

ORI J. HERSTEIN

Curriculum Vita

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Contact Information

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APPOINTMENTS

HEBREW UNIVERSITY OF JERUSALEM, FACULTY OF LAW, 2014 –

- Montesquieu Chair in Legal History and Comparative Law (2024 –)
- Vice Dean for Curriculum (2022 –)
- Professor (2020 –)
- Director, *Sacher Institute for Legislative Research and Comparative Law* (2019 – 2022)
- Associate Professor (2014 – 2020)

KING'S COLLEGE LONDON, DICKSON POON SCHOOL OF LAW, 2012 –

- Visiting Professor, Honorary (2024 –)
- Reader (2020 – 2024)
- Senior Lecturer (2015 – 2020)
- Lecturer (2012 – 2015)

HARVARD LAW SCHOOL

- Visiting Professor of Law (2018 – 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)

Education

Doctor of the Science of Law, J.S.D. (PhD equivalent in law)

COLUMBIA UNIVERSITY LAW SCHOOL, 2008

- Dissertation Supervisor: Professor Joseph Raz

Master of Laws, LL.M.

COLUMBIA UNIVERSITY LAW SCHOOL, 2004

- Honors: *James Kent Scholar (summa cum laude)*

Graduate Studies in Philosophy

TEL AVIV UNIVERSITY (2001-2003)

Bachelor of Laws, LL.B.

TEL AVIV UNIVERSITY, 2001

- Honors: *magna cum laude*

Undergraduate Degree in Philosophy, B.A.

TEL AVIV UNIVERSITY, 2001

- Honors: *magna cum laude*

Legal Practice

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

- Associate (Litigation Department), 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

Publications

- The Procedure of Morality, 27(1) JOURNAL OF ETHICS AND SOCIAL PHILOSOPHY, 180-209 (2024) (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, 2023).
- 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*, 229-276 (2009).
 - Formerly *HARVARD BLACKLETTER LAW JOURNAL*
- 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).

EDITORIAL ROLES

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

Grants and Marks of Distinction

- Israel Science Foundation Grant (2327/23), 2023 – 2027 (with Ofer Malcai).
- The Aharon Barak Center for Interdisciplinary Legal Research Grant, 2023.
- Halbert U. Toronto and Hebrew U. Exchange, 2016-2019 (with others).
- Israel Science Foundation Grant (838/18), 2018 – 2022.
- Birk Prize. Hebrew University, 2017.
- Tier 1 “Special Talent” Visa (U.K.), by endorsement of the British Academy, 2014 –
- Finkelstein Fellow in Jurisprudence, Columbia University Law School, 2004 – 2008.

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.
- Israeli Law Professors Forum for Democracy.

Teaching Experience

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 – 2024)
- Cornell University Law School (2010 – 2012)

LEGAL REASONING AND WRITING

- Columbia University Law School (2005 – 2007)

PH.D. AND POST-DOCTORAL SUPERVISION

- KING'S COLLEGE LONDON DICKSON POON SCHOOL OF LAW
 - Second supervisor: Emily Barrit, Ph.D., 2012 – 2014, (completed)
 - Now on the faculty at King's College London, School of Law
 - Co-first supervisor: Ezequiel Monti, Ph.D., 2015 – 2019, (completed with distinction)
 - Now on the faculty at Torcuato Di Tella University, School of Law.
 - Co-first supervisor: Adi Goldiner, Ph.D., 2015-2020, (completed)
 - Now on the faculty at Hebrew University of Jerusalem, Faculty of Law
 - Co-first supervisor: Run Wu, Ph.D., candidate, 2019 – 2024, (completed)
 - Starting on the faculty at Law School of China University of Political Science and Law (Fall 2024).
 - Co-first supervisor: Antonio Correa Ferrer, Ph.D. candidate, 2018 – 2024 (submitted)
- HEBREW UNIVERSITY OF JERUSALEM LAW SCHOOL
 - Supervisor: Dr. Magi Otsri, Post-doctoral Fellow 2018 – 2019 (completed)
 - Supervisor: Dr. Aharon Eitan, Post-doctoral Fellow 2019 – 2020 (completed)
 - Supervisor: Dr. Rotem Kadosh, Post-doctoral Fellow 2019 – 2021 (completed)
 - Dissertation Committee: Yoel Mester, Ph.D. candidate, 2024 –

PEER-REVIEWER

Including: *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); Modern Law Review; 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 OF CONFERENCES, WORKSHOPS, SYMPOSIA*

- Symposium on Gregory Keating, Reasonableness and Risk (OUP). USC (February 2024).
- Symposium on John Goldberg & Benjamin Zipurksy, Recognizing Wrongs (HUP). Jerusalem (June 2022).
- Symposium: Sophia Moreau, Faces of Inequality (OUP). Jerusalem-online (April 2021) (co-organizer).
- Co-convener of the KJuris: King's Legal Philosophy Workshop. London (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) (co-organizer).
- Symposium: The Work of John Gardner as Professor of Jurisprudence (OUP). Oxford (March 2018) (co-organizer).
- Workshop: Halbert U. Toronto and Hebrew U. Exchange. Jerusalem (June 2017) (co-organizer).
- 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).
- 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) (co-organizer).

* ALL symposia also involve the editorial duties of publishing the symposia's proceedings.

Presentations and Contributions to Conferences & Workshops

- Presenter: Standing as Procedure, OXJURIS/LEGAL THEORY ANNUAL CONFERENCE (Oxford, October 2024).
- Presenter: Standing as Procedure, WORKSHOP ON STANDING TO BLAME AND BEYOND (Lund University, October 2023).
- 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–Virtually, April 2021).
- Presenter: On Reasons to Try and Reasons to succeed in John Gardner's Thought, OXFORD JURISPRUDENCE / PRIVATE LAW DISCUSSION GROUPS & (Oxford, January 2020).
- Commentator: on Adam Perry's "Law's Boundary", 3rd NEW DIRECTIONS IN PHILOSOPHY OF LAW CONFERENCE (University of Surry, July 2019).
- Presenter: "Nobody's Perfect: Moral Responsibility in Negligence," HARVARD LAW SCHOOL PROJECT ON PRIVATE LAW FORUM (Harvard, April 2019).
- Presenter: "The Remainder: Deserting Private Wrongs?" OXFORD JURISPRUDENCE DISCUSSION GROUP (Oxford, 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 (King's 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 (Jerusalem, 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 (Jerusalem, 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 (Nottingham University, February 2014).
- Presenter: “Standing in Morality,” WORKSHOP ON LAW, MORALITY AND THE STATE (Tel Aviv University, 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 (King’s College 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 (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).