

YOAN HERMSTRÜWER

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CURRENT POSITION

Max Planck Institute for Research on Collective Goods *2016 –*
Senior Research Fellow

University of Michigan Law School *Fall 2021*
Lecturer

PREVIOUS POSITIONS

Stanford Law School *2018 – 2020*
Fellow, Transatlantic Technology Law Forum

Yale Law School *Spring 2013*
Visiting Researcher

Max Planck Institute for Research on Collective Goods *2011 – 2016*
Research Fellow

EDUCATION

Ph.D. in Economics *2020*
University of Jena
Advisor: Oliver Kirchkamp

Second State Exam in Law *2017*
Higher Regional Court of Düsseldorf

Ph.D. in Law *2015*
University of Bonn
Advisor: Christoph Engel

International Max Planck Research School *2011 – 2014*
Ph.D. student, IMPRS on Adapting Behavior in a Fundamentally Uncertain World

First State Exam in Law *2010*
Higher Regional Court of Cologne

Licence en droit *2007*
Panthéon-Assas University (Paris II)

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

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

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 Patientencompliance: 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

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 FINGER-ABDRUCK? 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

School Choice with Consent: An Experiment (with Claudia Cerrone and Onur Kesten) – submitted

Fair Governance with Humans and Machines (with Pascal Langenbach) – submitted

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 2018/05* 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

Privacy’s Great Shock (with Jens Frankenreiter)

Assignment Mechanisms in Public Law

Why Law and Market Design?

PRESENTATIONS

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 Michigan Law School

Designing a New Global Refugee Protection System

Fall 2021

PSI Class

with James C. Hathaway

Max Planck Law Curriculum

Behavioral Public Law

Summer 2021

Seminar

with Christoph Engel, Pascal Langenbach, Laurence O'Hara and Frederike Zufall

Karlsruhe Institute of Technology (KIT)

Telecommunications Law

Spring 2021, 2020, 2019

Lecture

University of Bonn

Constitutional Law I: Fundamental Rights

Spring 2012

Constitutional Law II: Institutional Law

Fall 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

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
- Public Prosecutor's Office, Bonn
- German Embassy in Seoul, South Korea
- Freshfields Bruckhaus Deringer, Cologne
- World Bank, Special Litigation Unit, Washington, D.C.

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

ACADEMIC SERVICE

Organizer

Law – Tech – Society Initiative, Max Planck Law Network (since 10/2020); *ECONtribute Law and Econ Workshop*, University of Bonn & Max Planck Institute for Research on Collective Goods (since 04/2020); *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

ACM Conference on Equity and Access in Algorithms, Mechanisms, and Optimization (EAAMO '21) (10/2021); *4th Workshop on Mechanism Design for Social Good (MD4SG '20)* (08/2020)

Refereeing

ETH Zurich Research Commission; Journal of Gender Studies; Review of Law and Economics; Technology and Regulation

SKILLS

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

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