstruction and Rational Hope***

- Northwestern Department of Philosophy Conference on *Freedom’s Right*: A Discussion with Axel Honneth, November 2016

### ***Against the Positive Law Model of the Fourth Amendment***

- Northwestern Law School Federalist Society Debate (with Will Baude), September 2016

### ***Embodied Ethical Life and Criminal Law***

- Justitia Centre for Advanced Studies Workshop, February 2016
- University of San Diego Law School Faculty Workshop, October 2015
- Yale Law School Federalist Society, March 2015
- University of Chicago Law School Public Law & Legal Theory Workshop, January 2015
- Jilin University Law School, International Forum on Criminal Law, Changchun, China, October 2014
- Harvard Law School Criminal Justice Roundtable, May 2014
- New Voices in Criminal Theory Workshop, March 2014
- Criminal Theory Colloquium at NYU Law School, February 2014

### ***Wrongdoing and Redress in the Theory of Justice***

- University of Chicago Human Rights Workshop, April 2015
- University of Toronto Law School Junior Faculty Workshop, October 2013
- Czech Academy of Sciences Conference on Philosophy and the Social Sciences, Prague, Czech Republic, May 2010

- Goethe University Colloquium on Political Theory, Frankfurt am Main, Germany, December 2009

### ***Law and the Spoils of War***

- Northwestern Department of Philosophy Conference on the Critical Theory of Legal Revolutions, February 2015

### ***Two Cultures of Punishment***

- Jilin University Law School Faculty Workshop, Changchun, China, October 2014
- Columbia Law School (guest presentation in international criminal law course), October 2013
- University of Virginia Law School Faculty Workshop, February 2013
- Harvard/Stanford Law International Junior Faculty Forum, October 2010
- University of Glasgow Conference on Bonds and Borders: Identity, Imagination, Transformation, Glasgow, Scotland, June 2010
- Goethe University Conference on Justifications and Sanctions, Frankfurt am Main, Germany, October 2009

### ***NATO's Purpose***

- Lewis & Clark International Affairs Symposium, April 2013
- **Chicago CTTW (Chicago PBS)**, 2012, (commenting on the role of NATO in the international legal order on television program)

### ***Criminalization: A Comparative Study***

- Northwestern University Buffett Center for International and Comparative Studies, October 2012

### ***A Theory of Criminal Victimization***

- Yale/Stanford/Harvard Law Junior Faculty Forum (formerly Yale/Stanford Junior Faculty Forum), June 2012
- Yale Department of Philosophy Working Group in Moral Philosophy, September 2010

### ***How Can a Value Be Immanent in a Social Practice or Institution?***

- Czech Academy of Sciences Conference on Philosophy and the Social Sciences, Prague, Czech Republic, May 2012

### ***Enforcement and the Concept of Law***

- Notre Dame Law School Faculty Colloquium, September 2011

## **BAR MEMBERSHIPS, LANGUAGES**

Admitted to the California Bar Association

Proficient in German