

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