

**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 – 1987; Dean’s List – 1985, 1988; Teaching and Research Assistant, 1987-1990; Annual Prize Moot Court – 1988.

**WORKS IN PROGRESS**

[A LIBERAL THEORY OF PROPERTY](#) (Cambridge University Press, 2020).

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

[The Domain of Private Law](#), 71 U. TORONTO L.J. (2020) (with Avihay Dorfman).

[Two Visions of Contract](#), 119 MICH. L. REV. (2021).

[Economic Analysis in Law](#), YALE J. REG. (2021) (with Roy Kreitner).

[The Value of Rights of Action: From Civil Recourse to Class Action](#), JERUSALEM REV. LEGAL STUD. (2021) (with Avihay Dorfman).

[Intimate Contracts and Choice Theory](#), 7 EUR. CONT. L. & THEORY (2022).

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

[When Contract’s Basic Assumptions Fail: From Rose 2d to COVID-19](#) (with Ohad Somech).

[Specific Performance](#) (with Michael Heller).

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

*Express Trust as the Missing Piece in the Liberal Property Regime Jigsaw, in PHILOSOPHICAL FOUNDATIONS OF TRUST LAW* (Simone Degeling et al. eds., forthcoming 2022) (with Irit Samet).

**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, *Family Law: Value Beyond Choice and Autonomy?*, \* LAW & PHIL. \* (2020); Arthur Ripstein, *The Contracting Theory of Choices*, \* LAW & PHIL. \* (2020); Oren Bar-Gill, *Choice Theory and the Economic Analysis of Contracts*, 20 JERUSALEM REV. LEGAL STUD. 79 (2019); Yoram Kaplan, *A Normative Inquiry into The Choice Theory of Contracts*, 20 JERUSALEM REV. LEGAL STUD. 69 (2019); Prince Saprai, *Moving Beyond Promise*, 20 JERUSALEM REV. LEGAL STUD. 104 (2019); Ronit Levine-Schnur, *Contracts, States, and Obstacles of the Imagination*, 20 JERUSALEM REV. LEGAL STUD. 120 (2019); Sharon Shakargy, *Family, Contracts, Autonomy and Choice*, 20 JERUSALEM REV. LEGAL STUD. 90 (2019); Ohad Somekh, *The Uneasy Move from Autonomy to Alternatives: Self-Determination, Regret, and The Process of Autonomous Choice*, 20 JERUSALEM REV. LEGAL STUD. 133 (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 (Hertzliya) 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. & GOV. 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**

[\*Substantive Remedies\*](#), 96 NOTRE DAME L. REV. (2020) (with Avihay Dorfman).

[\*Autonomy for Contract, Refined\*](#), L. & PHIL. (2020) (with Michael Heller).

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

[\*The Distinction Between Private Law and Public Law\*](#), in RESEARCH HANDBOOK ON PRIVATE LAW THEORY (Hanoch Dagan & Benjamin C. Zipursky eds.2020) (with Benjamin C. Zipursky).

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

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

[\*The Law of the Market\*](#), 83 L. & CONTEMP. PROBS. i (2020) (with Avihay Dorfman, Roy Kreitner, and Daniel Markovits).

[\*Liberalism and the Commons\*](#), 29 CORNELL J.L. & PUB. POL'Y 527 (2020).

[\*The Other Half of Regulatory Theory\*](#), 52 CONN. L. REV. 605 (2020) (with Roy Kreitner).

[\*Autonomy and Pluralism in Private Law\*](#), in THE OXFORD HANDBOOK OF NEW PRIVATE LAW 177 (Andrew Gold et al. eds., 2020).

[\*Autonomy, Relational Justice, and Restitution\*](#), in RESEARCH HANDBOOK ON UNJUST ENRICHMENT AND RESTITUTION 219 (Elise Bant et al. eds., 2020).

[\*Why Autonomy Must Be Contract's Ultimate Value\*](#), 20 JERUSALEM REV. LEGAL STUD. 148 (2019) (with Michael Heller).

[\*Facilitating the Commons Inside Out\*](#), in PROPERTY FROM BELOW 154 (Olivier De Schutter & Balakrishnan Rajagopal eds., 2019) (with Tsilly Dagan).

**ARTICLES IN ENGLISH** (*Continued*)

[\*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).

[\*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).

**ARTICLES IN ENGLISH** (*Continued*)

[\*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).

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

*Republished in* [2019 ACTA JURIDICA: PRIVATE LAW IN A CHANGING WORLD](#) 3 (Helen Scott & Anton Fagan eds.)

[\*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).

*Translated into Hebrew and republished in* 41 TEL-AVIV U.L. REV. 307 (2019).

*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); Ariel Porat, *Just Relationships and Tort Law*, 41 TEL-AVIV U.L. REV. 385 (2019); Yitzhak Benbaji, *Just Relationships and Private Law – A Reconstruction*, 41 TEL-AVIV U.L. REV. 399 (2019); Manal Totry-Jubran, *Just Relationships between Individuals, Communities and Bodies in the Sphere of Private Law*, 41 TEL-AVIV U.L. REV. 417 (2019).

[\*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).



**ARTICLES IN ENGLISH** (*Continued*)

[\*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).

[\*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).

**ARTICLES IN ENGLISH** (*Continued*)

[\*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).

[\*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).

**ARTICLES IN ENGLISH** (*Continued*)

[\*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).

[\*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).

**ARTICLES IN ENGLISH** (*Continued*)

[\*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).

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

**ARTICLES IN HEBREW**

*Reply to Commentators: Relational Justice – On Legal, Political, and Critical Theory*, 41 TEL-AVIV U.L. REV. 439 (2019) (with Avihay Dorfman).

*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).

**ARTICLES IN HEBREW** (*Continued*)

*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).

[\*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).

**ARTICLES IN HEBREW** (*Continued*)

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

**KEYNOTE SPEECHES, ENDOWED LECTURES, AWARDS**

“Intimate Contracts and Choice Theory” – The 2020 Conference of the Society of European Contract Law, Madrid, June 2021.

“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 21<sup>st</sup> 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.

“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**

“Trusts and the Liberal Theory of Property” – A Conference on “Philosophical Foundations of Trust Law”, King’s College, London, September 2021.

“The Domain of Private Law” – The Tenth Biennial Conference on the Law of Obligations: Private Law Inside and Out, Harvard Law School, July 2021.

“Economic Analysis *in* Law” – Virtual Constitutional L&E Workshop, August 2020; Virtual Conference on “New Challenges for Law and Economics”, September 2020.

“When Contract’s Basic Assumptions Fail: From Rose 2d to COVID-19” – Virtual (Annual) Conference, Israeli Private Law Association, June 2020; Virtual Conference on “Global Public-Private Law Approaches to the Covid-19 Pandemic”, September 2020.

“Poverty and Private Law: Beyond Distributive Justice” – Tel-Aviv University Faculty of Law Legal Theory Workshop, May 2020; Virtual Progressive Property Conference, 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; The Israeli Contract Forum, The Academic Center for Law and Business, Ramat-Gan, February 2020.

“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.

**INVITED LECTURES AND PRESENTATIONS** (*Continued*)

“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.

“A Liberal Theory of Property” – The Advanced Property and Trusts Seminar, Oxford Law School, March 2017; The 2018 Singapore Symposium in Legal Theory, 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 Seminar and the Property Law Discussion Group, University of Oxford Faculty of Law, February 2020; Science Po, Paris, faculty e-seminar, October 2020.

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



**INVITED LECTURES AND PRESENTATIONS** (*Continued*)

“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.

“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 10<sup>th</sup> 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.

**INVITED LECTURES AND PRESENTATIONS** *(Continued)*

“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 10<sup>th</sup> 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.

“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.

**INVITED LECTURES AND PRESENTATIONS** *(Continued)*

“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.

“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.

**INVITED LECTURES AND PRESENTATIONS** *(Continued)*

“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.

“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.

**INVITED LECTURES AND PRESENTATIONS** *(Continued)*

“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.

“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.

**INVITED LECTURES AND PRESENTATIONS** *(Continued)*

“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.

“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.

**INVITED LECTURES AND PRESENTATIONS** (*Continued*)

“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.

“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.

**INVITED LECTURES AND PRESENTATIONS** *(Continued)*

“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.

“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.



**INVITED LECTURES AND PRESENTATIONS** (*Continued*)

“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 Wharton School (University of Pennsylvania) Workshop on The Normative Foundations of the Market**, *Co-Organizer*, 2021

**PROFESSIONAL AND ACADEMIC ACTIVITIES** *(Continued)*

- 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**
- Yale Journal on Regulation, Guest Editor, 2020**
- 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**
- 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  
Library Committee, 1993-98  
Admissions Committee, 1993-96  
Academic Coordinator of Faculty Conferences, 1993-98  
Instructor of Annual Prize Moot Court, 1996