



中央研究院  
法律學研究所

# 第五屆 法與經濟分析研討會

# The 5th Law and Economic Analysis Conference

August 6 & 7, 2013 (Tuesday & Wednesday)

Organizer: 中央研究院法律學研究所 Institutum Jurisprudentiae, Academia Sinica


Co-organizer: 臺大公經中心 Public Economics Research Center, College of Social Sciences, National Taiwan University

Venue: 3F, 1st Conference Room, Humanities and Social Science Hall, Academia Sinica, Taipei, Taiwan



## AGENDA

### August 6, 2013 (Tuesday)

|                       |   |   |
|-----------------------|---|---|
| 09:00-09:30           | Registration  |   |
| 09:30-09:40           | Opening Remarks   |   |
|                       | <b>Tzu-Yi Lin</b><br>Director & Distinguished Research Professor, Institutum Jurisprudentiae, Academia Sinica   |   |
| <b>Keynote Speech</b> |   |   |
| 09:40                 | Moderator<br><b>Tzu-Yi Lin</b> (Academia Sinica)  |  |
| 10:30                 | Keynote Speaker<br><b>Thomas Merrill</b><br>Charles Evans Hughes Professor of Law, Columbia Law School, USA<br>Topic: <i>Possession as a Legal and Social Right</i> |   |
| Break 10:30 ~ 11:00   |   |   |

### Panel I

|                     |   |  |
|---------------------|---|--|
|                     | Moderator<br><b>Yeong-Chin Su</b><br>Grand Justice & Vice President, Judicial Yuan, Taiwan  |  |
| 11:00               | Presenter I<br><b>Yun-Chien Chang</b><br>Assistant Research Professor, Institutum Jurisprudentiae, Academia Sinica, Taiwan<br>Topic: <i>The Economy of Concept and Possession</i> |  |
| 12:40               | Commentator I<br><b>Daphna Lewinsohn-Zamir</b> (Hebrew University of Jerusalem)   |  |
|                     | Presenter II<br><b>Daniel Kelly</b><br>Associate Professor of Law, University of Notre Dame, USA<br>Topic: <i>Dividing Possessory Rights</i>                                      |  |
|                     | Commentator II<br><b>Shitong Qiao</b> (Yale Law School)   |  |
|                     | Discussions   |  |
| Lunch 12:40 ~ 14:10 |   |  |

### Panel II

|                     |   |  |
|---------------------|---|--|
|                     | Moderator<br><b>Wen-yue Wang</b><br>Professor, National Taiwan University College of Law, Taiwan;<br>President, Asian Law and Economics Association   |  |
| 14:10               | Presenter I<br><b>Daphna Lewinsohn-Zamir</b><br>Louis Marshall Professor of Environmental Law, Hebrew University of Jerusalem, Israel<br>Topic: <i>What Behavioral Studies Can Teach Jurists about Possession and Vice Versa</i>        |  |
| 15:50               | Commentator I<br><b>Daniel Kelly</b> (Notre Dame Law School)  |  |
|                     | Presenter II<br><b>Benito Arruñada</b><br>Professor of Business Organization, Pompeu Fabra University, Spain<br>Topic: <i>An Economic Interpretation of the Reliance on Possession for Contract Verification in Impersonal Exchange</i> |  |
|                     | Commentator II<br><b>Abraham Bell</b> (Bar Ilan University/University of San Diego)   |  |
|                     | Discussions   |  |
| Break 15:50 ~ 16:20 |   |  |

### Panel III


|       |  |  |
|-------|--|--|
|       | Moderator<br><b>Jer-Sheng Shieh</b><br>Professor of Law, National Chung Cheng University Department of Law, Taiwan   |  |
| 16:20 | Presenter I<br><b>Abraham Bell</b><br>Professor of Law, Bar Ilan University, Israel, and University of San Diego, USA<br>Topic: <i>Title in the Shadow of Possession</i> |  |
| 18:00 | Commentator I<br><b>Yun-chien Chang</b> (Academia Sinica)  |  |
|       | Presenter II<br><b>Shitong Qiao</b><br>J.S.D. candidate, Yale Law School, USA<br>Topic: <i>Private Possession vs. Public Property: A Comparative Study</i>               |  |
|       | Commentator II<br><b>Benito Arruñada</b> (Pompeu Fabra University)   |  |
|       | Discussions  |  |

### Pre-conference talks on August 5, 2013 (Monday)

| 學者                     | 時間          | 題目  | 地點   | 聯絡人   |           |
|------------------------|-------------|---|--|---|-----------|
| Benito Arruñada        | 14:00-16:00 | Institutional Foundations of Impersonal Exchange: The Theory and Policy of Contractual Registries                             | 國立台灣大學經濟學系系館 (10055 徐州路 21 號) 一樓講堂           | 黃書璇女士<br>台大公共經濟中心秘書<br>ntupere@ntu.edu.tw<br>(02)23519641#716 | 對外公開      |
| Daniel Kelly           | 14:00-16:00 | Estate Planning Devices in the United States: An Economic Analysis of the Justifications for Restricting Testamentary Freedom | 國立台灣大學法律學院濤澤館 第四會議室 (弄春池畔)                   | 黃馬煜先生<br>r99a21052@ntu.edu.tw                                 | 對外公開      |
| Thomas Merrill         | 10:00-12:00 | The Evolution of Environmental Law in American Regulatory State   | 國立台灣大學法律學院 第一會議室                             | 臺大法學院<br>環境永續政策與法律中心助理<br>ntulawples@ntu.edu                  | 請洽<br>聯絡人 |
| Abraham Bell           | 14:00-17:00 | Copyright Code—Looking for de lege ferenda from East and West?  | 中研院法律所 9F 第二會議室                              | 陳曉雯女士<br>pccu2008@gmail.com                                   | 對外公開      |
| Daphna Lewinsohn-Zamir | 10:00-12:00 | Title Registration in Real Property in Israel and Its Normative Analysis  | 國立中正大學台北聯絡處:<br>台北市中正區許昌街 17 號 10 樓之二 (壽德大樓) | 許兆慶律師<br>andrew.hsu@bakermckenzie.com                         | 對外公開      |
| Daniel Klerman         | 10:00-12:00 |   |  |   | 閉門會議      |

### August 7, 2013 (Wednesday)

#### Keynote Speech

|                     |  |   |
|---------------------|--|---|
| 09:10               | Moderator<br><b>Tzu-Yi Lin</b> (Academia Sinica)   |  |
| 10:00               | Keynote Speaker<br><b>Daniel Klerman</b><br>Charles L. and Ramona I. Hilliard Professor of Law and History,<br>Gould School of Law, University of Southern California, USA<br>Topic: <i>Personal Jurisdiction and Choice of Law in Property Disputes</i> |   |
| Break 10:00 ~ 10:20 |  |   |

#### Panel IV

|                     |  |   |
|---------------------|--|---|
|                     | Moderator<br><b>Tze-Shiou Chien</b> (Academia Sinica)  |  |
| 10:20               | Presenter I<br><b>Benito Arruñada</b> (Pompeu Fabra University)<br>Topic: <i>The Law of Impersonal Transactions</i>  |   |
| 12:00               | Commentator I<br><b>Chang-ching Lin</b><br>Assistant Research Fellow, Institute of Economics, Academia Sinica, Taiwan  |   |
|                     | Presenter II<br><b>Yun-chien Chang</b> (Academia Sinica)<br>Topic: <i>An Economic and Comparative Analysis of the Accession Doctrine</i>                           |   |
|                     | Commentator II<br><b>Shitong Qiao</b> (Yale Law School)  |   |
|                     | Presenter III<br><b>Daniel Kelly</b> (Notre Dame Law School)<br>Topic: <i>Allocating Property at Death: A Comparative Institutional Analysis of Succession Law</i> |   |
|                     | Commentator III<br><b>Yun-Hsien Lin</b><br>Associate Professor, National Tsing Hua University Institute of Law for Science and Technology, Taiwan                  |   |
|                     | Discussions  |   |
| Lunch 12:00 ~ 13:20 |  |   |

#### Panel V

|                     |  |   |
|---------------------|--|---|
|                     | Moderator<br><b>Giunn-Rong Yeh</b><br>Professor of Law and Director of Policy and Law Center for Environmental Sustainability, National Taiwan University College of Law, Taiwan   |  |
| 13:20               | Presenter I<br><b>Thomas Merrill</b> (Columbia Law School)<br>Topic: <i>The Shale Oil and Gas Revolution, Hydraulic Fracturing, and Water Contamination: A Regulatory Strategy</i>   |   |
| 15:00               | Commentator I<br><b>Cheng-Yi Huang</b><br>Assistant Research Professor, Institutum Jurisprudentiae, Academia Sinica, Taiwan  |   |
|                     | Presenter II<br><b>Tze-Shiou Chien</b><br>Associate Research Professor, Institutum Jurisprudentiae, Academia Sinica, Taiwan<br>Topic: <i>The Contractual Nature of Tort Law</i>  |   |
|                     | Commentator II<br><b>Daniel Klerman</b> (USC)  |   |
|                     | Presenter III<br><b>Abraham Bell</b> (Bar-Ilan/San Diego)<br>Topic: <i>Modulating Intellectual Property Protection</i>   |   |
|                     | Commentator III<br><b>Kung-Chung Liu</b><br>Research Professor, Institutum Jurisprudentiae, Academia Sinica; Professor, Institute of Law for Science and Technology, National Tsing Hua University; and Professor, Graduate Institute of Intellectual Property, National Chengchi University, Taiwan |   |
|                     | Discussions  |   |
| Break 15:00 ~ 15:30 |  |   |

#### Panel VI

|       |   |   |
|-------|---|---|
|       | Moderator<br><b>Kong-pin Chen</b><br>Distinguished Research Fellow and Director, Research Center for Humanities and Social Sciences, Academia Sinica, Taiwan  |  |
| 15:30 | Presenter I<br><b>Lisa Klerman</b><br>Lecturer & Director of Mediation Clinic,<br>Gould School of Law, University of South California, USA<br>Topic: <i>Alternating-Offer Bargaining: Evidence from Mediation</i> |   |
| 17:45 | Commentator I<br><b>Kuo-chang Huang</b><br>Associate Research Professor, Institutum Jurisprudentiae, Academia Sinica, Taiwan  |   |
|       | Presenter II<br><b>Yun-chien Chang</b> (Academia Sinica)<br>Topic: <i>Optional Law in Property: A Theoretical Critique</i>  |   |
|       | Commentator II<br><b>Thomas Merrill</b> (Columbia Law School)   |   |
|       | Presenter III<br><b>Daphna Lewinsohn-Zamir</b> (Hebrew University of Jerusalem)<br>Topic: <i>Do the Right Thing: Indirect Remedies in Private Law</i>   |   |
|       | Commentator III<br><b>Tze-Shiou Chien</b> (Academia Sinica)   |   |
|       | Discussions   |   |

For more information about the conferences and talks, please visit <http://www.ias.sinica.edu.tw/lawecon>

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