

JOSHUA KLEINFELD

Northwestern Law School
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EMPLOYMENT

Northwestern University

Professor of Law and (by courtesy) Philosophy, 2017-

(Assistant Professor, 2011-14 ▪ Associate Professor, 2014-17)

Teaching: Jurisprudence and Political Philosophy
Criminal Law & Procedure ▪ Juvenile Criminal Defense Clinic
Legislation and Statutory Interpretation

Teaching Honors: Childres Award for Teaching Excellence (nominee), 2017
Outstanding Professor of a Small Class Award (nominee), 2017
Last Lecturer (nominee), 2017
Searle Innovative Teaching Grant, 2015
Searle Teaching Fellowship, 2014-15

Harvard Law School

Visiting Professor of Law, 2018

Stanford Law School

Visiting Professor of Law, 2018

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

SELECTED PRACTICE & POLICY EXPERIENCE

Northwestern Juvenile Criminal Defense Clinic, Professor, 2018-19

- Practiced criminal defense with clinic directors Tom Geraghty & Maria Hawilo

Debevoise & Plimpton, Associate, 2008-09

- Practiced corporate criminal law in Frankfurt, Germany

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

The President's Council on Bioethics, Senior Research Analyst, 2002–03

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

PUBLICATIONS, WORKING PAPERS, & WORKS IN PROGRESS

<http://ssrn.com/author=1514408>

Criminal Justice by the People (book project) (with Stephanos Bibas & Richard Bierschbach) (under consideration with Princeton University Press)

Text and Rules in Criminal Statutes, 88 University of Chicago Law Review __ (forthcoming 2021)

Why the Mind Matters in Criminal Law, 52 Arizona State Law Journal _ (forthcoming 2020)

Criminal Law as a Social Contract, 94 Southern California (USC) Law Review _ (2020) (with Tommy Hoyt)

Democracy and the Pandemic: Three Reasons for Hope, TEDx talk (2020) ([link](#))

Democracy as Self-Government, “A Northwestern Law Professor Explains” video series (2020) ([link](#))

Saving Alaska’s Election, Anchorage Daily News (June 7, 2020) (with Rachel Kleinfeld)

How To Save the November Election, National Review (May 21, 2020) (with Rachel Kleinfeld)

How To Hold Elections During a Pandemic, National Review (April 7, 2020) (with Rachel Kleinfeld)

Constitutional Vagueness Today, Federalist Society Blog (2019)

The Principle of Pro-Social Punishment, Sentencing Law and Policy (2019)

Manifesto of Democratic Criminal Justice, 111 Northwestern Law Review 1367 (2017)

Three Principles of Democratic Criminal Justice, 111 Northwestern Law Review 1455 (2017)

White Paper of Democratic Criminal Justice, 111 Northwestern Law Review 1693 (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) (contributing author)

President’s Council on Bioethics, Human Cloning and Human Dignity: An Ethical Inquiry (2002) (contributing author)

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

SERVICE, AWARDS, GRANTS, FELLOWSHIPS, & INTERNATIONAL WORK

Interdisciplinary Center Tel Aviv, Visiting Professor, 2021, teaching short-term, intensive course on tort theory

Bar-Ilan University of Tel Aviv, Visiting Professor, 2019, teaching short-term, intensive course on criminal theory

AALS Section on Jurisprudence, Chair 2017-18 & 2018-19 (officer 2015-17 & 2019-21)

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

Searle Center for Teaching Excellence Innovative Teaching Grant, 2015, to develop a jurisprudence course grounded equally in philosophy, intellectual history, and analysis of legal practice

Searle Center for Teaching Excellence Fellowship, 2014-15, competitively awarded to “early career faculty members ... who will make significant and long term contributions to Northwestern University” to support research and training in the empirical research related to effective teaching

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

Northwestern Law School

- Personnel Committee (entry-level), 2019-20
- Childres Award for Teaching Excellence (nominee), 2017
- Outstanding Professor of a Small Class Award (nominee), 2017
- Last Lecturer (nominee), 2017
- Curriculum Committee, 2016-17 & 2018-19
- HBKU Curriculum & Oversight Committees, Chair, 2015-16 (chaired two committees as part of Northwestern’s international outreach)
- Workshops Committee, 2014-15 & 2016-17
- Clerkships Committee, 2011-12
- Educational Resources Committee, 2011-12
- CLR Search Committee, 2011-12 (identifying new director for legal research & writing program)

ACADEMIC CONFERENCES – AS SUBJECT

Shared Ethical Life and Criminal Law

- AALS Section on Jurisprudence, Washington, D.C., January 2020
- Panel on reconstructivism and democratization in criminal law

ACADEMIC CONFERENCES – AS ORGANIZER

Specific Jurisprudence: Philosophy Within Law

- AALS Section on Jurisprudence, New Orleans, January 2019
- Promoting an understanding of the philosophy of law as an instrument by which to get interpretive purchase on the departments of law, rather than as an account of the nature of law

Philosophy, Criminal Law, and the Present Crisis

- AALS Section on Jurisprudence, San Diego, January 2018
- Recognizing and celebrating a renaissance in criminal theory as philosophers of criminal law engage with the present crisis of American criminal justice

Democratizing Criminal Justice

- Northwestern Law School, November 2016
- Developing a shared vision of criminal justice reform through democratizing interventions in the criminal justice system

ACADEMIC CONFERENCES & WORKSHOPS – SELECTED PRESENTATIONS

Judicial Schism and Legal Impersonality

- Legal Theory Workshop at Harvard Law School, July 2019

Specific Jurisprudence: Philosophy Within the Departments of Law

- Yale Law & Philosophy Society Presentation, October 2019

Textual Rules in Criminal Statutes

- Notre Dame Law School General Faculty Workshop, February 2020
- Hebrew University Law School Criminal Law Workshop, December 2019
- Cornell Law School General Faculty Workshop, April 2019
- Berkeley Law School Criminal Theory Workshop, April 2018
- Stanford Law School General Faculty Workshop, March 2018
- Harvard Law School General Faculty Workshop, February 2018

Why the Mind Matters in Criminal Law

- Crimfest Panel on Legal Theory, July 2019
- Georgetown Institute for the Study of Markets and Ethics, March 2017

Democratizing Criminal Justice

- Bar-Ilan University Criminal Law Workshop, December 2019
- 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

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 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, 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