

HANOCH DAGAN

Tel-Aviv University Faculty of Law
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ACADEMIC EMPLOYMENT

Tel-Aviv University

Director, The Edmond J. Safra Center for Ethics, 2017-present.
Stewart and Judy Colton Professor of Legal Theory and Innovation, 2013-present.
Dean, The Buchmann Faculty of Law, 2006-2011.
Founding Director, The Zvi Meitar Center of Advanced Legal Studies, 2007-2011.
Director, The Cegla Center for Interdisciplinary Research of the Law, 2005-2006.
Professor, 2004-2013; *Associate Professor*, 2000-2004; *Senior Lecturer*, 1996-2000;
Lecturer, 1993-1996.

Others

Columbia Law School: *Justin D'Atri Visiting Professor of Law, Business, and Society*,
Fall 2012; Fall 2014; Fall 2015; Fall 2018.
Cornell Law School: *Visiting Professor*, September-October 2010; Fall 2017.
UCLA School of Law: *Albert and Heidi Praw Visiting Scholar*, February 2015.
Toronto University Faculty of Law: *Visiting Professor*, February 2012.
Yale Law School: *Visiting Professor of Law and Oscar M. Ruebhausen Distinguished
Senior Fellow*, Fall 2011.
Australian National University College of Law, John Fleming Centre for Advancement of
Legal Research: *Distinguished Fleming Visiting Fellow*, July 2008.
University of Alabama Law School: *Distinguished Visiting Professor*, February 2006,
March 2012.
University of Michigan Law School: *Affiliated Overseas Professor*, 2001-2003; *Visiting
Professor*, 1998-2001.

OTHER EMPLOYMENT

The Israel Democracy Institute, *Senior Fellow* and co-Founding Director of the
Program on Human Rights and Judaism, 2011-2018.
Herzog, Fox, Neeman & Co., Israel, *Associate Attorney, Intern, and Summer Associate*,
1987-1990.
Israel Defense Forces, Lieutenant, 1981-1986. Distinguished graduate, Officers' course.

EDUCATION

Yale Law School, *LL.M.*, 1991. Fulbright Award. *J.S.D.*, 1993. Dissertation: “The Law of Unjust Enrichment: A Philosophical Perspective,” Dean Anthony T. Kronman, Supervisor; Research Assistant to Professor Alan Schwartz.

Tel-Aviv University Law School, *LL.B.*, 1988. *Summa Cum Laude*, Rank 1/170. The Knesset Outstanding Student Award – 1987; Provost’s List and Wolf Fund Award – 1987; Dean’s List – 1985, 1988; Teaching and Research Assistant in Administrative Law, 1987-1990; Participant in Annual Prize Moot Court – 1988.

WORKS IN PROGRESS

A LIBERAL THEORY OF PROPERTY (Cambridge University Press, forthcoming 2020).

RESEARCH HANDBOOK ON PRIVATE LAW THEORIES (co-edited with Benjamin Zipursky; Edward Elgar Publishing, forthcoming 2020).

[*Autonomy and Property*](#), in RESEARCH HANDBOOK ON PRIVATE LAW (Hanoch Dagan & Benjamin C. Zipursky eds., forthcoming 2020).

[*Choice Theory: A Restatement*](#), in RESEARCH HANDBOOK ON PRIVATE LAW (Hanoch Dagan & Benjamin C. Zipursky eds., forthcoming 2020) (with Michael Heller).

[*Substantive Remedies*](#) (with Avihay Dorfman).

[*Justice for Contracts*](#) (with Avihay Dorfman).

The Property Pact (with Michael Heller) (draft available).

Two Visions of Contract (draft available).

Poverty and Private Law: Beyond Distributive Justice (with Avihay Dorfman).

Trusts and the Liberal Theory of Property, in PHILOSOPHICAL FOUNDATIONS OF TRUST LAW (Simone Degeling et al. eds., forthcoming 2021) (with Irit Samet).

The Domain of Private Law (with Avihay Dorfman).

Contract’s Basic Assumptions and Contractors’ Future Self (with Ohad Somech).

BOOKS

[THE CHOICE THEORY OF CONTRACTS](#) (with Michael A. Heller) (2017, Cambridge University Press).

Reviewed in Charles Fried, *Contract as Promise: Lessons Learned*, 20 THEORETICAL INQUIRIES L. 367 (2019); Aditi Bagchi, *Voluntary Obligation and Contract*, 20 THEORETICAL INQUIRIES L. 433 (2019); Oren Bar-Gill & Clayton P. Gillette, *On the Optimal Number of Contract Types*, 20 THEORETICAL INQUIRIES L. 487 (2019); Yitzhak Benbaji, *Contract Law in a Just Society*, 20 THEORETICAL INQUIRIES L. 411 (2019); Peter Benson, *Unity and Multiplicity in Contract Law: From General Principles to Transaction-Types*, 20 THEORETICAL INQUIRIES L. 537 (2019); Gregory Klass, *Parol Evidence Rules and the Mechanics of Choice*, 20 THEORETICAL INQUIRIES L. 457 (2019); Daniel Markovits & Alan Schwartz, *Plural Values in Contract Law: Theory and Implementation*, 20 THEORETICAL INQUIRIES L. 571 (2019); Nathan B. Oman, *Contract Law and the Liberalism of Fear*, 20 THEORETICAL INQUIRIES L. 381 (2019); Fabrizio Esposito, *Carrying the Choice Theory of Contracts Further: Transfers, Welfare, and the Size of the Community*, 15 EUR. REV. CONTRACT L. 297 (2019); Brian Bix, *Book Review*, * LAW & PHIL. * (2019); Arthur Ripstein, *The Contracting Theory of Choices*, * LAW & PHIL. * (2019); Robert Stevens, *Contract, Rights and the Morality of Promising*, * LAW & PHIL. * (2019); Oren Bar-Gill, *Choice Theory and the Economic Analysis of Contracts*, * Jerusalem Rev. Legal Stud. * (2019); Yoram Kaplan, *A Normative Inquiry into The Choice Theory of Contracts*, * Jerusalem Rev. Legal Stud. * (2019); Prince Saprai, *Moving Beyond Promise*, * Jerusalem Rev. Legal Stud. * (2019); Ronit Levine-Schnur, *Contracts, States, and Obstacles of the Imagination*, * Jerusalem Rev. Legal Stud. * (2019); Sharon Shakargy, *Family, Contracts, Autonomy and Choice*, * Jerusalem Rev. Legal Stud. * (2019); Ohad Somekh, *The Uneasy Move from Autonomy to Alternatives: Self-Determination, Regret, and The Process of Autonomous Choice*, * Jerusalem Rev. Legal Stud. * (2019); Nicholas Cornell, *Book Review*, NOTRE DAME PHILOSOPHICAL REVIEWS (Nov. 20, 2017); Nick Sage, *Book Review*, 81 MODERN L. REV. 381 (2018).

Columbia Law School held a conference honoring the publication of this book, featuring Aditi Bagchi, Oren Bar-Gill, Peter Benson, Richard Brooks, Charles Fried, Clayton Gillette, Gregory Klass, Jody Kraus, Roy Kreitner, Daniel Markovits, Nathan Oman, Alan Schwartz, and Robert Scott, October 2017.

The Interdisciplinary Center (Hertziya) convened a conference on the book, featuring Oren Bar-Gill, Ronit Levine-Schnur, Sharon Shakargy, and Robert Stevens, December 2017.

The Block Center at Brooklyn Law School convened a colloquium on the book's implications of the for International Economic Law, featuring Julian Arato, Neil Cohen, and Robin Efron, February 2018.

Humboldt University and Freie University in Berlin co-hosted a Public Lecture and a Workshop on the book, featuring Marietta Auer, Stefan Grundmann, Christian Joerges, Felix Hartmann, Bertram Lomfeld, Florian Rödl, Heike Schweitzer, and Gerhard Wagner, June 2018.

BOOKS (*Continued*)

[RECONSTRUCTING AMERICAN LEGAL REALISM & RETHINKING PRIVATE LAW THEORY](#) (Oxford University Press, 2013).

Reviewed in Alan Brudner, *Realism's Illusions*, 1 CRIT. ANAL. L. 199 (2014); Daniel Farbman, *The Scalpel and the Salve: Rekindling Romantic Realism*, 1 CRIT. ANAL. L. 212 (2014); Joseph Singer, *Private Law Realism*, 1 CRIT. ANAL. L. 226 (2014); Laura Underkuffler, *Reality and Illusion*, 1 CRIT. ANAL. L. 239 (2014); Patricia Mindus, *Realism Today: On Dagan's Quest Beyond Cynicism and Romanticism in Law*, INT'L J. SEMIOT. L. (2014); Shyamkrishna Balganes, 34 L. & PHIL. 111 (2015); Andrew Halpin, 11 NO. FO. 116 (2014); Renaud Colson, DROIT & SOCIÉTÉ (2015).

The Centre de Théorie et Analyse du Droit at the Université Paris Ouest Nanterre held a Special Seminar honoring the publication of this book, featuring Pierre Brunet, Renaud Colson, Jean Louis Halpérin, Eric Millard, Patricia Mindus, and Rafael Munagori, March 2014.

[PROPERTIES OF PROPERTY](#) (Wolters Kluwer, 2012) (with Gregory S. Alexander).

[PROPERTY: VALUES AND INSTITUTIONS](#) (Oxford University Press, 2011).

Reviewed in Christopher Pierson, 10 POL. STUD. REV. 274 (2012); Matthew Harding & Robin Hickey, 2012 CONVEY. & PROP. L. 181; Bruce Ziff, 49 OSGOODE HALL L.J. 389 (2011).

The 2011 Meeting of the Association of Property, Law, and Society at Georgetown University held a Special Panel honoring the publication of this book, featuring Eric Claeys, Larissa Katz, Eduardo M. Peñalver, and Jed Purdy.

PROPERTY AT A CROSSROADS (2005) (Ramot, Hebrew).

Reviewed in Haim Sandberg, *Value Pluralism in Property Law: On the Foundations of "The Democratic Credo" in Property at a Crossroad*, D(5) LAND 3 (2005); Amnon Lehavi, *The Public Domain of Private Property*, 9 ISR. J.L. & GOVR. 619 (2006); Alon Harel, *Book Review*, 30 TEL-AVIV U.L. REV. 435 (2007); Joshua Weisman, *Book Review*, 23 HA-MISHPAT 88 (2007).

BOOKS (*Continued*)

[THE LAW AND ETHICS OF RESTITUTION](#) (Cambridge University Press, 2004).

Reviewed in Emily Sherwin, *Rule-Oriented Realism*, 103 MICHIGAN L. REV. 1578 (2005); Ernest A. Weinrib, *Reviving Restitution*, 91 VIRGINIA L. REV. 861 (2005); Mark P. Gergen, *A Thoroughly Modern Theory of Restitution*, 84 TEXAS L. REV. 173 (2005); Kit Barker, *Theorising Unjust Enrichment: Being Realist(ic)?*, 26 OXFORD J.L. STUD. 609 (2006); Dennis Klimchuk, *Restitution and Realism*, 20 CAN. J.L. & JURISP. 225 (2007); Katrina M. Wyman, *Is Formalism Inevitable?*, 57 U. TORONTO L.J. 685 (2007); Book Note, 118 HARVARD L. REV. 1094 (2005); Duncan Sheehan, *Book Review*, 34 COMMON LAW WORLD REV. 195 (2005); Prince Saprai, *Book Review*, 121 L.Q. REV. 521 (2005); Robin Evans-Jones, *Book Review*, 9 EDINBURGH L. REV. 484 (2005); Andrew Tettenborn, *Book Review*, 13 RESTITUTION L. REV. 245 (2005); Eoin O'Dell, *Book Review*, 27 DUBLIN U.L.J. 424 (2005); Jacques du Plessis, *Book Review*, 53 AM. J. COMP. L. 941 (2005); James Edelman, *Book Review*, 69 MODERN L. REV. 131 (2006); Amy Goymour, *Book Review*, 65 CAMBRIDGE L.J. 456 (2006); Peter Jaffey, *Book Review*, 3 INT'L J. L. CONTEXT 73 (2007).

[UNJUST ENRICHMENT: A STUDY OF PRIVATE LAW AND PUBLIC VALUES](#) (Cambridge University Press, Cambridge Studies in International and Comparative Law, 1997).

Reviewed in Michael Heller & Christopher Serkin, *Revaluing Restitution: From the Talmud to Postsocialism*, 97 MICHIGAN L. REV. 1385 (1999); Craig Rotherham, *Unjust Enrichment and the Autonomy of Law: Private Law as Public Morality*, 61 MODERN L. REV. 580 (1998); Hector L. MacQueen, *Book Review*, 47 INT'L & COMP. L. Q. 740 (1998); S. Maier, *Book Review*, 57 CAMBRIDGE L.J. 419 (1998); Fiona Burns, *Book Review*, 25 MONASH U.L. REV. 421 (1999); Danie Visser, *Book Review*, 3 EDINBURGH L. REV. 402 (1999); Irwin H. Haut, *Unjust Enrichment Revisited*, 15 JEWISH L. ANN. 41 (2004).

EDITED BOOKS

[INSTITUTIONALIZING RIGHTS AND RELIGION: COMPETING SUPREMACIES](#) (co-edited with Leora F. Batnitzky) (2017, Cambridge University Press).

[PURSUING JUSTICE: SOCIETY AND ECONOMY IN JEWISH SOURCES](#) (IDI Press, 2016) (with Benny Porat) (Hebrew).

[RELIGION AND HUMAN RIGHTS DISCOURSE](#) (IDI Press, 2014) (with Shahar Lifshitz and Yedidia Z. Stern).

EDITED BOOKS (*Continued*)

LAND LAW IN ISRAEL: BETWEEN PRIVATE AND PUBLIC (Ramot, 1999) (Hebrew).

ARTICLES IN ENGLISH

[*Autonomy for Contract, Refined*](#), L. & PHIL. (2019) (with Michael Heller).

[*The Other Half of Regulatory Theory*](#), 52 CONN. L. REV. (2020) (with Roy Kreitner).

[*Liberalism and the Commons*](#), 30 CORNELL J.L. & PUB. POL'Y (forthcoming 2020).

[*Types of Contracts and Law's Autonomy-Enhancing Role*](#), 5 EUR. CONTRACT L. & THEORY (2020).

[*Autonomy and Pluralism in Private Law*](#), in THE OXFORD HANDBOOK OF NEW PRIVATE LAW (Andrew Gold et al. eds., 2019).

[*Why Autonomy Must Be Contract's Ultimate Value*](#), JERUSALEM REV. LEGAL STUD. (2019) (with Michael Heller).

[*Autonomy, Relational Justice, and Restitution*](#), in RESEARCH HANDBOOK ON UNJUST ENRICHMENT AND RESTITUTION (Elise Bant et al. eds., 2019).

[*Facilitating the Commons Inside Out*](#), in PROPERTY FROM BELOW (Olivier De Schutter & Balakrishnan Rajagopal eds., 2019) (with Tsilly Dagan).

[*The Value of Choice and the Justice of Contract*](#), 10 JURISPRUDENCE 422 (2019)

[*Freedom, Choice, and Contracts*](#), 20 THEORETICAL INQUIRIES L. 595 (2019) (with Michael Heller).

[*Why Markets? Welfare, Autonomy, and The Just Society*](#), 117 MICH. L. REV. 1289 (2019).

Commented by Zoë Hitzig & E. Glen Weyl, A Crossroads, not an Island, MICH. L. REV. ONLINE (2019).

[*Fiduciary Law and Pluralism*](#), in OXFORD HANDBOOK OF FIDUCIARY LAW 833 (Evan Criddle et. al eds., 2019).

[*Justice, Politics, and Interpersonal Human Rights*](#), 51 CORNELL INT'L L.J. ONLINE 139 (2018) (with Avihay Dorfman).

ARTICLES IN ENGLISH (*Continued*)

[*Interpersonal Human Rights*](#), 51 CORNELL INT'L L.J. 361 (2018) (with Avihay Dorfman).
Commented by Roxana Banu, *From The Law of Nations to the private law of mankind*, 51 CORNELL INT'L L.J. ONLINE 101 (2018); Evan Fox-Decent, *Dagan and Dorfman's Jus Gentium Privatum*, 51 CORNELL INT'L L.J. ONLINE 112 (2018); Mitchel Lasser, *Purging Private Law of the State*, 51 CORNELL INT'L L.J. ONLINE 119 (2018); Ralf Michaels, *The New, Old, Ius Gentium Privatum*, 51 CORNELL INT'L L.J. ONLINE 125 (2018); Horatia Muir Watt, *On the Moral Commitments of Private Law and the Curbing of Global Corporate Power*, 51 CORNELL INT'L L.J. ONLINE 133 (2018).

[*Eminent Domain and Regulatory Takings: Towards a Unified Theory*](#), RETHINKING EXPROPRIATION LAW III: COMPENSATION FOR EXPROPRIATION 21 (Björn Hoops et al. eds., 2018).

[*The New Legal Realism and The Realist View of Law*](#), 43 L. & SOC. INQ. 528 (2018) (with Roy Kreitner).

[*Markets for Self-Authorship*](#), 28 CORNELL J.L. & PUB. POL'Y 577 (2018).

[*The Real Legacy of American Legal Realism*](#), 38 OXFORD J. LEGAL STUD. 123 (2018).

[*Justice in Private: Beyond the Rawlsian Framework*](#), 37 L. & PHIL. 171 (2018) (with Avihay Dorfman).

[*Legal Theory for Legal Empiricists*](#), 43 L. & SOC. INQ. 292 (2018) (with Roy Kreitner & Tamar Kricheli-Katz).

[*Postscript to Just Relationships: Reply to Gardner, West, and Zipursky*](#), 117 COLUM. L. REV. ONLINE 261 (2017) (with Avihay Dorfman).

[*Contemporary Legal Realism*](#), in ENCYCLOPEDIA OF THE PHILOSOPHY OF LAW AND SOCIAL PHILOSOPHY (Mortimer Sellers & Stephan Kirste eds., 2017).

[*The Human Right to Private Property*](#), 18 THEORETICAL INQ. L. 391 (2017) (with Avihay Dorfman).

Reprinted in EIGENTUM DENKEN. AKTUELLE EIGENTUMSTHEORIEN IN DEN USA UND EUROPA (THINKING PROPERTY. RECENT PROPERTY THEORIES IN THE US AND EUROPE) (Bertram Lomfeld & Dan Wielsch eds., forthcoming 2019).

Commented by Sarah E. Hamill, *Community, Property, and Human Rights: The Failure of Property as Respect*, 27 J.L. & SOC. POL. 7 (2017).

ARTICLES IN ENGLISH (*Continued*)

[*The Challenges of Private Law*](#), in PRIVATE LAW IN THE TWENTY-FIRST CENTURY 67 (Kit Barker et al eds., 2017).

[*Against Private Law Escapism: Comment on Arthur Ripstein, Private Wrongs*](#), 14 JERUSALEM REV. LEGAL STUD. 37 (2017) (with Avihay Dorfman).

[*Just Relationships*](#), 116 COLUM. L. REV. 1395 (2016) (with Avihay Dorfman).
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); and Robin West, *The New Legal Criticism*, 117 COLUM. L. REV. ONLINE 144 (2017).

[*Between Regulatory and Autonomy-Based Private Law*](#), 22 EUROPEAN L.J. 644 (2016).
Translated into French and republished in [32 REVUE INTERNATIONALE DE DROIT ÉCONOMIQUE 137](#) (2018).

[*Reinterpreting the Status-Contract Divide: The Case of Fiduciaries*](#), in CONTRACT, STATUS, AND FIDUCIARY LAW 51 (Paul B. Miller & Andrew S. Gold, eds., 2016) (with Elizabeth S. Scott).

[*The Utopian Promise of Private Law*](#), 65 U. TORONTO L. J. 392 (2016).

[*Property Theory, Essential Resources, and the Global Land Rush*](#), in GOVERNING ACCESS TO ESSENTIAL RESOURCES 81 (Olivier De Schutter & Katharina Pistor eds., 2015).

[*Expropriatory Compensation, The Rule of Law, and Distributive Justice*](#), in RETHINKING EXPROPRIATION LAW I: PUBLIC INTEREST IN EXPROPRIATION 349 (Björn Hoops et al. eds., 2015).

[*Doctrinal Categories, Legal Realism, and The Rule of Law*](#), 163 U. PA. L. REV. 1889 (2015).

[*Law as an Academic Discipline*](#), in STATELESS LAW: EVOLVING BOUNDARIES OF A DISCIPLINE 43 (Shauna Van Praagh & Helge Dedek eds., 2015).

[*Private Law Pluralism and the Rule of Law*](#), in PRIVATE LAW AND THE RULE OF LAW 158 (Lisa Austin & Dennis Klimchuk eds., 2014).

[*Liberalism and the Private Law of Property*](#), 1 CRIT. ANAL. L. 268 (2014).

ARTICLES IN ENGLISH (*Continued*)

[*Property's Structural Pluralism: On Autonomy, the Rule of Law, and the Role of Blackstonian Ownership*](#), 3 BRIGHAM-KANNER PROP. RTS. CONF. J. 27 (2014).

Reprinted in EIGENTUM DENKEN. AKTUELLE EIGENTUMSTHEORIEN IN DEN USA UND EUROPA (THINKING PROPERTY. RECENT PROPERTY THEORIES IN THE US AND EUROPE) (Bertram Lomfeld & Dan Wielsch eds., forthcoming 2017).

[*Defending Legal Realism: A Response to Four Critics*](#), 1 CRIT. ANAL. L. 254 (2014).

[*Managing Our Money: The Law of Financial Fiduciaries as a Private Law Institution*](#), in THE PHILOSOPHICAL FOUNDATIONS OF FIDUCIARY LAW 91 (Andrew Gold & Paul B. Miller eds., 2014) (with Sharon Hannes).

[*Normative Jurisprudence and Legal Realism*](#), 63 U. TORONTO L. J. 385 (2014).

[*The Interdisciplinary Party*](#), 1(1) CRIT. ANAL. L. 23 (2014) (with Roy Kreitner).

[*Judges and Property*](#), in INTELLECTUAL PROPERTY AND THE COMMON LAW 17 (Shyam Balganesch ed., 2013).

[*Autonomy, Pluralism, and Contract Law Theory*](#), 76(2) L. & CONTEMP. PROBS. 19 (2013).

[*The Public Dimension of Private Property*](#), 24 KING'S L.J. 260 (2013).

[*Lawmaking for Legal Realists*](#), 1 THE THEORY AND PRACTICE OF LEGISLATION 187 (2013).

[*Inside Property*](#), 63 U. TORONTO L. J. 1 (2013) (The 2012 Cecil A. Wright Memorial Lecture).

Commented by Lisa M. Austin, *Pluralism, Context and the Internal Life of Property: A Response to Hanoch Dagan*, 63 U. TORONTO L.J. 22 (2013).

[*Pluralism and Perfectionism in Private Law*](#), 112 COLUM. L. REV. 1409 (2012).

Commented by Jedediah Purdy, *Some Pluralism About Pluralism: A Comment on Hanoch Dagan's "Pluralism and Perfectionism in Private Law"*, 113 COLUM. L. REV. SIDEBAR 9 (2013).

Translated into Chinese and republished in 20 ARCHIVES FOR LEGAL PHILOSOPHY AND SOCIOLOGY OF LAW 80 (2015).

[*Restitution and Relationships*](#), 92 B.U.L. REV. 1035 (2012).

[*The Character of Legal Theory*](#), 96 CORNELL L. REV. 671 (2011) (with Roy Kreitner).

ARTICLES IN ENGLISH (*Continued*)

[Remedies, Rights, and Properties](#), 4(1) J. TORT. L. art. 3 (2011).

[Between Rationality and Benevolence: The Happy Ambivalence of Law and Legal Theory](#), 62 ALABAMA L. REV. 191 (2010) (The 2010 Meador Lectures on Rationality).

[Re-Imagining Takings Law](#), in PROPERTY AND COMMUNITY 39 (Gregory S. Alexander & Eduardo M. Peñalver eds., 2009).

[Just and Unjust Enrichments](#), in THE GOALS OF PRIVATE LAW 423 (Andrew Robertson & Tang Hang Wu eds., 2009).

[Political Money](#), 8 ELECTION L.J. 349 (2009).

[Restitution's Realism](#), in PHILOSOPHICAL FOUNDATIONS OF UNJUST ENRICHMENT 54 (Robert Chambers et al. eds., 2009).

[The Limited Autonomy of Private Law](#), 56 AM. J. COMP. L. 809 (2008).

Commented by Gunther Teubner, *State Policies in Private Law?* 56 AM. J. COMP. L. 835 (2008);

Reprinted in BEYOND THE STATE: RETHINKING PRIVATE LAW (Nils Jansen & Ralf Michaels eds. 2008).

[A Liberal After All](#), 9 THEORETICAL INQUIRIES L.F. 81 (2008).

[Codification, Coherence, and Priority Conflicts](#), in THE DRAFT CIVIL CODE FOR ISRAEL IN COMPARATIVE PERSPECTIVE 149 (Kurt Siehr & Reinhard Zimmermann eds. 2008).

[Legal Realism and The Taxonomy of Private Law](#), in STRUCTURE AND JUSTIFICATION IN THE PRIVATE LAW 147 (Charles Rickett & Ross Grantham eds., 2008).

[The Social Responsibility of Property](#), 92 CORNELL L. REV. 1255 (2007).

[The Realist Conception of Law](#). 57 U. TORONTO L.J. 607 (2007).

Translated into Hebrew and republished in DALYA DORNER BOOK 303 (Shulamit Almog et al. eds., 2009).

[Property and the Public Domain](#), 17 YALE J.L. & HUMAN. 84 (Supp 2006)

Translated into Spanish and republished in 32 IUS ET VERITAS 142 (2006).

[Conflicts in Property](#), 6 THEORETICAL INQ. L. 197 (2005) (with Michael A. Heller).

ARTICLES IN ENGLISH (*Continued*)

[*Restitution in Bankruptcy: Why All Involuntary Creditors Be Preferred*](#), 78 AM. BANKR. L.J. 247 (2004).

[*Restitution and Slavery: On Incomplete Commodification, Intergenerational Justice, and Legal Transitions*](#), 84 B.U.L. REV. 1139 (2004).

[*Properties of Marriage*](#), 104 COLUMBIA L. REV. 75 (2004) (with Carolyn J. Frantz)
Translated into Hebrew and republished in ESSAYS IN MEMORY OF PROFESSOR MENASHE SHAVA 249 (Aharon Barak & Daniel Friedmann eds. 2006).

[*The Craft of Property*](#), 92 CALIFORNIA L. REV. 1517 (2003).

[*Qualitative Judgments and Social Meanings in Private Law: A Comment on Professor Keating*](#), 4 THEORETICAL INQUIRIES IN LAW 89 (2003).

[*Encroachments: Between Private and Public*](#), in UNJUSTIFIED ENRICHMENT: KEY ISSUES IN COMPARATIVE PERSPECTIVE 348 (David Johnston & Reinhard Zimmermann eds., 2002).

[*Mistakes*](#), 79 TEXAS L. REV. 1795 (2001).
Commented by Stephen A. Smith, *Justifying the Law of Unjust Enrichment*, 79 TEXAS L. REV. 2177 (2001).

[*The Liberal Commons*](#), 110 YALE L.J. 549 (2001) (with Michael A. Heller).

[*Just Compensation, Incentives, and Social Meanings*](#), 99 MICHIGAN L. REV. 134 (2000).

[*Governments, Citizens, and Injurious Industries*](#), 75 N.Y.U.L. REV. 354 (2000) (with James J. White).

[*Restitutionary Damages for Breach of Contract: An Exercise in Private Law Theory*](#) 1 THEORETICAL INQUIRIES IN LAW 115 (2000).

[*The Distributive Foundation of Corrective Justice*](#), 98 MICHIGAN L. REV. 138 (1999).

[*Takings and Distributive Justice*](#), 85 VIRGINIA L. REV. 741 (1999).
Commented by Glynn Lunney, *Takings, Efficiency, and Distributive Justice: A Response to Professor Dagan*, 99 MICHIGAN L. REV. 157 (2000);
reprinted in 2000 ZONING AND PLANNING LAW HANDBOOK 101 (Deborah Mans ed. 2000), and in 32 LAND USE & ENV. L. REV. 111 (2001) (selected as one of the best articles in field for the year).

ARTICLES IN ENGLISH (*Continued*)

[*In Defense of the Good Samaritan*](#), 97 MICHIGAN L. REV. 1152 (1999).

ARTICLES IN HEBREW

The Doctrine of Specific Shared Ownership: Toward the Fourth Act in HCJ 4602/13, 32 BAR-ILAN L. STUD. 519 (2019) (with Daphna Hacker)

[*Law Among the Disciplines*](#), in LAW, CULTURE, AND LITERATURE: NILI COHEN 580 (Ofer Groskopf & Shai Lavi eds., 2017) (with Roy Kreitner).

The Innovative Conservatism of Property Law, in THE JUDICIAL LEGACY OF AHARON BARAK 403 (Celia W. Fassberg et. al eds., 2009).

[*The Renewed Property Institution of Copyright*](#), in AUTHORIZING RIGHTS: READINGS IN COPYRIGHT LAW 39 (Michael D. Birnhack & Guy Pesach eds., 2009).

The Right to Entry, 24 BAR-ILAN L. STUD. 59 (2008).

Preventing Unjust Enrichment, in ESSAYS IN HONOUR OF DANIEL FRIEDMANN 653 (Nili Cohen & Ofer Groskopf eds. 2008).

[*The Risks of Codification: On Over-Coherence and Multiplicity of Remedies*](#), 36 MISHPATIM (The Hebrew University Law Review) 249 (2007).

Market Overt as Insurance, in ESSAYS IN HONOUR OF JOSHUA WEISMAN 15 (Shalom Lerner & Daphna Lewinsoh-Zamir eds., 2002).

Property, Social Responsibility, and Distributive Justice, in DISTRIBUTIVE JUSTICE IN ISRAEL 97 (Menachem Mautner ed., 2000).

[*The Law of Unjust Enrichment: Between Judaism and Liberalism*](#), in LAW AND HISTORY 165 (the Zalman Shazar Center for Jewish History; Menachem Mautner & Daniel Gutwein eds., 1999).

[*A Distributive Analysis of Takings*](#), 21 TEL-AVIV U.L. REV. 491 (1998).

Comments on "Ownership and Concurrent Ownership", 14 BAR-ILAN L. STUD. 229 (1998).

ARTICLES IN HEBREW (*Continued*)

[*Co-Ownership of Land: A Desirable Social Institution?*](#), 27 MISHPATIM (The Hebrew University Law Review) 493 (1997).

[*The Entitlement to the Profits of Breach of Contract: An Anatomy of Judicial Legislation*](#), 20 Tel-AVIV U.L. REV. 601 (1997).

Towards a New Era in the Israeli Discourse of Property, 1996 YEARBOOK ON ISRAELI LAW 673 (Ariel Rosen-Zvi ed.).

[*Interpretation of Property Law, Condominiums, and Collective Action Problems*](#), 20 TEL-AVIV U.L. REV. 45 (1996).

[*Protecting Another Person's Interest*](#), 24 MISHPATIM (The Hebrew University Law Review) 463 (1995).

KEYNOTE SPEECHES, ENDOWED LECTURES, AWARDS

“Property, Justice, and Distribution” – Conference on Property Rights and Human Rights: New Possibilities in an Age of Inequality, Monash University Faculty of Law School, August 2018.

“The Real Legacy of American Legal Realism” – The Youard Lecture in Legal History, Oxford University Faculty of Law, March 2017.

“Eminent Domain and Regulatory Takings: Towards a Unified Theory” – Colloquium on Rethinking Expropriation: Compensation for Expropriation, University of Cape Town, December 2016.

“The Challenges of Private Law” – The Australian Center for Private Law Conference on Private Law in the 21st Century, The University of Queensland, December 2015.

The Cheshin Prize for Academic Excellence in Law, 2014.

“Expropriatory Compensation, Distributive Justice, and the Rule of Law” – The International Academic Association on Planning, Law, and Property Rights Eighth Annual Conference, The Technion, Haifa, February 2014.

“Inside Property” – The 2011-12 Cecil A. Wright Memorial Lecture, University of Toronto Faculty of Law, February 2012.

KEYNOTE SPEECHES, ENDOWED LECTURES, AWARDS (*Continued*)

“Between Rationality and Benevolence: The Happy Ambivalence of Law and Legal Theory” – The 2010 Meador Lectures on Rationality, Alabama Law School, April 2010.

“Just and Unjust Enrichments” – Keynote Speech, Obligations IV Conference: The Goals of Private Law, National University of Singapore Faculty of Law, July 2008.

The Zeltner Prize, 2005.

The Zeltner Prize for the Young Scholar, 1996.

INVITED LECTURES AND PRESENTATIONS

“Economic Analysis in Law” – A Conference on “New Challenges for Law and Economics”, Columbia Law School, September 2020.

“Trusts and the Liberal Theory of Property” – A Conference on “Philosophical Foundations of Trust Law”, King’s College, London, September 2020.

“The Domain of Private Law” – The Tenth Biennial Conference on the Law of Obligations: Private Law Inside and Out, Harvard Law School, July 2020.

“Poverty and Private Law: Beyond Distributive Justice” – A Progressive Property Conference, Fordham Law School, May 2020.

“Addressing Grand Challenges: Two Modes of Private Law Interventions” – A Groningen Conference on Private Law and Market Regulation in the Face of Contemporary Grand Challenges, December 2019.

“Setting the Scene: Legal Personhood, Natural Agency, and Self-Determination” – A Conference on AI, Law, And Agency in The Age of Machine Learning, Tel-Aviv University Faculty of Law, November 2019.

“Private Law Beyond the Common Law” – The Tort Law Research Group Public Lecture, Western University, London, Ontario, October 2019.

“Justice for Contracts” – Legal Theory Workshop, Tel-Aviv University Faculty of Law, June 2019; Oxford Studies in Private Law Theory Workshop, London, August 2019; Wharton Legal Studies & Business Ethics Seminar, September 2019; Obligations Discussion Group, Oxford Law School, October 2019.

INVITED LECTURES AND PRESENTATIONS (*Continued*)

“Autonomy and Pluralism in Private Law” – A Conference on The Landscape of Private Law, Harvard Law School, March 2019.

“Liberalism and the Commons” – A Workshop on The Value of the Commons, Utrecht, March 2019; A Progressive Property Conference, Cornell, May 2019.

“Substantive Remedies” – NYU Tort Law Forum, September 2018.

“Types of Contracts and the Role of State in Enhancing Choice” – The Society of European Contract Law’s Conference on European Contract Law and the Creation of Norms, The Polish Academy of Sciences, Warsaw, June 2018.

“Relational Justice in Private Law” – A Conference on Communities & the Law, Bar-Ilan University, June 2018.

“Why Markets? Welfare, Autonomy, and The Just Society” – A Cegla Center Colloquium on Eric A. Posner & E. Glen Weyl’s *Radical Markets: Uprooting Capitalism and Democracy for a Just Society*, Tel-Aviv, March 2018.

“Privacy Law’s Indeterminacy: A Comment” – A Cegla Center Conference on Privacy Theory – Tel Aviv University, January 2018.

“Fiduciary Law and Pluralism” – A Conference on “Fiduciary Law: Charting the Field,” Harvard Law School, November 2017.

“Markets for Self-Authorship” – International Summer School, The Centre for the Study of European Contract Law, Amsterdam, July 2017; Property Works in Progress Conference, Northeastern Law School, September 2017; Conference on The Ethical Challenges of the Market, Cornell Law School, October 2017.

“The Other Half of Regulatory Theory” – Legal Theory Workshop, Tel-Aviv University Faculty of Law, May 2017; Annual Conference, Israeli Private Law Association, Ramat Gan, June 2017; Legal Theory Workshop, Cornell Law School, August 2017; Roundtable, Singapore Symposium in Legal Theory, February 2018; NYU Tort Law Forum, December 2018.

INVITED LECTURES AND PRESENTATIONS (*Continued*)

“A Liberal Theory of Property” – The Advanced Property and Trusts Seminar, Oxford Law School, March 2017; The 2018 Singapore Symposium in Legal Theory, Faculty of Law, National University of Singapore, February 2018; Private Law Group’s Annual Public Lecture, Trinity College Dublin, April, 2018; The Property Works in Progress Conference, Boston University Law School, October 2018; An International Summer School of The Centre for the Study of European Contract Law, June 2019; An Institute for Law and Philosophy Workshop, University of Pennsylvania, September 2019; University of Toronto Faculty of Law Special Workshop, October 2019; A joint session of the Advanced Property and Trusts and the Property Law Discussion Group, University of Oxford Faculty of Law, February 2020.

“The Real Legacy of American Legal Realism” – A Conference on “Trends in Legal Formalism and the Judicial Role,” Bar-Ilan University, December 2016.

“Interpersonal Human Rights” – Law, Politics and Economics Colloquium, Duke Law School, October 2016; Legal Theory Workshop, Tel-Aviv University Faculty of Law, January 2017; Legal Theory Workshop, European University Institute, April 2017; International Summer School, The Centre for the Study of European Contract Law, Amsterdam, July 2017; Research Colloquium, Cornell Law School, October 2017.

“The Challenges of Private Law” – Property Works in Progress Conference, Boston University Law School, September 2016; North-American Workshop on Private Law, Fordham Law School, November 2016.

“Against Private Law Escapism” – A Symposium on Arthur Ripstein’s *Private Wrongs*, Hebrew University Faculty of Law, June 2016.

“Reinterpreting the Status-Contract Divide: The Case of Fiduciaries” – A Symposium on “Contract, Status and Fiduciary Law”, McGill Law School, November 2015.

“The Property Pact” – A Symposium on “The Core Principles of Expropriation Law”, The Hague, June 2015; A Progressive Property Conference, Seton Hall, May 2016.

“A Human Right to Private Property” – A Progressive Property Conference, the Valpolicella & Università degli studi Trento, Italy, May 2015; A Symposium on “Sovereignty and Property”, Columbia Law School, September 2015; The Core of Property Conference, Frankfurt, October 2015.

INVITED LECTURES AND PRESENTATIONS (*Continued*)

“Between Regulatory and Autonomy-Based Private Law” – A European Regulatory Private Law Seminar, European University Institute, April 2015; A Conference on “A European Advantage in Transnational Lawyering?”, European University Institute, May 2016.

“Doctrinal Categories, Legal Realism, and The Rule of Law” – A Symposium on “The New Doctrinalism”, University of Pennsylvania Law School, October 2014.

“Legal Theory for Legal Empiricists” – New Legal Realism 10th Anniversary Conference, University of California at Irvine, August 2014.

“Just Relationships” – Legal Theory Workshop, Bar-Ilan University Faculty of Law, June 2014; Maryland Law School, October 2014; Columbia Law School, October 2014; Georgetown Law Center, November 2014; Interdisciplinary Center, Herzlia, January 2015; Center for the Study of Private Law Seminar, Yale Law School, April 2015; Conference on Private Law and Public Order, Yale Law School, June 2015.

“Sovereignty as Trusteeship and the Lessons of Colonialism” – A Cegla Center Conference on “Sovereignty as Trusteeship for Humanity,” Tel-Aviv University Faculty of Law, June 2014.

“Justice in Private” – Legal Theory Workshop, Tel-Aviv University Faculty of Law, April 2014; Toronto/Oxford/TAU Private Law Theory Workshop, May 2014.

“Facilitating the Commons Inside Out” – Symposium on Property Rights from Below: Rethinking Property Rights over Land, MIT, Cambridge, February 2014.

“The Utopian Promise of Private Law” – Conference on Private Law and the Basic Structure of Society, Center of the Study of European Contract Law, Amsterdam, January 2014; A Progressive Property Conference, Northeastern Law School, May 2014.

“The Costs and Benefits of the Economics Analysis of Law” – A Colloquium on Law and Economics, Tel-Aviv University Faculty of Law, December 2013.

“Property’s Structural Pluralism: On Autonomy, the Rule of Law, and the Role of the Right to Exclude” – The 10th Annual Brigham-Kanner Property Rights Conference: “Exploring Property’s Essence,” William & Mary Law School, Williamsburg, October 2013.

“Expropriatory Compensation, Distributive Justice, and the Rule of Law” – A Groningen Center for Law and Governance Conference on Expropriation Law, September 2013.

INVITED LECTURES AND PRESENTATIONS (*Continued*)

“Managing Our Money: The Law of Financial Fiduciaries as a Private Law Institution” – A Conference on The Philosophical Foundations of Fiduciary Law, DePaul Law School, Chicago, July 2013.

“The Choice Theory of Contracts” – Annual Conference, Israeli Private Law Association, Interdisciplinary Center, Herzlia, May 2013; Legal Theory Workshop, Tel-Aviv University Faculty of Law, June 2013; Legal Theory Workshop, Columbia Law School, October 2013; Faculty Colloquium, UCLA Law School, February 2015; Faculty Colloquium, European University Institute, April 2015; Toronto/Oxford/TAU Private Law Theory Workshop, October 2015; Legal Theory Workshop, Fordham Law School, November 2015; International Summer School, The Centre for the Study of European Contract Law, Amsterdam, June 2016; Private Law Workshop, Harvard Law School, September 2016; Legal Theory Workshop, University of California, Irvine School of Law, February 2017; Private Law Seminar, Cambridge Private Law Centre, March 2017.

“Property Theory, Essential Resources, and the Global Land Rush” – A Workshop on “Governing Access to Essential Resources”, Columbia Law School, June 2013.

“Can Public Law Facilitate Private Regulation?” – A Cegla Center Conference on New Approaches for a Safer and Healthier Society, Tel-Aviv, May 2013.

“Perfectionism: Thick and Thin” – A Cegla Center Colloquium on William Fisher’s *Good Life, Good Law*, Tel-Aviv, May 2013.

“The Foundation of Our Obligations to Future Generations” – A Conference on Intergenerational Justice, The Center of Law and Business, Ramat Gan, January 2013.

“Triangulating Rights for Essential Resources and Property Theory” – A Panel Discussion on the Idea of Development, The Heyman Center for the Humanities, Columbia University, November 2012.

“Law as an Academic Discipline” – A Conference on “Stateless Law? The Future of the Discipline”, McGill University Faculty of Law, Montreal, September 2012; A Law and Public Affairs Workshop at Princeton University, October 2012; A Panel Discussion at the Annual Meeting of the Israeli Law and Society Association, Ramat Gan, December 2012.

INVITED LECTURES AND PRESENTATIONS (*Continued*)

“Private Law Pluralism and the Rule of Law” – A Progressive Property Conference, Harvard Law School, May 2012; A Private Law and The Rule of Law Workshop, University of Toronto Faculty of Law, September 2012; Legal Theory Workshop, Cardozo Law School, October 2012; Legal Theory Workshop, Columbia Law School, November 2012; A Legal Theory Workshop, Hebrew University Faculty of Law, January 2013; A Property Theory Workshop, NYU Law School, May 2013.

“The Public Dimension of Private Property” – Private Law Theory Workshop, Tel-Aviv University Faculty of Law, May 2012; A Conference on “The Public/Private Interface in Property”, King’s College, London, June 2012.

“On Punitive Damages, Corrective Justice, and Deterrence” – A Yale Law Journal Student Scholarship Workshop, October 2011.

“Restitution and Relationships” – A Conference on Restitution and Unjust Enrichment, Boston University, September 2011.

“Judges and Property” – A Symposium on Intellectual Property and the Common Law, University of Pennsylvania Law School, May 2011.

“Pluralism and Perfectionism in Private Law” – Legal Theory Workshop, Center for Law and Business, Ramat-Gan, March 2011; A Conference on Moral Values in Private Law, King's College, London, June 2011; Legal Theory Workshop, University of Connecticut Law School, September 2011; Legal Theory Workshop, UCLA Law School, October 2011; A Villa Vigoni at Lake of Como Conference on Private Law Theory, November 2011; Faculty Workshop, Yale Law School, December 2011; Legal Theory Workshop, Centre for the Study of European Contract Law, Amsterdam, April 2012; Annual Conference, Israeli Private Law Association, Bar-Ilan, May 2012; Property Works in Progress Conference, Fordham Law School, June 2012.

“Lessons from Private Law Theory: A Comment” – A Cegla Center Conference on Rights and Obligations in the Contemporary Family – Tel Aviv University, December 2010.

“Remedies, Rights, and Properties” – A Conference on Property, Tort and Private Law Theory, University of Southern California Law School, October 2010; Legal Theory Workshop, Interdisciplinary Center, Herzlia, November 2010.

INVITED LECTURES AND PRESENTATIONS (*Continued*)

“The Character of Legal Theory” – A Tel-Aviv-Cornell Conference on The Future of Legal Theory, Tel-Aviv, June 2010; A Yale Law School Graduate Seminar, November 2011; University of Toronto Faculty of Law Critical Analysis of Law workshop, February 2012.

“From Independence and Interdependence to Property’s Pluralism” – A Cornell Law School Conference on Property Law and Theory, New York, June 2010; Workshop on Law and Social Justice, Bar-Ilan University Faculty of Law, January 2012.

“Environmental Regulation: Between Internalization, Maximal Deterrence and Punishment” – A Roundtable on New Environmental Legislation, Tel-Aviv, June 2009.

“Legal Realism: New and Old” – A Roundtable on New Legal Realism, Law and Society Annual Meeting, Denver, June 2009.

“Exclusion and Inclusion in Property” – Legal Theory Workshop, Ono Academic College, December 2008; Legal Theory Workshop, Tel-Aviv University Law School, June 2009; Property Works in Progress Conference, Colorado Law School, June 2009; A Colloquium: Gated Communities, Tel Aviv University, March 2010; Hebrew University Law School Private Law Workshop, March 2010; Legal Theory Workshop, Columbia Law School, April 2010; Legal Theory Workshop, Bar-Ilan University, June 2010.

“Legal Clinics: Normative Ideals without Politics” – A Minerva Bi-Annual Conference on Human Rights, Tel-Aviv, December 2008.

“The Renewed Property Institution of Copyright” – A Cegla Workshop on the new Israeli Copyright Law, Tel-Aviv, June 2008; The Israeli Supreme Court, January 2009.

“Restitution’s Realism” – A Conference on “The Philosophical Foundations of the Law of Unjust Enrichment”, King’s College London, April 2008.

“Decentralizing Law-Making Authority; Struggling for Legitimacy” – A Cegla/Max Planck Conference on “Convergence and Divergence of Law”, Tel-Aviv University, March 2008.

“Social Justice and the Law of Property” – A Colloquium on “Theories of Social Justice”, The Academic Center for Law and Business, Ramat-Gan, March 2008.

“Re-Imagining Takings Law” – A Conference on “Techniques of Ownership: Artifacts, Inscriptions, Practices,” London School of Economics, July 2007.

INVITED LECTURES AND PRESENTATIONS (*Continued*)

“The Limited Autonomy of Private Law and the State” – Symposium on “Beyond the State – Rethinking Private Law,” Max Planck Institute for Comparative and International Private Law, Hamburg, July 2007.

“A Liberal after All” – A Comment for A Cegla Center Conference on “Legal Pluralism, Privatization of Law and Multiculturalism,” Tel-Aviv University, May 2007.

“Codification, Coherence, and Proprietary Competition” – Symposium on The Israeli Civil Code, Max Planck Institute for Comparative and International Private Law, Hamburg, January 2007.

“The Right to Entry” – A Conference Celebrating the Retirement of President Aharon Barak and His Impact on the Law, Bar-Ilan University, December 2006.

“The Innovative Conservatism of Property Law” – A Hebrew University Symposium on the contribution of Chief Justice Aharon Barak, November 2006.

“The Social Responsibility of Ownership” – A Colloquium on “The Global Debate over Constitutional Property”, Cornell Law School, September 2006.

“A Reply to Critics” – A Colloquium on “Property at a Crossroads”, Tel-Aviv University Law School, March 2006.

“The Currency of Democratic Participation” – Middle East Legal Studies Seminar (under the auspices of Yale Law School), Yale Law School, January 2005; Alabama Law School Faculty Colloquium, February 2006; Cornell Law School Legal Studies Workshop, April 2006; Tel-Aviv University Law School, May 2006.

“On Property Institutions and Freedom of Contracts: Leaseholds and Servitudes” – A Colloquium on Joshua Weisman's New Book, Hebrew University Law School, January 2006.

“Property and the Public Domain” – A Conference Honoring Carol Rose, Yale Law School, November 2005.

“Jewish Law as a Normative Program” – A Colloquium on Jewish Law: Between Tradition and Vision, The Israel Democracy Institute, July 2005; Jewish Law Workshop, Hebrew University Law School, June 2006; A Conference on Human Rights and Human Obligations in a Jewish and Democratic State, The Israel Democracy Institute, November 2010.

INVITED LECTURES AND PRESENTATIONS (*Continued*)

“Comments on Cohabitation, Marital Property, and Forms of Property” – A Colloquium on “Cohabitation Law” by Shahar Lifshitz, Bar-Ilan University Law School, June 2005.

“The Concept of Property” – Legal Theory Workshop, Tel-Aviv University Law School, December 2004.

“On the Constitutional Right to Property” – A Testimony before the Constitution Committee of the Knesset, December 2004.

“Property: A Comment” – A Hebrew University Symposium on the Proposed Israeli Private Law Codification, November 2004.

“A Reply to Critics” – A Colloquium on “The Law and Ethics of Restitution”, Tel-Aviv University Law School, November 2004.

“The Realist Conception of Law” – A Conference on Jewish Law and Legal Theory, Jerusalem, July 2010; Legal Theory Workshop, Hebrew University Law School, March 2005; Legal Theory Workshop, University of Washington and Lee School of Law, January 2005; Legal Theory Workshop, University of Toronto Faculty of Law, November 2004; Legal Theory Workshop, Bar-Ilan University Law School, October 2004; Legal Theory Workshop, Haifa University Law School, October 2004; Legal Theory Workshop, Tel-Aviv University Law School, May 2004.

“Desert, Utility, and Institutional Competence: On Unjust Enrichment and Intellectual Property” – A Colloquium in Honor of Daniel Friedmann, Tel-Aviv University Law School, April 2004.

“Restitution and Slavery” – A Boston University Law Review Symposium on The Jurisprudence of Slavery Reparations, April 2004.

“Public or Private Ownership of Land in Israel” – A Testimony before the Constitution Committee of the Knesset, February 2004.

“Restitution of Gains from Slave Labor” – Panel on Slavery Reparations, The Association of American Law Schools’ 2003 Annual Meeting, Washington D.C., January 2003; Fawley Lunches series, University of Michigan Law School, January 2003.

“Crafting Property” – Legal Theory Workshop, University of Toronto Faculty of Law, December 2002.

INVITED LECTURES AND PRESENTATIONS (*Continued*)

“How Jewish Tradition can Inform Contemporary Law: The Case of Unjust Enrichment Law” – Public Lecture, co-sponsored by the Canadian Friends of Tel-Aviv University and the Beth Tzedec Congregation, Toronto, December 2002.

“*US v. Craft*: On Property, Governance of Marital Property, and Rights of Third Parties” – Fawley Supreme Court series, University of Michigan Law School, June 2002.

“Governments, Citizens and Injurious Industries: A Case Study of the Tobacco Litigation” – A Lecture for The International Association of Jewish Lawyers and Jurists, Detroit Chapter, May 2002.

“On Marital Property” – Faculty Colloquium, UCLA School of Law, November 2001; Legal Theory Workshop, Emory University School of Law, December 2001; Faculty Colloquium, University of San-Diego School of Law, April 2002.

“Qualitative Judgments and Social Meanings in Private Law: A Comment on Professor Keating” – A Cegla Center Conference on Negligence in the Law, Tel-Aviv University, June 2001.

“Protecting Rights: On Remedies and Reasons” – Middle East Legal Studies Seminar (under the auspices of Yale Law School), Sliema, May 2001.

“The Power of Reason” – A Keynote Speech in the Provost Excellence Awards Ceremony, Tel-Aviv University, January 2001.

“Mistakes” – A Texas Law Review Symposium on Restitution and Unjust Enrichment, January 2001.

“Community, Equality, Autonomy: A Theory of Marital Property” – Fawley Lunches series, University of Michigan Law School, October 2000.

“Subrogation Claims in Mass Torts” – Colloquium on Class Actions for Tobacco-Related Damages, Hebrew University Law School, June 2000; Colloquium on the Tobacco Settlement, Tel-Aviv University Law School, December 2000.

“Pluralism and the Allocation of Power: The Case of Israel” – Middle East Legal Studies Seminar (under the auspices of Yale Law School), Istanbul, May 2000.

INVITED LECTURES AND PRESENTATIONS (*Continued*)

“The Liberal Commons” – Sow’s Ear Workshop, University of Michigan Law School, October 1999; Legal Theory Workshop, Hebrew University Law School, January 2000; Legal Theory Workshop, Bar-Ilan University Law School, March 2000; Legal Theory Workshop, Fordham University Law School, May 2000; Tenth Annual Meeting, American Law and Economics Association, New-York, May 2000; Legal Theory Workshop, Tel-Aviv University Law School, June 2000 (with Michael Heller).

“Governments, Citizens, and Injurious Industries” – Fawley Lunches series, University of Michigan Law School, September 1999 (with James J. White).

“Impact of Economic Activity on the Rule of Law: A Comment” – Middle East Legal Studies Seminar (under the auspices of Yale Law School), Fez, May 1999.

“Encroachments: Between Private and Public” – Conference on “The Comparative Law of Unjustified Enrichment”, Christ College, Cambridge, April 1999.

“In Defense of the Good Samaritan” – Joint Program of Sections on Intellectual Property and Remedies, The Association of American Law Schools’ 1999 Annual Meeting, New-Orleans, January 1999.

“Comparative Law as a Catalyst” – International Law Workshop, University of Michigan Law School, November 1998.

“Takings and Distributive Justice” – Legal Theory Workshop, University of Michigan Law School, November 1998; A Conference on Distribution and Redistribution, Tel-Aviv University Law School, May 1998; Private Law Theory Workshop, Northwestern University Law School, September 1997.

“Restitutionary Damages for Breach of Contract: An Exercise in Private Law Theory” – A Cegla Institute Conference on Restitution and Unjust Enrichment, Tel-Aviv University, May 1998.

“The Law of Unjust Enrichment: Between Judaism and Liberalism” – A Conference on New Approaches to Comparative and Foreign Law, Utah Law School, October 1996; A Conference on Law and History, Haifa University, July 1995.

“A Distributive Analysis of Takings” – A Conference on Land Law in Israel: Between Private and Public, Tel-Aviv University Law School, October 1996.

“Protecting Another Person’s Interest” – Legal Theory Workshop, Hebrew University Law School, 1994; Legal Theory Workshop, Tel-Aviv University Law School, 1994.

TEACHING**Courses Taught at American Law Schools**

Property – semesters taught: W02, W03, S03, F11, F14, F15.

Contracts – F17, F18.

Property Theory – W99, F99, F00, F01, W02, W06, F10, W11, S11, F12, W15, F17.

Restitution and Unjust Enrichment – F98, F01, F02, F03, F11, F12.

American Legal Theory – W99, F99, F00, F01, F02, F03.

Additional Courses Taught at Tel-Aviv

Jurisprudence

Private Law Workshop

Readings in Legal Theory

Legal Realism

PROFESSIONAL AND ACADEMIC ACTIVITIES

The American Law Institute, Member, 2005-present

The International Academy of Comparative Law, Member, 2008-present

The Oxford Studies in Private Law Theory, Advisory Board, 2018-present

International Summer School, The Centre for the Study of European Contract Law, Amsterdam, Co-Instructor, 2016, 2017, 2018, 2019

A Columbia Law School Conference on New Challenges for Law and Economics, Co-Organizer, 2020

A Yale Law School Conference on The Market as a Legal Construct, Co-Organizer, 2019

A Columbia Law School Conference on Freedom, Choice, and Contract, Co-Organizer, 2017

A Cornell Law School Conference on The Ethical Challenges of the Market, Co-Organizer, 2017

A Königswinter Workshop on The Core of Property, Co-Organizer, 2015

A Columbia Law School Symposium on Sovereignty and Property, Co-Organizer, 2015

A Princeton University Symposium on Rights, Religions, and Institutions, Co-Organizer, 2014

Law & Contemporary Problems, Guest Editor, 2019

Judaism, Sovereignty and Human Rights, Founding Co-Editor, 2015-2018

Theoretical Inquiries in Law, Editor in Chief, 2005-2006; Editor, 1999-2003

The Israeli Association of Private Law, Co-Founder, 2009-2011

A Tel-Aviv-Cornell Conference on The Future of Legal Theory, Co-Organizer, 2010

Numerous University Presses & Law Reviews, Referee

Israel Science Foundation (Law), Chair, Member, Referee

PROFESSIONAL AND ACADEMIC ACTIVITIES (*Continued*)

World Interdisciplinary Network for Institutional Research, *Founding Member*, 2013-2014
Laws, *Member of Editorial Board*, 2010-2014
Middle East Law and Governance: An Interdisciplinary Journal, *Member of Advisory Board*, 2007-2013
The Israel Democracy Institute, *Member of the Advisory Board of the Human Rights and Judaism Project*, 2010-2011
Yale Law School Middle East Legal Studies Seminar, *Member*, 1998-2007
A Boston University Symposium on The Jurisprudence of Slavery Reparations, *Co-Organizer*, 2003-2004
The Stellenbosch Institute for Advanced Study in South Africa, *Research project on Social and Economic Justice*, *Discussant*, 2003-2005
Tel-Aviv University Law Review, *Editor-in-Chief*, 2000-2001
Israel's Council for Higher Education, *Subcommittee on Standards of Law Libraries*, *Chair*, 1997-98
A Cegla Institute Conference on Restitution and Unjust Enrichment, *Organizer*, 1998
A Tel-Aviv University Law School Conference on Land Law in Israel: Between Private and Public, *Co-Organizer*, 1996

INSTITUTIONAL SERVICE AT TEL-AVIV*University Assignments*

Search Committee for Dean of Faculty of Law, 2016
 Appointment Committee, 2004-2006
 Strategic Academic Committee, 2004
 Deputy Prosecutor, Disciplinary Committee for Faculty, 2000
 Committee for the Improvement of Education, 1996-97
 Helsinki Committee, 1996-97

Law School Assignments (select)

Appointments Committee, 2016-2018
 Chairperson, Appointments Committee & Hiring Committee, 2006-2011
 Hiring Committee, 2000-2001, 2003-2006, 2013-14
 Fair Housing Center, Member of the Academic Committee, 2013-17
 Chairperson, J.S.D. Committee, 2004-2005
 Chairperson, LL.M. Committee, 1999-2000, 2003-2004
 Curriculum Committee, 1993-98, 1999-2001, 2003-2004
 J.S.D. Committee, 1999-2001, 2013-17
 LL.M. committee, 1997-98

INSTITUTIONAL SERVICE AT TEL-AVIV (*Continued*)

Library Committee, 1993-98

Admissions Committee, 1993-96

Academic Coordinator of Faculty Conferences, 1993-98

Instructor of Annual Prize Moot Court, 1996