

PROF. DR. BERTRAM LOMFELD



*13 February 1975 | German national | married with a sculptress | 3 children

PRIVATE & ECONOMIC LAW | IP & IT | COMPARATIVE & GLOBAL LAW | PHILOSOPHY, ECONOMICS & SOCIETY

EDUCATION

Frankfurt University, Ph.D. in law (supervisor: Teubner), *summa cum laude*, 2007-2013
Berlin High Court, legal clerkship & second state examination in law, 2009-2011
Paris Collège Internationale de Philosophie, political philosophy & economy, 2006
Munich & Frankfurt University, philosophy (i.a. Habermas), sociology & economics, 2003-2006
Heidelberg University, first state examination in law (LL.M. equivalent), 2002
Vienna University, Roman law & ELTE University Budapest, comparative law, 2000-2001
Paris I Sorbonne, international law & Paris II Assas, philosophy of law (DEA course), 1999-2000
EHESS Paris, philosophy (Derrida) & Collège de France, sociology (Bourdieu), 1999
Cambridge University, research student, Clare Hall College, philosophy of law, 1998
Heidelberg University, undergraduate in law (B.A. equivalent), 1996-1998

CURRENT & PREVIOUS POSITIONS

Free University Berlin [FUB], professor for private law & foundations of law, since 2013
FU Empirical Legal Studies Center (FUELS), co-foundation and co-director, since 2019
Humboldt University Berlin, Humanities and Social Change (HSC) fellowship, winter 2018/19
Harvard Law School, visiting scholar Institute for Global Law & Policy, spring 2018
Columbia Law School, international visiting professor, spring 2017
Sciences Po Paris Law School, visiting professor, spring 2016
Rostock University, lecturer of law, 2011-2013
Cologne University, research fellow, 2009-2010
Frankfurt/Main University, visiting lecturer, 2005-2006
LUISS University Rome, visiting lecturer & UNIDROIT Rome, research fellow, 2004-2005

SCHOLARSHIPS & HONORS

Young Academy of Europe (YAE), elected fellow, 2020 (yacadeuro.org/lomfeld/)
European Research Council (ERC) Starting Grant (1st German ERC-STG within law), 2020
Humanities and Social Change Fellowship, Humboldt University Berlin, 2018
VG Wort PhD Award and scholarship for book publication, 2014
German Research Foundation (DFG), PhD scholarship, 2007-2009
Friedrich-Ebert-Foundation (FES), graduate & postgraduate scholarship 1998-2001 & 2003-2006
Heidelberg University, Cambridge research scholarship, 1998
EU scholarship for Europe 2020 Youth Conference, Oxford Jesus College, 1997
Scheffel Award of Baden-Württemberg for A-Levels, 1994

CURRENT RESEARCH PROJECTS & GRANTS

Resolvency: A Global Theory of Reflexive Debt (Deliberation), ERC Starting Grant, €1,5 Mio (PI)
Normativity, Critique & Change, DFG interdisciplinary graduate school, €4 Mio (co-PI & co-speaker)
Laws of Social Cohesion, Excellence Network Berlin University Alliance, €1,3 Mio, 2020 (co-PI)
The Law of Digital Solidarity, Cooperation FU & University of Zurich, joint seed-funding (co-PI)
Artificial Intelligence & Law, Cooperation FU & King's College London, joint seed-funding (co-PI)
Temporality of Intellectual Property: A Comparative Analysis, grant application (co-PI)
Liminal Property: Practices of Heritage and Its Crisis, interdisciplinary grant application (co-PI)
Reasonable Machines: Moral & Legal Reasoning in AI, interdisciplinary grant application (co-PI)

ACADEMIC TEACHING, SUPERVISION & SERVICE

Lecture courses & seminars: In contract law, property law, civil procedure, economic law, IP law, IT law, comparative law, legal philosophy, legal argumentation theory, law & society, law & economics
Supervision: Served and serves as supervisor or co-supervisor in 13 PhD projects, 10 master projects and about 60 bachelor projects in law and in philosophy
Academic service (selection): Board of examiners (vice chair) MBL FUB; faculty board (deputy) FUB law; board of tutorial commission FUB law; member of 6 appointment commissions FUB

ORGANISATION OF SCIENTIFIC EVENTS (selection)

Deliberative Contract Theory, PLT workshop, FUB & EUI Florence (CoV-postponed to 2021)
Choice Theories of Law, PLT workshop, FUB, HU Berlin & Columbia University, Berlin 2018
Meritocracy & Law, workshop, FUB & Yale Law School, Berlin 2017
The Core of Property, PLT workshop, Königswinter 2015
The Future of Sociological Jurisprudence, Honorary Symposium for G. Teubner, Berlin 2014
Cultures of Contract Interpretation, PLT workshop, FUB, Münster University & VIU Venice 2014
Private Law & Economic Crisis, PLT conference, FUB, Osgoode Hall Toronto & U Ferrara 2012
The Public Dimension of Contract, PLT conference, Villa Vigoni Talks, Lago di Como 2011
POLAR Salon, Biannual Symposium on Politics, Philosophy & Art, KOW Gallery Berlin 2010-2015

REVIEW & EXPERT POSITIONS

Editorial board: International Studies of Private Law Theory (Nomos), Journal of Political Philosophy, Culture and Art POLAR (Campus, co-founder & co-editor-in-chief 2005-2019)
Review (selection): European Review of Contract Law (ERCL), Zeitschrift für Rechtssoziologie, InterDisciplines, Austrian Academy of Sciences (ÖAW), Dutch Research Council (NWO)
Consultation (selection): WIPO (AI & IP), World Bank (sustainability standards), German Ministry for Development (sovereign debt), German Federal Parliament (Enquete "Digital Society"), Goethe Institute (digital property), Green Academy for Science & Politics (permanent member), Co:laboratory Think Tank "Open Government", Boell Think Tank "Digital & Natural Commons"

SCIENTIFIC SOCIETIES

European Law Institute (ELI), elected fellow (since 2017)
Private Law Theory Network (PLT), co-founder & coordinator (www.privatelawtheory.net)
Law & Society Association (LSA) and German Vereinigung für Recht & Gesellschaft (VRG)
International Association for Legal and Social Philosophy (IVR)
German Association for IP Law "Gewerblicher Rechtsschutz und Urheberrecht" (GRUR)

KEYNOTES & INVITED TALKS (*selection*)

AI Patents: New Tracks On the Edge of Legal Innovation Policy, Technical University Berlin, 11/2020
Coding Ethics: A Novel Approach to Regulate Artificial Intelligence?, EPFL Lausanne, 02/2020
Structures of (Digital) Property [in German], Goethe Institute, 10/2019
Who Owns Algorithms? [in German], Green Academy Annual Meeting, Berlin, 02/2019
Beyond To Pay or Not to Pay: the Global Political Economy of Debt, Harvard Law School, 06/2018
Data Bankruptcy: The Right to Digital Oblivion, St. Gallen University, 04/2018
Politics of Private Law [in German], Max-Planck-Institute for Legal History, Frankfurt/M, 01/2018
Varieties of Discharge: Comp. Political Economy of Consumer Bankruptcy, Yale Law School, 04/2017
Deliberating Property: A Global Grammar of Property Law, Columbia Law School, 03/2017
Debt in the Anthropocene, Cambridge University & Collège de France (joint conference), 09/2016
Emotional Foundations of Judgement [in German], HU Berlin, 06/2014 (*keynote review*: FAZ 11/06/2014)
Discursive Passages: A Deliberative Grammar of Global Law, Academy Loccum, 10/2013

BOOKS (*selection*)

Die Fälle der Gesellschaft: Eine neue Praxis soziologischer Jurisprudenz [Towards a New Sociological Jurisprudence], edited experimental case book in honour of G. Teubner, Tübingen: Mohr Siebeck, 2018
 [Review in form of a book colloquium: Vesting, Wiethölter & Campos, Frankfurt/M 2018]

Reshaping Markets: Economic Governance, the Global Financial Crisis & Liberal Utopia, edited research volume (with A. Somma and P. Zumbansen), Cambridge/UK: Cambridge University Press, 2016
 [Review: Zhang, Social & Legal Studies 27 (2018) 124-127]

Die Gründe des Vertrages: Eine Diskurstheorie der Vertragsrechte [The Reasons of Contract: A Discourse Theory of Contract Laws], research monograph, Tübingen: Mohr Siebeck, 2015
 [Reviews: Looschelders, AcP 217 (2017) 156-164; Weller & Schäfer, JZ 72 (2017) 299-301]

JOURNAL ARTICLES & BOOK SECTIONS (*selection*)

Encoding Legal Balancing (with C. Benz Müller & D. Fuenmayor), conference paper for KR 2020, invited article for Artificial Intelligence & Law 2021 [Preprint: arxiv.org/abs/2006.12789]

Reasonable Machines (with C. Benz Müller), in: KI 2020: Advances in Artificial Intelligence, Proceedings 43rd German Conference on Artificial Intelligence, Berlin: Springer, 2020

Grammatik der Rechtfertigung [A Grammar of Justification], 52 Kritische Justiz 516-527 (2019)

Narrative Jurisprudenz [Narrative Jurisprudence], 74 Juristen Zeitung (JZ) 369-373 (2019)

Wem gehören intelligente Roboter? [Who Owns Intelligent Robots?], 59 Jur. Schulung (JuS) 372 (2019)

Watching the Watchmen: Power Analyses of Democratic Judicial Systems, in: Czeguhn (ed), Control of Supreme Courts in Europe, Berlin: Duncker & Humblot, 11-27 (2018)

Fondements de la propriété [Foundations of Property], in: Cornu, Orsi & Rochfeld (eds), Dictionnaires des Communs, Paris: Presses universitaires de France (2017)

Structured Error: Case Study on a Discourse Logic of Comparative Law, 1 Italian Law J 249-272 (2015)

Contract as Deliberation, in: 76 Law and Contemporary Problems 1-18 (2013)

Occupy Global Law: Against a Realist Takeover of World Rule, 4 Transnat Legal Theory 446-451 (2013)

Liquefied Sanctity: Grotius and the Promise of Global Law, in: Asbach & Schroeder (eds), War, the State and International Law, Aldershot: Ashgate, 179-194 (2009)

Favor Contractus: Reading the CISG in Favor of the Contract, in: Andersen & Schroeter (eds), Sharing International Commercial Law Across Boundaries, Festschrift Kritzer, London: Wildy, 247-266 (2008)

Alternative Konfliktlösung als deliberatives Recht [ADR as Deliberative Law], ARSP Beiheft 99, 156 (2004)

Im Taumel der Freiheit: Demokratie und Repräsentation bei Jürgen Habermas [Democracy and Repräsentation in the work of Jürgen Habermas], 39 Der STAAT 185-207 (2000)