

ORI J HERSTEIN

Curriculum Vita

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Contact Information

Address: *Law Faculty, The Hebrew University of Jerusalem, Mt. Scopus, Jerusalem, 91905, Israel*

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Appointments

Hebrew University of Jerusalem, Law School

Associate Professor (Senior Lecturer) 2014 –

King's College London Dickson Poon School of Law

Associate Professor (Senior Lecturer) 2015 –

Assistant Professor (Lecturer) 2012 – 2015

Visits & Fixed-Term Appointments

Harvard Law School

Visiting Professor of Law, Spring 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

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*

Graduate Studies in Philosophy

Tel Aviv University 2001-2003

LL.M. – Master of Laws

Columbia University Law School, 2004

Honors: James Kent Scholar (*magna sum laude*)

J.S.D. – Doctor of the Science of Law

Columbia University Law School, 2008

Dissertation Supervisor: Professor Joseph Raz

Publications

- *Justifying Standing to Give Reasons: Hypocrisy, Minding Your Own Business, and Knowing One's Place*, PHILOSOPHERS' IMPRINT (forthcoming 2019).
- *The Remainder: Deserting Private Wrongs?* CIVIL WRONGS AND JUSTICE IN PRIVATE LAW, J. Oberdiek & P Miller (eds.) (OUP, forthcoming 2019).
- *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. pp. 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).

Teaching

POST-GRADUATE SUPERVISION

- Emily Barrit, Ph.D. candidate, King's College London (completed 2014)
- Ron Ben-Ari, M.A. candidate, Hebrew University (completed 2018)
- Ezequiel Monti, Ph.D. candidate, King's College London (completed 2019)
- Magi Otsri, Post-doctoral fellow, Hebrew University (2018-2019)
- Adi Goldiner, Ph.D. candidate, King's College London (in progress)
- Antonio Correa Ferrer, Ph.D. candidate, King's College London (in progress)
- Run Wu, Ph.D. candidate, King's College London (in progress)

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

Profession

ADMINISTRATIVE

- Director, *Sacher Institute for Legislative Research and Comparative Law* (Hebrew University), September 2019 –

EDITORIAL ROLES

- Co-Editor, *Jerusalem Review of Legal Studies* (Oxford University Press) 2016 –
- Editorial Board, *Law and Philosophy* 2017 –
- Editor-in-Chief, *Sacher Institute Press* (the leading academic press on Israeli law) 2019 –

PEER-REVIEWER

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; Ratio Juris; Sacher Institute (Hebrew); Social Theory and Practice; Yale Law Journal.

ORGANIZATION: CONFERENCES, WORKSHOPS, SYMPOSIA

- Workshop: *King's College London's Legal Philosophy Workshop* (KJuris), 2012 – present.
- Symposium on J. Goldberg & B. Zipursky's: *Recognizing Wrongs* (HUP). Jerusalem, 2020.
- Symposium on Sophia Moreau: *Faces of Inequality* (OUP). Jerusalem, 2020.
- Symposium on Irit Samet's *Equity: Conscience Goes to Market* (OUP). Toronto, September 2018.
- Symposium on H. Dagam & M. Heller's *The Choice Theory of Contract* (CUP). IDC, 2018.

- Symposium on the Work of John Gardner as Professor of Jurisprudence, Oxford. March 2018.
- Workshop: *Halbert U. Toronto and Hebrew U. Exchange*. Jerusalem, June 2017 (with others).
- 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.
- Conference: The 2015 gathering of The Annual U.K. Analytic and Political Philosophy Conference (UK ALPPC). London, September 2015.
- Symposium: Joseph Raz's *From Normativity to Responsibility* (OUP). London, February 2013.

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).
- The American Society for Political and Legal Philosophy.
- International Association of Legal and Social Philosophy, IVR (UK branch).
- Hebrew University Cyber Security Research Centre.

Legal Practice

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

Litigation 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

Presentations and Contributions to Conferences & Workshops

- Commentator: on Adam Perry's "Law's Boundary", 3rd 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).