

Altonaer Stiftung für philosophische Grundlagenforschung

March 22, 2011

INTERNATIONAL LAW AND PROPERTY LAW: MISSING CONNECTIONS?

Invitation

The Centre for Legal Theory of the ASFPG invites you to attend a workshop ‘International Law and Property Law: Missing Connections?’ The workshop will take place in Hamburg, Germany at the Stiftung’s premises on **14–16 September, 2011** beginning at 4.15pm on Wednesday and ending about the same time on Friday.

The Stiftung

The Stiftung is an independent foundation with legal capacity under the German Civil Code. Its commitment is to interdisciplinary work aimed at basic conceptual issues and practical problems in the areas of logic and metaphysics, legal theory and the ethics of science and technology. It is organized accordingly into three centres which pursue the Stiftung’s aims. Further information regarding the Stiftung can be found at its web-site: **www.asfpg.de**.

The Workshop

For the classical modern authors of international law (Grotius, Pufendorf, Kant e.g.) property sat at the heart of things. Today, apart from Pashukanis’ commodity form theory of law, international law and property law are rarely brought together. The idea of this workshop is to bring together people theoretically and/or practically engaged in these two areas, in political theory and in philosophy to consider this shift. Our hope is that some new questions and issues for critical legal theory, perhaps forgotten or perhaps obscured, will emerge.

That is a brief proposal. As regards the contributions which workshop participants make, we leave it at that and invite the presentation of your work in

progress. ASFPG workshops are relatively informal and make time for collective work of drawing together disparate themes within disparate approaches. That works better in our view if presentations are of particular topics on which participants are working. What follows comes from ideas and questions which we have been exchanging while thinking about this workshop.

One picture that might be drawn is this. In debates about war, terror, humanitarian intervention and failed states which operate at a level of cosmopolitan morality, states (international law's subjects) are judged as moral actors. Political and media attention focuses on war and its deeds (invasions, interventions, genocides, war crimes) while on the side of law soft-power operates relatively silently, linking national and global economies. Another picture draws on the idea that law provides forms, such as corporate personality in the nineteenth century or contract for the financial products of the late twentieth century, which change the way in which the relation between capital and ownership is thought.

The theme of the dissolution of classical forms of private property within the dynamic of capitalist production ('All that is solid melts into air...') is familiar from both Marxist legal theory of the 1970's and the advent of post-modernity. It seems to have remained a theme rather than a topic for investigation in the very changes of power and property relations worked. Perhaps investigations pursued within different approaches have failed to address each other. Perhaps a work of translation between differently framed theories has been neglected, at the cost of theoretical insight and practical political efficacy. And then perhaps not: perhaps property as represented in the legal and political thought of classical modernity was always a figure binding the subject of private/domestic law to the subject of public/international law on the one hand and justifying/legitimizing the acquisition of land and other resources by colonization on the other. But still: we have recently seen people for whom private property is a house to live in so long as there is a market for their labour power losing both forms of their property in the crisis of a system for which private property is, apparently, a sacred object.

Some very general issues and questions might help the setting:

The relationship between property, autonomy and dignity: while critiques of liberal political theory show the failings of a theory of the social built on private property, how might we think of alternative conceptions of property relations in which autonomy and dignity are not eradicated?

The relationship between private and common property within western political theory from Graeco-Roman antiquity: how has an understanding of this relationship between common and private property been shaped by international law with regard to (a) the history of colonialism, (b) modern forms of global legal regulation (ie IP, IMF restructuring, global finance)?

Out of control: if in a dynamic of forms of capital with contested relations to modern and post-modern law, the financial system has become a law unto itself, can the solution be ‘more law’ or even ‘more justice’?

Travel and Accommodation

The Stiftung will pay all travel costs (basic economy air fares and travel costs to and from home/hotel and airports), a per diem of EUR30,00 and arrange and pay accommodation for three or four nights at a nearby hotel. (We can arrange further nights at the hotel at your expense should you wish to extend your stay in Hamburg.) It also provides a workshop dinner, an opening reception and light lunches and refreshments during the workshop.

Further Planning and Questions

As mentioned ASFPG workshops are relatively informal affairs. Morning and afternoon breaks and lunch (Thursday and Friday) at the Stiftung allow conversations to continue informally and also allow some flexibility in schedule. We have usually included reading sessions and some participants may prefer to suggest and introduce some text work rather than present their work in progress. Modes of presentation are up to you but it is our view that power point presentations are better suited to corporate board rooms than the Stiftung.

Please respond to this invitation at your earliest convenience by emailing **Ulrike Horway** at ulrike.horway@asfpg.de cc.valerie.kerruish@asfpg.de, tarik.kochi@yahoo.com.au

Questions and suggestions going to the planning and content of the workshop to either Tarik or Valerie are welcome. Participants will be asked to provide an abstract of their proposed presentation or suggested other form of workshop participation in due course. Papers for presentation should be pre-circulated. We will be in touch as planning continues.

Invited participants

Brenna Bhandar, Kent	Bill Bowring, Birkbeck
Andrew Chitty, Sussex	Emilios Christodoulidis, Glasgow
Mark Devenney, Brighton	Valerie Kerruish, ASFPG
Tarik Kochi, Sussex	Sam Knafo, Sussex
Robert Knox, LSE	Fiona MacMillan, Birkbeck
Susan Marks, LSE	Stewart Motha, Kent
Nick Piška, Kent	Fleur Ramsay, Sydney Bar
Andrew Schaap, Exeter	Gavin Sullivan, ECHR, Berlin.

We look forward to hearing from you.

Valerie Kerruish and Tark Kochi