

# ORI J. HERSTEIN

## *Curriculum Vita*

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### **Contact Information**

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### **APPOINTMENTS**

#### HEBREW UNIVERSITY OF JERUSALEM, LAW SCHOOL

- Vice Dean for Education and Research (2022 – )
- Professor (2020 – )
- Director, *Sacher Institute for Legislative Research and Comparative Law* (2019 – 2022)
- Israel Science Foundation grant (2018 – 2022)
- Associate Professor (2014 – 2020)

#### KING'S COLLEGE LONDON DICKSON POON SCHOOL OF LAW

- Reader (2020 – )
- Senior Lecturer (2015 – 2020)
- Lecturer (2012 – 2015)

### **VISITS & FIXED-TERM APPOINTMENTS**

#### HARVARD LAW SCHOOL

- Visiting Professor of Law (2019)

#### PEKING UNIVERSITY SCHOOL OF TRANSNATIONAL LAW

- Visiting Professor of Law (April 2014)

#### CORNELL UNIVERSITY LAW SCHOOL

- Visiting Assistant Professor of Law (2010 – 2012)

#### COLUMBIA UNIVERSITY LAW SCHOOL

- Associate-in-Law (2005 – 2007)
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### **Education**

*J.S.D. – Doctor of the Science of Law*

Columbia University Law School, 2008

Dissertation Supervisor: Professor Joseph Raz

*LL.M. – Master of Laws*  
Columbia University Law School, 2004  
Honors: *James Kent Scholar (summa cum laude)*

*Graduate Studies in Philosophy*  
Tel Aviv University (2001-2003)

*LL.B. – Bachelor of Laws*  
Tel Aviv University, 2001  
Honors: *magna cum laude*

*LL.B. – Undergraduate Degree in Philosophy*  
Tel Aviv University 2001  
Honors: *magna cum laude*

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## **Publications**

- *The Procedure of Morality*, JOURNAL OF ETHICS AND SOCIAL PHILOSOPHY (forthcoming 2023) (co-author Ofer Malcai).
- *Legal Rights*, STANFORD ENCYCLOPEDIA OF PHILOSOPHY (2023).
- *Reasons to Try*, in PRIVATE LAW AND PRACTICAL REASON: ESSAYS ON JOHN GARDNER'S PRIVATE LAW THEORY, Haris Psarras & Sandy Steel (eds.) (OUP, forthcoming 2022).
- *Justifying Standing to Give Reasons: Hypocrisy, Minding Your Own Business, and Knowing One's Place*, 20(7) PHILOSOPHERS' IMPRINT, 1-18 (2020).
- *The Remainder: Deserting Private Wrongs?* in CIVIL WRONGS AND JUSTICE IN PRIVATE LAW, J. Oberdiek & P. Miller (eds.) (Oxford Private Law Theory Series, 2020).
- *Nobody's Perfect: Moral Responsibility in Negligence*, 32(1) CANADIAN JOURNAL OF LAW & JURISPRUDENCE, 109-121 (2019).
- *Legal Luck*, in ROUTLEDGE HANDBOOK OF THE PHILOSOPHY AND PSYCHOLOGY OF LUCK, Ian M. Church & Robert J. Hartman eds., 414-424 (Routledge, 2019).
- *Understanding Standing: Permission to Deflect Reasons*, 174(12) PHILOSOPHICAL STUDIES, 3109-3132 (2017).
- *Law and Authority under the Guise of the Good*, 125(500) MIND, 1213 – 1222 (2016) (review).
- *How Tort Law Empowers*, 65(1) UNIVERSITY OF TORONTO LAW JOURNAL, 99-132 (2015).
- *A Legal Right to Do Legal Wrong*, 34(1) OXFORD JOURNAL OF LEGAL STUDIES, 21-45 (2014).
- *Responsibility in Negligence: Discussion of From Normativity to Responsibility*, 8(1) JERUSALEM REVIEW OF LEGAL STUDIES, 167-184 (2014).
- *Why Nonexistent People Do Not Have Zero Well-Being but Rather No Well-Being*, 30(2) JOURNAL OF APPLIED PHILOSOPHY, 136-145 (2013).
- *Defending the Right to Do Wrong*, 31(3) LAW AND PHILOSOPHY, 343-365 (2012).
- *A Normative Theory of the Clean Hands Defense*, 17(3) LEGAL THEORY, 171-208 (2011).

- *Responsibility in Negligence: Why the Duty of Care is Not a Duty to Try*, 23(2) CANADIAN JOURNAL OF LAW & JURISPRUDENCE, 403-428 (2010).
- *Justifying Subversion*, 18 BUFFALO JOURNAL OF GENDER, LAW & SOCIAL POLICY, 43-73 (2010).
- *The Identity and (Legal) Rights of Future Generations*, 77(5/6) GEORGE WASHINGTON LAW REVIEW, 1173-1215 (2009).
- *Historic Injustice, Group Membership and Harm to Individuals: Defending Claims for Historic Justice from the Non-Identity Problem*, 25 HARVARD LAW SCHOOL JOURNAL ON RACIAL & ETHNIC JUSTICE (formerly HARVARD BLACKLETTER LAW JOURNAL), 229-276 (2009).
- *Historic Injustice and the Non-Identity Problem: The Limitations of the Subsequent-Wrong Solution and Towards a New Solution*, 27(5) LAW AND PHILOSOPHY, 505-531 (2008).

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## Teaching Experience

### PH.D. AND POST-DOCTORAL SUPERVISION

- Hebrew University of Jerusalem Law School (2014 – present)
- King's College London Dickson Poon School of Law (2012 – present)

### TORTS

- Harvard Law School (2019)
- Hebrew University of Jerusalem Law School (2014 – present)
- King's College London Dickson Poon School of Law (2012 – 2017)
- Cornell University Law School (2010 – 2012)

### JURISPRUDENCE

- King's College London Dickson Poon School of Law (2012 – 2014)

### VARIOUS ADVANCED COURSES AND SEMINARS IN LEGAL THEORY

- Harvard Law School (2019)
- Hebrew University of Jerusalem Law School (2014 – present)
- Perking University School of Transnational Law (2014)
- King's College London Dickson Poon School of Law (2012 – present)
- Cornell University Law School (2010 – 2012)

### LEGAL REASONING AND WRITING

- Columbia University Law School (2005 – 2007)

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## Profession

### EDITORIAL ROLES

- Associate Editor, *Law and Philosophy* (2020 –)
- Editor-in-Chief, *Sacher Institute Press* (2019 – 2022)
- Editorial Board, *Law and Philosophy* (2017 – 2020)
- Co-editor, *Jerusalem Review of Legal Studies* (Oxford University Press) (2016 – 2020)

*Analysis; Australasian Journal of Philosophy; European Journal of Political Theory; European Journal of Risk Regulation; Ethical Theory and Moral Practice; Ethics; Jerusalem Review of Legal Studies; Journal of Applied Philosophy; Journal of Ethics and Social Philosophy; Journal of Moral Philosophy; Oxford Journal of Legal Studies; Law and Philosophy; Legal Theory; Mind; Mishpatim (Hebrew); Oxford University Press; Pacific Philosophical Quarterly; Philosophical Papers; Philosophical Review; Philosophical Studies; Philosophy; Ratio Juris; Sacher Institute (Hebrew); Social Theory Practice; Yale Law Journal.*

ORGANIZATION: CONFERENCES, WORKSHOPS, SYMPOSIA\*

- Symposium: John Goldberg & Benjamin Zipurksy's *Recognizing Wrongs* (HUP). Jerusalem (June 2022).
- (Co-organizer), Symposium: Sophia Moreau's *Faces of Inequality* (OUP). Online (April 2021).
- Workshop: Co-convenor of *King's College London's Legal Philosophy Workshop* (KJuris). 2012 – 2019.
- Symposium: Irit Samet's *Equity: Conscience Goes to Market* (OUP). Toronto (September 2018).
- (Co-organizer), Symposium: H. Dagam & M. Heller's *The Choice Theory of Contract* (CUP). IDC (2018).
- Symposium: *The Work of John Gardner as Professor of Jurisprudence* (OUP). Oxford. (March 2018).
- Workshop: *Halbert U. Toronto and Hebrew U. Exchange*. Jerusalem (June 2017).
- Symposium: Rabeea Assy's *Injustice in Person: The Right to Self-Representation* (OUP). Jerusalem (June 2017).
- Symposium: Arthur Ripstein's *Private Wrongs* (HUP). Jerusalem (June 2016).
- Symposium: John Gardner's *From Private Life to Private Law* (OUP). Jerusalem (June 2016).
- Symposium: *The Morality of Freedom (OUP) – Thirty Years to Its Publication*. Jerusalem (May 2016).
- The 2015 gathering of The Annual U.K. Analytic and Political Philosophy Conference (UK ALPPC). London (September 2015).
- (Co-organizer), Symposium: Alan Patten's *Equal Recognition: The Moral Foundations of Minority Rights* (Princeton). Jerusalem (2015).
- (Co-organizer) Symposium: Joseph Raz's *From Normativity to Responsibility* (OUP). London (February 2013).

\* *Beyond the regular logistic of academic gatherings, organizing symposia involves the editorial duties of publishing a symposium's written contributions.*

AFFILIATION AND MEMBERSHIP IN ACADEMIC CENTERS & SOCIETIES

- Yeoh Tiong Lay Centre for Politics, Philosophy & Law, King's College London.
- Centre for Moral and Political Philosophy, Hebrew University of Jerusalem.

- Annual Analytic Legal Philosophy Conference (ALPC).
- Annual UK Analytic and Political Philosophy Conference (UKALPPC).

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## Legal Practice

*Fried, Frank, Harris, Shriver & Jacobson LLP (New York)*

Associate (2008 – 2010)

Summer Associate 2007

*The Honorable Judge Dr. Drora Pilpel, Tel Aviv Circuit Court (Israel)*

Articled Clerk (2001 – 2002)

*New York State Bar*

Admitted 2008

*Israel Bar*

Admitted 2003

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## Presentations and Contributions to Conferences & Workshops

- Presenter: Reverence, CONFERENCE ON PHILOSOPHICAL REFLECTION ON THE PROPOSED ISRAELI CONSTITUTIONAL OVERHAUL (Jerusalem, June 2023).
- Presenter: The Procedure of Morality, Conference on VARIETIES OF MORAL ADDRESS: AGENCY, AUTHORITY, AND RESPONSIBILITY (Jerusalem–Virtually, April 2021).
- Presenter: Reasons to Try, Symposium on PRIVATE LAW AND PRACTICAL REASON: ESSAYS ON JOHN GARDNER'S PRIVATE LAW THEORY (Oxford University–Virtually, April 2021).
- Presenter: On Reasons to Try and Reasons to succeed in John Gardner's Thought, OXFORD JURISPRUDENCE / PRIVATE LAW DISCUSSION GROUPS & (Oxford University, January 2020).
- Commentator: on Adam Perry's "Law's Boundary", 3<sup>rd</sup> NEW DIRECTIONS IN PHILOSOPHY OF LAW CONFERENCE (July 2019, University of Surry).
- Presenter: "Nobody's Perfect: Moral Responsibility in Negligence," HARVARD LAW SCHOOL PROJECT ON PRIVATE LAW FORUM (April 2019).
- Presenter: "The Remainder: Deserting Private Wrongs?" OXFORD JURISPRUDENCE DISCUSSION GROUP (Oxford University, October 2018).
- Presenter: "The Remainder: Deserting Private Wrongs?" CONFERENCE ON PRIVATE LAW AND CIVIL WRONGS, (Rutgers University, September 2018).
- Presenter: "The Remainder: Deserting Private Wrongs?" HEBREW UNIVERSITY PRIVATE LAW WORKSHOP, (Jerusalem, May 2018).
- Presenter: "Standing," SYMPOSIUM ON THE WORK OF JOSEPH RAZ (KCL London, July 2018).
- Commentator: "Why Law is Essentially Public," PRIVATIZATION CONFERENCE (The Edmond J. Safra Center for Ethics, Tel Aviv University, June 2018)
- Presenter: "Justifying Standing," HALBERT WORKSHOP: U. TORONTO & HEBREW U., (Jerusalem, June 2017).

- Presenter: "Justifying Standing," HEBREW UNIVERSITY AT JERUSALEM: LAW AND PHILOSOPHY WORKSHOP (June 2017).
- Commentator: Maggie O'Brien and Alexandra Whelan, "From the Hypocritical Person to the Hypocritical State and Hypocritical Laws," at THE LEGAL PHILOSOPHY WORKSHOP (University College London, May 2017).
- Presenter: "No One is Perfect: Personal Responsibility for Negligent Conduct," The HEBREW UNIVERSITY OF JERUSALEM CRIMINAL THEORY WORKSHOP (November 2016).
- Presenter: "No One is Perfect: Personal Responsibility for Negligent Conduct," ANNUAL U.K. ANALYTIC LEGAL AND POLITICAL PHILOSOPHY CONFERENCE (UKALPPC) (University of Manchester, September 2016).
- Commentator: Ekow N. Yankah, "Republicanism, Policing and Race," Conference on LEGITIMIZATION OF MODERN CRIMINAL LAW AT THE HEBREW UNIVERSITY OF JERUSALEM (June 2016).
- Presenter: "No One is Perfect: Personal Responsibility for Negligent Conduct," THE LEGITIMIZATION OF MODERN CRIMINAL LAW RESEARCH GROUP AT THE INSTITUTE FOR ADVANCED STUDIES AT THE HEBREW UNIVERSITY OF JERUSALEM (June 2016).
- Presenter: "No One is Perfect: Responsibility for Negligence," PRIVATE LAW THEORY WORKSHOP, TEL AVIV UNIVERSITY (April 2016).
- Presenter: "No One is Perfect: Responsibility for Negligence", WORKSHOP ON: NEGLIGENCE, OMISSIONS AND RESPONSIBILITY, UNIVERSITY OF BIRMINGHAM (March 2016).
- Presenter: "Standing to Give Reasons," HEBREW UNIVERSITY OF JERUSALEM PRIVATE LAW WORKSHOP (June 2015).
- Presenter: "Ad Hominem Law," THE ISRAEL JUDICIARY: CONFERENCE ON PHILOSOPHY AND THE LAW FOR JUDGES (April 2015).
- Presenter: "Standing to Give Reasons," the Annual ANALYTIC LEGAL PHILOSOPHY CONFERENCE (ALPC) (Oxford University, May 2014).
- Presenter: "Standing in Morality," KING'S COLLEGE LONDON LEGAL PHILOSOPHY WORKSHOP (March 2014).
- Presenter: "The Corrective Justice Argument Against the Corrective Justice Account of Tort Law," WORKSHOP HOSTED BY PROFESSOR JOHN GARDNER HELD AT NOTTINGHAM UNIVERSITY (February 2014).
- Presenter: "Standing in Morality," WORKSHOP ON LAW, MORALITY AND THE STATE, TEL AVIV UNIVERSITY LAW SCHOOL (February 2014).
- Presenter: "A Legal Right to Do Legal Wrong," OXFORD JURISPRUDENCE DISCUSSION GROUP (October 2013).
- Commentator: on Mary Anne Franks, "The Dangerous Fragility of Men: Masculinity, Vulnerability, and Harm," NEW WAVES IN LEGAL AND POLITICAL PHILOSOPHY (London, April 2013).
- Presenter: "Responsibility in Negligence," KING'S COLLEGE LONDON & THE JERUSALEM REVIEW OF LEGAL STUDIES (February 2013).
- Presenter: "How Tort Law Empowers," CONFERENCE ON MORAL VALUES AND PRIVATE LAW II, KING'S COLLEGE LONDON (December 2012).
- Presenter: "A Legal Right to Do Legal Wrong," Staff Seminar, KING'S COLLEGE LONDON SCHOOL OF LAW FACULTY SEMINAR (November 2012).
- Presenter: "Why Nonexistent People Do Not Have Zero Well-Being but Rather No Well-Being at All," CENTER OF LAW AND MEDICAL ETHICS SEMINAR, KING'S COLLEGE LONDON (October 2012).
- Presenter: "A Normative Theory of the Clean Hands Defense," LONDON SCHOOL OF ECONOMICS (LSE), DEPARTMENT OF LAW (March 2012).

- Presenter: "A Normative Theory of the Clean Hands Defense," HEBREW UNIVERSITY AT JERUSALEM, LAW SCHOOL, FACULTY WORKSHOP, (January 2012).
- Presenter: "A Normative Theory of the Clean Hands Defense," BAR ILAN UNIVERSITY, LAW SCHOOL, FACULTY WORKSHOP (January 2012).
- Presenter: "A Normative Theory of the Clean Hands Defense," HAIFA UNIVERSITY, LAW SCHOOL, FACULTY WORKSHOP (January 2012).
- Presenter: "A Normative Theory of the Clean Hands Defense," INTERDISCIPLINARY CENTER, HERZLIYA (IDC) LAW SCHOOL, FACULTY WORKSHOP (January 2012).
- Presenter: "A Legal Right to Do Legal Wrong," PUBLIC LECTURE, PEKING UNIVERSITY SCHOOL OF TRANSNATIONAL LAW (December 2011).
- Presenter: "A Legal Right to Do Legal Wrong," WILLIAM AND MARY LAW SCHOOL: PRIVATE LAW THEORY DISCUSSION GROUP (October 2011).
- Presenter: "A Normative Theory of the Clean Hands Defense," HEBREW UNIVERSITY AT JERUSALEM: LAW AND PHILOSOPHY WORKSHOP (March 2011).
- Presenter: "Responsibility in Negligence: Why the Duty of Care is Not a Duty to Try," CORNELL UNIVERSITY LAW SCHOOL, FACULTY WORKSHOP (January 2010).
- Presenter: "The Identity and (Legal) Rights of Future Generations," GEORGE WASHINGTON UNIVERSITY LAW SCHOOL: G.W. L. R. SYMPOSIUM (October 2008).
- Presenter: "Historic Injustice and the Non-Identity Problem: The Limitations of the Subsequent-Wrong Solution and Towards a New Solution," CORNELL UNIVERSITY LAW SCHOOL: GRADUATE STUDENT CONFERENCE (March 2008).
- Presenter: "Historic Injustice and the Non-Identity Problem: The Limitations of the Subsequent-Wrong Solution and Towards a New Solution," COLUMBIA UNIVERSITY LAW SCHOOL: ASSOCIATES-IN-LAW WORKSHOP (Fall 2007).
- Commentator: on Haider Hamoudi, "Legislative and Religious Authority in Post-Invasion Iraq," COLUMBIA UNIVERSITY LAW SCHOOL: COMPARATIVE LAW WORKSHOP (Fall 2007).
- Commentator: on Dennis Patterson, "The New Global Trading Order: The Evolving State and the Future of Trade," COLUMBIA UNIVERSITY LAW SCHOOL: ASSOCIATES-IN-LAW GUEST SPEAKER SERIES (May 2007).
- Commentator: on Jeff McMahan, "The Morality of War and the Law of War," COLUMBIA UNIVERSITY LAW SCHOOL: ASSOCIATES-IN-LAW GUEST SPEAKER SERIES (April 2007).