Vera Bergelson

**Distinguished Professor of Law, Robert E. Knowlton Scholar**

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Employment:

**Rutgers University, School of Law**, Newark, New Jersey.

Assistant Professor (2001 – 2004); Associate Professor (2004 – 2007); Professor of Law, Robert E. Knowlton Scholar (2007 – 2019); Distinguished Professor of Law, Robert E. Knowlton Scholar (2019 – current).

Courses taught: Criminal Law, Advanced Criminal Law, Punishment and Sentencing, Property, The Moral Puzzles of Criminal Law, Law and Humanities, Estates and Future Interests, Property and Privacy, International Law.

**Cleary, Gottlieb, Steen & Hamilton**, New York, NY. Associate (1995 – 2001)

Education:

**University of Pennsylvania Law School**, Philadelphia, PA

J.D. *cum laude*, *Order of the Coif*, 1995.

**Institute of Slavic and Balkan Studies**, Moscow, Russia. Ph.D. in Philology, 1988.

**Moscow State University**, Moscow, Russia. University Diploma *with distinction* in Slavic languages and literatures*,* 1984.

Bar Admissions:

New York (1996).

New Jersey (1997).

Professional Associations and Offices:

American Association of Law Schools, Section of Jurisprudence.

Chair (2010-2011); Chair-Elect (2009-2010); Secretary (2008-2009); Treasurer (2007-2008).

Fulbright Specialist (2009-2014). Completed a visit at Hebrew University (Israel), 2013.

Fulbright National Screening Committee, member (2022 – current).

Criminal Law Theory Series, Buffalo Criminal Law Center, member (2013 – current).

[The Institute for Law and Philosophy](https://lawandphil.rutgers.edu/), Rutgers University, adviser (2012 – current).

Editorial Boards:

Studies in Penal Theory and Ethics (Hart Publishing) (2023 – current)

The Journal of Criminal Law (SAGE Publishing) (2019 – current)

Law and Philosophy (2010 – current)

BdeF and Edisofer (Buenos Aires and Madrid) (2009 – current)

Publications:

**Books:**

Victims’ Rights and Victims’ Wrongs: Comparative Liability in Criminal Law (Stanford University Press, 2009).

**Chapters:**

“United States of America,” in: Sexual Offenses (Substantive Issues in Criminal Law) (Routledge Publishing, forthcoming in 2025).

“The Otherness of the Defense of Others, in: The Palgrave Handbook on the Philosophy of Criminal Responsibility (Palgrave Publishing, forthcoming in 2025).

“The State Fault and the Right to Mitigation of Punishment,” in: State Misconduct as Sentence Mitigation. Studies in Penal Theory and Ethics (Hart Bloomsbury Publishing, forthcoming in 2024).

“United States of America,” in: Causation inCriminal Law (Substantive Issues in Criminal Law) (Routledge Publishing, forthcoming in 2024).

## “Sex and Sensibility: The Meaning of Sexual Consent,” in: Sexual Assault: Law Reform in a Comparative Perspective (Oxford University Press, 2023).

“United States of America,” in: Fault inCriminal Law (Substantive Issues in Criminal Law) (Routledge Publishing, 2022).

“Vulnerability, Exploitation, and Choice” in: What Is Wrong with Human Trafficking? Critical Perspectives on the Law (Hart Publishing, 2019).

“United States of America,” in: Homicide in Criminal Law (Substantive Issues in Criminal Law) (Routledge Publishing, 2018).

“Consent to Pain” in: The Routledge Handbook of the Ethics of Consent (Routledge Publishing, 2018).

“United States of America,” in: Consent: Domestic and Comparative Perspectives (Substantive Issues in Criminal Law) (Routledge Publishing, 2017).

“Sex, Lies, and Law: Rethinking Rape-by-Fraud,” in: Legal Perspectives on State Power (Cambridge Scholars Publishing, 2016).

“Self-Defense and Risks,” in: The Ethics of Self-Defense (Oxford University Press, 2016).

“The Defense of Consent,” in: The Oxford Handbook of Criminal Law (Oxford University Press, 2014).

“Consent to Harm,” in: The Ethics of Consent: Theory and Practice (Alan Wertheimer & Franklin G. Miller eds.; Oxford University Press 2009).

“Rights, Wrongs, and Comparative Justifications,” in: Law of Privileges - Journalists And Executives (R. Satyanarayana ed.; ICFAI University Press 2009).

**Short Chapters:**

“Victimless Crimes,” in: International Encyclopedia of Ethics (Wiley-Blackwell, 2013; updated 2023).

“Consent,” in: Encyclopedia of Criminology and Criminal Justice (Wiley-Blackwell, 2014).

“Provocation: Not Just a Partial Excuse,” in: Criminal Law Conversations (Paul H. Robinson, Stephen P. Garvey & Kimberly Kessler Ferzan eds.; Oxford University Press 2009).

**Articles:**

“Rationales—Rejected, Imagined, and Real. Provocation, Loss of Control, and Extreme Mental or Emotional Disturbance,” 72 Northern Ireland Legal Quarterly 363 (2021) (symposium issue).

“The Depths of Malice,” 53 Arizona St. L. J. 399 (2021) (symposium issue).

“Justice or Mercy,”71 Rutgers L. Rev. 959 (2020) (symposium issue).

“Duress Is No Excuse,” 15 Ohio St. J. Crim. L. 395 (2018).

“Does Fault Matter?” 12 Crim. L. and Phil’y 375 (2018) (symposium issue).

“The Meaning of Consent,” 12 Ohio St. J. Crim. L. 171 (2014).

“The Boundaries of the Criminal Law,” 7 Crim. L. and Phil’y 383 (2013).

“The Duty to Protect the Victim – or the Duty to Suffer Punishment?” 32 Law and Phil’y 199 (2013).

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“Vice Is Nice but Incest Is Best: The Problem of a Moral Taboo,” 7 Crim. L. and Phil’y 43 (2013) (symposium issue).

“Choice of Evils: In Search of a Viable Rationale,” 6 Crim. L. and Phil’y 289 (2012).

“A Fair Punishment for Humbert Humbert: Strict Liability and Affirmative Defenses,” 14 New Crim. L. Rev. 55 (2011) (symposium issue).

“Justification or Excuse? Exploring the Meaning of Provocation,” 42 Texas Tech L. Rev. 307 (2009) (symposium issue).

“The Case of Weak Will and Wayward Desire,” 3 Crim. L. and Phil’y 19 (2009).

“Consent to Harm,” 28 Pace L. Rev. 683 (2008) (symposium issue).

“Autonomy, Dignity, and Consent to Harm,” 60 Rutgers L. Rev. 723 (2008) (David J. Stoffer lecture)

“Rights, Wrongs, and Comparative Justifications,” 28 Cardozo L. Rev. 2481 (2007) (symposium issue).

“The Right to Be Hurt. Testing the Boundaries of Consent,” 75 Geo. Wash. L. Rev. 165 (2007).

“Victims and Perpetrators: An Argument for Comparative Liability in Criminal Law,” 8 Buff. Crim. L. Rev. 385 (2005).

“Conditional Rights and Comparative Wrongs: More on the Theory and Application of Comparative Criminal Liability,” 8 Buff. Crim. L. Rev. 567 (2005).

“It’s Personal but Is It Mine? Toward Property Rights in Personal Information,” 37 U.C. Davis L. Rev. 379 (2003).

“Crimes and Defenses of Rodion Raskolnikov,” 85 Ky. L.J. 919 (1996-97).

Presentations:

“The Otherness of the Defense of Others,” panel presentation at "Theorizing Criminal Law" conference, Max Planck Institute, Freiburg (Germany), 2024.

“The State Fault and the Right to Mitigation of Punishment,” guest presentation at the Philosophy of Law seminar, Rutgers State University, Philosophy Department, 2024.

“Faulty State and Fair Punishment,” panel presentation at “Voice, Resistance and Repair. Law and Living Together,” an annual conference of Law and Society Association of Australia and New Zealand, University of Technology Sydney Law School **(Australia), 2023.**

“State Neglect and the Right to Sentence Mitigation,” panel presentation at the symposium, “State Misconduct as Sentence Mitigation,” the Institute of Criminology, University of Cambridge (United Kingdom), 2023.

“Rape-by-Fraud in Perspective,” panel presentation at the **Annual Australian and New Zealand Law and History Society Conference,** “Tenuous Histories and Provable Pasts: How Legal Historians Create Knowledge,” University of Technology Sydney (Australia), 2022.

“Sex and Sensibility: The Meaning of Sexual Consent,” panel presentation at a conference “Sexual Assault and Rape – What Can We Learn from and for Law Reform?” Max Planck Institute for the Study of Crime, Security and Law, Department for Criminal Law, Berlin, 2021.

“The Meaning of Sexual Consent,” panel presentation at a workshop “Sexual Assault and Rape,” a virtual international conference hosted by Max Planck Institute for the Study of Crime, Security and Law, Department for Criminal Law, 2021.

“Consent to Pain and Harm,” presentation at the Speaker Series “Consent in Morality and Law,” University of California, Irvine School of Law, UCI Center for Legal Philosophy, 2021.

“The Right to Be Hurt,” guest presentation at the Advanced Topics in Criminal Law and Procedure seminar, Wayne State University Law School, 2020.

“The Depths of Malice,” panel presentation at “Guilty Minds,” a virtual conference on Mens Rea and Criminal Justice Reform, hosted by the Academy for Justice and the Arizona State Law Journal, 2020.

“Choosing a Lesser Evil,” panel presentation at “Survive, Thrive Die. Law in End Times,” an annual conference of Law and Society Association of Australia and New Zealand, Southern Cross University School of Law and Justice **(Australia), 2019.**

“Duress Is No Excuse,” guest presentation at the Speaker Series “Constructing Truth. Criminal Law in Flux,” Fordham University School of Law, 2019.

“Is There Role for Mercy in Criminal Law?” panel presentation at “Inclusion, Exclusion and Democracy,” an annual conference of Law and Society Association of Australia and New Zealand, **University of Wollongong (Australia), 2018.**

“Justice and Mercy,” panel presentation at the symposium, “Rethinking Punishment,” Rutgers School of Law, 2018.

“Public Welfare Offenses and the Concept of Fault,” panel presentation at the conference of the Law, Literature and Humanities Association of Australasia, “Dissents and Dispositions,” Melbourne School of Law, 2017.

“How Criminal Law Dictates Rules of Prosecutorial Authority,” commentary on a paper by Darryl Brown at the conference, “Theorizing Criminal Law Reform,” Rutgers School of Law, 2017.

“Does Fault Matter?” panel presentation at the symposium, “Crime Without Fault,” Georgetown School of Law, 2017.

“Vulnerability and Exploitation,” panel presentation at the conference, “What Is Wrong with Human Trafficking? Interdisciplinary Perspectives on the Crime in Europe and Beyond,” Institute of Criminology (Institut für Kriminologie), Tübingen, Germany, 2017.

“Rethinking Rape-by-Fraud,” panel presentation at the workshop, “The Ethics of Consent: Foundational Issues” at the Centre for Ethics, University of Zurich (Switzerland), 2016.

“Vulnerability, Consent, and Exploitation,” panel presentation at the “Trafficking in Human Beings in European and International Context – Alternative and Philosophical Perspectives” conference at ACCESS EUROPE & VU Centre for European Legal Studies (Netherlands), 2016.

“Sex, Lies, and Law,” presentation at Criminal Law Theory Series Colloquium, Buffalo Criminal Law Center, 2016.

“Rethinking Rape-by-Fraud,” presentation at Rutgers School of Law Faculty colloquium, 2016.

“Vulnerable Victims,” panel presentation at the “Trafficking in Human Beings” workshop at Stockholm University (Sweden), 2016.

“Victimless Crimes:  Public or Private Wrongs?” panel presentation at the “Public and/or Private Lives,” an annual Law and Society Association of Australia and New Zealand conference, TC Beirne School of Law at The University of Queensland (Australia), 2014.

“The Meaning of Consent,” presentation at a colloquium of the Centre for Applied Philosophy and Public Ethics, University of Melbourne (Australia), 2014.

“What’s Wrong with Incest?” presentation at a seminar of the Institute for International Law and Humanities, Melbourne University School of Law (Australia), 2014.

“Questioning Criminalization of Incest,” panel presentation at the “Interpellations,” a conference of the Law, Literature & the Humanities Association of Australasia at the Australian National University, Canberra (Australia), 2013.

“What Is Consent,” presentation at the Law and Philosophy Workshop, Tel Aviv University Law Department, 2013.

“Rights or Dignity,” guest lecture at the seminar “Consent and Coercion,” Hebrew University Law Department, 2013.

“Understanding Consent,” panel presentation at the Law and Society Association Annual Meeting, 2012.

“Choice of Evils: In Search of a Viable Rationale,” presentation at the Legal Theory Workshop, Melbourne University School of Law (Australia), 2012.

“The Duty to Protect the Victim – or the Duty to Suffer Punishment?” panel presentation at the **symposium on Victor Tadros’s book** The Ends of Harm, Institute for Law and Philosophy, Rutgers School of Law (Camden), 2012.

“Consent: Meaning and Ritual,” panel presentation at the symposium “Ceremonies of Law: Doctrine, Ritual, Ceremonial,” University of Wollongong (Australia), 2011.

“Vice Is Nice but Incest Is Best: Problem of a Moral Taboo,” presentation at the workshop “Vice and Crime,” Rutgers School of Law (Newark), 2011.

“Choice of Evils,” panel presentation at the Criminalization Conference, University of Stirling (UK), 2011.

“Choice of Evils: In Search of a Viable Rationale,” panel presentation at the Law and Society Association Annual Meeting, 2011.

“The Defense of Necessity,” panel presentation at the Section of Jurisprudence, AALS Annual Meeting, 2011.

“Victims’ Rights and Victims’ Wrongs: Comparative Liability in Criminal Law,” book symposium at the Law and Society Association Annual Meeting, 2010 (panelists included Profs. Luis Chiesa; Anthony Dillof; Brian R. Gallini; Cecelia M. Klingele and Susan D. Rozelle.

“Victims’ Rights and Victims’ Wrongs,” panel presentation at the Chancellor’s Annual Research Day, Rutgers University (Newark), 2010.

“A Fair Punishment for Humbert Humbert,” panel presentation at the symposium “Overcriminalization: the Past, Present, and Future Expansion of the Criminal Law,” Pace Law School, 2010.

“Resultant Luck and Criminal Liability,” commentary on a paper by Andrew Cornford at the conference, “Criminalization,” University of Stirling, UK, 2010.

“Strict Liability and Affirmative Defenses,” presentation at Pace Law School Faculty Colloquium, 2009.

“What Self-Defense and Punishment Share,” and “Criminal Law as Public Law: Police Powers and Justification,” commentaries on papers by [John Gardner](http://denning.law.ox.ac.uk/members/profile.php?lecturer_code=gardnerj) and [Francois Tanguay-Renaud, and by](http://www.osgoode.yorku.ca/faculty/Tanguay-Renaud_Francois.html) [Malcolm Thorburn](http://law.queensu.ca/facultyAndStaff/facultyAndStaffDirectory/thorburn.html), respectively, at the conference on Philosophical Foundations of Criminal Law, Rutgers School of Law (Newark), 2009.

“Strict Liability and Affirmative Defenses,” panel presentation at the Law and Society Association Annual Meeting, 2009.

“Justification or Excuse? Exploring the Meaning of Provocation,” panel presentation at the symposium, “Excuses and the Criminal Law,” Texas Tech School of Law, 2009.

“Consent and Its Limits,” guest lecture at the seminar “Advanced Criminal Law,” Fordham University School of Law, 2009.

“The Case of Weak Will and Wayward Desire,” commentary on Professor Stephen Garvey’s paper at the conference “Evolution of Criminal Law Theory, Institute for Law and Philosophy,” Rutgers School of Law (Camden), 2008.

“Consent to Harm,” panel presentation at the symposium “Victims and the Criminal Justice System,” Pace Law School, 2008.

“Autonomy, Dignity, and Consent to Harm,” David J. Stoffer lecture, Rutgers School of Law-Newark, 2008.

“Rights, Wrongs, and Comparative Justifications,” panel presentation at the conference on George P. Fletcher’s book, *The Grammar of Criminal Law*, Benjamin N. Cardozo School of Law, 2006.

“The Right to Be Hurt. Testing the Boundaries of Consent,” presentation at Benjamin N. Cardozo School of Law Faculty Colloquium, 2006.

“Personal Information Under the Property and Privacy Regimes,” panel presentation at the Section of Defamation and Privacy, AALS Annual Meeting, 2006.

“The Right to Be Hurt. Testing the Boundaries of Consent,” presentation at Rutgers School of Law-Newark Faculty Colloquium, 2005.

“What’s Wrong with Bribery?” commentary on Professor Stuart Green’s paper at the conference on the Theory of the Criminal Law’s “Special Part,” Louisiana State University Paul M. Hebert Law Center, 2004.

“Victims and Perpetrators: An Argument for Comparative Liability in Criminal Law,” presentation at Rutgers School of Law-Newark Faculty Colloquium, 2004.

“It’s Personal but Is It Mine? Toward Property Rights in Personal Information,” presentation at Rutgers School of Law-Newark Faculty Colloquium, 2002.

Awards:

Greg Lastowka Award for Scholarly Excellence (2018).

Languages:

Russian (native); Polish (proficient); Belarusian (reading); Bulgarian (reading); Ukrainian (reading).