

Article of Interest: Why Property Rights Are Important

Professor Donald Kochan provides a cogent and insightful discussion of the importance of property rights in a recently published article entitled *The Property Platform in Anglo-American Law and the Primacy of the Property Concept*. Professor Kochan is Associate Professor of Law at Chapman University School of Law, and former Olin Research Fellow and Instructor in Law at the University of Virginia School of Law. In *The Property Platform*, Professor Kochan explains that the concept of property—in particular, ownership of one’s self—is “a foundational element and a useful lens for evaluating and understanding the whole of Anglo-American private law”

According to Professor Kochan “ownership in the self has a vital place in property discussion. Every legal system must decide the level of protection or recognition of property in the self before it can make any decision on what rules to create in relation to real property, tort or contract.” For example, enforcing contractual transactions “is dependent on a determination that one has ownership, dominion, and authority to transfer the good or service involved in that transaction.” And in torts, “[t]he injury must be inflicted upon something (property in the self or sometimes real or personal property), and it must be a wrong . . . because it violates a fundamental right to exclude others.” And because of the foundational nature of the property concept, the rules in these discrete areas of Anglo-American law “can be measured from their consistency or deviation from a starting base of absolute property ownership in the self.” As Professor Kochan summarizes:

The property concept is essential to our legal system. Everything we touch implicates the basic idea of property. Everything we can or cannot do is, at its core, dictated by it. If one adopts a broad view of the meaning of ‘property,’ any and all of our legal relations have the concept of property at their core.

The Property Platform in Anglo-American Law and the Primacy of the Property Concept can be found [here](#).

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