CHRISTOPHER LEE KUTZ

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ACADEMIC POSITIONS

Berkeley Law School (Boalt Hall), University of California at Berkeley — Berkeley, CA

C. William Maxeiner Distinguished Professor of Law, 2014 – present
Professor of Law, JSP Program, 2004 - 2014
Acting Professor of Law, 1998-2004
Director, Kadish Center for Morality, Law and Public Affairs, 2006 – present (on leave 2010-12)

Sciences Po University, Ecoles de Droit, Affaires Internationales, et Euro-American Program — Paris, France

Distinguished Visiting University Professor (*Professeur Invité*), 2010-12

Visiting Professor of Law, Columbia Law School, Columbia University, Spring, 2004 — New York, NY

Richard and Frances Mallery Visiting Professor of Law, Stanford Law School, Fall 2005 — Stanford, CA

OTHER PROFESSIONAL EXPERIENCE

Law Clerk to Judge Stephen F. Williams, U.S. Court of Appeals for the District of Columbia Circuit, August 1997 - July 1998 — Washington, DC

Summer associate, Paul, Weiss, Rifkind, Wharton & Garrison, — New York, NY and Paris, France

Summer 1997 Chicago, IL

Summer intern, American Civil Liberties Union, Chicago Illinois, Summer 1996

EDUCATION

J.D., Yale Law School, 1997
Ph.D., Philosophy, University of California at Berkeley, 1996
B.A., Philosophy, *summa cum laude*, Yale University, 1989

DOCTORAL DISSERTATION

Complicity: Collective Action in Ethics and Law. University of California at Berkeley, 1996. Advisors: Samuel Scheffler, chair; Kwong-loi Shun, Jeremy Waldron, and Bernard Williams.

AREAS OF SPECIALIZATION

Philosophy of Law, Ethics, Political Philosophy, Philosophy of Action, Criminal Law, Tort Law, Ethics of International Law

AWARDS AND FELLOWSHIPS

Townsend Humanities Center, Redress Working Group Fellowship, UC-Berkeley	2004
Center for Ethics and the Professions Faculty Fellowship, John F. Kennedy School of Government, Harvard University (declined)	2001
Humanities Research Fellowship, UC-Berkeley	2001
Townsend Humanities Center Fellowship, UC-Berkeley	2000
Committee on Research grants, UC-Berkeley	1998-
Outstanding Graduate Student Instructor Award	1995
Charlotte W. Newcombe Doctoral Dissertation Fellowship	1994
Regents Fellowship for Graduate Study in Philosophy, UC-Berkeley	1994
Morris Boynton Lerned Fellowship in Philosophy, UC-Berkeley	1990
Ralph Clark Memorial Fellowship in Philosophy, UC-Berkeley	1989

TEACHING INTERESTS

[LAW]

Substantive Criminal Law and Criminal Law Theory, Constitutional Theory,

Philosophical Foundations of the Common Law, Law and Interpretation

[PHILOSOPHY]

Moral, Legal, and Political Philosophy, Problems of Moral and Legal Responsibility, Philosophy of Action, Philosophy of the Social Sciences

COURSES TAUGHT

[UNDERGRADUATE]

Philosophy of Criminal Law, Theories of Justice, Honors Seminar for Legal Studies, Topics in Justice, Foundations of Anglo-American Law, Democracy and Equality, Foundations of Legal Studies

[GRADUATE AND LAW]

Criminal Law, Theories of Rights, Introduction to Legal Philosophy, Foundations of Moral Philosophy, International Law and Ethics, Orientation to Jurisprudence and Social Policy (co-taught with other JSP faculty), Foundations of Legal Philosophy, War & Peace, Humanistic and Empirical Studies in Moral Psychology, Ethical Dilemmas in Modern War

[OTHER]

Introduction to Jurisprudence (Judicial Studies Program, University of Nevada – Reno, July 2002, 2003, 2004)

RESEARCH

BOOKS

Authored:

Democracy in New Haven: A History of the New Haven Board of Aldermen. New Haven: City of New Haven, 1989.

Complicity: Ethics and Law for a Collective Age. New York: Cambridge University Press, 2000.

Reviews:

Ethics 114: 827-830 (2004) (http://www.journals.uchicago.edu/doi/abs/10.1086/420729), John Gardner; *Law & Politics Book Review* 14: 420-423 (2004) (http://www.bsos.umd.edu/gvpt/lpbr/subpages/reviews/kutz604.htm), Emmanuel Melissaris; *Philosophy & Phenomenological Research* 67: 236-38 (2003), Margaret Gilbert *Res Publica* 8: 201-210 (2002), Garrath Williams; *Social Theory*

and Practice 28: 167-187 (2002) (review essay of Bass and Kutz), Margaret Gilbert; *Philosophical Review* 111: 143-47 (2002), Larry May.

Edited:
The Philosophy of Law, eds. Joel Feinberg, Jules Coleman & Christopher Kutz. Boston: Cengage Learning, 9th ed. 2012.

BOOKS IN PROGRESS

On War and Democracy (Princeton University Press, forthcoming). This is a philosophical and legal examination of the way in which political violence, including both revolution and war, intersects with the commitments of democratic self-governance, in bringing a state into being, establishing internal obligations of social welfare, and marking the limits of state violence in the pursuit of war.

Edited:
Power, Reason, Politics: Tanner Lectures of Joshua Cohen, with responses by Elizabeth Anderson, Charles Larmore, and Avishai Margalit (editor, with introduction) (Oxford University Press, forthcoming).

ARTICLES/CHAPTERS

"Just Disagreement: Indeterminacy and Rationality in the Rule of Law." Note, *Yale Law Journal* 103 (1994): 997-1030.

"Criminal Law - "Conspiracy" In *Encyclopedia of the Philosophy of Law*, ed. C.B. Gray (New York: Garland Publishing, 1999).

"Acting Together" *Philosophy and Phenomenological Research* 61 (2000): 1-31.

"Self-defense and Political Justification" *California Law Review* 88 (2000): 751-58.

"Parliamentary Self-Government: Comment on Waldron" *Philosophy of Law and Politics* (*Rodôpi*), ed. Enrique Villanueva (2001).

"The Judicial Community" *Philosophical Topics* 11: 442-69 (2001).

"Responsibility" *Oxford Handbook of Jurisprudence and Philosophy of Law*, ed. Jules Coleman & Scott Shapiro (Oxford University Press, 2002), 548-87.

"The Collective Work of Citizenship" *Legal Theory* 8: 471-494 (2002).

"Groups, Equality, and the Promise of Democratic Politics," *Issues in Legal Scholarship*, The Origins and Fate of Antisubordination Theory (2003): Article 13. http://www.bepress.com/ils/iss2/art13

"Justice in reparations: The problem of land and the value of cheap talk" *Philosophy & Public Affairs* 32: 277-312 (2004).

"The Difference Uniforms Make: Collective Violence in Criminal Law and the Law of War," *Philosophy and Public* Affairs 33: 148-180 (2005).

"The Lawyers Know Sin: Complicity in Torture" In Karen J. Greenberg, ed., *The Torture Debate in America* (New York: Cambridge University Press, 2006), 241-46.

"Consistency's value." In Christoph Engel and Lorraine Daston, eds. *Is there Value in Inconsistency?* (Baden-Baden: Nomos, 2006).

"Torture, Necessity, and Existential Politics" *California Law Review* 95: 235-76 (2007).

"Causeless Complicity" *Criminal Law and Philosophy* 1: 289-305 (2007).

"Fearful Symmetries." In David Rodin and Henry Shue, eds., *Just and Unjust Wars* (Oxford University Press, 2008), pp. 69-86.

"Against Political Luck." In Daniel Callcut, ed., *Reading Williams* (Routledge, 2009), pp. 242-261.

"Beyond law to morality." In Gro Nystuen, Andreas Follesdall, and Ola Mestad, *Corporate Complicity, Human Rights Violations, and Disinvestment* (Cambridge University Press, 2012).

"Secret Law and the Value of Publicity," *Ratio Juris* 22: 197-217 (2009).

"Democratic Security," in *Security: A Multidisciplinary Normative Perspective*, ed. Cecilia Bailliet (Martinus Nijhoff Publishing, 2009), pp. 231-248.

"Visibility and Secrecy." In Peter Cane, ed. *The Hart-Fuller Debate in the 21st Century* (Hart Publishing, 2010).

"Philosophical Foundations of Complicity." In John Deigh and David Dolinko, eds., *Oxford Handbook of Philosophy of Criminal Law* (Oxford, 2011).

"Democracy, Defense and the Threat of Intervention." In *The Morality of Defensive War*, eds. Cécile Fabre and Seth Lazar (Oxford: Oxford University Press, 2014), pp. 229-246.

"How Norms Die: Torture and Assassination in American Security Policy," in *Ethics & International Affairs* (Winter 28.4, 2014): 425-449.

REVIEWS & OTHER WRITING

Review of Arthur Ripstein, *Equality, Luck and Responsibility*. *Toronto Faculty Journal* (2000): 133-34.

"Pragmatism Regained" Review of Jules Coleman, *The Practice of Principle*. *Michigan Law Review* 100: 1639-1660 (2002).

"Why We Obey the Law" Review of Jules Coleman, *The Practice of Principle*. *Times Literary Supplement* June 3, 2003 (abridged variant of *"Pragmatism Regained"*).

POPULAR

Editor, Blue Sky: New Ideas for the Obama Administration, http://ideas.berkeleylawblogs.org/ January 2009 – present.

EDITORIALS

"Les systèmes sont faillibles, davantage que les hommes." *Le Monde*, June 3, 2011.

"Dominique Strauss-Kahn and the sins of our systems." *Los Angeles Times*, May 20, 2011.

"Clean up Taxes the EZ Way" *Los Angeles Times*, February 17, 2009.

"Holding Executives Accountable – Profitably!" *San Jose Mercury News*, Nov. 27, 2008.

"Deans, chancellors and academic freedom" *Berkeleyan*, September 12, 2007 (available at: http://berkeley.edu/news/berkeleyan/2007/09/19_kutz.shtml).

OTHER MEDIA

Guest, McNeil News Hour, PBS, discussing Dominique Strauss-Kahn, August 18, 2011.

Guest, France 24, discussion of Dominique Strauss-Kahn case, June 6, 2011.

Guest, KQED Forum, discussing online education, March 2010.

Guest, "The Rhetoric of Responsibility" *Odyssey* radio show, WBEZ, October 9, 2003 (available at: http://www.wbez.org/audio_library/os_raoct03.asp).

ACADEMIC PRESENTATIONS AND CONFERENCE PARTICIPATION

"Democratic Norm Death," Vanderbilt University (Workshop on the Ethics of War), April 4, 2015; University of Delft (Workshop in Applied Ethics), June 28, 2014; Stanford University (Political Theory Workshop), February 2014.

"Hobby Lobby and the Problem of Religion," Wharton School of Business, University of Pennsylvania (Workshop on *Hobby Lobby*), December 6, 2014.

"Forgiveness and Mercy: Comments on Minow," U.C. Berkeley School of Law (Commentator on Brennan Lecture by Martha Minow), October 15, 2014.

"Democracy in East Ramapo," EUI-Florence (video link) (Religion in the Public Sphere Conference), October 6, 2014).

"The Political Morality of English as a Lingua Franca," Sciences-Po, Paris and Ceri (Conference on the Idea of a Lingua Franca), May 24, 2014.

"Shared Responsibility for Climate Change," Sciences-Po, Paris (Political Theory Workshop), June 5, 2014; University of Amsterdam Center for International Law, June 2013.

"Complicity and Humanitarianism," Fondation Brocher (sponsored by the International Committee of the Red Cross), Geneva, October 2013

"Can Corporations be Morally Responsible?," Bernstein Human Rights Symposium, Yale Law School, April 2013.

"How Norms Die," International Security Association panel, San Francisco, April 2013.

"Drones and Democracy," Balliol College, Oxford, September 2012; University of Toronto Legal Theory Workshop, January 2013; Yale Law School Law and Philosophy Workshop, March 2013.

"The State as Criminal and Undercover Policing," Osgoode Hall Law School, York University, November 2012.

"Democratic Holy Wars," Center for Human Values, Princeton University, December 2011; and Or Emet Lecture in Legal Philosophy, Osgoode Hall Law School, York University, February 2012.

"Secret Laws," School of Law, Sciences Po, Paris, February 11, 2011.

"Response to Ofer Liviatin, Europe's experience with abortion," Religion in the Public Sphere conference, Robert Schumann Institute, Florence, Italy, Dec. 16, 2010.

"Vae Victis: Violence, Victory and War," Oxford War Group conference, Nuffield College, Oxford, October 18, 2010.

"Climate Change and Corporate Social Responsibility," University of Oslo Conference on Climate Change and Finance, Sept. 23, 2010.

"Guilt, Cooperation, and Climate Change," invited panel at the American Philosophical Association Eastern Division Meeting, NYC, December 2009.

"Being versus Doing: Modern Religion and the Challenge to Secular Liberalism", Conference on Religion in the Public Sphere, European University, Florence, IT, December 2009.

"The Repugnance of Secret Law," Yale Legal Theory Workshop, March 2009; University of Texas Legal Theory Workshop, October 2009.

"Visibility and Secrecy," Hart and Fuller Fifty Years On, Australian National University, December 2008.

"Democratic Security," Security: Normative Conceptions, University of Oslo, October

2008.

"Political luck" University of Pennsylvania Legal Philosophy Workshop, February 2008;

"Climate change and collective responsibility" Vanderbilt Law School, February 2008.

"Secret law and the Value of Publicity" Conference on Inclusive and Exclusive Positivism, University of Bologna, May 2008; USC Legal Theory Workshop, September 2008;.

"Epistemethics," Center for the Study of Law and Society, U.C. Berkeley, February 2007; U.C. Irvine, Department of Philosophy, May 2007; and John Fleming Centre for Legal Theory, Australia National University, Canberra, July 2007; University of Wisconsin Law School workshop, April 2008.

"How did the United States become a torture culture?" Sorbonne, Groupe Crise Extreme, Paris, June 2007; and "Law and Counterterrorism" conference, School of Law, University of New South Wales, Sydney, July 2007.

"Torture, Necessity and Existential Politics" University of Toronto Law School Legal Theory Workshop, January 2006; Centre d'Etudes et de Recherche Internationale, Paris, June 2006.

"Collective Responsibility" discussion facilitator, Penn Roundtable in Philosophy and Economics, University of Pennsylvania, February 2006.

Invited discussant, Conference on Bernard Williams, Jean Beer Blumenfeld Center for Ethics, Georgia State University, April 2006.

"In Praise of Anemic Democracy" Harvard Kennedy School Conference on Legitimacy, and the Boalt Workshop in Law, Philosophy, and Political Theory, Harvard University, March 2005

"Complicity and Causation" Program in Jurisprudence Conference on Complicity, Oxford University, June 2005

"Symmetry and the Legitimacy of Political Violence" Conference on the Changing Character of War, Oxford University, June 2005

"Causeless Complicity" invited panelist for symposium on Atrocity and Complicity, American Philosophical Assoc. (Eastern Division), NYC, December 2005.

Invited Participant, "Philosophy and Terrorism Conference" Columbia Law School, December 2004.

"Consistency's Value: Comment on Engel" Max-Planck-Institut conference on The Value of Inconsistency, Venice, Italy, July 15-17, 2004.

"Complicity and Bioethics," NIH Bioethics Seminar, April 27, 2004.

"The Difference Uniforms Make" Contemporary Legal Philosophy Seminar, Yale Law School, May 3, 2004; Legal Theory Seminar, Stanford Law School, March 8, 2004; and at the Faculty Workshop, Columbia Law School, March 4, 2004.

"Justice in Reparations" Department of Philosophy, Columbia University, February 28, 2004.

"Uniforms and Violence" Humboldt University Law Faculty, Boalt-Humboldt Conference, October 27, 2003.

"Justice in Reparations" UCLA Legal Theory Workshop, October 2, 2003; and Cornell Law School Colloquium, April 4, 2003.

"How Different is Land" Conference on Political Transformation, Restitution and Justice, Jagiellonian University, Cracow, Poland, June 5, 2002.

"The Collective Work of Citizenship" Department of Government, Texas A & M University, February 6, 2002; Institute for Philosophy and Public Affairs, University of Maryland, March 1, 2002.

"Two concepts of shame: Comments on Martha Nussbaum" Boalt Hall School of Law, U.C. Berkeley, February 7, 2002.

"The Collective Work of Citizenship" Conference on Participation and Commitment in Law, Morality, and Politics, Yale Law School, Oct. 5-6, 2001.

"The Judicial Community" Bay Area Forum for Law and Philosophy, Berkeley, CA, April 20, 2001.

"The Judicial Community" Analytical Legal Philosophy Conference, Chicago, IL, April 5-6, 2001

"Self-defense and Political Justification" Comment, Conference on the Morality of Criminal Law, Berkeley, CA, October 1-2, 1999.

"Blood and Complicity" Comment, Sho Sato Conference, Berkeley, CA, November, 4-5, 1999.

"Parliamentary self-government" Comment, Conference on Philosophy of Law and Politics, Mazatlan, Mexico, December 10-11, 1999.

Comments on Richard Beatch" John Searle and the Bank Robbers" American Philosophical Association Pacific Division Meeting, April 1, 1999.

Comments on Randy Barnett "The Nature of Natural Rights." Boalt Hall Federalist Society, Berkeley, CA, March 9, 1999.

"What we owe together: The structure of collective obligation" School of Law, University of California at Berkeley; Department of Philosophy, University of Texas, Austin; Department of Philosophy, University of Florida.

"Complicity: Individual Accountability for Collective Harms." School of Law, University of Southern California; School of Law, Wayne State University; School of Law, Tulane University; School of Law, University of Texas, Austin; Brooklyn Law School, 1998.

"Complicity, Collective Action, and Moral Individualism" Department of Philosophy, Yale University; School of Law, University of California at Berkeley; earlier version given at Division of the Humanities, California Institute of Technology (1995).

FACULTY SERVICE

[BERKELEY]

Member, Privileges and Tenure Committee, Fall 2012 –
Chair, Faculty Senate, Berkeley Division (2009-10)
Vice-Chair (2008-9)
Co-Chair, University Athletics Board (2009-10)
Chair, UCPD Police Review Board (2007-09)

Co-chair, Steering Committee on University-Industrial Partnerships (2008 - 2009)
Member, Advisory Committee on UCB partnership with BP (2007)
Member, Steering Committee for Diversity and Democracy cluster in the Berkeley Diversity Research Initiative (2006 - present)
Chair, Academic Freedom Committee (2005 - 2008, member 2004-2008)
Member, Tanner Lecture Committee (2005 - present)
Member, Prizes Committee (2003-4)
Member, Howison Lecture Committee (2003 - present)

[BOALT AND JSP]

Head Graduate Advisor, JSP Program, Fall 2012 –
Director, Kadish Center for Morality, Law, and Public Affairs (2007 – present, on leave 2010-2012)
Member, Boalt Appointments Committee (2007 -8)
Chair, Search Committee for Political Theory, JSP Program (2004-6)
Co-Chair, Boalt Academic Placement Committee (2002-7)
Member, Search Committee for Director of Boalt Hall Death Penalty Clinic (2001)
Co-organizer, "GALA" seminars in moral, political, and legal theory (1999 - present)
Member, Board of the Kadish Center for Morality, Law, and Public Affairs (1999 - present)
JSP Graduate Admissions (1999-02 member, 2003 chair)
Boalt Clerkship Committee (1999-01 member; 2000 chair)
Chair, Law School Colloquium Committee (1998-9)

PROFESSIONAL SERVICE

Conference organizer, 2007 Analytical Legal Philosophy conference, Berkeley 2007.

Manuscript referee for: Cambridge University Press, Oxford University Press, Macmillan Press, *Ethics*, *Legal Theory, Philosophy and Phenomenological Research*, *Criminal Law and Philosophy, Journal of Political Philosophy*.

Member, Program Committee, Pacific Division of the American Philosophical Association (2003)

PROFESSIONAL MEMBERSHIPS

American Philosophical Association, American Association of Law Schools