
25 February 2019, Monday ✦ 12.30pm – 2.00pm

(Registration starts at 12.00noon)

NUS Law (Bukit Timah Campus), Eu Tong Sen Building Level 1, Lee Sheridan Conference Room

THE GREAT PROPERTY FALLACY

Speaker: Professor Frank K. Upham, New York University School of Law

Chairperson: Assistant Professor Chen Weitseng, NUS Law

ABSTRACT

There are few beliefs about economy and society held more confidently than the idea that property rights are necessary to economic growth. In my talk I will draw on the experience of five different societies from the English enclosures of the 16th century to contemporary Cambodia to argue that this view of property rights is dangerously incomplete and misleading. It is incomplete because economic growth can and has occurred without judicially enforced property rights. It is misleading because it implies that property rights per se contribute to economic growth when in fact the role of property rights in growth is heavily contingent on the surrounding social context. Unless they are appropriate for the circumstances, property rights can prevent, not engender, growth. It is dangerous because a failure to recognize that the social and economic role of property rights is radically contingent has and will continue to mislead both development practitioners and developing country policy makers in their attempts to bring the world's poorest people out of poverty.

ABOUT THE SPEAKER



Frank Upham teaches the basic property course, as well as courses on advanced property topics, law and development, and comparative law and society with an emphasis on East Asia and the developing world. His scholarship focuses on Japan and China, and his book *Law and Social Change in Postwar Japan* received the Thomas J. Wilson Prize from Harvard University Press. Recent scholarship includes "Who Will Find the Defendant If He Stays with His Sheep? Justice in Rural China," "Property rights, commodification, and land disputes in contemporary socialist Asia," "Lessons from Chinese Growth: Rethinking the Role of Property Rights in Economic Growth," and "Resistible Force Meets Malleable Object: The Story of the 'Introduction' of Norms of Gender Equality into Japanese Employment Practice." His most recent book, *The Great Property Fallacy: Theory, Reality, and Growth in Developing Countries*, employs an empirical study of the roles of property rights in global development from the English enclosures to contemporary Cambodia. His next project is a comparative study of the interaction of legal doctrine, social and economic structure, and culture in gender discrimination in France, Japan, and the United States. Upham has spent time at various institutions in Asia and works in Japanese, Chinese, and French. He graduated from Princeton University in 1967 and Harvard Law School in 1974 and worked as a journalist in Asia and as an assistant attorney general in Massachusetts before entering academia. In addition to having taught at NYU School of Law since 1994, he has taught at Ohio State, Harvard, Boston College, and UCLA law schools in the United States and Tsinghua University in China.

REGISTRATION

There is no registration fee for this seminar, but seats are limited.
Light refreshment will be provided on a first-come, first-served basis.
To register, go to <https://goo.gl/w91efA> or scan the QR code
Closing Date: **Wednesday, 20 February 2019**
For enquiries, please contact Chris Chan at rescle@nus.edu.sg

