People and Property
a discussion with
Peter Gerhart J.D.
John Homer Kapp Professor of Law
April 20, 2018 12:30 – 1:30 p.m.
Rooms LLO6ABC, Kelvin Smith Library
11201 Euclid Ave

Politics in the United States involves a lot of talk about "rights" and "freedoms." Yet it sometimes seem that Republicans and their allies care mainly about one kind of right, "property rights," while Democrats care about almost any kind of right other than property rights. We see this especially in one party's desire to regulate the bedroom but not the market, and the other's to regulate the market but not the bedroom.

The disagreement about property rights is sometimes more visible and sometimes less. But it might be more useful to think a bit about what property is. In his book, Property Law and Social Morality, Peter Gerhart takes a deeper look, focusing on property not as a matter of individual freedom but as the subject of interpersonal relationships. Locating property within social relations, rather than as a matter of yes-or-no "rights," should alert us to different ways to think about some of the ideological conflicts in our country today. It especially suggests that "rights" involve how we can and should treat each other.

Legal rights in practice are established by societies to serve some sort of social purposes (even if those are defined in individual terms and justified as principles). In this they are part of the broader structure of law, justified by social beliefs about what is good and just. Professor Gerhart’s work on property is part of an ongoing project that previously led to his book on Tort Law and Social Morality and will include a forthcoming book on Contract Law and Social Morality. Join us to discuss a different but vital perspective on the law and its politics.

The Friday Public Affairs Discussion Lunch is an opportunity for students, faculty, staff, emeriti and other members of our communities to learn and question each other about public policy issues at the international, national, and local levels. Faculty and other speakers share their research and experience to get beyond the headlines and repetition in the mass media, and the wild rumors of the internet. Lunch is brown bag, but cookies and some beverages are provided by the Center for Policy Studies of the College of Arts and Sciences.

http://fridaylunch.case.edu/