# JOHN F. K. OBERDIEK

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## **Academic Appointments**

2004-present Rutgers University School of Law, Camden, NJ

*Professor of Law, 2010-present* (tenure and promotion granted simultaneously)

Vice Dean, 2012-present

Associate Graduate Faculty, Rutgers-New Brunswick Department of Philosophy

*Co-Director*, Rutgers Institute for Law and Philosophy

Past positions: Director of Faculty Research, 2011-2012; Associate Professor of Law,

2007-2010; Assistant Professor of Law, 2004-2007

Courses taught: Torts; Administrative Law; Contemporary Jurisprudence; Law, Justice, and Society; Principles of Regulation; Tort Theory; Democracy, Legitimacy, and the Modern Administrative State; Legal and Moral Responsibility (Department of Philosophy-New Brunswick graduate seminar, co-taught with Doug Husak)

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, forthcoming 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:

"Structure and Justification in Contractualist Tort Theory," in John Oberdiek (ed.), *Philosophical Foundations of the Law of Torts* (Oxford: Oxford University Press, forthcoming 2014)

"Introduction: Philosophical Foundations of the Law of Torts," in John Oberdiek (ed.), *Philosophical Foundations of the Law of Torts* (Oxford: Oxford University Press, forthcoming 2014)

"The Ideal of Justice," 4 Jurisprudence \_ (forthcoming 2013) (symposium)\*

"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-Orientation," 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**

"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 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"

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 13<sup>th</sup> 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; David Crocker, University of Maryland, moderator

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

#### **Academic Honors and Awards**

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 at	First Prize Paper, "How Foolish is the Foole? Hobbes and Gauthier on Compliance," Tufts University's New England Undergraduate Philosophy Conference

# Conferences, Symposia, and Roundtables

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

Analytic Legal Philosophy Conference, March 1-2, 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' <u>The Ends of Harm</u>, 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)

14<sup>th</sup> 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)

13<sup>th</sup> 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 <u>Intricate Ethics</u>, February 22-23, 2008, Camden, NJ (co-organizer)

*New York University Law School* conference *The 50<sup>th</sup> 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 (coorganizer)

12<sup>th</sup> 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)

11<sup>th</sup> 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

10<sup>th</sup> 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

Rutgers University School of Law – Camden Vice Dean, 2012-present; 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

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)

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 <i>Teaching Assistant</i>
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