

JOHN F. K. OBERDIEK

Rutgers University School of Law – Camden
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Academic Appointments

- 2004-present Rutgers University School of Law, Camden, NJ
Acting Dean, 2014-present
Professor of Law, 2010-present (tenure and promotion granted simultaneously)
Associate Graduate Faculty, Rutgers–New Brunswick Department of Philosophy
Co-Director, Rutgers Institute for Law and Philosophy
- Past positions: *Vice Dean, 2012-2014; Director of Faculty Research, 2011-2012;*
Associate Professor of Law, 2007-2010; Assistant Professor of Law, 2004-2007
- Courses taught: Torts; Administrative Law; Tort Theory; Contemporary Jurisprudence; Law, Justice, and Society; Principles of Regulation; Democracy, Legitimacy, and the Modern Administrative State; Legal and Moral Responsibility (Department of Philosophy-New Brunswick graduate seminar, co-taught with Doug Husak)
- Spring 2012 Visiting Professor of Law, University of Graz, Austria
- 2005-2006 Princeton University, Princeton, NJ
Laurance S. Rockefeller Visiting Fellow, University Center for Human Values Fellow, Program in Ethics and Public Affairs

Education

- 1998-2003 University of Pennsylvania
Ph.D. Philosophy, August 2003
J.D. May 2002
Co-Supervisors: Stephen Perry and Samuel Freeman
Readers: Matthew Adler and Rahul Kumar
Dissertation: “The Morality of Risking: Normative Foundations of Risk Regulation”
- 1996-1998 New York University
M.A. Philosophy, May 1998
Supervisor: Frances Kamm
Reader: Liam Murphy
Thesis: “Justice as Impartiality: An Offer You Can’t (Reasonably) Refuse?”

- 1995-1996 Oxford University
 Graduate in Philosophy, Balliol College
Supervisor: Joseph Raz
- 1991-1995 Middlebury College
 B.A. Philosophy, May 1995
Supervisor: Stanley Bates
Thesis: "Legal Interpretation: The Problem of Determinacy in Legal Reasoning"
Study Abroad: Oxford University, Lady Margaret Hall, January-June 1994

Publications

Books:

- Philosophical Foundations of the Law of Torts* (Oxford: Oxford University Press, 2014)
 Edited volume of nineteen specially commissioned essays in tort theory, appearing in Oxford's Philosophical Foundations of Law series.
- Arguing About Law* (New York: Routledge, 2009) (co-edited with Aileen Kavanagh)
 600-page anthology of leading articles in philosophy of law with significant editorial content, appearing in Routledge's *Arguing About Philosophy* series.

Articles and Chapters:

- "Putting (and Keeping) Proximate Cause in its Place," in Kimberly Kessler Ferzan and Stephen Morse (eds.), *Legal, Moral, and Metaphysical Truths: The Philosophy of Michael S. Moore* (Oxford: Oxford University Press, forthcoming 2015) (with a reply by Moore)
- "The Ideal of Justice," 5 *Jurisprudence* __ (forthcoming 2014) (symposium on Amartya Sen's *The Idea of Justice*, with a reply by Sen)*
- "Structure and Justification in Contractualist Tort Theory," in John Oberdiek (ed.), *Philosophical Foundations of the Law of Torts* (Oxford: Oxford University Press, 2014)
- "Introduction: Philosophical Foundations of the Law of Torts," in John Oberdiek (ed.), *Philosophical Foundations of the Law of Torts* (Oxford: Oxford University Press, 2014)
- "Foreword: Sen's Idea of Justice," 43 *Rutgers Law Journal* 167 (2012) (symposium foreword)
- "The Moral Significance of Risking," 18 *Legal Theory* 339 (2012) (symposium)*
- "Method and Morality in the New Private Law of Torts," 125 *Harvard Law Review Forum* 189 (2012) (symposium)
- "Philosophy of Law: Normative Foundations," in Duncan Pritchard (ed.), *Oxford Bibliographies Online: Philosophy* (Oxford, 2012) (solicited)

“Specifying Constitutional Rights,” 26 *Constitutional Commentary* 231 (2010) (solicited)*

“Risk,” in Dennis Patterson (ed.), *A Companion to Philosophy of Law and Legal Theory, Second Edition* (Oxford: Wiley-Blackwell, 2010)(solicited)

“Towards a Right Against Risking,” 28 *Law and Philosophy* 367 (2009)*

“Philosophical Issues in Tort Law,” 3 *Philosophy Compass* 734 (2008) (solicited)*

“What’s Wrong with Infringements (Insofar as Infringements are Not Wrong): A Reply,” 27 *Law and Philosophy* 293 (2008)*

“Specifying Rights Out of Necessity,” 28 *Oxford Journal of Legal Studies* 1 (2008)*, reprinted in A. M. Viens and Michael J. Selgelid (eds.), *Emergency Ethics: Volume I* (Ashgate 2012)

“Culpability and the Definition of Deontological Constraints,” 27 *Law and Philosophy* 105 (2008)*

“Moral Evaluation and Conceptual Analysis in Jurisprudential Methodology,” in Michael Freeman and Ross Harrison (eds.) *Current Legal Issues: Law and Philosophy* (Oxford University Press, 2007) (with Dennis Patterson)*

Book Review: *Law and Risk*, Law Commission of Canada (ed.), 44 *Osgoode Hall Law Journal* 590 (2006) (solicited)

“The Ethics in Risk Regulation: Towards a Contractualist Re-Oriented,” 36 *Rutgers Law Journal* 199 (2004) (symposium)

“Lost in Moral Space: On the Infringing/Violating Distinction and its Place in the Theory of Rights,” 23 *Law and Philosophy* 325 (2004)*

“Reasons, Motivation, and Sexism: Commentary on Robertson’s ‘Preconception Sex Selection,’” 1 *The American Journal of Bioethics* 38 (2001)*

* denotes peer-reviewed publication

Work in Progress:

Imposing Risk: A Normative Framework (book under contract with Oxford University Press, for inclusion in the *Oxford Legal Philosophy* series edited by Timothy Endicott, John Gardner, and Leslie Green)

“Perfecting Distributive Justice” (under review)

Invited Presentations

“Imposing Risk”

Moral Values and Private Law III, Kings College London, June 13, 2014

“Structure and Justification in Contractualist Tort Theory,”

Yale Law School Law and Philosophy Speaker Series, October 8, 2013

“Method and Morality in the New Private Law of Torts”

Harvard Law Review symposium The New Private Law, October 21, 2012 (commenting on Benjamin Zipursky’s “Palsgraf, Punitive Damages, and Preemption”)

“The Moral Significance of Risking”

University of Pennsylvania Law and Philosophy Colloquium, November 14, 2012

University of Graz, Austria, Department of Philosophy, June 19, 2012

NIH, Department of Bioethics Joint Colloquium, May 25, 2011

UCLA Legal Theory Workshop, UCLA School of Law, January 28, 2010

University Center for Human Values Fellows Seminar, Princeton University, September 28, 2005

“Choice, Value, and the Perfection of Distributive Justice/Perfecting Distributive Justice”

Human Values Forum, Princeton University, October 6, 2014

Society for Ethical Theory and Political Philosophy, Northwestern University, April 25, 2009 (Andrew Koppelman, Northwestern School of Law, commentator)

Toronto Legal Theory Workshop, University of Toronto Law School, November 21, 2008

13th Annual Analytic Legal Philosophy Conference, Yale Law School, April 11, 2008

“Specifying Rights Out of Necessity”

Vanderbilt University Law School, February 6, 2007

University of Illinois College of Law, December 7, 2006

“The New Methodology Debate”

University College London conference Law and Philosophy, July 3, 2006 (with Dennis Patterson)

“Towards a Right Against Risking”

Rutgers Institute for Law and Philosophy conference The Boundaries of Rights and Responsibilities in Morality and Law, May 22, 2006

“Necessity, Compensation, and the Nature of Property Rights: What Wrong with *Vincent v. Lake Erie*”

Seton Hall Law School, October 10, 2005

“When is a Bystander Just a Bystander?”

Society for Applied Philosophy International Congress 2005 conference Applied Philosophy 25 Years On: Problems and Prospects, St. Anne’s College, Oxford, England, July 2, 2005, commenting on Claire Valier’s “Responsibility in Legal and Moral Philosophy”

“Constraints, Culpability, and Justification”

Rutgers Institute for Law and Philosophy conference Justifications and Excuses: Legal and Philosophical Perspectives, May 18, 2004 (commenting on Michael S. Moore’s “When We May Balance Evils”)

“Towards an Irresponsible Theory of Distributive Justice”

American Philosophical Association – Eastern Division, Washington, D.C., December 30, 2003 (Anita Silvers, San Francisco State University, commentator)

Inland Northwest Philosophy Conference: Law and Social Justice, Moscow, ID, April 6, 2002 (Mark Alfino, Gonzaga University, commentator)

Academic Honors and Awards

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| 2005-2006 | Laurence S. Rockefeller Visiting Fellowship in the University Center for Human Values at Princeton University |
| 2005-2006 | Fellow in the Program in Ethics and Public Affairs at Princeton University |
| 2002 | Fred G. Leebron Memorial Prize in Constitutional Law, conferred on the graduating law student “who has written the best paper in the field of constitutional law.” |
| 2001 | Penn Prize for Excellence in Teaching by Graduate Students |
| 2000-2002 | Associate and Senior Editor, <i>University of Pennsylvania Journal of Constitutional Law</i> |
| 1998-2002 | University of Pennsylvania Law and Philosophy Joint-Degree Fellowship |
| 1996-1998 | New York University Department of Philosophy Master’s degree scholarship |
| 1995 | John T. Andrews Prize in Philosophy, conferred on the College senior “who, in the judgement of the Department, is the best philosopher among his/her peers.” |
| 1995 | High Honors in Philosophy for thesis, “Legal Interpretation: The Problem of Determinacy in Legal Reasoning” |
| 1995 | First Prize Paper, “How Foolish is the Foole? Hobbes and Gauthier on Compliance,” at Tufts University’s New England Undergraduate Philosophy Conference |

Conferences, Symposia, and Roundtables

North American Workshop on Private Law Theory, October 17-18, 2014, Harvard Law School, Cambridge, MA (invited)

Moral Values and Private Law III, June 12-13, 2014, King's College London Dickson Poon School of Law, London, England (presenter)

North American Workshop on Private Law Theory, October 4-5, 2103, McGill University Faculty of Law, Montreal, Quebec (invited)

Analytic Legal Philosophy Conference, March 1-2, 2013, University of Miami School of Law, Miami, FL (invited)

Rutgers Institute for Law and Philosophy conference Philosophical Foundations of the Law of Torts, November 2-3, 2012, Camden, NJ (organizer)

Rutgers Institute for Law and Philosophy conference Law and Neuroscience, September 7-8, 2012, Camden, NJ (panel chair)

Analytic Legal Philosophy Conference, April 20-21, 2012, Yale Law School, New Haven, CT (invited)

Rutgers Institute for Law and Philosophy conference Victor Tadros' The Ends of Harm, April 6-7, 2012, Camden, NJ (invited)

Harvard Law Review symposium The New Private Law, October 21, 2011, Harvard Law School, Cambridge, MA (commentator on Benjamin Zipursky)

Rutgers Institute for Law and Philosophy conference Sen's Idea of Justice, April 15-16, 2011, Camden, NJ (organizer)

Rutgers Institute for Law and Philosophy conference Causation and Responsibility, August 27, 2010, Camden, NJ (invited)

Analytic Legal Philosophy Conference, April 15-16, 2010, NYU School of Law, New York, NY (invited)

Association of American Law Schools annual meeting, Scholarship section on The Movement Towards Peer-Review Law Journals, January 9, 2010, New Orleans, LA (section and panel chair)

American Philosophical Association, Eastern Division Meeting, session on Responsibility and the Law, December 27, 2009, New York, NY (panel chair)

Northeastern Political Science Association annual conference panel *Citizenship in the Liberal State*, November 20, 2009, Philadelphia, PA (commentator on Stephen Macedo, Kyla Ebels-Duggan, and Eric Beerbohm)

Rutgers Institute for Law and Philosophy roundtable *Ignorance of Law*, November 13-14, 2009, Camden, NJ (invited)

University of San Diego Institute for Law and Philosophy roundtable *Philosophy of Tort Law*, October 2-3, 2009, San Diego, CA (invited)

14th Annual Analytic Legal Philosophy Conference, May 22-24, 2009, King's College London, England, (invited)

Society for Ethical Theory and Political Philosophy annual conference, April 23-25, 2009, Northwestern University, Evanston, IL (presenter)

Rutgers Institute for Law and Philosophy conference *Human Rights in Theory and Practice*, October 2-3, 2008, Camden, NJ (organizer)

Rutgers Institute for Law and Philosophy conference *Law as a Practice*, June 6, 2008, Camden, NJ (invited)

13th Annual Analytic Legal Philosophy Conference, April 11-12, 2008, Yale Law School, New Haven, CT (presenter)

Rutgers Institute for Law and Philosophy conference *F. M. Kamm's Intricate Ethics*, February 22-23, 2008, Camden, NJ (co-organizer)

New York University Law School conference *The 50th Anniversary of the Hart-Fuller Debate*, February 1-2, 2008, New York, NY

Law and Philosophy Institutes Consortium roundtable *The Reasonable*, November 2-3, 2007, Manchester, VT (co-organizer)

Rutgers Institute for Law and Philosophy conference *Global Justice*, May 5, 2007, Camden, NJ (co-organizer)

12th Annual Analytic Legal Philosophy Conference, April 13-14, 2007, University of California, Berkeley School of Law – Boalt Hall, Berkeley, CA (invited)

Law and Philosophy Institutes Consortium roundtable *The Relation Among Retributive, Distributive, and Corrective Justice*, March 30-31, 2007, Boerne, TX (invited)

University of Pennsylvania Program in Philosophy, Politics and Economics conference *Justice and the Social Contract*, March 24, 2007, Philadelphia, PA (panel chair)

University of Illinois College of Law Program in Law and Philosophy roundtable *Causation and Responsibility*, November 3-4, 2006, Mt. Hood, OR (invited)

University College London conference *Law and Philosophy*, July 3-4, 2006, London, England (presenter)

Rutgers Institute for Law and Philosophy conference *The Boundaries of Rights and Responsibilities in Morality and Law*, May 21-23, 2006, Philadelphia, PA (co-organizer and presenter)

11th Annual Analytic Legal Philosophy Conference, April 7-8, 2006, UCLA School of Law, Los Angeles, CA (invited)

Law and Philosophy Institutes Consortium roundtable *Intention and Responsibility*, January 20-21, 2006, Death Valley, CA (invited)

Society for Applied Philosophy International Congress 2005 conference *Applied Philosophy 25 Years On: Problems and Prospects*, July 1-3, 2005, St. Anne's College, Oxford, England (panel chair and commentator on Claire Valier Grant)

Rutgers Institute for Law and Philosophy conference *The Challenge of Philosophical Naturalism*, June 7, 2005, Camden, NJ (co-organizer and panel chair)

XXII World Congress of Philosophy of Law and Social Philosophy conference *Law and Justice in a Global Society*, May 24-29, 2005, Grenada, Spain

10th Annual Analytic Legal Philosophy Conference, April 8-9, 2005, University of Texas-Austin School of Law, Austin, TX (invited)

University of Pennsylvania Institute for Law and Philosophy symposium *Risk and the Law*, March 18-19, 2005, Philadelphia, PA (invited)

University of Pennsylvania Institute for Law and Philosophy symposium *Kant and the Law*, September 10, 2004, Philadelphia, PA (invited)

Rutgers Institute for Law and Philosophy conference *Justifications and Excuses: Legal and Philosophical Perspectives*, May 17-18, 2004, Camden, NJ (commentator on Michael S. Moore)

University of Illinois College of Law Program in Law and Philosophy roundtable *Liberty*, May 7-8, 2004, Champaign, IL (invited)

American Philosophical Association, Eastern Division Meeting, December 27-30, 2003, Washington, DC (presenter)

Rawls and the Law, November 7-8, 2003, Fordham University School of Law, New York, NY

Inland Northwest Philosophy Conference: Law and Social Justice, April 5-7, 2002, University of Idaho, Moscow, ID (presenter)

Professional Service and Memberships

Law and Philosophy, Co-Editor in Chief, 2012-present; Associate Editor, 2009-2012

Legal Theory, Editorial Board, 2013-present

Rutgers University School of Law – Camden, Acting Dean, 2014-present; Vice Dean, 2012-2014; Director of Faculty Research, 2011-2012; Appointments Committee, 2011-present; Committee on Speakers, 2004-2009 (Chair, 2008-09); External Affairs Committee, 2008-present (Co-Chair, 2008-2010); Educational Policy Committee, 2009-present; National Moot Court Team, Faculty Advisor, 2006. Also: Rutgers University Senator, 2014-present; Governance and Structure Committee, 2014-present.

New Jersey Bar tort law expert writing model torts answer for the state Bar Exam, July 2005-2010

American Association of Law Schools Scholarship Section, 2004-2009 (Chair, 2009); Jurisprudence Section, 2006-2008 (Chair, 2008)

Referee, *Law and Philosophy* (2004-present), *Legal Theory* (2005-present), Routledge (2007-present), *Ethical Theory and Moral Practice* (2010-present), *Oxford Journal of Legal Studies* (2010-present), *Ethics* (2012-present), Oxford University Press (2012-present), *Modern Law Review* (2013-present); Cambridge University Press (2014-present)

Philamore Moral and Political Philosophy Reading Group, 2005-present

District of Columbia Bar member (inactive status), 2003-present

Pennsylvania Bar member (inactive status), 2002-present

Legal Employment and Other Experience

2002-2004 Arnold & Porter LLP, Washington, D.C.
Associate, Legislative and Public Policy Practice Group

2001 Arnold & Porter LLP, Washington, D.C.
Summer Associate

2000-2002 University of Pennsylvania, Department of Philosophy, Philadelphia, PA
Teaching Assistant

2000-2001 American Journal of Bioethics, Philadelphia, PA
Managing Editor

- 2000 The Honorable Dolores K. Sloviter
United States Court of Appeals for the 3d Circuit, Philadelphia, PA
Summer Judicial Intern
- 1996-1998 New York University, Department of Philosophy, New York, NY
Teaching Assistant
- 1996-1997 New York Civil Rights Coalition, New York, NY
Volunteer Teacher
- 1995-1996 Oxford University Civil Liberties Society, Oxford, UK
Co-President
- 1993 & 1994 Woodrow Wilson International Center for Scholars, Washington, D.C.
Summer Researcher