Private Law Workshop

Fall 2017

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We will meet on Wednesdays from 3:00 to 5:00 pm. The workshop will host paper presentations by seven invited speakers. For classes held during “off” weeks that precede presentations, we will read background materials relevant to future presentations. Papers and materials will be posted about a week prior to each session.

For each session at which an invited speaker presents a paper, you are obligated to submit by e-mail, to both of us, at least two written questions about the paper. Questions are due by noon on the Tuesday before the presentation.

You are also required to write a paper for the seminar on any topic relevant to private law. There is no required paper length, but 25 pages might serve as a target. You must submit by e-mail to both of us a tentative description of your topic by 5 pm on Friday, October 7. We will meet with you individually during the week of October 10 to discuss your proposed topic. Papers are due on 5 pm of the last day of the spring semester exam period.


September 20: Shyamkrishna Balganesh, Copyright as “Legal Process”: The Evolution of American Copyright Law

September 27: Joel Feinberg, Wrongful Life and the Counterfactual Element in Harming, 4 Soc. Phil. & Pol’y 145-168, 176-78 (1986); Thomas W. Merrill & Henry E. Smith,

October 4: Rebecca Williams, The ECJ’s ‘Remedies Jurisprudence’ and the role of domestic courts – how to transfer principle alongside competence

October 11: No Class

October 18: Yun-chien Chang, Redrawing the Legal Family Tree: Empirical Comparative Law Using Data on Property Doctrines (with Nuno Garoupa and Martin Wells)

October 25: Eric Claeys, Interest-Based Rights and the Harm-Benefit Distinction in Property Law


November 8: Lisa Bernstein, Revisiting the Maghribi Traders (Again): A Social Network and Relational Contracting Perspective

November 15: Molly Brady, From Rocks to Rods: Legibility in Property Systems

November 29: Todd Rakoff, The Five Justices of Contract Law