Advanced Property Law:
Comparative and Theoretical Perspectives

Shitong Qiao
Global Associate Professor of Law, NYU (Fall 2017)

Email: shitong.qiao@nyu.edu
(Draft of August 28, 2017; subject to adjustment)

In 1766, Blackstone wrote that “there is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property.” In 1848, Karl Marx and Friedrich Engels wrote that property in land should be abolished in the most advanced countries. Property rights have been at the very heart of human development in the past centuries. On one hand, property has been viewed as the basis for liberty and economic development. On the other hand, as Proudhon said, property is just another word for theft. What is property? This seminar begins with an inquiry into the concept and evolution of property rights. It investigates how members of a society allocate, and should allocate, formal and informal entitlements to scarce resources such as land and space. It explores various forms of private property and also alternative regimes such as communal and state property. It presents an overview of the contemporary debates on property rights and then applies these general theoretical arguments to case studies across different jurisdictions, in particular the U.S., China and other developing countries in the context of industrialization, urbanization and democratization.

Time: Tuesdays, 4:00 pm-5:50 pm
Venue: Furman Hall 120
Office Hour: Fridays, 4:00 pm-6:00 pm
Grading: Two Response Papers (minimum one page per paper; 30%); Class Participation (30%); Final Essay (minimum 18 pages; 40%)

Weekly Readings (all reading materials will be available on the course website):
1. **Introduction** (5th Sept. 2017)


5. Monica Eppinger, Boomtown and Ghost Town in Post-Soviet Ukraine: On Property, Personhood, and the New Objectivity (Draft paper)


6. Numerus Clausus principle in China (draft memo)


(6) Frank Upham, The Great Property Fallacy, Chapter 6 “Theory in Action: Cambodia”


10. Takings (7th Nov. 2017)


(6) Shitong Qiao, Challenging Eminent Domain in Chinese Courts (draft)

11. Property and Federalism (14th Nov. 2017)


(6) Shitong Qiao, Rights-Weakening Federalism (Draft)


13. **Property and Community** (28th Nov. 2017)


(5) Shitong Qiao, Fragmented Laws, Contingent Choices: The Tragicomedy of Chinese Villages (working paper)

14. **Property and Democracy** (5th Dec. 2017)


(3) Frank Upham, THE GREAT PROPERTY FALLACY. Chapter 4 “Property and Politics: Japan”

