

## **KARL KLARE**

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

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### **ACADEMIC**

LL.D. (*honoris causa*), University of Pretoria, 2015.

J.D. (*magna cum laude*), Harvard Law School, 1975.

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

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

### **FACULTY 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.

Extraordinary Professor, Free State Centre for Human Rights, Faculty of Law, University of the Free State, Bloemfontein, South Africa, 2020 to date.

Visiting Lecturer, "Summer School 2018: "The Private/Public Divide. Ideologies and Techniques," Doctoral Program in Juridical Sciences, Department of Jurisprudence, Università degli Studi di Perugia, July 2018.

Extraordinary Professor, Faculty of Law, University of Pretoria, January 1, 2016-December 31, 2018.

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.

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

## **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.

## **PUBLICATIONS**

### Books

*Social & Economic Rights in Theory & Practice: Critical Inquiries*, co-edited with Helena Alviar García & Lucy A Williams, London & New York: Routledge, 2015.

*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

Two Cheers for Transformative Constitutionalism, co-authored with Dennis M. Davis, 35 *Law and Critique* 487 (2024).

Critical Legal Realism in a Nutshell, co-authored with Dennis M. Davis, in Emiliós Christodoulidis, Ruth Dukes & Marco Goldoni (eds.), *Research Handbook on Critical Legal Theory*, Cheltenham, UK: Edward Elgar, 2019.

Book Symposium: On Ruth Dukes, The Labour Constitution: the Enduring Idea of Labour Law, 9 *Jurisprudence* 402 (2018).

Self-Realisation, Human Rights, and Separation of Powers: A Democracy-Seeking Approach, 2015 (26:3) *Stellenbosch Law Review* 445.

Critical Perspectives on Social and Economic Rights, Democracy, and Separation of Powers, in Alviar García, Klare & Williams (eds.), *Social & Economic Rights in Theory & Practice: Critical Inquiries* (above).

Legal Activism after Poverty Has Been Declared Unconstitutional, 2011 (22:3) *Stellenbosch Law Review* 865. Reprinted in Sandra Liebenberg & Geo Quinot, (eds.), *Law & Poverty: Perspectives from South Africa and Beyond*, Juta & Co.: Claremont, SA, 2012, pp. 423-432.

Teaching *Local 1330* – Reflections on Critical Legal Pedagogy, 7 *Unbound: Harvard Journal of the Legal Left* 58 (2011).

Transformative Constitutionalism & the Common & Customary Law, co-authored with Dennis Davis, (2010) 26 *South African Journal on Human Rights* 403.

A New ‘New Deal’ for Labor? – The Impact of the Global Economic Crisis on Labor and Employment Law in the United States of America, Makoto Ishida, Michiatsu Kaino & Tatsuo Uemura (eds.), *Comparative Law for Creative Law: Challenges for Immediate Actions*, Tokyo: Nihon Hyoronsha, 2010 (symposium paper published in Japanese translation).

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 Conaghan, Fischl, and Klare (eds.), *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 & Grażyna Skąpska (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. Reprinted in 12 *German Law Journal* 516 (2011).

- 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)).

#### Blog Commentary & Journalism

- "What Non-Reformist Reforms Meant To Us," LPE Blog Post (November 15, 2023), <https://lpeproject.org/blog/what-non-reformist-reforms-meant-to-us/>.
- "Comments on Frank Michelman's *Constitutional Essentials*," Balkanization Symposium on Frank Michelman, *Constitutional Essentials*, <https://balkin.blogspot.com/2023/10/comments-on-frank-michelmanns.html>, October 11, 2023.

“A Wagner Act for Tenant Unions,” LPE Blog Post (June 15, 2023), <https://lpeproject.org/blog/a-wagner-act-for-tenant-unions/> (with Duncan Kennedy and Michael Turk).

“On Socialism & Critical Legal Theory,” LPE Blog Post (November 9, 2020), <https://lpeproject.org/blog/on-socialism-and-critical-legal-theory/>.

“Labor Rights, Under Republican Attack,” “Op-Ed” article, on-line edition, The New York Times, October 13, 2011 (with Mark Barenberg & James Brudney).

## **LEGISLATIVE DRAFTING**

A “Wagner Act” for Tenants – A Law Reform Proposal to Institutionalize Countervailing Tenant Power, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4467492](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4467492).

Principal drafter, Written Majority Authorization Amendments to M.G.L. c. 150A & c. 150E, added by Mass. St. 2007 c. 120, signed into law September 27, 2007, effective December 26, 2007 (“card-check recognition” of labor bargaining representatives).

## **GRANTS & PROFESSIONAL HONORS**

Grant from Rockefeller Foundation to conduct workshop “Social & Economic Rights: A Critical Assessment,” Bellagio Center, Bellagio, Italy, March 26-30, 2013.

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**

William J. Fitzgerald Exemplary Service Award for Faculty, Northeastern Law School, 2011.

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

Northeastern University Excellence-In-Teaching Award, 1981.

Northeastern Law School Faculty Commencement Speaker (chosen annually by vote of graduating students), 1985, 1986, 1997, 2008, 2018 (jointly with Prof. Lucy Williams)

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

## **PAPERS & SPEAKING ENGAGEMENTS**

### 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

University of the Free State (Bloemfontein, South Africa)

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  
University of Pretoria  
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  
Ton Duc Thang University (Ho Chi Minh City)  
University of Toronto  
University of Victoria  
Waseda University (Tokyo)  
University of Washington  
University of the Western Cape (Cape Town)  
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)  
Centre for Applied Legal Studies (South Africa)  
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  
Harvard Trade Union Program  
Industrial Relations Management Association of British Columbia  
Industrial Relations Research Association  
International Network on Transformative Employment & Labor Law  
Labour Law Research Network  
Law and Society Association  
Southern Africa Legal Services Foundation  
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 committees

Regular speaker at labor union meetings

## PROFESSIONAL ACTIVITIES

Co-convenor, International Social & Economic Rights Project (*iSERP*), Project on Human Rights & the Global Economy, Northeastern University School of Law. With Prof. Lucy Williams, I was a principal organizer of all *iSERP* international workshops to date—*iSERP X*: “Social and Economic Rights – Litigation and Public Policy,” hosted by the University of Concepción (Concepción, Chile), April 24-27, 2024; *iSERP IX*: Workshop on Human Rights and Property, hosted by the Free State Human Rights Centre, University of the Free State, Bloemfontein, South Africa, May 9-12, 2019; *iSERP VIII*: “Social and Economic Rights – Litigation and Public Policy,” hosted by Universidad EAFIT (Medellín, Colombia), November 2-4, 2017; *iSERP VII*: “Social and Economic Rights Litigation – The Next Generation,” hosted by the Centre for Policy Research, Delhi, India, March 24-27, 2016; *iSERP VI*, Northeastern University School of Law, Boston, MA, February 27-March 1, 2015; *iSERP V*: “Social & Economic Rights: A Critical Assessment,” Bellagio Center, Bellagio, Italy, March 26-30, 2013 (workshop on book manuscript); *iSERP IV*, co-sponsored by University College London, London, UK, June 21-24, 2012; *iSERP III*, co-sponsored by the University of Pretoria, Pretoria, South Africa, June 2-5, 2011; *iSERP II*, co-sponsored by Universidad de los Andes, Bogotá, Colombia, May 15-16, 2010; *iSERP*—Founding Conference: Workshop on the Justiciability of Socio-Economic Rights, Northeastern University School of Law, Boston, MA, May 19-21, 2009.

International Network on Transformative Employment & Labor Law (Intell): Founder and co-secretary. 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 Professor 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.

Advisory Board, Friends of the Legal Resources Centre (formerly, Southern Africa Legal Services Foundation, Inc.).

Board Member, Center for Engaged Scholarship.

International Advisory Board, Work on Demand: Contracting for Work in a Changing Economy, a European Research Council-funded research project based at the University of Glasgow.

Advisory Board, Toronto Initiative for Economic and Social Rights, University of Toronto, Canada.

International Board of Advisers, Centre on Public Law & Jurisprudence (CPLJ), Jindal Global University, Nat'l Capital Region, India.

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

Harvard Trade Union Program: Faculty, 1983 to date.

Community Law Center, Inc., Jamaica Plain, MA: Incorporator and director (1983-1986); director (1996 to 2015); treasurer (1997 to 2015) (non-profit legal services delivery program for low and moderate income clients).

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).

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