

# Václav JANEČEK

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## A Brief Statement of Research Interests

There are three main areas of my research: (1) legal, philosophical and ethical issues relating to information society and emerging technologies, (2) private law theory and theory of regulatory private law, and (3) legal and moral philosophy.

In more practical terms, I am interested in questions related to personal responsibility and liability, legal remedies, digital privacy and security, freedom of speech and information, access to legal information, data protection, e-justice, e-government, smart contracts, legal information systems, use of computer algorithms in judicial procedure, online dispute resolutions, open access, and internet of things.

## University Education

<i>University of Oxford / St Edmund Hall</i> <b>Doctoral degree in Law—DPhil</b> Dissertation title: <i>Between the Public and Private Law of Damages</i> , supervisor: J Goudkamp	2017–2019
<i>University of Oxford / Keble College</i> <b>MSt in Legal Research</b> Dissertation title: <i>Theory of Non-Compensatory Damages</i> , supervisor: J Goudkamp	2016–2017
<i>Charles University</i> <b>Doctoral degree in Theory, Philosophy, and Sociology of Law—PhD</b> Dissertation title: <i>A Theoretical Conception of Civil Liability</i> , supervisor: K Beran	2013–2017
<i>Charles University</i> <b>Post-master's research degree in Law—JUDr</b> (MPhil equivalent) Dissertation title: <i>A Theoretical Conception of Just Satisfaction under Recent Law</i> , without supervision	2014–2016
<i>Charles University</i> <b>Master's degree in Law—Mgr</b> (MA equivalent) 5-year integrated study programme Master's thesis title: <i>Punitive Aspects of Damages</i> , supervisor: K Beran	2007–2013
<i>University of Sussex</i> <b>Visiting and exchange student of Law and Philosophy</b> LLB dissertation title: <i>Exemplary Damages: A Genuine Concept?</i> , supervisor: M Davies	2012–2013
<i>Charles University</i> <b>Bachelor's degree in Philosophy—Bc</b> (BA equivalent) Bachelor's thesis title: <i>Fictionalism in Law and Morality</i> , supervisor: J Jirsa	2007–2011

## Notable Awards and Research Funding

<i>St Edmund Hall, Oxford</i> Pontigny Scholarship	2017–2018
<i>Charles University, Prague</i> Full PhD scholarship Prize for the best research paper amongst law students at Charles University	2013–2016 2011

*Karl, the Prince of Schwarzenberg*  
Individual grant to support my Oxford studies and to promote Czech legal culture 2016

*Hlávka Foundation, Prague*  
Scholarship for exceptional and talented individuals 2015  
(Hlávka Foundation is the oldest continuously operating Czech foundation for sciences and arts)

**Funding for research activities within the following projects:**

*Engineering and Physical Sciences Research Council (EPSRC)*  
PETRAS: Cybersecurity of the Internet of Things 2017–2018

*Czech Science Foundation (Grant Agency of the Czech Republic) – GACR*  
Legal Transactions and Legal Responsibility of Juristic Persons 2016–2018  
Methodology of Legal Interpretation as a Safeguard for Legal Certainty in a Democratic Legal State 2011

**Research Experience (a selection)**

*Postdoctoral Researcher in Digital Ethics*  
**University of Oxford**, Oxford Internet Institute (Digital Ethics Lab) 2017–2018  
Part of the “PETRAS: Cybersecurity of the Internet of Things” project (EPSRC)  
Principal investigators Luciano Floridi and Mariarosaria Taddeo; research on data ownership in the Internet of Things

*Researcher*  
**Charles University**, Faculty of Law 2016–2018  
Part of the “Legal Transactions and Legal Responsibility of Juristic Persons” project (GACR)  
Part-time position  
Principal investigator Karel Beran

*Research Assistant*  
**University of Oxford**, Faculty of Law 2016–2017  
Principal investigator James Goudkamp; I assisted him with these projects: The Dynamic Law of Torts, Defences in Equity

**Charles University**, Faculty of Law 2009–2012  
Work for the Department of Legal Theory and Legal Doctrines; various projects

*Visiting Researcher*  
**European University Institute** in Fiesole (Aug–Sep) 2017  
**Institute for European Tort Law** in Vienna (Aug) 2016  
**Max Planck Institute for Comparative and International Private Law** in Hamburg (Jan–Apr) 2016

**Teaching Experience (a selection)**

*Tutor in Law*  
University of Oxford, New College 2017  
**Philosophy of Law**

*Guest Lecturer in Law*  
Charles University, Faculty of Law 2017  
**Common Law Legal Sources and Electronic Databases**

*Lecturer in Law*  
Charles University, Faculty of Law 2014–2016  
**Jurisprudence and Legal Theory**

<i>Lecturer in Law</i>	
Charles University, Faculty of Law	2013–2016
<b>Electronic Legal Information Systems</b>	
<i>Tutor in Philosophy</i>	
Charles University, Faculty of Arts	2011–2012
<b>Moral Philosophy and Phenomenology</b>	
<i>Teaching Training</i>	
University of Oxford, Faculty of Law	2017
Charles University, Faculty of Law	2015
Charles University, Faculty of Arts	2011

### Other Experience and Memberships (a selection)

<i>Associate Editor</i>	
<b>Oxford University Commonwealth Law Journal</b> (editing articles in English private law)	2016–2017
<i>Academic Engagement</i>	
<b>University of Oxford</b> , Faculty of Law	
First year research students' representative	2016–2017
Convenor of the Research Students' Discussion Group	2016–2017
<i>Academic and Professional Memberships</i>	
<b>ELI</b> (European Law Institute)	
<b>IAAIL</b> (International Association for Artificial Intelligence and Law)	
<b>ČSESP</b> (Czech Society for European and Comparative Law)	

### Publications (original title in square brackets)

#### Books

- 1 **Critique of Legal Responsibility** [Kritika právní odpovědnosti] (Wolters Kluwer 2018)
- 2 **Function and Position of Legal Responsibility in the Recent Legal Order** [Funkce a místo právní odpovědnosti v recentním právním řádu] (Leges 2014) (co-authored with A Gerloch et al.)
  - reviewed by V Kallai (2015) 23(2) Časopis pro právní vědu a praxis 180–83
  - reviewed by O Urban (2015) 5(3) The Lawyer Quarterly 229–30
  - reviewed by J Tryzna (2015) (3) Bulletin advokacie 55–56

#### Journal Articles (peer reviewed)

- 3 **Causation and the Scope of Liability** [Kauzalita a rozsah odpovědnosti] (2016) 155(11) Právník 959–81
- 4 **When Is It De Lege Lata Possible to Award Punitive Damages?** [Kdy lze de lege lata poškozenému přiznat preventivně-sankční složku přiměřeného zadostiučinění] (2016) 24(22) Právní rozhledy 767–74
- 5 **Unequal Fault-Based Liability** [Nerovná subjektivní odpovědnost] (2016) 25(5) Jurisprudence 15–21
- 6 **How Does the Substantial Modification of a Public Contract Affect Its Legal Regime?** (2015) 24(3) Public Procurement Law Review 90–105 (co-authored with J Brodec)
- 7 **Invalidity of Legal Transaction That Is Contrary to the Act on Public Contracts** [Neplatnost právního jednání pro rozpor se zákonem o veřejných zakázkách] (2015) 24(4) Jurisprudence 3–9 (co-authored with J Brodec)
- 8 **Exemplary Damages: A Genuine Concept?** (2014) 6(2) European Journal of Legal Studies 189–206
- 9 **Material Amendment to a Contract as Privative Novation** [Podstatná změna smlouvy jakožto privativní novace] (2014) 23(5) Jurisprudence 3–13 (co-authored with J Brodec)

- 10 **Punitive Damages** [Sankční náhrada škody]  
(2013) 152(10) Právník 989–1012
- 11 **On the Acceptability of Exemplary Damages** [K přípustnosti sankční náhrady škody]  
(2013) 21(5) Právní rozhledy 153–59

*Book Chapters*

- 12 **Functions of Damages** [Funkce náhrady škody]  
in A Gerloch et al., *Function and Position of Legal Responsibility in the Recent Legal Order* [Funkce a místo právní odpovědnosti v recentním právním řádu] (Leges 2014) 37–66
- 13 **Conclusion** [Shrnutí]  
in A Gerloch et al., *Function and Position of Legal Responsibility in the Recent Legal Order* [Funkce a místo právní odpovědnosti v recentním právním řádu] (Leges 2014) 243–47
- 14 **Fictionalism in Law** [Fikcionalismus v právu]  
in P Šturma (ed), *IV. Student Scientific Conference* [IV. Konference studentské vědecké odborné činnosti: sborník vítězných prací] (1st edn, Charles University 2011) 177–93

*Other Journal Articles (not peer-reviewed)*

- 15 **Reimbursements for the Municipal Representatives in Practice** [Náhrady zastupitelů za výkon funkce v praxi aneb co může být po volbách jinak]  
(2014) 22(9) Právní rádce 60–64 (co-authored with O Trnka)
- 16 **Works Contracts vs New EU Legislation** [Veřejné zakázky na stavební práce vs. nová legislativa EU]  
(2014) 2(1) Veřejné zakázky v praxi 16–20 (co-authored with J Brodec)

*Textbooks*

- 17 **Coursebook on Legal Theory** [Praktikum teorie práva] (2nd edn, Aleš Čeněk 2017) (co-authored with A Gerloch et al.)

*Book Reviews*

- 18 **L Tichy and J Hradek, *The Law of Delict* [Deliktní právo] (CH Beck 2017)**  
(2017) 25(3) Časopis pro právní vědu a praxi 571–74

**Conference and Public Presentations**

- 1 **Models of Publication of Legal Information**, presented at the Digital Ethics Lab meeting, Oxford Internet Institute, University of Oxford, Oxford, 15 November 2017, 15 min presentation
- 2 **Strogovic and Kelsen: A Theory of a Norm Structure**, paper presented at the EUI Legal and Political Theory WG, European University Institute, Fiesole (ITA), 20 September 2017, 30 min presentation
- 3 **Politics in Legal Norms** [Politika v právních normách], paper presented at Weyr's Days of Legal Theory: International Conference, Brno (CZE), 1 June 2017, 20 min presentation
- 4 **The Goals of Non-Compensatory Damages: Methodical Challenges**, paper presented at Oxford Graduate Legal Research Conference, University of Oxford, Faculty of Law, 20 April 2017, 10 min presentation (I also chaired a panel on Insolvency and Tax Law during this conference)
- 5 **A Theoretical Conception of Delictual Liability under the New Czech Civil Code – Doctrinal Limits on Punitive Awards**, paper presented at Juristenrunde, Institute for European Tort Law, Vienna, 3 August 2016, 45 min presentation
- 6 **Theoretical Conception of Civil Liability – A Cold War in Legal Theory**, paper presented at Aktuelle Stunde, Max-Planck-Institut für ausländisches und internationales Privatrecht, Hamburg, 17 March 2016, 30 min presentation
- 7 **Protective Purpose of a Norm** [Ochranný účel normy], paper presented at Legal Theory Discussion Group at Charles University, Faculty of Law, Prague, 12 October 2015, 25 min presentation
- 8 **Corrective Justice and Liability in Private Law** [Soukromoprávní odpovědnost prismaticem korektivní spravedlnosti], paper presented at Legal Theory Discussion Group at Charles University, Faculty of Law, Prague, 13 October 2014, 25 min presentation
- 9 **Material Amendment to a Contract in the Light of Transitional Provisions** [Podstatná změna smlouvy ve světle přechodných ustanovení], paper presented at 8<sup>th</sup> Olomouc Days of Law (An International Scientific Conference), Olomouc (CZE), 16 May 2014, 20 min presentation

- 10 **Fictionalism in Law** [Fikcionalismus v právu], paper presented at Legal Theory Discussion Group at Charles University, Faculty of Law, Prague, 2 May 2011, 25 min presentation