

AVIHAY DORFMAN
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ACADEMIC APPOINTMENTS

University of Texas School of Law <i>“The Friends of Joe Jamail” Regents Chair in Law and Founding Academic Director of the Private Law Theory Program</i>	2025 – Present
Tel Aviv University Faculty of Law <i>Professor</i>	2009 - Present
Cornell Law School <i>Visiting Professor</i>	2019 - 23
Cornell Law School <i>Visiting Professor</i>	2016-17
Harvard Law School <i>Visiting Professor</i>	2015-16
• Courses Regularly Taught: Torts; Property; Remedies; Legal Theory; Advanced Torts; Privatization (seminar); Private Law and Justice (seminar) • Research Interests: Torts, Property, Private Law, Equality, Authority and Legitimacy, Public/Private distinction	

EDUCATION

Yale Law School, New Haven, CT
J.S.D., 2008

Yale Law School, New Haven, CT
LL.M., 2006

Haifa University, Israel
LL.B. and B.A. (economics), 2004

BOOKS

- CONFLICT BETWEEN EQUALS: TORT LAW FOR A LIBERAL SOCIETY (Oxford University Press, forthcoming 2026)
- [RELATIONAL JUSTICE: A THEORY OF PRIVATE LAW](#) (Oxford University Press 2024) (w/ Hanoch Dagan)
reviewed by Prof. Aditi Bagchi in [JOTWELL](#)
- [RECLAIMING THE PUBLIC](#) (Cambridge University Press, 2024) (w/ Alon Harel)
reviewed by Nikolas Kirby in 136 ETHICS 166 (2025); Thomas Bustamante in [JOTWELL](#);
Matthias Brinkmann, *The Myth of Representation*, JURISPRUDENCE (forthcoming 2025);
Talia Fisher, *Reclaiming the Public*, 83 CAMBRIDGE LAW JOURNAL 611 (2024)
- [THE CAMBRIDGE HANDBOOK OF PRIVATIZATION](#) (Avihay Dorfman & Alon Harel eds., 2021)

ARTICLES

- [It's \(Not All\) Personal: Civil Litigation and the Values of Rights of Action](#), 75 AMERICAN UNIVERSITY LAW REVIEW (forthcoming 2026) (w/ Hanoch Dagan & Issi Rosen-Zvi)
- [Choosing and Having to be Loyal](#), THEORETICAL INQUIRIES IN LAW (forthcoming 2026)
- *The Independence of Tort Law*, LAW & PHILOSOPHY (forthcoming 2025)
- *Private Law and the Embedded Person*, in THE FUTURE OF THE PERSON 9 (Hans-W Micklitz & Giuseppe Vettori eds., 2025) (w/ Hanoch Dagan)
- [Public Ownership](#), 43 LAW & PHILOSOPHY 303 (2024)
- [Public Nuisance for Private Persons](#), 74 UNIVERSITY OF TORONTO LAW JOURNAL 198 (2024) (w/ Hanoch Dagan)
- [The Tort of Discrimination](#), 16(2) JOURNAL OF TORT LAW 393 (2023) (w/ Hanoch Dagan)
- [The Necessity of Institutional Pluralism](#), 43 OXFORD JOURNAL OF LEGAL STUDIES 753 (2023) (w/ Alon Harel)
- [Poverty and Private Law](#), 68 AMERICAN JOURNAL OF JURISPRUDENCE 229 (2023) (w/ Hanoch Dagan)
- [Whose Loss is it? Justice and Disability in Torts](#), in JUSTICE RIVLIN FESTSCHRIFT (Aharon Barak et al. eds., 2023) [in Hebrew]
- [The Work of Tort Law: Why Nonconsensual Access to the Workplace Matters?](#), 24 THEORETICAL INQUIRIES IN LAW 74 (2023)

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- [*Justice in Contracts*](#), 67 AMERICAN JOURNAL OF JURISPRUDENCE 1 (2022) (w/ Hanoch Dagan)
- [*When, and How, does Property Matter?*](#), 72 UNIVERSITY OF TORONTO LAW JOURNAL 81 (2022)
- [*Precontractual Justice*](#), 28 LEGAL THEORY 89 (2022) (w/ Hanoch Dagan)
- [*Law as Standing*](#), 4 OXFORD STUDIES IN THE PHILOSOPHY OF LAW 93 (John Gardner, Leslie Green & Brian Leiter eds., 2021) (w/ Alon Harel)
- [*The Domain of Private Law*](#), 71 UNIVERSITY OF TORONTO LAW JOURNAL 207 (2021) (w/ Hanoch Dagan)
- [*Relational Justice and Torts*](#), in RESEARCH HANDBOOK ON PRIVATE LAW THEORY 321 (Hanoch Dagan & Benjamin Zipursky eds., 2021)
- [*Substantive Remedies*](#), 96 NOTRE DAME LAW REVIEW 513 (2020) (w/ Hanoch Dagan)
- [*The Limited Case for Discrimination's Legality*](#), 83 LAW & CONTEMPORARY PROBLEMS 175 (2020)
- [*The Law of the Markets*](#), 83 LAW & CONTEMPORARY PROBLEMS i (2020) (w/ Hanoch Dagan, Roy Kreitner, and Daniel Markovits)
- [*Reply to Commentators: Relational Justice on Legal, Political, and Critical Theory*](#), 41 TEL AVIV UNIVERSITY LAW REVIEW 439 (2019) [in Hebrew] (w/ Hanoch Dagan)
- [*Relational Justice*](#), 41 TEL AVIV UNIVERSITY LAW REVIEW 307 (2019) [in Hebrew]
- [*Justice, Politics, and Interpersonal Human Rights*](#), 51 CORNELL JOURNAL OF INTERNATIONAL LAW ONLINE 139 (2018) (w/ Hanoch Dagan)
- [*Against Market Insularity: Market, Responsibility, and Law*](#), 27 CORNELL JOURNAL OF LAW & PUBLIC POLICY 553 (2018)
- [*Interpersonal Human Rights*](#), 51 CORNELL JOURNAL OF INTERNATIONAL LAW 361 (2018) (w/ Hanoch Dagan)
reviewed and commented by: Roxana Banu, [*From the Law of Nations to the Private Law of Mankind*](#), 51 CORNELL JOURNAL OF INTERNATIONAL LAW ONLINE 101 (2018); Evan Fox-Decent, [*Dagan and Dorfman's Jus Gentium Privatum*](#), 51 CORNELL JOURNAL OF INTERNATIONAL LAW ONLINE 112 (2018); Mitchel Lasser, [*Purging Private Law of the State*](#), 51 CORNELL JOURNAL OF INTERNATIONAL LAW ONLINE 119 (2018); Ralf Michaels, [*The New, Old, Jus Gentium Privatum*](#), 51 CORNELL JOURNAL OF INTERNATIONAL LAW ONLINE 125 (2018); Horatia Muir Watt, [*On the Moral Commitments of Private Law and the Curbing of Global Corporate Power*](#), 51 CORNELL JOURNAL OF INTERNATIONAL LAW ONLINE 133 (2018)
- [*Private Law Exceptionalism? Part II: A Basic Difficulty with the Argument from Formal Equality*](#), 31 CANADIAN JOURNAL OF LAW & JURISPRUDENCE 5 (2018)

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- [*Justice in Private: Beyond the Rawlsian Framework*](#), 37 LAW & PHILOSOPHY 171 (2018) (w/ Hanoch Dagan)
- [*Postscript to Just Relationships: Reply to Gardner, West, and Zipursky*](#), 117 COLUMBIA LAW REVIEW ONLINE 261 (2017) (w/ Hanoch Dagan)
- [*The Human Right to Private Property*](#), 18 THEORETICAL INQUIRIES IN LAW 391 (2017) (w/ Hanoch Dagan)
- [*Negligence and Accommodation*](#), 22 LEGAL THEORY 77 (2016)
selected for presentation at the 1st ISRAELI JUNIOR FACULTY FORUM; an earlier draft has been selected for review by Prof. Gregory Keating in [JOTWELL](#); a much earlier draft has been selected for presentation at the STANFORD/YALE JUNIOR FACULTY FORUM, June 2011, and at the HARVARD-STANFORD INTERNATIONAL JUNIOR FACULTY FORUM, November 2011
- [*Just Relationships*](#), 116 COLUMBIA LAW REVIEW 1395 (2016) (w/ Hanoch Dagan)
reviewed and commented by: John Gardner, *Dagan and Dorfman on the Value of Private Law*, 117 COLUM. L. REV. ONLINE 179 (2017); Benjamin C. Zipursky, *The Cathedral Through the Looking Glass: A Commentary on Dagan and Dorfman's Just Relationships*, 117 COLUM. L. REV. ONLINE 165 (2017); Robin West, *The New Legal Criticism*, 117 COLUM. L. REV. ONLINE 144 (2017)
- [*Private Law Exceptionalism? Part I: A Basic Difficulty with the Structural Arguments from Bipolarity and Civil Recourse*](#), 35 LAW & PHILOSOPHY 165 (2016)
- [*Against Privatization As Such*](#), 36 OXFORD JOURNAL OF LEGAL STUDIES 400 (2016) (w/ Alon Harel)
selected for review by Prof. William Admundson in [JOTWELL](#)
- [*Fault of Trespass*](#), 65 UNIVERSITY OF TORONTO LAW JOURNAL 48 (2015) (w/ Assaf Jacob)
- [*Foreseeability as Re-Cognition*](#), 59 AMERICAN JOURNAL OF JURISPRUDENCE 163 (2014)
- [*Private Ownership and the Standing to Say So*](#), 64 UNIVERSITY OF TORONTO LAW JOURNAL 402 (2014)
- [*On Trust and Transubstantiation: Mitigating the Excesses of Private Ownership*](#), in THE PHILOSOPHICAL FOUNDATIONS OF FIDUCIARY LAW 339 (Andrew S. Gold & Paul B. Miller eds., Oxford UP, 2014)
- [*Assumption of Risk, After All*](#), 15 THEORETICAL INQUIRIES IN LAW 293 (2014)
selected for review by Prof. Benjamin Zipursky in [JOTWELL](#)
- [*Freedom from Religion*](#), in THE ROLE OF RELIGION IN HUMAN RIGHTS DISCOURSE (Hanoch Dagan et al. eds., IDI, 2014)
- [*The Case against Privatization*](#), 41 PHILOSOPHY & PUBLIC AFFAIRS 67 (2013) (w/ Alon Harel)
selected for review by Prof. William Admundson in [JOTWELL](#)

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- *Asymmetric Relations of Due Care*, 29 BAR ILAN UNIVERSITY LAW REVIEW 25 (2013) [in Hebrew]
- [*The Normativity of the Private Ownership Form*](#), 75 MODERN LAW REVIEW 981 (2013)
- [*Respect for Persons and Constitutional Law in Israel*](#), 36 TEL AVIV UNIVERSITY LAW REVIEW 109 (2013) [in Hebrew]
- *The Society of Property*, 62 UNIVERSITY OF TORONTO LAW JOURNAL 563 (2012)
- *Reasonable Care: Equality as Objectivity*, 31 LAW & PHILOSOPHY 369 (2012)
selected for presentation at the STANFORD/YALE JUNIOR FACULTY FORUM, June 2011, and at the HARVARD-STANFORD INTERNATIONAL JUNIOR FACULTY FORUM, November 2011
- *Duty of Care*, 42 MISHPATIM 87 (2012) [The Hebrew University L.J.]
winner of the 2011-2012 Cegla prize for the best law review article published by junior faculty in Hebrew
- [*Property and Collective Undertaking: The Principle of Numerus Clausus*](#), 61 UNIVERSITY OF TORONTO LAW JOURNAL 467 (2011)
- [*Copyright as Tort*](#), 12 THEORETICAL INQUIRIES IN LAW 59 (2011) (w/ Assaf Jacob)
- *Can Tort Law be Moral?*, 23(2) RATIO JURIS 205 (2010)
- *Private Ownership*, 16 LEGAL THEORY 1 (2010)
- [*What is the Point of the Tort Remedy?*](#), 55 AMERICAN JOURNAL OF JURISPRUDENCE 105 (2010)
- *A Right to a Hearing: Interpersonal vs. Political Morality*, 40 MISHPATIM 279 (2010) [in Hebrew]
- [*Freedom of Religion*](#), 21 CANADIAN JOURNAL OF LAW & JURISPRUDENCE 279

WORKS IN PROGRESS

- Tort Law and the Environmental Turn: From Relational Justice to Relational Fairness
- [*Constitutionalism and Majoritarianism Reconciled*](#) (w/ Alon Harel)
- [*The Powers of Discrimination*](#) (w/ Hanoch Dagan)
- [*Tort Theory*](#)
- The Liberal Firm (w/ Hanoch Dagan & Katharina Pistor)

BOOK REVIEWS

- [*Property and the Sources of Inequality*](#), JERUSALEM REV. LEGAL STUD. (forthcoming 2026)
- [*From Civil Recourse to Class Actions: A Comment on Goldberg and Zipursky's Recognizing Wrongs*](#), 27 JERUSALEM REV. LEGAL STUD. 57 (2023) (w/ Hanoch Dagan)
- [*Against Private Law Escapism: Comment on Arthur Ripstein, Private Wrongs*](#), 14 JERUSALEM REV. LEGAL STUD. 37 (2016) (w/ Hanoch Dagan)
- [*Discovering Private Law: Two Comments on Bruce Ackerman, We The People: The Civil Rights Revolution*](#), 13 JERUSALEM REV. LEGAL STUD. 39 (2016)
- [*New Philosophical Foundations of Tort Law?*](#), NOTRE DAME PHILOSOPHICAL REVIEWS (January 2015)
- [*Humane Consequentialism*](#), 3 JERUSALEM REV. LEGAL STUD. 54 (2011)

COMPETITIVE GRANTS, SCHOLARSHIPS, PRIZES, AND AWARDS

- Israel Science Foundation, a three-year grant for "Private Censorship: Beyond Constitutionalism" 2024-present
- Israel Science Foundation, a two-year grant for "Poverty and Private Law" (w/ Hanoch Dagan) 2020-22
- Israel Science Foundation, a one-year Grant for "Privatization: Moral and Legal Analysis" (w/ Alon Harel) 2013-14
- Justice Cheshin Prize for Academic Excellence (junior legal scholar) 2013
- Selected for paper presentation at the 1st Israeli Junior Faculty Forum 2013
- Cegla prize for the best law review article published by junior faculty in Hebrew 2011-2012
- Selected for paper presentation at the Harvard-Stanford International Junior Faculty Forum 2011
- Selected for paper presentation at the Stanford/Yale Junior Faculty Forum 2011
- Alon Fellowship (the Council of Higher Education in Israel) 2011
- Fulbright Grantee 2005-07

LEGAL EXPERIENCE

- Law Clerk to the Honorable Chief Justice Aharon Barak, Supreme Court of Israel (2004-2005)
- Legal Advisor to the Honorable (then) Justice Esther Hayut, Supreme Court of Israel (2005)
- Chief Editor, [Tel Aviv University Law Review](#) (Vols. 37-38)

