

# YOUNGJAE LEE

Fordham Law School  
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## ACADEMIC EMPLOYMENT

### **Fordham Law School**

- Associate Dean for Research 2019-present
- Director, Fordham-Sungkyunkwan Summer Program in Korea 2019-present
- Professor of Law 2012-present
  - Dean's Distinguished Research Award 2018-2019
- Associate Professor of Law (with tenure) 2010-2012
- Associate Professor of Law 2005-2010

Courses taught: Criminal Law, Criminal Procedure: Adjudication, Criminal Law Theory, Transnational Criminal Law, International White Collar Crime, International Criminal Law, Torts

### **Columbia Law School**

- Visiting Professor of Law Spring 2024

### **LUISS Guido Carli University, Rome**

- Visiting Professor of Law Spring 2016

### **Harvard Law School**

- Visiting Professor of Law 2012-2013

### **UCLA School of Law**

- Visiting Professor of Law Spring 2011

### **University of Chicago Law School**

- Visiting Professor of Law Fall 2009

### **European University Institute, Florence**

- Visiting Fellow, Law Department 2008-2009

### **NYU School of Law**

- Alexander Fellow 2003-2005

## EDUCATION

**Harvard Law School**, J.D., *magna cum laude*, 1999

- Primary Editor, Harvard Law Review
- Heyman Fellow

**Seoul National University**, Department of Philosophy, Fulbright Scholar, 1995-96

**Swarthmore College**, B.A., High Honors, Philosophy (minor: Economics), 1995

**PUBLICATIONS: BOOKS**

- CRIMINALIZING DISOBEDIENCE (under contract with Oxford University Press)

**PUBLICATIONS: ARTICLES**

- Mala Prohibita, *the Wrongfulness Constraint, and the Problem of Overcriminalization*, 41 LAW AND PHILOSOPHY 375 (2022)
- Mala Prohibita *and Proportionality*, 15 CRIMINAL LAW AND PHILOSOPHY 425 (2021)
- *The State's Right to Evidence and Duties of Citizenship*, 31 PHILOSOPHICAL ISSUES (A SUPPLEMENT TO *Noûs*) 210 (2021)
- *The Criminal Jury, Moral Judgments, and Political Representation*, 2018 UNIVERSITY OF ILLINOIS LAW REVIEW 1255 (2018)
- *Reasonable Doubt and Disagreement*, 23 LEGAL THEORY 203 (2017)
- *Reasonable Doubt and Moral Elements*, 104 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 1 (2016)
- *Military Veterans, Culpability, and Blame*, 7 CRIMINAL LAW AND PHILOSOPHY 285 (2013)
- *Punishing Disloyalty?: Treason, Espionage, and the Transgression of Political Boundaries*, 31 LAW AND PHILOSOPHY 299 (2012)
- *Why Proportionality Matters*, 160 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1835 (2012)
- *Deontology, Political Morality, and the State*, 8 OHIO STATE JOURNAL OF CRIMINAL LAW 385 (2011)
- *Recidivism as Omission: A Relational Account*, 87 TEXAS LAW REVIEW 571 (2009)
- *The Defense of Necessity and Powers of the Government*, 3 CRIMINAL LAW AND PHILOSOPHY 133 (2009)
- *International Consensus as Persuasive Authority in the Eighth Amendment*, 156 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 63 (2007)
- *The Constitutional Right Against Excessive Punishment*, 91 VIRGINIA LAW REVIEW 677 (2005)
- *Law, Politics, and Impeachment: The Impeachment of Rob Moo-Hyun from a Comparative Constitutional Perspective*, 53 AMERICAN JOURNAL OF COMPARATIVE LAW 403 (2005)

**PUBLICATIONS: BOOK CHAPTERS**

- *Beyond a Reasonable Doubt and Intime Conviction, in III CORE CONCEPTS IN CRIMINAL LAW AND JUSTICE* (Kai Ambos et al. eds., Cambridge, forthcoming 2024) [with Kai Ambos]

- *Punishing Multiple Offenses*, in THE OXFORD HANDBOOK OF THE PHILOSOPHY OF PUNISHMENT (Jesper Ryberg, ed., Oxford, forthcoming 2024)
- *The Role of the Judiciary in the Presidential Impeachment Process in Korea*, in IMPEACHMENT IN A GLOBAL CONTEXT: LAW, POLITICS, AND COMPARATIVE PRACTICE (Matthew Flinders, Aziz Huq & Chris Monaghan, eds., Routledge 2024)
- *Problem of Proportional Punishment*, in THE ROUTLEDGE HANDBOOK OF THE PHILOSOPHY AND SCIENCE OF PUNISHMENT (Farah Focquaert, Bruce Walker & Elizabeth Shaw, eds., Routledge 2021)
- *Proportionality in Punishment*, in THE PALGRAVE HANDBOOK OF APPLIED ETHICS AND CRIMINAL LAW (Kimberly Kessler Ferzan & Larry Alexander, eds., Palgrave 2019)
- *Multiple Offenders and the Question of Desert*, in SENTENCING MULTIPLE CRIMES 113 (Jesper Ryberg, Julian V. Roberts & Jan W. de Keijser eds., Oxford 2017)
- *Repeat Offenders and the Question of Desert*, in THE ROLE OF PREVIOUS CONVICTIONS AT SENTENCING: THEORETICAL AND APPLIED PERSPECTIVES 49 (Julian V. Roberts & Andrew von Hirsch eds., Bloomsbury 2010)

#### **PUBLICATIONS: ESSAYS AND REVIEW ESSAYS**

- *Is Prison Abolitionism Self-Defeating?*, 17 CRIMINAL LAW AND PHILOSOPHY (forthcoming 2024) (invited comment on TOMMIE SHELBY, THE IDEA OF PRISON ABOLITION (Princeton 2022))
- *Proportionalities*, 98 NOTRE DAME LAW REVIEW REFLECTION (forthcoming 2024)
- *How Should We Think About Espionage?*, 83 ANALYSIS (forthcoming 2024) (invited critical notice of CÉCILE FABRE, SPYING THROUGH A GLASS DARKLY: THE ETHICS OF ESPIONAGE AND COUNTER-INTELLIGENCE (Oxford 2022))
- *Proxy Crimes and Overcriminalization*, 16 CRIMINAL LAW AND PHILOSOPHY 469 (2022) (invited comment on LARRY ALEXANDER AND KIMBERLY KESSLER FERZAN, REFLECTIONS ON CRIME AND CULPABILITY: PROBLEMS AND PUZZLES (Cambridge 2018))
- *Criminalization, Legal Moralism, and Abolition*, 70 UNIVERSITY OF TORONTO LAW JOURNAL 194 (2020) (invited review essay on R.A. DUFF, THE REALM OF CRIMINAL LAW (Oxford 2018))
- *Criminal Histories and Criminal Futures*, 39 CRIMINAL JUSTICE ETHICS 143 (2020) (invited review essay on RICHARD S. FRASE & JULIAN V. ROBERTS, PAYING FOR THE PAST: THE CASE AGAINST PRIOR RECORD SENTENCE ENHANCEMENTS (Oxford 2019))
- *State Punishment and Meaning in Life*, 71 RUTGERS UNIVERSITY LAW REVIEW 945 (2019) (invited comment on LEO ZAIBERT, RETHINKING PUNISHMENT (Cambridge 2018))
- *What is Philosophy of Criminal Law?*, 8 CRIMINAL LAW AND PHILOSOPHY 671 (2014) (invited review essay on JOHN DEIGH & DAVID DOLINKO EDS., THE OXFORD HANDBOOK OF PHILOSOPHY OF CRIMINAL LAW (Oxford 2011))

- *The Purposes of Punishment Test*, 23 FEDERAL SENTENCING REPORTER 58 (2010)
- *Desert and the Eighth Amendment*, 11 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 101 (2008)
- *Punishment as Reluctant Moralism*, 1 CRIMINAL LAW & PHILOSOPHY 227 (2007) (invited review essay on ANDREW VON HIRSCH & ANDREW ASHWORTH, *PROPORTIONATE SENTENCING: EXPLORING THE PRINCIPLES* (Oxford 2005))
- *Valuing Autonomy*, 75 FORDHAM LAW REVIEW 2973 (2007)
- *Judicial Regulation of Excessive Punishments through the Eighth Amendment*, 18 FEDERAL SENTENCING REPORTER 234 (2006)

### **PUBLICATIONS: COMMENTS AND SHORT REVIEWS**

- *Review of LEO ZAIBERT, RETHINKING PUNISHMENT* (Cambridge 2018), CRIMINAL LAW AND CRIMINAL JUSTICE BOOKS (July 2019)
- *Review of MATTHEW DYSON ED., UNRAVELING TORT AND CRIME* (Cambridge 2014), CRIMINAL LAW AND CRIMINAL JUSTICE BOOKS (March 2016)
- *Review of HYMAN GROSS, CRIME AND PUNISHMENT: A CONCISE MORAL CRITIQUE* (Oxford 2012), 10 JOURNAL OF MORAL PHILOSOPHY 103 (2015)
- *Federalism and the Eighth Amendment*, 98 IOWA LAW REVIEW BULLETIN 69 (2013) (comment on Michael J. Zydney Mannheimer, *Cruel and Unusual Federal Punishments*, 98 IOWA LAW REVIEW 69 (2012))
- *Valuing Privacy*, 81 FORDHAM LAW REVIEW 1217 (2012) (comment on Anita L. Allen, *Natural Law, Slavery, and the Right to Privacy Tort*, 81 FORDHAM LAW REVIEW 1187 (2012))
- *Desert, Deontology, and Vengeance*, 42 ARIZONA STATE LAW JOURNAL 1141 (2011) (comment on Paul H. Robinson, *The Ongoing Revolution in Punishment Theory: Doing Justice as Controlling Crime*, 42 ARIZONA STATE LAW JOURNAL 1089 (2011))
- *Keeping Desert Honest*, in CRIMINAL LAW CONVERSATIONS 49 (Paul Robinson, et al. eds., Oxford 2009)
- *Comment, Excessive Fines Clause*, 112 HARVARD LAW REVIEW 152 (1998)
- *Review of DUNCAN KENNEDY, A CRITIQUE OF ADJUDICATION* (Harvard 1997), 111 HARVARD LAW REVIEW 2117 (1998)

### **PRESENTATIONS: PAPERS**

- “Criminalizing Disobedience”
  - Fordham Law School Faculty Workshop, September 7, 2023

- Maastricht Law and Philosophy Seminar, October 20, 2021
- “Beyond a Reasonable Doubt and Intime Conviction” (with Kai Ambos)
  - Core-Concepts in Criminal Justice: Anglo-German Dialogue Project, University of Sussex, July 29, 2022
  - Conference on Presumption of Innocence, University of Lisbon School of Law, April 27, 2022
- “Foreign Relations and Criminal Culpability”
  - Roundtable on Global and Criminal Justice, Boston College School of Law, May 2022
- “Moral Wrongs, Criminal Wrongs, and *Mala Prohibita*”
  - Conference on Desert, Centre for Moral and Political Philosophy, Hebrew University, June 24, 2021
- “Defending, Resistance, and Obedience”
  - Criminal Defending Conference, University of Illinois College of Law, December 3, 2020
- “*Mala Prohibita* and the Wrongfulness Constraint”
  - Conference on Douglas Husak’s Contribution to Criminal Law and Philosophy, Rutgers University, November 6, 2020
- “*Mala Prohibita* and Proportionality”
  - Conference on Proportionality in the Criminal Law, Georgetown Law Center, August, 2020
  - Symposium on R.A. Duff, *The Realm of Criminal Law*, King’s College London, January 30, 2020
  - Oxford Jurisprudence Discussion Group, University of Oxford, January 28, 2020
- “Proportionality in Punishment”
  - Criminal Justice Roundtable, Yale Law School, April 26 & 27, 2019
  - Yonsei Workshop on Theorizing Constitutionalism, February 25, 2019
  - Workshop on *Palgrave Handbook of Applied Ethics and the Criminal Law*, September 13-14, 2018, University of Virginia School of Law (canceled due to Hurricane Florence)
- “The Criminal Jury and Moral Judgements”
  - University of Connecticut School of Law Faculty Workshop, April 4, 2018
  - Fordham Law School Faculty Workshop, March 30, 2017
  - Philosophical Perspectives on Criminal Procedure, Osgoode Hall Law School, November 4-6, 2016
- “Reasonable Doubt and Disagreement”
  - CrimFest, Cardozo Law School, July 10-12, 2016
  - International Society of Public Law 2016, Berlin, June 18, 2016

- Criminal Law and Criminal Justice Theory Forum, London School of Economics, December 9, 2015
- Conference on Deep Disagreements: Philosophical and Legal Perspectives, Humboldt University, Berlin, June 11-13, 2015
- “Multiple Offenders and the Question of Desert”
  - Colloquium on Sentencing Multiple Offenders: Theoretical and Applied Perspectives, Centre for Criminology, University of Oxford, December 10-12, 2015
- “Retribution and Overpunishment”
  - Conference on A Logic from Hell: Fundamental Critiques of Punishment, Harvard Law School, April 11, 2015
- “Reasonable Doubt and Moral Elements”
  - New Voices in Legal Theory Workshop, Loyola Law School, Los Angeles, March, 2015
  - Saint Louis University School of Law Faculty Workshop, September 24, 2014
  - International Society of Public Law 2014, Florence, June 27, 2014
  - Southern Methodist University Criminal Justice Colloquium, January 24, 2014
  - Fordham Law School Faculty Workshop, September 12, 2013
  - Law and Society Association Annual Meeting 2013, May 30, 2013
  - Boston University Law School Faculty Workshop, February 28, 2013
  - Harvard Law School Criminal Justice Workshop, February 26, 2013
  - Harvard Law School Faculty Workshop, December 3, 2012
- “Why Proportionality Matters”
  - Conference on Proportionality in Theory and Practice, Goethe-University Frankfurt, June 14-15, 2012
  - Conference on The Future of Sentencing Law: Rhetoric and Reality, University of Pennsylvania Law School, October 28, 2011
- “Military Veterans, Culpability, and Blame”
  - Columbia Law School Criminal Law Roundtable, May 4, 2012
  - NYU Criminal Law Theory Colloquium, March 26, 2012
  - Fordham Law School Faculty Workshop, November 18, 2011
- “Otherwise Innocent: The Defense of Entrapment and the Question of Innocence”
  - Conference on Presumption of Innocence, University of Aberdeen, February 24-25, 2012
- “Punishing Disloyalty?: Treason, Espionage, and the Transgression of Political Boundaries”
  - Arizona State University College of Law Faculty Workshop, October 3, 2011
  - UCLA School of Law Faculty Colloquium, February 11, 2011
  - Florida State University Law School Faculty Workshop, November 2, 2010
  - Conference on the Boundaries of Criminal Law, Queen’s University, September 7-8, 2010
  - University of Chicago Law School Work-in-Progress Seminar, November 12, 2009
  - Fordham Law School Faculty Workshop, September 24, 2009

- “Deontology, Political Morality, and the State”
  - Jurisprudence Section Program on Choice of Evils, 2011 AALS Annual Meeting, January 7, 2011
  - Law & Society Symposium, Charleston Law Review, Charleston Law School, February 19, 2010
- “Recidivism as Omission”/“Repeat Offenders and the Question of Desert”
  - Colloquium on Previous Convictions at Sentencing: Theoretical and Applied Perspectives, Centre for Criminology, University of Oxford, April 3-4, 2009
  - Conference on The Evolution of Criminal Law Theory, Rutgers Institute for Law and Philosophy, May 30-31, 2008
  - Colloquium on the Role of Previous Convictions in Criminal Sentencing: Normative and Legal Issues in International Perspective, Center for Penal Theory and Ethics, University of Cambridge, May 9-10, 2008
  - Fordham Law School Faculty Workshop, March 23, 2008
- “The Defense of Necessity and Powers of the Government”
  - Conference on Criminal Law in Times of Emergency, Hebrew University, May 23-24, 2008
- “Desert and the Eighth Amendment”
  - Symposium on “Cruel and Unusual Punishment: Litigating under the Eighth Amendment,” University of Pennsylvania Journal of Constitutional Law, University of Pennsylvania Law School, February 15-16, 2008
- “International Consensus as Persuasive Authority in the Eighth Amendment”
  - Workshop on Comparative Constitutionalism, XXIII World Congress of Philosophy of Law and Social Philosophy, Krakow, Poland, August 4, 2007
  - Joint Annual Meeting of the Law and Society Association and the Research Committee on Sociology of Law, Berlin, Germany, July 28, 2007
  - Fordham Law School Faculty Workshop, November 16, 2006
- “Valuing Autonomy”
  - Symposium on Minimalism and Perfectionism in Constitutional Theory, Fordham Law School, December 8, 2006
- “Law, Politics, and Impeachment: The Impeachment of Roh Moo-Hyun from a Comparative Constitutional Perspective”
  - International Forum on Korean Studies, Institute of Korean Culture, Korea University, Seoul, Korea, July 6, 2006
  - Seminar on Theoretical Foundations of Constitutionalism, NYU School of Law, New York, NY, September 3, 2004

**PRESENTATIONS: COMMENTARIES**

- On Tommie Shelby, *The Idea of Prison Abolition*, AALS Annual Meeting, Section on Jurisprudence, January 5, 2023
- On Leo Zaibert, *Rethinking Punishment*, Symposium on Leo Zaibert's *Rethinking Punishment*, Rutgers School of Law-Newark, September 21, 2018
- Discussant, Conference on Theorizing Criminal Law Reform, Rutgers School of Law-Newark, April 21-22, 2017
- On Alon Harel, *Why Law Matters*, Symposium on Alon Harel's *Why Law Matters*, Rutgers School of Law-Newark, October 25, 2014
- On Victor Tadros, *The Ends of Harm*, Roundtable on Victor Tadros' *The Ends of Harm: The Moral Foundations of Criminal Law*, Harvard Law School, April 24, 2013
- On Malcolm Thorburn, "Form and Function in (Criminal) Law," Conference on Criminalizing and Criminalized States, Osgoode Hall Law School, November 9-10, 2012
- On Deborah Denno, "Courts' Increasing Consideration of Behavioral Genetics Evidence in Criminal Cases," Fordham Law School Faculty Retreat, May 24, 2012
- On Anita Allen, "The Natural Law Origins of the American Right to Privacy," Natural Law Colloquium, Fordham Law School, March 28, 2012
- On Kimberly Ferzan, "Provocateurs," Legal Theory Workshop, Fordham Law School, February 6, 2012
- Discussant, Actio Libera in Causa, Institute of Law and Philosophy, University of Pennsylvania Law School, December 8-9, 2011
- On Jules Coleman, "Blameworthiness and Time," Legal Theory Workshop, Fordham Law School, December 6, 2011
- On Conceptualizing Retributivism, Conference on the Retributivist Tradition and Its Future, St. John's School of Law, November 4, 2011
- On Peter de Marneffe, "Vice Laws and Self-Sovereignty," Workshop on Vice and Crime, Rutgers University School of Law-Newark, September 16, 2011
- Discussant, Conference on Sentencing Principles and Procedures, University of Minnesota Law School, April 28-April 30, 2011
- On Douglas Husak, "The De Minimis 'Defense' to Criminal Liability," Conference on Philosophical Foundations of Criminal Law, Rutgers School of Law-Newark, September 26, 2009
- On Stuart Green, "Just Deserts in Unjust Societies: An Offense-Specific Approach," Conference on Philosophical Foundations of Criminal Law, Rutgers School of Law-Newark, September 26, 2009



- Discussant, Conference on the Boundaries of Criminal Law, University of Warwick, March 20-21, 2009
- On Douglas Husak, “Paternalism and Consent,” Workshop on Foundational Issues in the Philosophy of Criminal Law, XXIII World Congress of Philosophy of Law and Social Philosophy, Krakow, Poland, August 6, 2007
- On Michael S. Moore, “The Agency in Agent-Relative Morality,” Fordham Natural Law Colloquium, Fordham University School of Law, New York, NY, November 8, 2005

### **ACADEMIC SERVICE**

- Editorial Board
  - *Law and Philosophy*
  - *Criminal Law and Philosophy*
- Referee
  - *Legal Theory; Modern Law Review; Philosophical Studies; Synthese; Journal of Applied Philosophy; Journal of Ethics; New Criminal Law Review; Ratio Juris; International Journal of Constitutional Law; Res Philosophica; Harvard Law Review; Yale Law Journal; Stanford Law Review; Columbia Law Review; Criminal Law Forum; Law, Ethics, and Philosophy; Theoretical Criminology; Law and Social Inquiry; Social Science Research; International Criminal Justice Review; International Journal of Evidence and Proof; Quaestio Facti*
  - Oxford University Press; Rowman and Littlefield International
  - Top law faculties around the world for appointment, promotion, tenure decisions
- Invited Nominator
  - Inamori Foundation Kyoto Prize in Arts and Philosophy (2016 & 2019)
- Workshops
  - Organizer, New York Criminal Law Theory Discussion Group, 2016-2020
  - Co-Convener (rotating), Legal Theory Workshop, Fordham Law School, 2011-present
  - Organizer, “Difference, Disagreement, and the Problem of Legitimacy in Criminal Law,” International Society of Public Law, 2016 Conference, Berlin, June 18, 2016
  - Organizer, “Political Philosophy of Crime and Punishment” and “Reasonable Doubt: Philosophy & Politics,” International Society of Public Law, Florence, June 27, 2014

### **SELECTED COMMITTEE WORK**

- Chair, Faculty Appointments (2013-2015); Member, Faculty Appointments (2006-2007)
- Chair, Distinguished Visitors (2018-present); Member, Distinguished Visitors (Fall 2010)
- Scholarship (2015-present, 2011-2012, 2010, 2006-2008)
- Retention, Tenure, and Promotion: Subcommittee on Scholarship (2013-2014)
- Curriculum and Academic Standards (2011-2012, 2007-2008, 2005-2006)

**PROFESSIONAL MEMBERSHIPS**

- Admitted to New York State Bar
- American Philosophical Association
- American Society for Political and Legal Philosophy

**LEGAL EMPLOYMENT**

**Jenner & Block, Washington, DC**

- Litigation Associate 2002-2003

**U.S. Department of Justice, Civil Division, Federal Programs Branch**

- Trial Attorney (Honors Program) 2000-2002

**Judge Judith W. Rogers, U.S. Court of Appeals for the D.C. Circuit**

- Judicial Law Clerk 1999-2000