

Joseph William Singer

Harvard Law School
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Employment

HARVARD LAW SCHOOL, Cambridge, Massachusetts

Bussey Professor of Law, 6/2006 – present

Professor of Law, 7/1992 – 6/2006

Visiting Professor, 1/1992 – 6/1992

Courses: *Property; Conflict of Laws; Problem Solving Workshop*

Seminars: *Supreme Court Decision Making, Tribal Sovereignty, Property & Democracy, Advanced Property Solving Workshop*

HAGLER INSTITUTE FOR ADVANCED STUDY AT TEXAS A&M UNIVERSITY

Distinguished Lecturer, Texas A&M University School of Law

Feb 2019

WILLIAM S. RICHARDSON UNIVERSITY OF HAWAI'I SCHOOL OF LAW

Frank Boas Visiting Professor of Law, 1/2006

Course: *The Ownership Society*

Frank Boas Visiting Professor of Law, 1/2019

Course: *Persuasion*

BOSTON UNIVERSITY SCHOOL OF LAW, Boston, Massachusetts

Professor, 9/1990 – 6/1992

Associate Professor, 6/1984 – 8/1990

Courses: *Property, Conflict of Laws, Legal Theory, Problems & Theories*

Seminars: *Legal Realism, Supreme Court Decision Making*

PALMER & DODGE, Boston, Massachusetts

Associate, 9/1982 - 5/1984

Practice:

Municipal Law

Tax-exempt Financing

SUPREME COURT OF NEW JERSEY, Justice Morris Pashman, Hackensack, New Jersey

Law clerk, 9/1981 - 8/1982

ATTORNEY GENERAL OF THE COMMONWEALTH OF MASSACHUSETTS, Government Bureau, Boston, Massachusetts.

Law intern, 6/1980 - 8/1980

Education

HARVARD LAW SCHOOL, Cambridge, Massachusetts.
J.D. , 1981 cum laude

HARVARD UNIVERSITY, GRADUATE SCHOOL OF ARTS AND SCIENCES, Cambridge, Massachusetts.
A.M., 1978 , Political Science
Completed requirements for Ph.D. except for dissertation
Concentration in:
Ancient and modern political philosophy
Latin American politics

WILLIAMS COLLEGE, Williamstown, Massachusetts.
B.A., 1976, magna cum laude, with Highest Honors in Political Economy
Major: Political economy
Minor: Latin American area studies

UNIVERSIDAD NACIONAL AUTÓNOMA DE MÉXICO, México, Distrito Federal (Mexico City), Mexico.
Spring semester, 1975.

Books

1. **PROPERTY LAW: RULES, POLICIES, AND PRACTICES** (with Bethany R. Berger, Nestor M. Davidson, & Eduardo Moisés Peñalver) (Wolters Kluwer Legal & Regulatory US, 8th ed. 2022)
 - Wolters Kluwer, 7th ed. 2017 (with Bethany R. Berger, Nestor M. Davidson, & Eduardo Moisés Peñalver)
 - Wolters Kluwer, 6th ed. 2014 (with Bethany R. Berger, Nestor M. Davidson, & Eduardo Moisés Peñalver)
 - Wolters Kluwer: Aspen Publishers, 5th ed. 2010
 - Aspen, 4th ed., 2006
 - Aspen, 3d ed. 2002
 - Aspen Law & Business, 2d ed. 1997
 - Little, Brown & Co., 1st ed. 1993
2. **PROPERTY** (with Nestor M. Davidson) (Aspen, 6th ed., 2022)
 - Wolters Kluwer Legal & Regulatory, 5th ed. 2017)
 - Wolters Kluwer Law & Business: Aspen Publishers, 4d ed. 2014)
 - Wolters Kluwer Law & Business: Aspen Publishers, 3d ed. 2010)
 - formerly entitled INTRODUCTION TO PROPERTY (New York: Aspen, 2d ed. 2005)
 - formerly entitled INTRODUCTION TO PROPERTY (New York: Aspen Law & Business, 2001)
3. **CHOICE OF LAW: PATTERNS, ARGUMENTS, PRACTICES** (Carolina Academic Press, 2020)
4. **PERSUASION: GETTING TO THE OTHER SIDE** (Carolina Academic Press, 2020)
5. **NO FREEDOM WITHOUT REGULATION: THE HIDDEN LESSON OF THE SUBPRIME CRISIS** (New Haven: Yale Univ. Press, 2015)

6. **COHEN'S HANDBOOK OF FEDERAL INDIAN LAW** (Nell Newton et al. eds.) (LexisNexis: 2012 edition) (one of the Executive Editors)
 - 2023 edition (forthcoming)
 - 2019 Supplement
 - 2017 Supplement
 - 2015 Supplement
 - 2005 edition (on Executive Board of the Board of Authors and Editors)
 - 2009 Supplement
 - 2007 Supplement
7. **THE EDGES OF THE FIELD: LESSONS ON THE OBLIGATIONS OF OWNERSHIP** (Boston: Beacon Press, 2000)
8. **ENTITLEMENT: THE PARADOXES OF PROPERTY** (New Haven: Yale Univ. Press, 2000)

Articles

1. *Essential Property*, — Minn. L. Rev. — (forthcoming, 2022) (with Timothy M. Mulvaney)
2. *Hobbes & Hanging: Personal Jurisdiction v. Choice of Law*, 64 Ariz. L. Rev. — (forthcoming, 2022)
3. *The Lands Were Not Empty*, — Am. J. of Law & Equality — (forthcoming, 2022)
4. *Religious Liberty and Public Accommodations: What Would Hohfeld Say?* in WESLEY HOHFELD A CENTURY LATER: EDITED WORK, SELECT PERSONAL PAPERS, AND ORIGINAL COMMENTARIES 478 (eds. Shyamkrishna Balganes, Ted M. Sichel, & Henry E. Smith) (Cambridge U. Press, 2022)
5. *Everyone Should Have Some: Inclusion & Equity in Property Law*, in INTEGRATING DOCTRINE AND DIVERSITY: INCLUSION & EQUITY IN THE LAW SCHOOL CLASSROOM 75 (Nicole P. Dyszlewski et al., eds., Carolina Academic Press, 2021)
6. *Surveying Choice of Law: Twenty Years of Choice-of-Law Surveys by Symeon C. Symenides*, SYMEON C. SYMEONIDES, CHOICE OF LAW IN PRACTICE: A TWENTY-YEAR REPORT FROM THE TRENCHES (3 vol.) vol. 1, at xv (Brill Nijhoff 2020)
7. *Democratic Property*, in *Research Handbook on Private Law Theories* 220 (Hanoch Dagan & Benjamin Zipursky, eds., 2020)
8. *Choice of Law Rules*, 50 Cumberland L. Rev. 101 (2020)
9. *Public Accommodations & Human Flourishing: Sexual Orientation & Religious Liberty (An Essay in Honor of Greg Alexander)*, 29 Cornell J. of Law & Pub. Pol'y 697 (2020)
10. *Public Rights*, 38 Law & Hist. Rev. 621 (2020)
11. *Things Invisible to See: State Action and Private Property*, 5 Tex. A&M. L. Rev. 439 (2018) (co-authored with Isaac Saidel-Goley)
12. *Indian Nations and the Constitution*, 70 Me. L. Rev. 199 (2018)
13. *Move along to where? Property in service of democracy (A Tribute to André van der Walt)*, in *Transformative Property Law: Festschrift in honour of AJ vd Walt I* (Juta 2018) (co-authored with Timothy M. Mulvaney)
14. *Indian Title: Unraveling the Racial Context of Property Rights, or How to Stop Engaging in Conquest*, 10 Albany Gov't L. Rev. 1 (2017)

15. *Property and Sovereignty Imbricated: Why Religion Is Not an Excuse to Discriminate in Public Accommodations*, 18 *Theoretical Inquiries in Law* 519 (2017), <http://www7.tau.ac.il/ojs/index.php/til/article/view/1499>
16. *Anti Anti-Paternalism*, 50 *N. Eng. L. Rev.* 101 (2016)
17. *Should We Call Ahead? Property, Democracy, & the Rule of Law*, 5 *Brigham-Kanner Property Conf. J.* 1 (2016)
18. *Multistate Justice; Better Law, Comity and Fairness in the Conflict of Laws*, 2015 *U. Ill. L. Rev.* 1923
19. *Justifying Regulatory Takings*, 41 *Ohio N.U. L. Rev.* 601 (2015)
20. *We Don't Serve Your Kind Here: Public Accommodations and the Mark of Sodom*, 95 *B.U. L. Rev.* 929 (2015), reprinted in 1 *Católica L. Rev.* 35 (vol. 2, May 2017)
21. *Problem Solving for First-Year Law Students*, 7 *Elon L. Rev.* 413 (2015) (with Todd D. Rakoff)
22. *Property Law Conflicts*, 54 *Washburn L. J.* 129 (2014)
23. *Justice Breyer, Grokster, and the Four Chords Song*, 128 *Harv. L. Rev.* 483 (2014)
24. *The Indian States of America: Parallel Universes & Overlapping Sovereignty*, 38 *Am. Indian L. Rev.* 1 (2014)
25. *Private Law Realism*, 1 *Critical Analysis of Law: An Intl. & Interdisciplinary L. Rev.* 226 (forthcoming, 2014) (review of Hanoch Dagan, *Reconstructing American Legal Realism and Rethinking Private Law Theory* (2014)), <http://cal.library.utoronto.ca/index.php/cal/article/view/22114/17957>
26. *Titles of Nobility: Property, Poverty, and Immigration in a Free and Democratic Society*, 1 *J. L. Prop. & Soc'y* 1 (2014), <http://www.alps.syr.edu/journal/2014/JLPS-2014-08-Singer.pdf>
27. *Property as the Law of Democracy*, 63 *Duke L.J.* 1287 (2014)
28. *Foreclosure and the Failures of Formality, Or Subprime Mortgage Conundrums and How to Fix Them*, 46 *Conn. L. Rev.* 497 (2013)
29. *The Rule of Reason in Property Law*, 46 *U.C. Davis L. Rev.* 1369 (2013) [excerpted in *Property Law Perspectives II*, 251 (Bram Akermans, Ernst Marais & Eveline Ramaekers eds.) (Intersentia, 2013)]
30. *Tribal Sovereignty and Human Rights*, 2013 *Mich. St. L. Rev.* 307 (2013)
31. *Subprime: Why a Free and Democratic Society Needs Law*, 47 *Harv. C.R.-C. L. L. Rev.* 141 (2012)
32. *Property Law as the Infrastructure of Democracy* [The Fourth in the Wolf Family Lecture Series on the American Law of Real Property], 11-1 *Powell on Real Property* (2011)
33. *The Reliance Interest in Property Revisited*, 7 *Unbound* 79 (2011), <http://www.legalleft.org/2011/12/singer/>
34. *The Anti-Apartheid Principle in American Property Law*, 1 *Ala. C.R.-C.L. L. Rev.* 83 (2011)
35. *Original Acquisition of Property: From Conquest and Possession to Democracy and Equal Opportunity*, 86 *Ind. L. J.* 1 (2011)
36. *Property Law and the Mortgage Crisis: Libertarian Fantasies and Subprime Realities*, 1 *Prop. L. Rev.* 7 (2011).
37. *Erasing Indian Country: The Story of Tee-Hit-Ton Indians v. United States*, in *INDIAN LAW STORIES* 229 (Philip Frickey, Carole Goldberg, Kevin Washburn, eds.) (2011)

38. *In Favor of Foxes: Pluralism as Fact and Aid to the Pursuit of Justice*, 90 B.U. L. Rev. 903 (2010) (with Martha Minow)
39. *Normative Methods for Lawyers*, 56 UCLA L. Rev. 899 (2009)
40. *Critical Normativity*, 20 Law & Critique 27 (2009)
41. *A Statement of Progressive Property*, 94 Cornell L. Rev. 743 (2009) (with Gregory S. Alexander, Eduardo M. Peñalver, Laura S. Underkuffler)
42. *Democratic Estates: Property Law in a Free and Democratic Society*, 94 Cornell L. Rev. 1009 (2009)
43. *How Property Norms Construct the Externalities of Ownership*, in *Property and Community* (Gregory S. Alexander & Eduardo Peñalver eds.)(Oxford Univ. Press, 2009)
44. *Economic Regulation and the Rule of Law: Minimum Standards for the Legal Framework of a Free and Democratic Society*, 48 Judges J. 4 (2009)
45. *Corporate Responsibility in a Free and Democratic Society*, 58 Case W. Res. L. Rev. 1031 (2008)
46. *Things That We Would Like to Take for Granted: Minimum Standards for the Legal Framework of a Free and Democratic Society*, 2 Harv. L & Pol'y Rev. 139 (2008)
47. *Book Review: Johan van der Walt, Law and Sacrifice: Toward Post-Apartheid Theory of Law*, 15 Soc. & Leg. Stud. 605 (2006)
48. *After the Flood: Equality and Humanity in Property Regimes*, 52 Loy. L. Rev. 101 (2006)
49. *Nine-Tenths of the Law: Title, Possession, and Sacred Obligations*, 38 Conn. L. Rev. 605 (2006)
50. *The Ownership Society: Regulatory Takings and Just Obligations*, 30 Harv. Envtl. L.J. 309 (2006)
51. *Double Bind: Indian Nations v. the Supreme Court*, 119 Harv. L. Rev. F. 1 (2005)
52. *Symposium Foreword: Indian Nations & the Law*, 41 Tulsa L. Rev. 1 (2005)
53. *Same Sex Marriage, Full Faith and Credit, and the Evasion of Obligation*, 1 Stan. J. C.R. & C.L. 1 (2005)
54. *Myths and Realities of Tribal Sovereignty: The Law and Economics of Indian Self-Rule*, (co-authored with Joseph P. Kalt) (Harvard Project on American Indian Economic Development, & Univ. of Ariz. Native Nations Institute for Leadership, Management, and Policy, 2004)
55. *Canons of Conquest: The Supreme Court's Attack on Tribal Sovereignty*, 37 N. Eng. L. Rev. 641 (2002-2003)
56. *Lone Wolf, Or How to Take Property By Calling it a "Mere Change in the Form of Investment,"* 38 Tulsa L. Rev. 37 (2002)
57. *Something Important in Humanity*, 37 Harv. C.R.-C.L. L. Rev. 103 (2002)
58. *Starting Property*, 46 St. Louis U. L.J. 565 (2002)
59. *Pay No Attention to that Man Behind the Curtain: The Place of Better Law in a Third Restatement of Conflicts*, 75 Ind. L. J. 659 (2000)
60. *Property and Social Relations: From Title to Entitlement*, in *PROPERTY AND VALUES: STRIKING AN EQUITABLE BALANCE OF PUBLIC AND PRIVATE INTERESTS* (Charles Geisler ed. 2000)
61. *The Stranger Who Resides With You: Ironies of Asian American and American Indian Legal History*, 40 B.C. L. Rev. /19 B.C. Third World L.J. 171 (1998)

62. *Property*, in *THE POLITICS OF LAW* (David Kairys ed., 3d ed. 1998)
63. *Rent*, 39 B.C. L. Rev. 1 (1997)
64. *Property and Equality: Public Accommodations and the Constitution in South Africa and the United States*, 12 South African J. Public L. 53 (1997)
65. *Justice and the Conflict of Laws*, 48 Mercer L. Rev. 831 (1997)
66. *No Right to Exclude: Public Accommodations and Private Property*, 90 Nw. U. L. Rev. 1283 (1996)
67. *Property and Social Relations: From Title to Entitlement*, in *PROPERTY LAW ON THE THRESHOLD OF THE 21ST CENTURY* 69 (G.E. van Maanen & A.J. van der Walt eds.) (1996)
68. *Publicity Rights and the Conflict of Laws: Tribal Court Jurisdiction in the Crazy Horse Case*, 41 S.D. L. Rev. 1 (1996)
69. *Conference on Jurisdiction, Justice, and Choice of Law for the Twenty-First Century: Case Four: Choice of Law Theory*, 29 N.Eng. L. Rev. 692 (1995)
70. *Remembering What Hurts Us Most: A Critique of the American Indian Law Deskbook*, 24 U. N.M. L. Rev. 315 (1994)
71. *Well Settled?: The Increasing Weight of History in American Indian Land Claims*, 28 Ga. L. Rev. 481 (1994)
72. *Jobs and Justice: Rethinking the Stakeholder Debate*, 43 U. Toronto L.J. 475 (1993)
73. *The Social Origins of Property*, 6 Can. J.L. & Juris. 217 (1993) (with Jack M. Beermann)
74. *Re-Reading Property*, 26 N. Eng. L. Rev. 711 (1992)
75. *Sovereignty and Property*, 86 Nw. U. L. Rev. 1 (1991)
76. *Facing Real Conflicts*, 24 Cornell Int'l L.J. 197 (1991)
77. *The Continuing Conquest: American Indian Nations, Property Law, and Gunsmoke, Reconstruction* 97 (vol. 1, no. 3, 1991)
78. *A Pragmatic Guide to Conflicts*, 70 B.U. L. Rev. 731 (1990)
79. *Property and Coercion in Federal Indian Law: The Conflict between Critical and Complacent Pragmatism*, 63 S. Cal. L. Rev. 1821 (1990)
80. *Baseline Questions in Legal Reasoning: The Example of Property in Jobs* (with Jack Beermann), 23 Ga. L. Rev. 911 (1989)
81. *Persuasion*, 87 Mich. L. Rev. 2442 (1989)
82. *Real Conflicts*, 69 B.U. L. Rev. 1 (1989)
83. *Why Should Lawyers Care About Philosophy?*, 1989 Duke L.J. 1752
84. *Legal Realism Now*, 76 Calif. L. Rev. 467 (1988)
85. *The Reliance Interest in Property*, 40 Stan. L. Rev. 611 (1988)
86. *Radical Moderation*, 1985 Am. B. Found. Research J. 329
87. *The Player and the Cards: Nihilism and Legal Theory*, 94 Yale L.J. 1 (1984), translated and reprinted in FRANÇOISE MICHAUT, *LE MOUVEMENT DE CRITICAL LEGAL STUDIES: DE LA MODERNITÉ À LA POSTMODERNITÉ EN THÉORIE DU DROIT* 257 (Collection Diké 2014)
88. *Catcher in the Rye Jurisprudence*, 35 Rutgers L. Rev. 275 (1983).

89. *The Legal Rights Debate in Analytical Jurisprudence from Bentham to Hohfeld*, 1982 Wis. L. Rev. 975, translated and reprinted in FRANÇOISE MICHAUT, *LE MOUVEMENT DE CRITICAL LEGAL STUDIES: DE LA MODERNITÉ À LA POSTMODERNITÉ EN THÉORIE DU DROIT* 173 (Collection Diké 2014)

Blog Entries

- 2020 *Pandemic Property: What Covid-19 Taught Us About Housing Law*, COVID-19 AND THE LAW: LAW AND POLICY TO ADDRESS BASIC NEEDS AND MARGINALIZED POPULATIONS, <https://covidseries.law.harvard.edu/pandemic-property-what-covid-19-taught-us-about-housing-law/>
- 2018 *Civil Discourse*, SIGHT LINE (Covenant Foundation 2018) (with Martha Minow), <https://www.covenantfn.org/articles/civil-discourse/>
<https://ejewishphilanthropy.com/civil-discourse/>
- 2016 *Why Religion is Not an Excuse to Discriminate in Public Accommodations*, GLAD (Legal Advocates & Defenders for the LGBTQ Community) (July 13, 2016), <http://www.glad.org/current/post/why-religion-is-not-an-excuse-to-discriminate-in-public-accommodations>
- 2015 *Regulation is Just Another Word for Law*, N.Y. Times Opinion Pages, Room for Debate (Nov. 10, 2015), <http://www.nytimes.com/roomfordebate/2015/11/10/is-vw-proof-that-businesses-cant-regulate-themselves/regulation-is-just-another-word-for-law>

Talks

- 2022 *The Racial Relativity of Title*, (virtual) keynote address at the Conference on *Examining Race and Property in the Law School Curriculum*, Wilbur F. Breslin Center for Real Estate Studies, Maurice A. Deane School of Law, Hofstra University, Feb 2022
- 2021 *Bringing Indian Law into the Conflict of Laws class*, Sovereignty Symposium: Indigenizing the Law School Curriculum, University of Idaho College of Law, Oct 2021
- 2020 *Reparations*, talks given at Emery Bag, Brookline, Mass, Mar 2020
- 2020 *Everyone Should Have Some: Inclusion & Equity in Property Law*, Symposium on Racial Bias and Oppression in the IL Curriculum: A Critical Approach to the Canonical First Year Law School Subjects, Feb 2020
- 2019 *Public Accommodations and Human Flourishing: Sexual Orientation and Religious Liberty (An Essay in Honor of Greg Alexander)*, presented at the Progressive Property Conference, Cornell Law School, May 2019
- 2019 *Persuasion: Getting to the Other Side and Choice of Law; Patterns, Arguments, Practices*, presented at Texas A&M University School of Law, Feb 2019
- 2018 *Persuasion: Getting to the Other Side*, presented at Property Works in Progress conference, Boston University School of Law, Oct 2018
- 2018 *Persuasion: Getting to the Other Side*, faculty workshop at Roger Williams University School of Law, Oct 2018

- 2018 *Judging as Judgment*, Lecture in Chicago, October 2018 sponsored by Lumen Christi Institute, the Catholic Lawyers Guild of Chicago, the Decalogue Society of Lawyers, the Christian Legal Society, the Jewish Judges Association, and Jenner & Block, LLP
- 2018 *Things Invisible to See: State Action and Private Property*, Progressive Property Conference, Harvard Law School, Cambridge, MA, May 2018
- 2018 *Things Invisible to See: State Action and Private Property*, Distinguished Real Property Law Keynote Speaker at Real Property Law Schmooze, Texas A & M School of Law, Feb 2018
- 2017 *Things Invisible to See: State Action and Private Property*, Faculty Workshop, Southwestern Law School, Los Angeles, CA, Oct 2017
- 2017 *Indian Nations and the Constitution: What Americans Need to Know*, Constitution Day Lecture, University of Maine School of Law, Portland, Maine, Sept 2017
- 2017 *Move Along to Where? Property in Service of Democracy (A Tribute to André van der Walt)*, (co-authored with Timothy M. Mulvaney), presented at Progressive Property Conference, Loyola of New Orleans Law School, New Orleans, May 2017
- 2016 *Interfaith Neighbors*, problem created for the Harvard Law School Problem Solving Workshop, presented at the Progressive Property Conference, Northeastern Law School, May 2016
- 2015 *Property & Sovereignty Imbricated*, presented at Vanderbilt Law School faculty workshop, Nov 2015
- 2015 *Should We Call Ahead? Property, Democracy, & the Rule of Law*, presented at the 2015 Brigham-Kanner Property Rights Conference, Oct 2015 (awarded the 12th Brigham-Kanner Property Rights Prize)
- 2015 *Property & Sovereignty Imbricated*, presented at University of Wisconsin faculty workshop, Oct 2015
- 2015 *Property & Sovereignty Imbricated*, presented at Columbia Law School conference on Property & Sovereignty, Sept 2015
- 2015 *Justifying Regulatory Takings*, Kormendy Lecture delivered at Ohio Northern University Claude W. Pettit College of Law Annual Lecture Series
- 2014 *Justifying Regulatory Takings*, presented at Tulane University Law School Faculty Workshop, Oct 2014
- 2014 *Justifying Regulatory Takings*, presented at Suffolk University Law School Faculty Workshop, Sept 2014
- 2014 *Justifying Regulatory Takings*, presented at Harvard Law School Faculty Workshop, July 2014
- 2014 *Justifying Regulatory Takings*, presented at George Mason University School of Law Property Law Conference, June 2014

- 2014 *Titles of Nobility: Property, Poverty, and Immigration in a Free and Democratic Society*, Keynote Address presented at ALPS Conference (Association for Law, Property, and Society), Vancouver, British Columbia, Canada, May 2014
- 2014 *Justifying Regulatory Takings*, presented at Progressive Property Conference, Boston, MA, May 2014
- 2014 *Subprime: Why We Need Law*, presented at Boston College Law School Faculty Workshop, Feb. 2014
- 2013 *Foreclosure and the Failures of Formality*, presented at U.C. Davis Law School, Sept. 2013
- 2013 *Titles of Nobility: Property, Poverty, and Immigration in a Free and Democratic Society*, Keynote Address at AALS Conference on Poverty, Immigration & Property, June 2013
- 2013 *Foreclosure and the Failures of Formality*, presented at Université du Luxembourg, Faculté de Droit (Law Faculty, University of Luxembourg), Apr. 2013
- 2013 *Foreclosure and the Failures of Formality*, presented at Progressive Property Conference, May 2013
- 2013 *The Indian States of America: Parallel Universes & Overlapping Sovereignty*, public lecture delivered at Vassar College, Jan. 31, 2013
- 2012 *The Rule of Reason in Property Law*, presented at Stellenbosch University, South Africa, November 2012
- 2012 *Tribal Sovereignty and Human Rights*, presented at symposium at Michigan State University College of Law, October 2012
- 2012 *The Rule of Reason in Property Law: Lessons from the Subprime Crisis*, presented at Property Works in Progress Conference, Fordham Law School, May 2012
- 2012 *The Rule of Reason in Property Law: Lessons from the Subprime Crisis*, presented at Progressive Property Conference, Harvard Law School, May 2012
- 2011 *Property Law as the Infrastructure of Democracy*, Fourth Annual Wolf Family Lecture on American Property Law, University of Florida Fredric G. Levin College of Law, April, 2011
- 2011 *Property Law as the Infrastructure of Democracy*, paper presented at New England School of Law, March, 2011
- 2010 *Original Acquisition of Property: From Conquest and Possession to Democracy and Equal Opportunity*, Harris Lecture, Indiana University Maurer School of Law, April 5, 2010
- 2009 *Critical Normativity*, presented at Conference on Critical Legal Studies, Glasgow, Scotland
- 2008 *Normative Methods for Lawyers*, University of Miami School of Law, faculty workshop (fall 2008)
- 2008 *Critical Normativity*, address at European Critical Legal Studies Conference, (September 2008)

- 2008 *Democratic Estates*, address at European Critical Legal Studies Conference, (September 2008)
- 2008 *Democratic Estates*, Progressive Property Conference, Harvard Law School (June 2008)
- 2008 *Democratic Estates*, Conference on Property Law Works in Progress, University of Colorado School of Law (June 2008)
- 2008 *Normative Methods for Lawyers* (Willamette University College of Law Faculty Workshop (April 2008)
- 2008 *Corporate Responsibility in a Free and Democratic Society* (keynote address at conference on Corporations and their Communities, Case Western Reserve Law School) (January 2008)
- 2007 *Property Norms: Reflections on the Externalities of Ownership* (draft article presented at conference on property theory at London School of Economics (June 2007)
- 2006 *Property and Contract: Understanding Mandatory Rules as Minimum Standards for the Legal Framework of a Free and Democratic Society* (speech on appointment as Bussey Professorship of Law)(Nov. 7, 2006)
- 2006 *After the Flood: Reconstruction and Property Regimes*, Brendan Brown Lecture at Loyola Law School (spring 2006)
- 2005 *Nine-Tenths of the Law: Title, Possession, and Sacred Obligations*, paper presented at symposium celebrating publication of the 2005 edition of Cohen's Handbook of Federal Indian Law, at University of Connecticut School of Law (October 2005)
- 2005 *The Ownership Society: Regulatory Takings and Just Obligations*, keynote address at Regulatory Takings Conference organized by the Environmental Law Clinic at Georgetown Law School, at Harvard Law School (October 2005)
- 2005 *Same Sex Marriage, Full Faith and Credit, and the Evasion of Obligation*, paper presented at Symposium to celebrate the Inaugural Issue of the Stanford Journal of Civil Rights and Civil Liberties (January 2005)
- 2004 *Comment on Jack Balkin, Why Lochner Was Wrong the Day It Was Decided and Why that Matters*, Lochner Conference (Oct. 2004)
- 2004 *Same Sex Marriage, Full Faith and Credit, and the Evasion of Obligation*, Presentation at Panel on same sex marriage at meeting of American Association of Law Librarians, Boston, MA, April 2004
- 2003 *Myths and Realities of Tribal Sovereignty: The Law and Economics of Indian Self-Rule* (with Joseph P. Kalt), paper presented at Harvard University Native American Program's Native Issues Research Symposium, Harvard University, Dec. 4-5, 2003
- 2002 *Canons of Conquest: The Supreme Court's Attack on Tribal Sovereignty*, Clason Lecture presented at Western New England College of Law, January 2002
- 2001 *Indian Land Claims*, paper presented at University of Connecticut Law School, March, 2001
- 1998 *Entitlement*, paper presented at Joint Property, Contract, and Tort Section Meetings, American Association of Law Schools, San Francisco, January 1998

- 1997 *Rent*, paper presented at Boston College Law School, November 1997
- 1997 *Reparations*, panel discussion at 12th Annual Human Rights and Justice Conference, Facing History and Ourselves: Collective Violence and Memory: Judgment, Reconciliation, Education, Cambridge, MA, April 1997
- 1997 *Public Accommodations and the Constitution in South Africa and the United States*, paper presented at University of South Africa, Pretoria, South Africa and Stellenbosch Law School, Stellenbosch, South Africa, January 1997
- 1996 *Property and Social Relations*, paper presented at Faculty Workshop at George Washington University Law Center, Washington, D.C., March 1996
- 1995 *Property as a Social System: From Title to Entitlement*, Recht en kritiek lecture for 1995, presented at the Maastricht Conference on Property Law on the Threshold of the 21st Century, held at Universiteit Utrecht, Utrecht, The Netherlands, August 1995
- 1995 *Property as a Social System: From Title to Entitlement*, presented at the Maastricht Conference on Property Law on the Threshold of the 21st Century, held at Rijksuniversiteit Limburg, Maastricht, The Netherlands, August 1995
- 1995 *How Race Has Affected Property Law in the United States*, presentation at Crit Networks Conference, Georgetown University Law Center, March, 1995
- 1995 *Tribal Property*, paper presented at Diversity Month presentation at Boston College Law School, March, 1995
- 1994 *Choice of Law*, moderated panel at conference on Conflict of Laws at New England Law School, October, 1994
- 1994 *Tribal Court Jurisdiction*, presentation at American Indian Law Conference, American University, Washington College of Law, April 1994
- 1994 American Association of Law Schools Annual Meeting, Chair of Section on Conflict of Laws, Joint Meeting with Section on Native American Rights, Orlando, Florida
- 1993 Program co-chair with Martha Mahoney for Property Section for Conference on Integrating Issues of Race, Gender, Disability, Sexual Orientation, and Class into the Curriculum, run by Society of American Law Teachers, at New York City, May, 1993
- 1993 *Rethinking Property*, presentation at Trade Union Program, Harvard University, March, 1993
- 1993 *Teaching Property*, Faculty Workshop at New England School of Law, January, 1993
- 1992 *Stakeholders*, presented (in absentia) at Conference on Stakeholders, at University of Toronto School of Law, April, 1992
- 1992 *Teaching Jurisprudence in Property Classes*, presented at Mini-Workshop on Jurisprudence, American Association of Law Schools Conference in San Antonio, Texas, January 1992
- 1992 *Distributive Issues in Property Law*, presented at Property Section, American Association of Law Schools Conference in San Antonio, Texas, January 1992

- 1991 *Teaching Property*, presented at University of Connecticut School of Law in November, 1991
- 1991 *Re-Reading Property*, presented at Northeastern University Law School in October, 1991
- 1991 *Reliance Interest in Property*, presented at the Critical Legal Studies Summer Camp in Amsterdam, Netherlands in a joint meeting with Dutch legal services attorneys and law professors
- 1991 *Private Property Theory*, presented at the June 1991 meeting of the Law and Society Association in Amsterdam, Netherlands
- 1991 *Sovereignty and Property*, presented at the January 1991 Native American Rights Section Meeting of the American Association of Law Schools, Washington, DC
- 1991 *Facing Real Conflicts*, presented at the January 1991 Conflict of Laws Section Meeting of the American Association of Law Schools, Washington, DC
- 1990 *Should Lawyers Care About Philosophy?* presented at Legal University of Toronto School of Law, Legal Theory Workshop, Toronto, Ontario, Canada
- 1990 *Property and Coercion in Federal Indian Law: The Conflict between Complacent and Critical Pragmatism*, presented at University of Southern California Law Center, Symposium in Neo-Pragmatism and Law, Los Angeles, CA
- 1990 *Sovereignty and Property*, presented at Duke University, Symposium on Frontiers in Legal Thought, Durham, NC
- 1988 *Baseline Questions in Legal Reasoning*, presented at University of Texas School of Law Faculty Workshop, Austin, TX
- 1987 *The Reliance Interest in Property*, presented at American Association of Law Schools, Property Section Meeting, Los Angeles, CA
- 1987 *The Reliance Interest in Property*, presented at Law and Society Association, Chicago, IL
- 1986 *The Reliance Interest in Property*, presented at Duke Univ. School of Law Faculty Workshop, Durham, NC
- 1986 *The Reliance Interest in Property*, presented at Conference of Critical Legal Studies, Georgetown Univ., Washington DC

Keynote Addresses, Honorary Lectures, & Honors

- 2019 *Civil Discourse in a Politically Divided Society*, public address at Texas A&M University School of Law
- 2019 *Distinguished Lecturer, Hagler Institute for Advanced Study at Texas A&M University*
- 2018 *Things Invisible to See: State Action and Private Property*, Distinguished Real Property Law Keynote Speaker at Real Property Law Schmooze, Texas A & M School of Law, Feb 2018

- 2017 *Constitution Day Address: Indian Nations and the Constitution*, University of Maine School of Law, Sept 2017
- 2015 *Twelfth Brigham-Kanner Property Rights Prize*, Brigham-Kanner Property Rights Conference, Oct 2015
- 2015 *Justifying Regulatory Takings*, Kormendy Lecture (Ohio Northern University Claude Pettit College of Law Annual Lecture Series)
- 2014 *Titles of Nobility: Property, Poverty, and Immigration in a Free and Democratic Society*, Award of Excellence & Keynote Address (Association for Property, Law & Society)
- 2013 *Titles of Nobility: Property, Poverty, and Immigration in a Free and Democratic Society*, Keynote Address (AALS Conference on Poverty, Immigration & Property)
- 2011 *Property Law as the Infrastructure of Democracy*, Fourth Wolf Family Lecture (University of Florida Levin College of Law Annual Lecture Series on the American Law of Real Property)
- 2010 *Original Acquisition of Property: From Conquest and Possession to Democracy and Equal Opportunity*, Harris Lecture (Indiana University Maurer School of Law)
- 2008 *Corporate Responsibility in a Free and Democratic Society*, Keynote address (Conference on Corporations and their Communities, Case Western Reserve Law School)
- 2006 *After the Flood: Reconstruction and Property Regimes*, Brendan Brown Lecture (Loyola Law School)
- 2005 *The Ownership Society: Regulatory Takings and Just Obligations*, Keynote Lecture at Regulatory Takings Conference (Environmental Law Clinic at Georgetown Law School, held at Harvard Law School)
- 2002 *The Ownership Society: Regulatory Takings and Just Obligations*, Clason Lecture (Western New England College of Law)
- 1995 *Property as a Social System: From Title to Entitlement*, 1995 Recht en kritiek lecture, Maastricht Conference on Property Law on the Threshold of the 21st Century (Universiteit Utrecht, Utrecht, The Netherlands)

Consultant

Adviser, Restatement (Third) of Conflict of Laws, American Law Institute

Bar Admissions

Massachusetts, 1981