

HANOCH DAGAN

Berkeley Law School
890 Simon Hall
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ACADEMIC EMPLOYMENT

Berkeley Law School

Distinguished Professor of Law, 2023-present.

Founding Director, The Berkeley Center for Private Law Theory, 2023-present.

Tel-Aviv University

Stewart and Judy Colton Professor of Legal Theory and Innovation, 2013-2023;
Emeritus, 2024.

Director, The Edmond J. Safra Center for Ethics, 2017-2023.

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.

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

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.

The Israel Democracy Institute: *Senior Fellow and Co-Founding Director* of the Program
on Human Rights and Judaism, 2011-2018.

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.

EDUCATION

Yale Law School, *LL.M.*, 1991. Fulbright Award. *J.S.D.*, 1993.
Tel-Aviv University Faculty of Law, *LL.B.*, 1988. *Summa Cum Laude*.

WORKS IN PROGRESS

ADVANCED INTRODUCTION TO PRIVATE LAW THEORY (Edward Elgar, forthcoming 2026).

[*Autonomy and Contracts*](#), in RESEARCH HANDBOOK ON THE PHILOSOPHY OF CONTRACT LAW (Mindy Chen-Wishart & Prince Saprai eds., 2024).

[*Autonomy Defaults*](#) (with Michael Heller).

[*Autonomy and Form*](#) (with Mark P. Gergen).

[*Freedom of Contract, Properly Understood*](#).

Autonomy, Implication, and Interpretation (with Mark P. Gergen) (draft available).

A Theory of Transition Relief (with Jonathan S. Gould) (draft available).

The Value of Personal Rights of Action (with Avihay Dorfman & Issi Rosen-Zvi).

Your Own Dead Hand (with Molly Van Houweling).

The Social Imagination of Contracts (with Meirav Furth & Tamar Kricheli-Katz).

Regulating Contracts, Strictly Speaking.

The Many Beneficiaries of Liberal Contract (with Mark P. Gergen).

A Liberal Theory of Contract Externalities.

BOOKS

[RELATIONAL JUSTICE: A THEORY OF PRIVATE LAW](#) (Oxford University Press, 2024) (with Avihay Dorfman).

[A LIBERAL THEORY OF PROPERTY](#) (Cambridge University Press, 2021).

Book symposia:

- Gregory S. Alexander, *Hanoch Dagan and the Liberal Concept of Autonomy*, 18 INT'L J.L. CONTEXT 237 (2022); Marija Bartl, *On the Chances of Structural Pluralism in the Liberal Theory of Property*, 18 INT'L J.L. CONTEXT 247 (2022); David Dana, *Individual Autonomy and Takings in A Liberal Theory of Property*, 18 INT'L J.L. CONTEXT 229 (2022); Douglas C. Harris, *A Liberal Theory of Property in Condominium*, 18 INT'L J.L. CONTEXT 245 (2022); Elmien du Plessis, *Does Dagan's Liberal Theory of Property Provide for Compensation at Nil Compensation in the South African Context?*, 19 INT'L J.L. CONTEXT 250 (2022); Cathy Sherry, *Review of Hanoch Dagan, A Liberal Theory of Property*, 18 INT'L J.L. CONTEXT 241 (2022); Rachael Walsh, *Distributing the Costs of Change: Property Transitions and Pacts*, 18 INT'L J.L. CONTEXT 233 (2022).
- Ben McFarlane, *Property: Duties, Diversity, and Limits*, 33 KING'S L.J. 23 (2022); Aruna Nair, *Property and Autonomy in the Marketplace: Freedom to Sell as Freedom of Exit*, 33 KING'S L.J. 34 (2022); Nicholas Sage, *Liberalism and the Common Callings*, 33 KING'S L.J. 43 (2022); Katy Wells, *Crucial Options: Dagan on Self-determination and Structural Pluralism*, 33 KING'S L.J. 53 (2022).
- Paul T. Babie, *What a Theory of Property Tells Us About Ourselves*, 13 JURISPRUDENCE 613 (2023); Andrew Halpin, *Property as a Commitment to Self-Determination*, 13 JURISPRUDENCE 626 (2023); Larissa Katz, *Property's Limits*, 13 JURISPRUDENCE 636 (2023); Christopher Serkin, *A Liberal Theory of Zoning*, 13 JURISPRUDENCE 649 (2023); Laura S. Underkuffler, *The Telos of Property*, 13 JURISPRUDENCE 660 (2023).
- The [Law and Political Economy Project](#), featuring David Singh Grewal & Jedediah Britton-Purdy, [Liberalism, Property, and the Means of Production](#); Nestor M. Davidson, [Property's Contingent Categorization](#); Rashmi Dyal-Chand, [Property, Collectivity, and Restraint](#); Lua Yuille, [Property Without Autonomy](#); Katharina Pistor, [Liberal Property Law vs. Capitalism](#); and Ezra Rosser, [Creating Space for Property's Foes](#).
- TEL-AVIV U. L. REV. FORUM (in Hebrew), featuring Talia Fisher, [Property's Pluralism and Autonomy](#); Chaim Gans, [Private Tyranny and Liberal Property](#); Alexander (Sandy) Kedar, [Dagan at a Crossroad: An Autonomous Golden Path, Or A New Lane on the Highway](#); Roy Kreitner, [Property and Liberal Theory](#); Tamar Kricheli-Katz, [Class Matters](#); and Michael Zakin, [Liberalism and Its Reform](#).

Other book reviews:

- Adam J. MacLeod, *What Makes Property Liberal?*, MODERN L. REV. 1427 (2021); Hans-W. Micklitz, *Hanoch Dagan's Liberal Theory of Property as a Third Way Between Neo-Liberalism and New Socialism?*, 18 EUR. REV. CONTRACT L. 84 (2022); James Penner, *Property and Self-Determination*, 35 CAN. J.L. & JURISPR. 537 (2022); Brian L. Frye, *Book Review*, 6 J.L. PROP. & SOC'Y 219 (2021); Ezra Rosser, *Book Review*, 72 U. TORONTO L.J. 245 (2022); Sagi Peari & Richard Winter, *Book Review*, 30 AUSTRALIAN J. PROPERTY L. 54 (2022); Rashmi Dyal-Chand, [Relating – Equally – Through Property](#), JOTWELL (2021).

BOOKS (*Continued*)

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

Reviewed in Charles Fried, *Contract as Promise: Lessons Learned*, 20 THEORETICAL INQ. L. 367 (2019); Aditi Bagchi, *Voluntary Obligation and Contract*, 20 THEORETICAL INQ. L. 433 (2019); Oren Bar-Gill & Clayton P. Gillette, *On the Optimal Number of Contract Types*, 20 THEORETICAL INQ. L. 487 (2019); Yitzhak Benbaji, *Contract Law in a Just Society*, 20 THEORETICAL INQ. L. 411 (2019); Peter Benson, *Unity and Multiplicity in Contract Law: From General Principles to Transaction-Types*, 20 THEORETICAL INQ. L. 537 (2019); Gregory Klass, *Parol Evidence Rules and the Mechanics of Choice*, 20 THEORETICAL INQ. L. 457 (2019); Daniel Markovits & Alan Schwartz, *Plural Values in Contract Law: Theory and Implementation*, 20 THEORETICAL INQ. L. 571 (2019); Nathan B. Oman, *Contract Law and the Liberalism of Fear*, 20 THEORETICAL INQ. 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?*, 40 LAW & PHIL. 163 (2021); Arthur Ripstein, *The Contracting Theory of Choices*, 40 LAW & PHIL. 185 (2021); Oren Bar-Gill, *Choice Theory and the Economic Analysis of Contracts*, 20 JER. REV. LEGAL STUD. 79 (2019); Yoram Kaplan, *A Normative Inquiry into The Choice Theory of Contracts*, 20 JER. REV. LEGAL STUD. 69 (2019); Prince Saprai, *Moving Beyond Promise*, 20 JER. REV. LEGAL STUD. 104 (2019); Ronit Levine-Schnur, *Contracts, States, and Obstacles of the Imagination*, 20 JER. REV. LEGAL STUD. 120 (2019); Sharon Shakargy, *Family, Contracts, Autonomy and Choice*, 20 JER. REV. LEGAL STUD. 90 (2019); Ohad Somech, *The Uneasy Move from Autonomy to Alternatives: Self-Determination, Regret, and The Process of Autonomous Choice*, 20 JER. REV. LEGAL STUD. 133 (2019); JE Penner, *Taking Raz Seriously: On the Value of Autonomy and its Relation to Private Law*, 2 OXFORD STUD. PRIVATE L. THEORY * (2022); Nicholas Cornell, NOTRE DAME PHIL. REV. (Nov. 20, 2017); Nick Sage, 81 MODERN L. REV. 381 (2018).

[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 Balganesh, 34 L. & PHIL. 111 (2015); Andrew Halpin, 11 NO. FO. 116 (2014); Renaud Colson, DROIT & SOCIÉTÉ (2015).

BOOKS (*Continued*)

[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).

PROPERTY AT A CROSSROADS (2005) (Ramat, 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, 30 TEL-AVIV U.L. REV. 435 (2007); Joshua Weisman, 23 HA-MISHPAT 88 (2007).

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

Reviewed in Emily Sherwin, *Rule-Oriented Realism*, 103 MICH. L. REV. 1578 (2005); Ernest A. Weinrib, *Reviving Restitution*, 91 VA. 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. LEGAL 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); Duncan Sheehan, 34 COMMON LAW WORLD REV. 195 (2005); Prince Saprai, 121 L.Q. REV. 521 (2005); Robin Evans-Jones, 9 EDINBURGH L. REV. 484 (2005); Andrew Tettenborn, 13 RESTITUTION L. REV. 245 (2005); Eoin O'Dell, 27 DUBLIN U.L.J. 424 (2005); Jacques du Plessis, 53 AM. J. COMP. L. 941 (2005); James Edelman, 69 MODERN L. REV. 131 (2006); Amy Goymour, 65 CAMBRIDGE L.J. 456 (2006); Peter Jaffey, 3 INT'L J. L. CONTEXT 73 (2007).

[UNJUST ENRICHMENT: A STUDY OF PRIVATE LAW AND PUBLIC VALUES](#) (Cambridge University Press, 1997).

Reviewed in Michael Heller & Christopher Serkin, *Revaluing Restitution: From the Talmud to Postsocialism*, 97 MICH. 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, 47 INT'L & COMP. L. Q. 740 (1998); S. Maier, 57 CAMBRIDGE L.J. 419 (1998); Fiona Burns, 25 MONASH U.L. REV. 421 (1999); Danie Visser, 3 EDIN. L. REV. 402 (1999); Irwin H. Haut, *Unjust Enrichment Revisited*, 15 JEWISH L. ANN. 41 (2004).

EDITED BOOKS

[RESEARCH HANDBOOK ON PRIVATE LAW THEORY](#) (Edward Elgar, 2020) (with Benjamin Zipursky).

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

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

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

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

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

ARTICLES

[Liberal Property Theory](#), in HANDBOOK ON PROPERTY LAW & THEORY 197 (Chris Bevan ed., 2024).

[Independent Contractors and the ABCs of Contract Law](#), 66 ARIZ. L. REV (2024) (with Catherine Fisk).

Commented by Hila Keren, On Preventing the Abuse of Contracts, JOTWELL (May 14, 2024), <https://contracts.jotwell.com/on-preventing-theabuse-of-contracts/>.

[Two Genres of Interpretive Legal Theories](#), in UNDERSTANDING PRIVATE LAW: ESSAYS IN HONOUR OF STEPHEN A. SMITH (Evan Fox Decent et al. eds., 2024).

[Public Nuisance for Private Persons](#), 74 U. TORONTO L.J. 198 (2024) (with Avihay Dorfman).

[Methodological Tensions in Understanding Markets](#), 86 L. & CONTEMP. PROBS. i (2024) (with Marietta Auer, Roy Kreitner, and Ralf Michaels).

[Private Law and the Embedded Person](#) in THE FUTURE OF THE PERSON (Hans-Wolfgang Micklitz & Giuseppe Vettori eds., 2024) (with Avihay Dorfman).

ARTICLES (*Continued*)

Eine Liberale Theorie des Eigentums, in *UMKÄMPFTES EIGENTUM. AKTUELLE DEBATTEN* (Niklas Angebauer, Jacob Blumenfeld and Tilo Wesche eds., 2024) (*Liberal Property Theory*, in *CONTESTED PROPERTY: CONTEMPORARY DEBATES*).

[*The Tort of Discrimination*](#), 16(2) J. TORT. L. 393 (2023) (with Avihay Dorfman).

[*Choice of Law Meets Private Law Theory*](#), 43 OXFORD J. LEGAL STUD. 520 (2023) (with Sagi Peiri).

[*Express Trust: The Dark Horse of the Liberal Property Regime*](#), in *PHILOSOPHICAL FOUNDATIONS OF TRUST LAW* 139 (Simone Degeling et al. eds., 2023) (with Irit Samet).

[*Poverty and Private Law: Beyond Distributive Justice*](#), 68 AM. J. JURISPRUDENCE 229 (2023) (with Avihay Dorfman).

[*Specific Performance: On Freedom and Commitment in Contract Law*](#), 98 NOTRE DAME L. REV. 1323 (2023) (with Michael Heller).

[*Long-Term Contractual Commitments and Our Future Selves*](#), 48 L. & SOC. INQ. 517 (2023) (with Tamar Kricheli-Katz).

[*The Beneficiary's Ownership Rights in The Trust Res in A Liberal Property Regime*](#), 86 MODERN L. REV. 701 (2023) (with Irit Samet).

[*Liberal Property and The Power of Law*](#), 36 CAN. J.L. & JURISP. 281 (2023).

[*Can Contract Emancipate? Contract Theory and The Law of Work*](#), 24 THEORETICAL INQ. L. 49 (2023) (with Michael Heller).

[*The Liberal Promise of Contract*](#), in *PRIVATE LAW AND PRACTICAL REASON: ESSAYS ON JOHN GARDNER'S PRIVATE LAW THEORY* 311 (Haris Psarras & Sandy Steel eds., 2023).

[*From Civil Recourse to Class Action: A Comment on John Goldberg & Benjamin Zipursky's Recognizing Wrongs*](#), 27 JER. REV. LEGAL STUD. 57 (2023) (with Avihay Dorfman).

[*Justice in Contracts*](#), 67 AM. J. JURISPRUDENCE 1 (2022) (with Avihay Dorfman).

ARTICLES (*Continued*)

[*Precontractual Justice*](#), 28 LEGAL THEORY 89 (2022) (with Avihay Dorfman).

[*What's Wrong with Massively Discretionary Trusts*](#), 138 L.Q. REV. 629 (2022) (with Irit Samet).

[*The Jurisprudence of Liberal Property*](#), 13 JURISPRUDENCE 668 (2022).

[*The Ambitions of Liberal Property*](#), 18 INT'L J.L. CONTEXT 259 (2022).

[*Liberal Property: Clarifications and Refinements*](#), 33 KING'S L.J. 3 (2022).

[*"New Private Law Theory" as a Mosaic: What Can Hold \(Most of\) It Together?*](#), 23 GERMAN L.J. 805 (2022).

[*Intimate Contracts and Choice Theory*](#), 18 EUR. REV. CONTRACT L. 104 (2022).

[*Liberal Property and Just Markets*](#), 4 REVUE EUROPÉENNE DU DROIT 157 (2022).

[*Two Visions of Contract*](#), 119 MICH. L. REV. 1247 (2021).

[*Autonomy for Contract, Refined*](#), 40 L. & PHIL. 213 (2021) (with Michael Heller).

[*When Contract's Basic Assumptions Fail*](#), 34 CAN. J.L. & JURISP. 297 (2021) (with Ohad Somech).

[*The Domain of Private Law*](#), 71 U. TORONTO L.J. 207 (2021) (with Avihay Dorfman).

[*Economic Analysis in Law*](#), 38 YALE J. ON REG. 566 (2021) (with Roy Kreitner).

Commented by Lewis A. Kornhauser, The Non-Consequentialist Uses of Economic Analysis, 38 YALE J. ON REG. BULL. 159 (2021).

[*Types of Contracts and Law's Autonomy-Enhancing Role*](#), EUROPEAN CONTRACT LAW AND THE CREATION OF NORMS 109 (Stefan Grundmann & Mateusz Grochowski eds., 2021).

[*Liberal Property for Skeptics*](#), LPE PROJECT, 3-4 February 2021.

[*Substantive Remedies*](#), 96 NOTRE DAME L. REV. 513 (2020) (with Avihay Dorfman).

ARTICLES (*Continued*)

[*The Distinction Between Private Law and Public Law*](#), in RESEARCH HANDBOOK ON PRIVATE LAW THEORY 1 (Hanoch Dagan & Benjamin C. Zipursky eds. 2020) (with Benjamin C. Zipursky).

[*Choice Theory: A Restatement*](#), in RESEARCH HANDBOOK ON PRIVATE LAW THEORY 112 (Hanoch Dagan & Benjamin C. Zipursky eds., 2020) (with Michael Heller).

[*Autonomy and Property*](#), in RESEARCH HANDBOOK ON PRIVATE LAW THEORY 185 (Hanoch Dagan & Benjamin C. Zipursky eds. 2020).

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

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

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

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

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

[*Freedom, Choice, and Contracts*](#), 20 THEORETICAL INQ. 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).

ARTICLES (*Continued*)

[*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).

[*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).

ARTICLES (*Continued*)

[*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., 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 JER. REV. LEGAL STUD. 37 (2017) (with Avihay Dorfman).

[*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).

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

[*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).

[*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); 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).

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

ARTICLES (*Continued*)

[*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., 2019).

[*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).

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

[*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).

ARTICLES (*Continued*)

[*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).

[*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 INQ. L.F. 81 (2008).

ARTICLES (*Continued*)

[*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 COLUM. 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 CALIF. L. REV. 1517 (2003).

[*Qualitative Judgments and Social Meanings in Private Law*](#), 4 THEORETICAL INQ. L. 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).

ARTICLES (Continued)

[*Just Compensation, Incentives, and Social Meanings*](#), 99 MICH. 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 INQ. L. 115 (2000).

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

[*Takings and Distributive Justice*](#), 85 VA. L. REV. 741 (1999).

Commented by Glynn Lunney, Takings, Efficiency, and Distributive Justice: A Response to Professor Dagan, 99 MICH. 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 MICH. L. REV. 1152 (1999).

ARTICLES IN HEBREW

[*Liberal Property, After All*](#), 45 TEL-AVIV U. L. REV. FORUM (2021).

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 BOOK 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).

ARTICLES IN HEBREW (*Continued*)

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 Lewinsohn-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).

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

KEYNOTE SPEECHES, ENDOWED LECTURES, AWARDS

“Freedom of Contract, Properly Understood” – The Maastricht Private Law Lecture, June 2024

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

“A Liberal Theory of Property” – The 2018 Singapore Symposium in Legal Theory, National University of Singapore, February 2018; Private Law’s Annual Public Lecture, Trinity College Dublin, April, 2018.

“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” – Rethinking Expropriation Conference, 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.

“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.
The Cheshin Prize for Academic Excellence in Law, 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” – 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.

BOOK LAUNCHES AND PRE-PUBLICATION EVENTS

“Relational Justice: A Theory of Private Law” – London School of Economics, October 2022; Max Planck Institute for Legal History and Legal Theory, February 2023 (featuring Marietta Auer); European University Institute, March 2023 (featuring Marija Bartl, Victoria Garin, Martijn Hesselink, Mirthe Jiwa, Bertram Lomfeld, Szymon Osmola, Katharina Pistor, Florian Rödl, and Thomas Wilhelmsson); The Safra-Wharton Conference on the Normative Foundations of the Market, May 2023 (featuring Thomas Christiano); Oxford Law School, May 2023 (featuring Mindy Chen-Wishart, Matt Dyson, James Goudkamp, Ciara Kennefick, and Donal Nolan); Berkeley Law School, September 2023; Tel-Aviv University Faculty of Law, December 2023.

“A Liberal Theory of Property” – Science Po, Paris, October 2020; Tel-Aviv University, December 2020; King’s College London’s Yeoh Tiong Lay Centre for Politics, Philosophy & Law, January 2021 (featuring Victoria Ball, Simon Douglas, Amy Goymour, Ben McFarlane, Aruna Nair, Jill Robbie, Nick Sage, Charlie Webb, and Katy Wells); The Sheffield Institute for Corporate and Commercial Law (SICCL) and the Sheffield Political Economy Research Institute, February 2021; University of Amsterdam’s Center for Transformative Private Law, February 2021; Collaborative Research Centre on Structural Change of Property, The Friedrich-Schiller-Universität Jena, Germany, November 2021; The World Interdisciplinary Network for Institutional Research (WINIR) 2022 Conference, September 2022 (featuring Larissa Katz, Alice Pinheiro Walla, and Mikhail Xifaras).

“The Choice Theory of Contracts” – Columbia Law School, October 2017 (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); The Interdisciplinary Center (Hertziya), December 2017 (featuring Oren Bar-Gill, Ronit Levine-Schnur, Sharon Shakargy, and Robert Stevens); Brooklyn Law School’s Block Center (featuring Julian Arato, Neil Cohen, and Robin Efron, February 2018); Humboldt University, Berlin, June 2018 (featuring Marietta Auer); and Freie University, Berlin, June 2018 (featuring Stefan Grundmann, Christian Joerges, Felix Hartmann, Bertram Lomfeld, Florian Rödl, Heike Schweitzer, and Gerhard Wagner).

“Reconstructing American Legal Realism & Rethinking Private Law Theory” – The Centre de Théorie et Analyse du Droit at the Université Paris Ouest Nanterre, March 2014 (featuring Pierre Brunet, Renaud Colson, Jean Louis Halpérin, Eric Millard, Patricia Mindus, and Rafael Munagori).

“Property: Values and Institutions” – The 2011 Meeting of the Association of Property, Law, and Society at Georgetown University (featuring Eric Claeys, Larissa Katz, Eduardo M. Peñalver, and Jed Purdy).

PRESENTATIONS

“Regulating Contracts, Strictly Speaking” – A University of Zurich Conference on Regulation and Contract Law, December 2024.

“The Value of Personal Rights of Action,” A University of Toronto Tort Law and Social Equality Project Speaker Series, May 2024; A Berkeley Center for Private Law Theory colloquium on “Private Law Theory Meets Civil Procedure,” February 2025.

“Independent Contractors and the ABCs of Contract Law,” A Colloquium on Contract Theory and Marginalized Workers, Berkeley Law School, October 2023.

“The Tort of Discrimination,” Progressive Property Conference, May 2023.

“Private Law and the Embedded Person,” A University of Florence Conference on The Person and the Future of Private Law, October 2022.

“Liberal Property Theory,” Progressive Property Conference, June 2022; University of Toronto Advanced Property Seminar, November 2022.

“Just Markets,” A Wharton Conference on The Normative Foundations of the Market, April 2022.

“Precontractual Justice” – Legal Theory Workshop, Berkeley Law School, February 2022.

“Can Contract Emancipate? Contract Theory and The Law of Work” – Conference on “Private Law Theory Meets the Law of Work,” NYU, September 2021; Legal Theory Workshop, Haifa University Law School, October 2021.

“The Beneficiary’s Ownership Rights in The Trust Res in A Liberal Property Regime” – Private Law Forum, King’s College London, October 2021; A joint session of the Obligations and the Property Discussion Groups, University of Oxford Faculty of Law, November 2021; Cambridge Private Law Centre Research in Progress Seminar, February, 2022; The “Equity: 150 Years from the Judicature Reforms” Conference, St. John’s College, Oxford, April 2022.

“What’s Wrong with Massively Discretionary Trusts” – Virtual Progressive Property Conference, May 2021; Property Law Connections, Oxford, June 2021.

PRESENTATIONS *(Continued)*

“The Liberal Promise of Contract” – Virtual Workshop on Private Law and Practical Reason, Oxford, April 2021.

“Express Trust as the Missing Piece in the Liberal Property Regime Jigsaw” – Private Law Forum, King’s College London, November 2020; A Conference on “Philosophical Foundations of Trust Law”, King’s College London, September 2021; UK Analytic Legal & Political Philosophy Conference, September 2021.

“Specific Performance” – Villanova Law School Faculty E-Colloquium, September 2020; Tel-Aviv University Faculty of Law Legal Theory Workshop, November 2020.

“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” – 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 Legal Theory Workshop, May 2020; Virtual Progressive Property Conference, May 2020; North American Workshop on Private Law Theory, Brooklyn Law School, November 2021.

“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; Private Law Working Group E-Workshop, the European University Institute, December 2020.

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 University, 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.

PRESENTATIONS (*Continued*)

“A Liberal Theory of Property” – The Advanced Property and Trusts Seminar, Oxford Faculty of Law, March 2017; 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 Workshop, October 2019; A joint session of the Advanced Property and Trusts Seminar and the Property Law Discussion Group, 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 Theory, 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.

PRESENTATIONS *(Continued)*

“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; Legal Theory Workshop, Maryland Law School, October 2014; Legal Theory Workshop, Columbia Law School, October 2014; Legal Theory Workshop, Georgetown Law Center, November 2014; Legal Theory Workshop, 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 Economic 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.

“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.

PRESENTATIONS *(Continued)*

“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 University, May 2013.

“Perfectionism: Thick and Thin” – A Cegla Center Colloquium on William Fisher’s *Good Life, Good Law*, Tel-Aviv University, 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, 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; Legal Theory Workshop, Hebrew University Faculty of Law, January 2013; Property Theory Workshop, NYU Law School, May 2013.

PRESENTATIONS *(Continued)*

“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.

“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.

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

“Lessons from Private Law Theory: A Comment” – A Cegla 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; Critical Analysis of Law Workshop, University of Toronto Faculty of Law, 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.

PRESENTATIONS *(Continued)*

“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; Private Law Workshop, Hebrew University Law School, 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.

“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.

PRESENTATIONS *(Continued)*

“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, Yale Law School, January 2005; Alabama Law School Faculty Colloquium, February 2006; Legal Theory Workshop, Cornell Law School, April 2006; Legal Theory Workshop, Tel-Aviv University Law School, May 2006.

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

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

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

“Comments on Cohabitation, Marital Property, and Forms of Property” – A Colloquium on “Cohabitation Law” by Shahr 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.

PRESENTATIONS *(Continued)*

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

“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; “Identity, Law and Politics” seminar, Virginia Law School, March 2022.

“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’ 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.

PRESENTATIONS *(Continued)*

“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, Sliema, Malta, 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, 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.

“Governments, Citizens, and Injurious Industries” – Fawley Lunches series, University of Michigan Law School, September 1999.

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

PRESENTATIONS *(Continued)*

“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

- Contracts
- Property
- Private Law Theory/ Property Theory/ Contract Theory
- Legal Theory/ Jurisprudence/ American Legal Theory
- Restitution and Unjust Enrichment

ACADEMIC MEMBERSHIP

The American Law Institute, 2005-present
 The International Academy of Comparative Law, 2008-present
 Association of American Law Schools, 2023-present
 The International Scientific Advisory Board of the Max Planck Institute for Legal History and Legal Theory in Frankfurt am Main, 2021-26
 The Oxford Studies in Private Law Theory Advisory Board, 2018-present

ACADEMIC ACTIVITIES

A Berkeley Center for Private Law Theory's Contract Theory Works in Progress Workshops, *Co-Organizer*, 2024, 2025.
 A Berkeley Center for Private Law Theory's Colloquium on "Private Law Theory Meets Civil Procedure", *Co-Organizer*, February 2025.
 A Berkeley Center for Private Law Theory's Colloquium on "Contract Theory and Marginalized Workers", *Co-Organizer*, October 2023.
 A Wharton-TAU-Berkeley-Oxford Workshop on The Normative Foundations of the Market, *Co-Organizer*, 2022, 2023, 2024, 2025.
 An NYU Law School Conference on "Private Law Meets the Law of Work", *Co-Organizer*, 2021
 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
 International Summer School, The Centre for the Study of European Contract Law, Amsterdam, *Co-Instructor*, 2016, 2017, 2018, 2019
 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
 The Israeli Association of Private Law, *Co-Founder*, 2009-2011
 A Tel-Aviv-Cornell Conference on The Future of Legal Theory, *Co-Organizer*, 2010

ACADEMIC ACTIVITIES *(Continued)*

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 BERKELEY

Law School Assignments
 LL.M./J.S.D. Committee (2023-25)
 Faculty Workshops Committee (2023-24, co-Chair)

INSTITUTIONAL SERVICE AT TEL-AVIV

University Assignments (select)
 Search Committee for Dean of Faculty of Law, 2016
 Appointment Committee, 2004-2006
 Strategic Academic Committee, 2004

INSTITUTIONAL SERVICE AT TEL-AVIV *(Continued)*

Law School Assignments (select)

Appointments Committee, 2016-2018

Chairperson, Appointments Committee & Hiring Committee, 2006-2011

Hiring Committee, 2000-2001, 2003-2006, 2013-14

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