

CALL FOR PAPERS

A Workshop on Property, Vulnerability, and Resilience

September 22-23, 2017

University of Essex, United Kingdom

The UK, the US and other ‘advanced democracies’ are currently experiencing a period of significant political turmoil and change. Property is imbricated in the heart of these challenges. While much of the public discourse has focused on the role of globalization in fueling the rise of right-wing populism, working-class disaffection, polarization and inequality, little attention has been paid to the role that property law has played in implementing the new politics of exclusion, identity and marginalization. Property laws and policies occupy a central role in the allocation, preservation, or maintenance of privilege and disadvantage, and have a crucial role to play in mediating, compensating for and mitigating vulnerability. As such, the institution of private property is a primary site from which to examine the social production of resilience, as well as inequalities in access to the mechanisms that enable resilience, and new strategies to overcome the injustices that fuel the current political crises.

This workshop will explore what role Vulnerability Theory can play in understanding how property ownership has sharpened an insider-outsider culture and contributed to our current political climate. Property laws, and the policies that they give effect to, have long channeled the benefits of full citizenship through one’s relationship to property. The current crisis of austerity and welfare retrenchment brings into sharp relief Charles Reich’s 1964 argument for the recognition of ‘new property’ in government benefits. Yet, notwithstanding law’s creativity and innovation in developing regulatory solutions to a wide range of ‘new property’ challenges - from environmental rights to virtual currencies - the legal frameworks that govern access to the material resources that enable resilience remain geared around a framework of dominant ‘private property norms’ that includes free market ideology, individual autonomy, and personal responsibility. In an ‘age of individualism’, the idea that ‘exclusion’ is the essence of property law has gained significant traction; more recently, the emerging school of ‘sharing property’ has identified a new theoretical space for exploring strategies of resilience. These debates are underpinned by critical questions about property law’s role and function: should it understand and make the best out of available material; achieve or support change in a progressive (or progressive but incremental way); or contribute to, or at least not actively prevent, progress towards greater resilience.

Issues For Discussion May Include:

- What is the relationship between private property and resilience? And what institutional structures or forms of state action operate to create property-based resilience?
- How do moments of change and transformation determine when some people are able to gain the resilience to thrive, while others are not?
- How does state responsibility for creating and integrating (for example) property law, poverty law and welfare policy mediate between individual and institutional (state or market) vulnerability and resilience?
- How does the discourse of ‘private’ property encourage or inhibit more inclusive forms of resilience?
- In what ways might the concept of private property limit a more inclusive and egalitarian notion of citizenship?
- Is private property essential to human flourishing or can public bodies replicate the means that encourage those ends?
- When public institutions deliver property-based strategies of resilience, do they replicate private property, are they more open but still built on exclusionary criteria, or are they doing something wholly different?
- What role does the discourse of property scholarship play in supporting or challenging the impact of property citizenship norms? Who and what are privileged or disadvantaged by the legal institution of private property?

Justifications for property law, and its role in maintaining the property *status quo*, are rooted in fundamental claims about stabilizing the political, social and economic order. This workshop will explore the role of property law and property theory in supporting the production of resilience. Participants are invited to reflect on how the processes of political polarization around ‘property citizenship’ shape, and are shaped by, property-based responses to human and institutional vulnerability. We are interested in receiving submissions that explore questions around property exclusion, property as resilience, and the actualization of vulnerability as manifested in settings from mortgage repossession and tenancy evictions to precarious occupation arrangements and homelessness. The workshop will also consider how property-based strategies of resilience may enable the vulnerable subject to mitigate its position as a ‘property outsider’, marginalized or excluded from the privilege of property.

The workshop is being convened by:

Lorna Fox O’Mahony (lfox@essex.ac.uk),
Martha Albertson Fineman (mlfinem@emory.edu),
Stu Marvel (smarvel@emory.edu) and *Marc Roark*
(mroark@savannahlawschool.org).

Vulnerability and Resilience Background

Reading at: <http://web.gs.emory.edu/vulnerability>

Submissions Procedure:

Email a proposal of several paragraphs as a Word or PDF document by June 19, 2017 to Rachel Ezrol, rezrol@emory.edu and Cat Gentry, lawhrcevents@essex.ac.uk.

Decisions will be made by June 30, 2017 and working paper drafts will be due September 1, 2017 so they can be duplicated and distributed prior to the Workshop.

Workshop Details:

The Workshop begins Friday at 4PM at the University of Essex. Dinner will follow Friday’s session. Panels continue on Saturday from 9 AM to 5 PM; breakfast and lunch will be provided.



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