

## JOHN OBERDIEK

Rutgers Law School  
217 North 5<sup>th</sup> Street  
Camden, New Jersey 08102  
oberdiek@law.rutgers.edu  
(856) 225-6513

### Academic Appointments

- 2004-present     **Rutgers Law School**, Camden, NJ  
*Distinguished Professor of Law, 2020-present*  
*Associate Graduate Faculty*, Rutgers–New Brunswick Department of Philosophy  
*Co-Director*, Rutgers Institute for Law and Philosophy
- Past positions  
*Faculty: Professor of Law, 2010-2020; Associate Professor of Law, 2007-2010; Assistant Professor of Law, 2004-2007*  
*Administrative: Acting Dean/Acting Co-Dean, 2014-2016; Vice Dean, 2012-2014; Director of Faculty Research, 2011-2012*
- Courses taught  
*Law School: Torts; Tort Theory; Contemporary Jurisprudence; Law, Justice, and Society; Administrative Law; Principles of Regulation*  
*Department of Philosophy-New Brunswick: Legal and Moral Responsibility (graduate) and Philosophy of Law (undergraduate)*
- Spring 2012     **University of Graz**, Austria  
*Visiting Professor of Law*
- 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  
*Dissertation: "The Morality of Risking: On the Normative Foundations of Risk Regulation"*  
*Supervisors: Stephen Perry and Samuel Freeman*
- 1996-1998     **New York University**  
M.A. Philosophy, May 1998  
*Thesis: "Justice as Impartiality: An Offer You Can't (Reasonably) Refuse?"*  
*Supervisor: Frances Kamm*

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

### Publications

#### *Monograph:*

*Imposing Risk: A Normative Framework* (Oxford University Press, 2017)

#### *Edited Books:*

*Oxford Studies in Private Law Theory, Volume One* (Oxford University Press, 2020)(with Paul Miller)  
 Inaugural volume of biennial series with Oxford featuring eight original essays in private law theory.

*Civil Wrongs and Justice in Private Law* (Oxford University Press, 2020)(with Paul Miller)  
 Edited volume of twenty-one original essays in private law theory, appearing in the Oxford Private Law Theory series.

*Philosophical Foundations of the Law of Torts* (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* (Routledge, 2009)(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, Chapters, and Other Publications:*

Book Review: *Recognizing Wrongs*, John Goldberg and Benjamin Zipursky (Harvard University Press, 2020), *Notre Dame Philosophical Reviews*, 2020.06.32 (solicited)

"It's Something Personal: On the Relationality of Duty and Civil Wrongs," in Paul Miller and John Oberdiek (eds.), *Civil Wrongs and Justice in Private Law* (Oxford University Press, 2020)

"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 University Press, 2016) (with a reply by Moore)

"The Ideal of Justice," 5 *Jurisprudence* 363 (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 University Press, 2014)

“Introduction: Philosophical Foundations of the Law of Torts,” in John Oberdiek (ed.), *Philosophical Foundations of the Law of Torts* (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 University Press, 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* (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:*

*Tort Law in Principle* (book under contract with Cambridge University Press, for inclusion in the *Cambridge Introductions to Philosophy and Law* series)

“Relational Duty and Non-Relational Interests” (with Robert Mullins)

“The Wrong in Negligence”

“Wrongs, Remedies, and the Persistence of Reasons: Re-Examining the Continuity Thesis”

“Perfecting Distributive Justice”

**Invited Presentations**

“It’s Something Personal: On the Relationality of Duty and Civil Wrongs”

*Harvard Law School Private Law Workshop*, September 19, 2018

*Rutgers Institute for Law and Philosophy conference Civil Wrongs and Justice in Private Law Theory*, October 5, 2018

*North American Workshop in Private Law Theory, Yale Law School*, October 26, 2018

*Iowa College of Law Faculty Colloquium*, February 22, 2019

*Analytic Legal Philosophy Conference, Georgetown University Law Center*, June 1, 2019

*Imposing Risk: A Normative Framework*

*Georgetown University-University of Illinois roundtable, Georgetown University, Washington, DC*, November 2-3, 2018

*University of Warwick Centre for Ethics, Law and Public Affairs workshop, Coventry, UK*, November 11, 2016

“Imposing Risk” / “Imposing Risk and the Aims of Tort Theory”

*University of Virginia Legal Theory Workshop*, October 3, 2017

*Ontario Legal Philosophy Partnership conference, McMaster University*, May 8, 2015

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

“Principles of Precaution”

*University of Graz Institute of Philosophy conference Responding to an Uncertain Future: Normative Theories of Risk and Climate Change Policy*, June 22-23, 2017

- “Putting (and Keeping) Proximate Cause in its Place”  
*Queens Colloquium in Legal and Political Philosophy*, Kingston, Ontario, November 9, 2015
- “Risk and the Distribution of Options”  
*American Philosophical Association, Pacific Division Meeting*, Vancouver, April 1, 2015
- “Structure and Justification in Contractualist Tort Theory”  
*Yale Law School Law and Philosophy Colloquium*, 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  
*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)

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

### Academic Honors and Awards

2020	Lindback Foundation Award for Distinguished Teaching
2017	Greg Lastowka Memorial Award for Scholarly Excellence, Rutgers Law School
2017	Named a Fellow of the American Bar Foundation
2017	Elected to membership in the American Law Institute
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, University of Pennsylvania
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, Middlebury College
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 in Private Law Theory*, October 25-26, 2019, Western Law School, London, ON, Canada (invited)

*Oxford Studies in Private Law Theory* workshop, August 9-10, 2019, Notre Dame Global Gateway London, (co-organizer)

*Analytic Legal Philosophy Conference*, May 30-June 1, 2019, Georgetown University Law Center, Washington, DC (presenter)

*Rutgers Institute for Law and Philosophy* conference *Anthony Duff's The Realm of Criminal Law*, May 10-11, 2019, New Brunswick, NJ (invited)

*North American Workshop in Private Law Theory*, October 25-26, 2018, *Yale Law School*, New Haven, CDT (presenter)

*Georgetown University-University of Illinois* roundtable *Imposing Risk: A Normative Framework*, November 2-3, 2018, Georgetown University, Washington, DC (one of sixteen participants in roundtable on my book, *Imposing Risk*)

*Rutgers Institute for Law and Philosophy* conference *Civil Wrongs and Justice in Private Law*, October 5-6, 2018, Camden, NJ (organizer and presenter)

*Analytic Legal Philosophy Conference*, April 27-28, 2018, University of Toronto Law School, Toronto, ON, Canada (invited)

*North American Workshop on Private Law Theory*, December 1-2, 2017, USC Gould School of Law, Los Angeles (invited)

*University of Graz* conference *Responding to an Uncertain Future: Normative Theories of Risk and Climate Change Policy*, June 22-23, 2017, Graz, Austria (keynote)

*Analytic Legal Philosophy Conference*, April 20-21, 2017, University of Michigan Law School, Ann Arbor, MI (invited)

*University of Warwick Centre for Ethics, Law and Public Affairs* workshop on *Imposing Risk: A Normative Framework*, November 11, 2016, Coventry, England (respondent to six commentators on my book, *Imposing Risk*)

*North American Workshop on Private Law Theory*, November 4-5, 2016 Fordham Law School, New York, NY (invited)

*Analytic Legal Philosophy Conference*, April 15-16, 2016, University of Virginia School of Law, Charlottesville, VA (invited)

*Ontario Legal Philosophy Partnership* graduate student conference, May 8-9, 2015, McMaster University, Hamilton, Ontario, Canada (keynote)

*American Philosophical Association, Pacific Division Meeting*, panel on *The Distribution of Risk*, April 1, 2015, Vancouver, British Columbia, Canada (presenter)

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

*Human Values Forum*, October 6, 2014, Princeton University Center for Human Values, Princeton, NJ (presenter)

*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, Canada (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 *Michael Moore's 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*, panel 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)

*Association of American Law Schools* annual meeting, Jurisprudence section on *Authority and Obligation*, January 9, 2009, San Diego, CA (section and panel chair)

*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 Intricate Ethics*, 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 (co-organizer)

*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

*Oxford Studies in Private Law Theory*, Series Co-Editor, 2018-present

*Oxford Private Law Theory*, Series Co-Editor, 2018-present

*Legal Theory*, Editorial Board, 2013-present

American Law Institute, Member, 2017-present; Advisor to Restatement (Fourth) of Property, 2015-present

American Bar Foundation, Fellow, 2017-present

Rutgers Law School (chronological): Appointments Committee, 2011-12, 2015-16, 2018-19, 2019-2020 (co-chair); Budget and Planning Committee, 2018-2019; Tenure and Promotions Committee, 2017-18 (Chair); Acting Dean/Acting Co-Dean, 2014-2016; Vice Dean, 2012-2014; Director of Faculty Research, 2011-2012; Academic Policy Committee, 2009-2014 & 2017-18; External Affairs Committee, 2008-2014 (Co-Chair, 2008-2010); Committee on Speakers, 2004-2009 (Chair, 2008-09); National Moot Court Team, Faculty Advisor, 2006. Also: Rutgers University Senator, 2014-2016; University Governance and Structure Committee, 2014-2016.

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

Referee: *Analysis; Ergo; Ethical Perspectives; Ethical Theory and Moral Practice; Ethics; Harvard Law Review; Journal of Philosophy; Jurisprudence; Law and Philosophy; Legal Theory; Modern Law Review;*

*Oxford Journal of Legal Studies; Philosophical Studies; Philosophy, Politics, and Economics; Social Theory and Practice; Yale Law Journal; Bloomsbury Publishing; Cambridge University Press; Oxford University Press; Polity Press; Routledge*

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

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

Pennsylvania Bar member, 2002-2019

### **Legal Employment and Other Experience**

2002-2004	Arnold & Porter LLP, Washington, D.C. <i>Associate, Legislative and Public Policy Practice Group</i>
2001	Arnold & Porter LLP, Washington, D.C. <i>Summer Associate</i>
2000-2002	University of Pennsylvania, Department of Philosophy, Philadelphia, PA <i>Teaching Assistant</i>
2000-2001	American Journal of Bioethics, Philadelphia, PA <i>Managing Editor</i>
2000	The Honorable Dolores K. Sloviter United States Court of Appeals for the 3d Circuit, Philadelphia, PA <i>Summer Judicial Intern</i>
1996-1998	New York University, Department of Philosophy, New York, NY <i>Teaching Assistant</i>
1996-1997	New York Civil Rights Coalition, New York, NY <i>Volunteer Teacher</i>
1995-1996	Oxford University Civil Liberties Society, Oxford, UK <i>Co-President</i>
1993 & 1994	Woodrow Wilson International Center for Scholars, Washington, D.C. <i>Summer Researcher</i>