

**KARL E. KLARE**

*George J. & Kathleen Waters Matthews Distinguished University Professor  
Northeastern University School of Law*

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**EDUCATION**

J.D., magna cum laude, Harvard Law School, 1975.

M.A., Yale University, 1968 (Political Science).

B.A., cum laude, Columbia University, 1967 (1965-1966—Richard L. Kohn Traveling Fellow, London School of Economics).

**ACADEMIC POSITIONS**

Northeastern University School of Law—George J. & Kathleen Waters Matthews Distinguished University Professor, 1993 to date; Professor of Law, 1980-1993; Associate Professor, 1977-1980; Lecturer, Summer, 1976.

Instructor of Political Science, Adelphi University, 1969-1972 & Summer 1973.

Visitorships

Visiting Scholar, Faculty of Law, University of Cape Town, South Africa, July-August 2008.

Senior Fulbright Lecturer, Fall 1998, and Visiting Fellow, Spring 1991, Department of Law, European University Institute (Florence, Italy).

Douglas McK. Brown Visiting Professor, University of British Columbia, Fall 1990.

Visiting Professor of Law, University of Toronto (intensive courses, 1987, 1988 & 1999).

Visiting Teaching Fellow, Legal Services Institute, Jamaica Plain, MA, 1981-1982.

Visiting Professor of Law, University of Michigan, Summer 1981.

## PUBLICATIONS

### Books

*Labour Law in An Era of Globalization: Transformative Practices & Possibilities*, co-edited with Joanne Conaghan & Richard Michael Fischl, Oxford: Oxford University Press, 2002.

*The Unknown Dimension: European Marxism Since Lenin*, co-edited with Dick Howard, New York: Basic Books, Inc., 1972. Translations: Japanese (1973), Spanish (1974).

### Articles

An American Labor Lawyer Remembers Massimo D'Antona (translated as Un giuslavorista americano ricorda Massimo D'Antona), 31 *Giornale di Diritto del Lavoro e di Relazioni Industriali* 5 (2009).

Legal Subsidiarity & Constitutional Rights: A Reply to AJ van der Walt, (2008) 1 *Constitutional Court Review* 129.

Trade Liberalization & Social Welfare—What the Evidence Reveals, *Revue de Droit du Travail*, no. 10 (October 2007), at 610-12 (commissioned paper, written in English for translation into French).

Note: A Brief Legal History of Santa Clara Pueblo; or, What Has US Law Got To Do With It? in Jeanne M. Woods & Hope Lewis, eds., *Human Rights and The Global Marketplace: Economic, Social and Cultural Dimensions*, Ardsley, NY: Transnational Publishers, 2005, at 499-501.

The Horizons of Transformative Labour & Employment Law, introductory essay in *Labour Law in An Era of Globalization* (above), pp. 3-29.

The Politics of Duncan Kennedy's *Critique*, 22 *Cardozo Law Review* 1073 (2001).

Countervailing Workers' Power As a Regulatory Strategy, in Hugh Collins, Paul Davies & Roger Rideout (eds.), *Legal Regulation of the Employment Relation* London: Kluwer Law International, 2000.

Legal Culture & Transformative Constitutionalism, 14 *South African Journal on Human Rights* 146 (1998).

The Future of South African Labour Law: Some Questions from the Past and from Afar, 18 *Industrial Law Journal* 588 (1997).

Labor Law for the 21st Century: Stalled Reform in the United States, 1 *Law, Democracy & Development* 103 (1997).

Arbitrary Convictions? The Rosenberg Case, the Death Penalty, and Democratic Culture, in Marjorie Garber & Rebecca Walkowitz (eds.), *Secret Agents: The Rosenberg Case, McCarthyism, and Fifties America*, New York & London: Routledge, 1995.

Toward New Strategies for Low-Wage Workers, 4 *Boston University Public Interest Law Journal* 245 (1995).

Prassi legale e democratizzazione nella critica giuridica americana (Legal Practice & the Democratization of Society: The Perspective of American Critical Legal Studies), in Daniela Socrate & Fabio Giovannini (eds.), *La Strategia Democratica Nella Società Che Cambia*, Rome: Datanews, 1995.

Untoward Neutral Principles—Market Failure, Implicit Contract, and Economic Adjustment Injuries, 43 *University of Toronto Law Journal* 393 (1993).

Power/Dressing: Regulation of Employee Appearance, 26 *New England Law Review* 1395 (1992). Translated as Abbigliamento e potere: il controllo sull'aspetto del lavoratore subordinato, 16 *Giornale di Diritto del Lavoro e di Relazioni Industriali* 567 (1994).

Legal Theory and Democratic Reconstruction: Reflections on 1989, 25 *University of British Columbia Law Review* 69 (1991). Revised version published in Gregory S. Alexander & Gragnya Skopka (eds.), *A Fourth Way? Privatization, Property, and the Emergence of New Market Economies*, New York & London: Routledge, 1994. Excerpted in Jeanne M. Woods & Hope Lewis, eds., *Human Rights and The Global Marketplace: Economic, Social and Cultural Dimensions*, Ardsley, NY: Transnational Publishers, 2005; and in Henry J. Steiner & Philip Alston, eds., *International Human Rights in Context*, Oxford: Clarendon Press, 1996 & 2d ed. 2000.

The Concept of Group Rights in American Law, co-authored with Gary Bellow, in Anne Marie Bos, et.al. (eds.), *Collectieve Actie in Het Recht*, Nijmegen, Netherlands: Ars Aequi Libri, 1990.

Social Construction and System in Legal Theory: A Response to Professor Preuss, in Christian Joerges & David Trubek (eds.), *Critical Legal Thought: An American-German Debate*, Baden-Baden, W. Germany: Nomos Verlagsgesellschaft, 1989.

Workplace Democracy & Market Reconstruction: An Agenda for Legal Reform, 38 *Catholic University Law Review* 1 (1988). Reprinted in David L. Gregory (ed.), *The International Library of Essays in Law & Legal Theory—Labour Law*, Aldershot, U.K.: Dartmouth, 1993.

The Labor-Management Cooperation Debate: A Workplace Democracy Perspective, 23 *Harvard Civil Rights-Civil Liberties Law Review* 39 (1988).

Discussion Comment, Panel on “The Taft-Hartley Act: 40 Years Later,” *Proceedings of the Fortieth Annual Meeting*, Industrial Relations Research Association, 1988, pp. 93-99.

Labor Law & Workplace Democracy, *Chicago Lawyer*, May, 1987 (Rothstein-Dickerson Memorial Lecture).

Lost Opportunity: Concluding Thoughts on the Finkin Critique,” 44 *Maryland Law Review* 1111 (1985).

Traditional Labor Law Scholarship & The Crisis of Collective Bargaining Law: A Reply to Professor Finkin, 44 *Maryland Law Review* 731 (1985).

The Application of the National Labor Relations Act During Union Organizing Drives: How Well Are the Interests of Employers and Employees Balanced? presentation to the Wisconsin State Bar 1984 Annual Convention—Continuing Legal Education Program, June 21, 1984, printed in *Oversight Hearings on the Subject “Has Labor Law Failed”*, Part I, Joint Hearings Before the Subcomm. on Labor-Management Relations of the Comm. on Education and Labor and the Manpower and Housing Subcomm. of the Comm. on Government Operations, 98th Cong., 2d Sess. 750-88 (1984).

A Bibliography of Critical Legal Studies, 94 *Yale Law Journal* 461 (1984) (with Duncan Kennedy).

Management Prerogatives, Plant Closings, and the NLRA: A Response, 11 *New York University Review of Law & Social Change* 118 (1982-1983).

The Bitter & The Sweet: Reflections on the Supreme Court’s *Yeshiva* Decision, *Socialist Review* #71, September-October, 1983.

The Public/Private Distinction in Labor Law, 130 *University of Pennsylvania Law Review* 1358 (1982).

The Quest for Industrial Democracy & the Struggle Against Racism: Perspectives from Labor Law & Civil Rights Law, 61 *Oregon Law Review* 157 (1982).

Critical Theory and Labor Relations Law, in David Kairys (ed.), *The Politics of Law*, Pantheon Books, New York, 1982. Revised versions appear in the 2d (1990) and 3d (1998) editions. Reprinted as Labor Law & the Liberal Political Imagination, in *Socialist Review* #62, March-April, 1982; translated as Teoria Critica e diritto dei rapporti di lavoro, *Democrazia e Diritto*, vol. 30, no. 5-6, September-December, 1990.

The Law-School Curriculum in the 1980’s: What’s Left? 32 *Journal of Legal Education* 336 (1982). Reprinted in Martin L. Levine (ed.), *The International Library of Essays in Law & Legal Theory—Legal Education*, Aldershot, U.K.: Dartmouth, 1993.

Labor Law As Ideology: Toward A New Historiography of Collective Bargaining Law, 4  
*Industrial Relations Law Journal* 450 (1981).

United Parcel Service v. Mitchell: Of Docket-Clearing and Employee Rights, *Section News*,  
Massachusetts Bar Association Labor Law Section, Volume IV, no. 1 (November, 1981).

Contracts Jurisprudence and the First-Year Casebook, 54 *New York University Law Review* 876  
(1979).

Law-Making As Praxis, *Telos*, no. 40 (Summer, 1979).

Judicial Deradicalization of the Wagner Act and the Origins of Modern Legal Consciousness, 62  
*Minnesota Law Review* 265 (1978). Reprinted in Piers Beirne & Richard Quinney (eds.),  
*Marxism & Law*, New York: John Wiley & Sons, 1982; and Allan Hutchinson (ed.),  
*Critical Legal Studies*, Totowa, N.J.: Rowman & Littlefield, 1989.

Reply to Professor Robert Bellah's 'Reflections on Reality in America,' *Radical Religion*, vol.  
II, no. 1 (1975).

The Great Gatsby Revival and the Mood of the 1970's, *Socialist Revolution* #18, November-  
December, 1973. Translated as Il ritorno all'evasione nel Gatsby di Scott Fitzgerald,  
*Cinema Nuovo*, XXIII, no. 230, August, 1974.

Miami, McGovern, and the Movement, *Socialist Revolution*, #11, September-October, 1972.

The Critique of Everyday Life, the New Left, and the Unrecognizable Marxism, introduction to  
*The Unknown Dimension* (above), pp. 3-33; appeared originally in *Berkeley Journal of  
Sociology*, XVI (1971-1972)).

## **LEGAL EXPERIENCE**

Associate, Segal, Roitman & Coleman, Boston, MA, 1976-1977; of counsel, 1977-1986.

Attorney, Regional Office, National Labor Relations Board, 1975-1976.

Admitted to Practice: Massachusetts, 1975; United States District Court (D.Mass.), 1976; United States Court of Appeals (1st Cir.), 1976.

## **GRANTS & PROFESSIONAL HONORS**

Day-long Symposium entitled “Transformative Constitutionalism—Ten Years Later” hosted by the Faculty of Law, University of Stellenbosch, South Africa, August 8, 2008, in honor of the tenth anniversary of the publication of “Legal Culture & Transformative Constitutionalism,” 14 *South African Journal on Human Rights* 146 (1998).

Fulbright Fellowship for Distinguished Senior Lecturer (the “Florence Chair”), Fall 1998.

John Simon Guggenheim Memorial Fellowship, 1983-1984.

Research Grant, Fund For Labor Relations Studies, 1993-1995.

Inter-University Consortium on Poverty Law, grant to convene a Task Force on Legal Strategies for Low-Wage Workers, 1993-1994.

Grants from the John D. & Catherine T. MacArthur Foundation, the John Merck Fund & Northeastern University to organize conference on “Rights, Legality, and Democratization” in Kazimierz, Poland, co-sponsored by the University of Warsaw, February 1990.

Annual Prize in Legal History, Harvard Law School, 1975.

Harvard Law Review, 1974 (invited to membership but declined).

Research Fellowship, Adelphi University Committee on Research in the Arts and Humanities, 1971.

## **TEACHING AWARDS**

Northeastern Law School & AALS, Teacher-of-the-Year, 2008.

Northeastern University Excellence-In-Teaching Award, 1981.

Northeastern Law School Faculty Commencement Speaker, 1985, 1986, 1997, 2008 (chosen annually by vote of graduating students).

Selected by The American Lawyer, October 1981, as one of 15 “most promising, young law professors” in U.S.

**PAPERS & SPEAKING ENGAGEMENTS** (by invitation)

Academic institutions

University of Amsterdam  
University of the Andes (Bogotá)  
Boston College  
Boston University  
Brandeis University  
University of British Columbia  
University of Cape Town  
University of Catania  
Catholic University of Ponce  
Catholic University of America  
Catholic University of Louvain  
De Paul University  
Duke University  
The Five Colleges  
University of Florence  
Harvard Law School  
Hebrew University of Jerusalem  
University of Kent  
University of KwaZulu-Natal  
London School of Economics  
University of Massachusetts  
New College of California  
New School for Social Research  
New York Law School  
New York University Law School  
University of Oxford  
Ritsumeikan University (Kyoto)  
Rutgers University  
Stanford Law School  
State University of New York—Binghamton  
State University of New York—Buffalo  
University of Stellenbosch,  
University of Tbilisi  
University of Texas  
University of Toronto  
University of Victoria  
Waseda University (Tokyo)  
University of Washington  
University of the Witwatersrand (Johannesburg)

Yale Law School

Professional, labor & governmental

American Society for Legal History  
Annual Labour Law Conference (South Africa)  
Association of American Law Schools (plenary)  
Conference on Critical Legal Studies  
Consortium on Globalization, Law and the Social Sciences  
Continuing Legal Education programs (Massachusetts, Wisconsin)  
Critical Legal Conference (U.K.)  
«Ettore Majorana» Foundation & Centre for Scientific Culture (Italy)  
European Conference on Critical Legal Studies  
International Network on Transformative Employment & Labor Law  
Industrial Relations Research Association  
Industrial Relations Management Association of British Columbia  
Centre for Applied Legal Studies (South Africa)  
Law and Society Association  
State AFL-CIO Lawyers Coordinating Committee  
Society of American Law Teachers  
Testimony before Congressional subcommittee  
Testimony before Dunlop Commission on Future of Worker-Management Relations  
Testimony before State legislative committee  
Regular speaker at labor union meetings

**PROFESSIONAL ACTIVITIES**

Faculty, Harvard Trade Union Program, 1983 to date.

Election observer, Soweto, South Africa, April 24-May 1, 1994 (certified by the Independent Electoral Commission of South Africa).

Founder and co-secretary, International Network on Transformative Employment & Labor Law (Intell). Principal or co-organizer of all Intell international conferences to date—Intell 8, Cuernavaca, Mexico, June 28-July 1, 2006; Intell 7, Faculty of Law, Ritsumeikan University, Kyoto, Japan, March 26-29, 2004; Intell 6, Faculty of Law, University of Catania, Catania (Sicily), July 4-7, 2002; Intell of the Americas/Intell de las Américas, National Autonomous University of Mexico, Mexico City, DF, October 12-14, 2001; Intell 5, University of Toronto Faculty of Law, Toronto, Canada, September 22-24, 2000; Intell 4, Universities of the Western Cape, Cape Town, and Stellenbosch, Western Cape Province, South Africa, March 18-20, 1999; Intell 3, University of Miami School of Law, Coral Gables, FL, March 26-29, 1998; Intell 2, “Transformative Labor & Employment Law: Democratic Perspectives in a Changing World,” Eliot College, Kent Law School, University of Kent, Canterbury, UK, July 6-8, 1996; Intell 1, “Labor Law, Employment Law & Social Welfare Policy in International Perspective,” Andover, MA, October 14-17, 1994 (inaugural Intell meeting, a collaboration of the Northeastern University Matthews Prof-

essor Program, the European Law Research Center of Harvard Law School, the Graduate Program of Harvard Law School, and the Real Colegio Complutense, Madrid, Spain).

Conference on Critical Legal Studies: Member, Organizing Committee (1977-1994); Co-organizer, Crit-Networks Conference, Boston, MA, April 10-12, 1992; Co-Organizer, Sixth Annual Conference on Critical Legal Studies, Boston, MA, March 19-21, 1982; Organizer, First New England Regional Meeting, Conference on Critical Legal Studies, Boston, MA, February 4, 1978.

Community Law Center, Inc., Jamaica Plain, MA: incorporator and director (1983-1986); director (1996 to date); treasurer (1997 to date) (non-profit legal services delivery program for low and moderate income clients).

Editorial consultancies: *Constitutional Court Review*, beginning 2008; *Law, Democracy & Development*, 1996 to date; *Socialist Review*, 1970-1994; *Australian Journal of Law & Society*, 1981-1983.

Pro bono representation and consulting, primarily in labor law. Activities include litigation, legislative drafting, and brief-writing. Principal draftsman of the Massachusetts Written Majority Authorization Statute (St. 2007, ch. 120, effective date 12/26/07) (union recognition procedure).