

YOAN HERMSTRÜWER

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EMPLOYMENT

University of Zurich Assistant Professor (tenure track) Legal Tech, Law and Economics, and Public Law	02/2023 –
Max Planck Institute for Research on Collective Goods Senior Research Fellow	2016 –

PREVIOUS POSITIONS

University of Michigan Law School Lecturer	Fall 2021
Stanford Law School Fellow, Transatlantic Technology Law Forum	2018 – 2020
Yale Law School Visiting Researcher	Spring 2013
Max Planck Institute for Research on Collective Goods Research Fellow	2011 – 2016

EDUCATION

Ph.D., Economics University of Jena Advisor: Oliver Kirchkamp	2020
Second State Exam, Law Higher Regional Court of Düsseldorf	2017
Ph.D., Law University of Bonn Advisor: Christoph Engel	2015
International Max Planck Research School Ph.D. student, IMPRS on Adapting Behavior in a Fundamentally Uncertain World	2011 – 2014
First State Exam, Law Higher Regional Court of Cologne	2010
Licence en droit Panthéon-Assas University (Paris II)	2007

Education in Law 2004 – 2010
University of Freiburg, i.Br., Panthéon-Assas University (Paris II), University of Bonn

Education in Islamic Studies 2004 – 2006
University of Freiburg, i.Br.

PUBLICATIONS

Books

ÖFFENTLICHES RECHT ALS VERHALTENSORDNUNG. Ein neues Paradigma (2022) (with Christoph Engel, Stefanie Egidy, Leonard Hoeft, Pascal Langenbach and Laurence O’Hara), manuscript finalized.

INFORMATIONELLE SELBSTGEFÄHRDUNG. Zur rechtsfunktionalen, spieltheoretischen und empirischen Rationalität der datenschutzrechtlichen Einwilligung und des Rechts auf informationelle Selbstbestimmung, 436 p., Mohr Siebeck: Tübingen (2016). [Link](#)

Edited Volumes

DER SCHUTZ DER MEINUNGSBILDUNG IM DIGITALEN ZEITALTER. Instrumente und Instrumentenvergleich, Hermstrüwer, Yoan / Lüdemann, Jörn (Eds.), 205 p., Mohr Siebeck: Tübingen (2021). [Link](#)

Articles

Fair Governance with Humans and Machines, __ **Psychology, Public Policy, and Law** (PPPL) __ (forthcoming) (with Pascal Langenbach).

Debarment and collusion in procurement auctions, 129 **Games and Economic Behavior** 114–143 (2021) (with Claudia Cerrone and Pedro Robalo). [Link](#)

The Limits of Blockchain Democracy, 14 **New York University Journal of Law & Liberty** (NYU JLL) 402–492 (2020). [Link](#)

Fairnessprinzipien der algorithmischen Verwaltung: Diskriminierungsprävention beim staatlichen Einsatz von Machine Learning, 145 **Archiv des öffentlichen Rechts** (AöR) 479–521 (2020). [Link](#)

Democratic Blockchain Design, 175 **Journal of Institutional and Theoretical Economics** (JITE) 163–177 (2019). [Link](#)

Anreize und Nudging zur Patientcompliance: Staatliche Entscheidungen über Heilung und Ressourcenverteilung, 17 **GesundheitsRecht** (GesR) 21–27 (2018). [Link](#)

Sharing is daring: An experiment on consent options, chilling effects and a salient privacy nudge, 51 **International Review of Law and Economics** (IRLE) 38–49 (2017) (with Stephan Dickert). [Link](#)

Contracting Around Privacy: The (Behavioral) Law and Economics of Consent and Big Data, 8 **Journal of Intellectual Property, Information Technology and Electronic Commerce Law** (JIPITEC) 9–26 (2017). [Link](#)

Using the Internet’s Fast Lane: Exemptions from Net Neutrality, **Cambridge International Law Journal** (CILJ) Online (2016) (with Christoph Werkmeister). [Link](#)

Ausnahmen vom Grundsatz der Netzneutralität – Wer darf auf die Überholspur im Internet?, 31 **Computer und Recht** (CR) 570–576 (2015) (with Christoph Werkmeister). [Link](#)

Die Datenkrake als Nutztier der Strafverfolgung – Zum strafprozessualen Zugriff auf Facebook-Profile, 4 **Rechtswissenschaft** (RW) 326–359 (2013) (with Markus Englerth). [Link](#)

Biometrie und Behavioral Economics. Verhaltensökonomische Perspektiven auf das europäische Datenschutzrecht, 46 **Kritische Justiz** (KJ) 184–197 (2013) (with Hanjo Hamann). [Link](#)

Referendarexamensklausur – Öffentliches Recht: Staatsrecht – Das Verkaufsverbot für Schokoladenzigaretten, 52 **Juristische Schulung** (JuS) 57–62 (2012) (with Jörn Lüdemann). [Link](#)

Zum recours pour excès de pouvoir im französischen Verwaltungsprozessrecht. Die cross-fertilisation objektiver und subjektiver Rechtsschutzsysteme, **Bonner Rechtsjournal 2010** (BRJ) 222–225 (2010). [Link](#)

Philosophie und Recht in Zeiten des Terrors. Terrorismus aus Perspektiven der Philosophie: Jürgen Habermas und Jacques Derrida, **Humboldt Forum Recht 2009** (HFR) 30–51 (2009). [Link](#)

Chapters

Behavioral Public Law, in: Engel, Christoph / Egidy, Stefanie / Hermstrüwer, Yoan / Hoeft, Leonard / Langenbach, Pascal / O'Hara, Laurence, *ÖFFENTLICHES RECHT ALS VERHALTENSORDNUNG. Ein neues Paradigma* (2022) (with Stefanie Egidy, Leonard Hoeft, Pascal Langenbach and Laurence O'Hara), manuscript finalized.

Staatsorganisationsrecht, in: Engel, Christoph / Egidy, Stefanie / Hermstrüwer, Yoan / Hoeft, Leonard / Langenbach, Pascal / O'Hara, Laurence, *ÖFFENTLICHES RECHT ALS VERHALTENSORDNUNG. Ein neues Paradigma* (2022), manuscript finalized.

Internationales Kommunikationswirtschaftsrecht (Telekommunikationsrecht und Postrecht), in: Tietje, Christian / Nowrot, Karsten (Eds.), *INTERNATIONALES WIRTSCHAFTSRECHT*, 3rd ed., 572–603, De Gruyter: Berlin (2021) (with Jörn Lüdemann). [Link](#)

Blockchain and public administration, in: Pollicino, Oreste / De Gregorio, Giovanni (Eds.), *BLOCKCHAIN AND PUBLIC LAW: Global Challenges in the Era of Decentralisation*, 104–121, Edward Elgar Publishing: Cheltenham/Northampton (2021). [Link](#)

Wahrheit als Regelungsproblem – Instrumente zum Umgang mit Fake News, in: Hermstrüwer, Yoan / Lüdemann, Jörn (Eds.), *DER SCHUTZ DER MEINUNGSBILDUNG IM DIGITALEN ZEITALTER. Instrumente und Instrumentenvergleich*, 149–188, Mohr Siebeck: Tübingen (2021). [Link](#)

Artificial Intelligence and Administrative Decisions Under Uncertainty, in: Wischmeyer, Thomas / Rademacher, Timo (Eds.), *REGULATING ARTIFICIAL INTELLIGENCE*, 199–223, Springer International Publishing: Cham (2020). [Link](#)

Algorithmische Verteilungsmechanismen im Infrastrukturrecht – Überlegungen zur Stauregulierung aus einer Marktdesign-Perspektive, in: Krönke, Christoph (Ed.), *REGULIERUNG IN ZEITEN DER DIGITALWIRTSCHAFT*, 145–162, Mohr Siebeck: Tübingen (2019). [Link](#)

Die Regulierung der prädiktiven Analytik: eine juristisch-verhaltenswissenschaftliche Skizze, in: Hoffmann-Riem, Wolfgang (Ed.), *BIG DATA – REGULATIVE HERAUSFORDERUNGEN*, 99–116, Nomos: Baden-Baden (2018). [Link](#)

Schöne neue Privatheit: Informationspreisgabe in der Netzwerköffentlichkeit, *JAHRBUCH 2014 MAX-PLANCK-GESELLSCHAFT*, Forschungsbericht Max-Planck-Institut zur Erforschung von Gemeinschaftsgütern (2014). [Link](#)

Schaffen offen Netze Mehrwert?, in: INNOVATION IM DIGITALEN ÖKOSYSTEM, 6. ABSCHLUSSBERICHT DES INTERNET & GESELLSCHAFT CO:LLABORATORY, 95–116 (2012) (with Marcus Dapp, Abraham Taherivand and Hendrik Send). [Link](#)

Biometrie und Autonomie. Die Vermessung der Person zwischen Datenschutzrecht und Entscheidungsforschung, in: Stiftung der Hessischen Rechtsanwaltschaft (Ed.), SCHWIMMEN MIT FINGERABDRUCK? DIE BIOMETRISCHEN HERAUSFORDERUNGEN FÜR DAS RECHT DER GEGENWART UND ZUKUNFT, 1–44, Optimus: Göttingen (2012) (with Hanjo Hamann). [Link](#)

Working Papers

A Market Design Approach to Refugee Law (2022), 29 pp.

Fair Governance with Humans and Machines, *Max Planck Institute for Research on Collective Goods, Discussion Paper 2022/4*, 1–55 (2022) (with Pascal Langenbach). [Link](#)

School Choice with Consent: An Experiment, *Max Planck Institute for Research on Collective Goods, Discussion Paper 2022/2, University of Sydney, Economics Working Paper Series, 2021-09*, 1–51 (2022) (with Claudia Cerrone and Onur Kesten), **R&R, The Economic Journal**. [Link](#) [Link](#)

The Limits of Blockchain Democracy: A Transatlantic Perspective on Blockchain Voting Systems, *TTLF Working Papers No. 49, Stanford-Vienna Transatlantic Technology Law Forum* 1–65 (2020). [Link](#)

Transparency and Fairness in School Choice Mechanisms, *Max Planck Institute for Research on Collective Goods, Discussion Paper 2019/11* 1–72 (2019). [Link](#)

Debarment and Collusion in Procurement Auctions, *Max Planck Institute for Research on Collective Goods, Discussion Paper 2018/5* 1–52 (2018) (with Claudia Cerrone and Pedro Robalo). [Link](#)

Tearing the Veil of Privacy Law: An Experiment on Chilling Effects and the Right to Be Forgotten, *Preprints of the Max Planck Institute for Research on Collective Goods 2013/15* 1–39 (2013) (with Stephan Dickert). [Link](#)

Translations

French – German: Olivier Jouanjan, Grundzüge staatlichen Verfassungsrechts in Frankreich, in: von Bogdandy, Armin / Cruz Villalón, Pedro / Huber, Peter M. (Eds.), HANDBUCH IUS PUBLICUM EUROPAEUM, Vol. 1, 87–150, C.F. Müller: Heidelberg (2007). [Link](#)

WORK IN PROGRESS

Fair Errors (with Pascal Langenbach)

Normative Conflicts, Expressive Voting, and the Law (with Mahdi Khesali)

Privacy’s Great Shock (with Jens Frankenreiter)

Matching Mechanisms in Public Law

PRESENTATIONS

2023 Workshop & Lecture Series in Law & Economics, ETH Zurich, University of Lucerne, University of St. Gallen, and University of Zurich (scheduled)

2022 2022 Easter Workshop on School Choice, Queen’s University Belfast; 2022 World Economic Science Association Conference (2022 World ESA), Massachusetts Institute of Technology

2021 Meeting of the MD4SG Working Group on Algorithms, Law, and Policy; ICON•S Mundo Conference – The Future of Public Law (2021 ICON•S); Forum Junge Rechtswissenschaft, University of Tübingen; ACM Conference on Equity and Access in Algorithms, Mechanisms, and Optimization (EAAMO ’21); Workshop of the Max Planck Law – Tech – Society Initiative, Max Planck Law Network

2020 Arbeitskreis Grundlagen, 60. Assistententagung im Öffentlichen Recht “Der digitalisierte Staat” (ATÖR 2020), University of Trier; 37th Annual Conference of the European Association of Law and Economics (EALE 2020), Université Panthéon-Assas (Paris 2); International Junior Scholars Forum in Law and Social Science, University of Chicago, ETH Zurich and Tsinghua University

2019 Law and Economics Colloquium, Center for Advanced Studies in Law and Economics (CASTLE), University of Bonn; Privacy Icons Workshop, Weizenbaum Institute, Berlin; 3rd Workshop on Mechanism Design for Social Good (MD4SG ’19) & 20th ACM Conference on Economics and Computation (EC ’19), Phoenix; 4th Annual Conference of the French Law and Economics Association (AFED 2019), University of Rennes 1; 2019 Annual Meeting of the Institute for Operations Research and the Management Sciences (INFORMS 2019), Seattle

2018 GIF Young Scientists’ Meeting, Legal Rules for the Digital Economy, Potsdam; Workshop Meinungsbildung im digitalen Zeitalter, Max Planck Institute for Research on Collective Goods, Bonn; 28th Annual Meeting of the American Law & Economics Association (ALEA 2018), Boston University; 2nd Conference of Empirical Legal Studies Europe (CELSE 2018), KU Leuven; 36th Conference on Institutional and Theoretical Economics (JITE 2018), Florence;

Workshop Regulierung der Digitalwirtschaft, Center for Advanced Studies (CAS), LMU Munich; 2018 MaCCI Law & Economics Conference on The Law and Economics of Market Design, ZEW Mannheim

2017 Behavioral and Experimental Economics Workshop (BEEW), LUISS Guido Carli, Rome; Karlsruher Dialog zum Informationsrecht, Karlsruhe Institute of Technology; Institut für Europäische Gesundheitspolitik und Sozialrecht (ineges), Compliance im Gesundheitswesen: Zur guten Ordnung des Behandlungsgeschehens, Goethe University Frankfurt

2016 INT Workshop, World Bank, Washington, D.C.; Interdisciplinary Conference on Contracts on Digital Goods and Services (JIPITEC), Humboldt University Berlin; PinG Workshop, Härting Rechtsanwälte, Berlin

2014 Symposium for Ernst-Joachim Mestmäcker, Max Planck Institute for Research on Collective Goods, Bonn

2013 Seminar on Social Sciences and the Law, Yale Law School; Yale Law School Graduates Seminar, Yale Law School; 30th Annual Conference of the European Association of Law and Economics (EALE 2013), University of Warsaw; 3rd Yale Doctoral Scholarship Conference, Law and Uncertainty, Yale Law School

2012 Hessian Bar Foundation, Frankfurt a.M.; Law and Economics Seminar, ETH Zurich; Workshop on Law and Biometrics, University of Marburg

TEACHING

University of Zurich

Smart Contracts F 2022
UZH Blockchain Center, CAS Lecture

University of Michigan Law School

Designing a New Global Refugee Protection System F 2021
PSI Class
with James C. Hathaway

Max Planck Law Curriculum

Behavioral Public Law S 2021
Seminar
with Christoph Engel, Pascal Langenbach, Laurence O'Hara and Frederike Zufall

Karlsruhe Institute of Technology (KIT)

Telecommunications Law S 2021, 2020, 2019
Lecture

University of Bonn

Constitutional Law I: Fundamental Rights S 2012
Constitutional Law II: Institutional Law F 2011
Tutorial

AWARDS AND HONORS

Awards

- Doctoral Dissertation Award of the Faculty of Economics and Business Administration, University of Jena 2021
- Scientific Award of the German Society for Data Protection and Data Security (GDD) 2014
- Göran Skogh Award for the Most Promising Paper Presented at the 30th Annual Conference of the European Association of Law and Economics 2013
- 1st Prize of the Essay Competition on Law and Biometrics, Technical University of Darmstadt and Hessian Bar Foundation (with Hanjo Hamann) 2012

Grants

Travel Grant for the 3rd Workshop on Mechanism Design for Social Good (MD4SG '19), Phoenix, AZ (2019); Grant of the Fritz Thyssen Foundation for the Workshop on Free Speech in the Digital Age (with Jörn Lüdemann) (2018); Grant of the Konrad-Redeker-Foundation for the publication of the Ph.D. thesis (2016); Doctoral Scholarship, IMPRS on Adapting Behavior in a Fundamentally Uncertain World (2011 – 2014)

PROFESSIONAL EXPERIENCE

Law Clerk 2014 – 2016

District Court of Siegburg, Higher Regional Court District of Cologne (04/2014 – 08/2014); Public Prosecutor's Office, Bonn (09/2014 – 11/2014); German Embassy in Seoul, South Korea (12/2014 – 02/2015); Freshfields Bruckhaus Deringer, Cologne (03/2015 – 12/2015); World Bank, Special Litigation Unit, Washington, D.C. (01/2016 – 04/2016)

Policy Activities

- Feasibility study on *Market Design for Public Construction Projects*, in cooperation with ZEW Mannheim, commissioned by the Federal Institute for Research on Building, Urban Affairs and Spatial Development (BBSR) 2018
- Member of the focus group of the ABiDa-Report (Assessing Big Data) *Nudging – Regulation by Big Data and Behavioral Sciences*, Berlin Social Science Center (WZB) 2018
- Advisor to the Institute for Applied Social Science (infas) for the study on *Consumer Information on Apps – Empirics*, commissioned by the Federal Ministry of Justice and Consumer Protection (BMJV) 2017
- Advisor to the Stiftung Datenschutz for the study on *New ways of providing consent in data protection – technical, legal and economic challenges* 2016

Internships and Civil Service

German Embassy in Bamako, Mali, intern (2008); German-French Chamber of Commerce in Paris, France, intern (2007); German Fund for Environmental Protection, civil service (BUND) (2003 – 2004)

ACADEMIC SERVICE

Organizer

ECONtribute Law and Econ Workshop, University of Bonn & Max Planck Institute for Research on Collective Goods (04/2020 –); *Law – Tech – Society Initiative*, Max Planck Law Network (10/2020 – 06/2022); *Max Planck Law Network*, Liaison Officer (05/2019 – 05/2021); *Workshop on Free Speech in the Digital Age*, Max Planck Institute for Research on Collective Goods (03/2018); *Workshop on Free Speech in the Digital Age*, Humboldt University Berlin (10/2018)

Program Committee

Second ACM Conference on Equity and Access in Algorithms, Mechanisms, and Optimization (EAAMO '22), George Mason University, Arlington, VA (10/2022); *Inaugural ACM Conference on Equity and Access in Algorithms, Mechanisms, and Optimization (EAAMO '21)*, Virtual (10/2021); *4th Workshop on Mechanism Design for Social Good (MD4SG '20)*, Virtual (08/2020)

Refereeing

ETH Zurich Research Commission; European Journal of Law and Economics; Journal of Gender Studies; Review of Law and Economics; Swiss National Science Foundation; Technology and Regulation

SKILLS

Computer Skills	L ^A T _E X, Stata, R, zTree, Python (basics), oTree (basics)
Languages	German, French, English, Spanish, Arabic (rusty)

Last updated: December 2022