

## **JOHN F. K. OBERDIEK**

Rutgers Law School  
217 North 5<sup>th</sup> Street  
Camden, New Jersey 08102  
(856) 225-6191  
oberdiek@law.rutgers.edu

### **Academic Appointments**

- 2004-present    **Rutgers Law School**, Camden, NJ  
*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: *Acting Dean/Acting Co-Dean, 2014-2016; 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; Tort Theory; Contemporary Jurisprudence; Law, Justice, and Society; Administrative Law; 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    **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**

*Books:*

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

Monograph in the Oxford Legal Philosophy series edited by Timothy Endicott, John Gardner, and Leslie Green.

*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, 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: 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:*

*Tort Law in Principle* (book under contract with Cambridge University Press, for inclusion in the *Cambridge Introductions to Philosophy and Law* series edited by Brian Bix and William Edmundson)

## Invited Presentations

“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

*Imposing Risk: A Normative Framework*

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

“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 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

*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**

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, 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 judgment of the Department, is the best philosopher among his/her peers."
- 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*, 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 (keynote)

*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)

*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 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

*Legal Theory*, Editorial Board, 2013-present

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

Rutgers Law School (formerly Rutgers School of Law–Camden)(chronological): Tenure and Promotions Committee, 2017-18 (Chair); Acting Dean/Acting Co-Dean, 2014-2016; Vice Dean, 2012-2014; Director of Faculty Research, 2011-2012; Appointments Committee, 2011 & 2015; Committee on Speakers, 2004-2009 (Chair, 2008-09); External Affairs Committee, 2008-2014 (Co-Chair, 2008-2010); Educational Policy Committee, 2009-2014; National Moot Court Team, Faculty Advisor, 2006. Also: Rutgers University Senator, 2014-2016; Governance and Structure Committee, 2014-2016.

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

Referee, *Law and Philosophy, Legal Theory, Ethical Theory and Moral Practice, Oxford Journal of Legal Studies, Ethics, Modern Law Review, Harvard Law Review*, Oxford University Press, Routledge, and Cambridge University Press

New Jersey Bar tort law 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 (inactive status), 2002-present

### **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  
*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*