

# SINGAPORE SYMPOSIUM IN LEGAL THEORY

## A Liberal Theory of Property

BY Professor Hanoch Dagan  
*Tel Aviv University*

12 FEBRUARY 2018, MONDAY

5.00PM – 7.00PM (TEA RECEPTION STARTS AT 4.45PM)

LEE SHERIDAN CONFERENCE ROOM, LEVEL 1, EU TONG SEN BUILDING  
FACULTY OF LAW, NUS (BUKIT TIMAH CAMPUS)

### ABSTRACT

The aim of this book is to show how a robust commitment to autonomy justifies and shapes property law in a liberal polity. Property, I argue, is an empowering device. Property can be legitimate to the extent that the authority it confers is indeed conducive to people's personal self-determination. This means that a genuinely liberal property regime must comply with two fundamental prescriptions: structural pluralism and relational justice.

A liberal property law should be conceptualized in structurally pluralistic terms. It should cultivate the heterogeneity of our existing property law, because a multiplicity of property types facilitates a rich diversity of interpersonal relationships needed for adequate self-determination. Property's facilitation of this autonomy-enhancing pluralism is crucial because collective action problems, bounded rationality, and cognitive failures imply that a lack of proactive legal support undermines many types of interactions, and, thus, hinders people's ability to pursue their own conception of the good.

Property must also vindicate our claims to relational justice, which derive from the very same notion of reciprocal respect to self-determination that underlies property's own legitimacy. Both owners and non-owners should treat each other as free and equal persons and thus respect each other not only as abstract beings, but rather as the persons they actually are. This means that alongside "strong" property types with unaccountable rights to exclude, property law should also facilitate other property types, which should be subject to non-owners' claims to access and, more broadly, to respect.

### ABOUT THE SPEAKER



**Hanoch Dagan** is the Stewart and Judy Colton Professor of Legal Theory and Innovation, the director of the Edmond J. Safra Center for Ethics at Tel Aviv University, and a former Dean of its Faculty of Law. Among his many publications are over 80 articles in major law reviews and journals and six well-reviewed, widely-acclaimed books in English, including *The Law and Ethics of Restitution* (Cambridge University Press, 2004), *Property: Values and Institutions* (Oxford University Press, 2011), *Reconstructing American Legal Realism & Rethinking Private Law Theory* (Oxford University Press, 2013), and *The Choice Theory of Contracts* (with Michael A. Heller) (Cambridge University Press, 2017). Professor Dagan has been a visiting professor at Yale, Columbia, University of Michigan, Cornell, UCLA and University of Toronto law schools. He is also a Senior Fellow at the Israel Democracy Institute and a member of the American Law Institute and of the International Academy of Comparative Law.

### Participation is By Invitation Only

Registration commences at 4.45pm and light refreshments will be served. For more information, please contact Ms Yvonne Lim at [yvonnelim@nus.edu.sg](mailto:yvonnelim@nus.edu.sg)