

**Call for Papers**  
**AALS Section on Property Law**  
***Structural Facilitation of Property Markets***  
**AALS Annual Meeting – January 4, 2018**

The Section on Property Law is pleased to announce a Call for Papers from which at least one presenter will be selected as a panelist for the Section's program to be held during the AALS 2018 Annual Meeting in San Diego on Thursday, January 4, 2018 from 10:30 a.m. to 12:15 p.m.

**Topic Description:**

**“STRUCTURAL FACILITATION OF PROPERTY MARKETS”**

A variety of legal doctrines, systems, and institutions have emerged over time to facilitate the effective operation of markets in property by adding value to property assets, adding certainty to and streamlining the process of property transactions, adding accessibility to property, or otherwise proving greater security for property rights. At other times, informal norms may emerge to accomplish similar aims.

These structural facilitators are, indeed, sometimes features of the property system itself (component parts of its governance) and at other times operate outside but ancillary to the system. Some of these arise spontaneously by market demands while other elements of the property law infrastructure may or may not be possible only by means of government intervention in the markets.

Some facilitators are deliberately designed to benefit the property system, while others simply have that effect. Some are arguably designed to enlarge “freedom” while others could be described as restricting “freedom” in order to save it, i.e. intentionally placing limits on autonomy to enhance the value of the property rights that remain.

Examples of such facilitators that may be discussed by the panelists include: information systems like recording regimes or registries; traceability mechanisms like blockchain technology; content limits like the numerus clausus principle; fairness, equality, and anti-discrimination principles geared toward enlarging property ownership markets; prohibitions on certain restraints on alienation; or at other time restraints on alienation like with fraudulent conveyancing doctrines. Land use and public law systems themselves create a legal infrastructure designed to facilitate property ownership or to manage property conflicts. Other examples of facilitating industries or polices could include: big data; financial markets; banks and real estate financing; brokers; title and other insurance; and tax preferences, among others.

This panel will examine the necessity of these facilitators and the property system's dependence on them, along with the ways they should or should not be regulated to guide or control their effect on property markets. The panel will also consider how these facilitators influence or are influenced by various theories of property systems, property rights, and the operation of property markets. Approaches considering interdisciplinary perspectives are encouraged.

**Form and Length of Submission:**

We invite submissions from scholars interested in presenting at the program. One or more speakers will be selected from this Call for Papers. There is no formal requirement as to the form or length of papers. Although abstracts will be accepted in this Call for Papers, preference will be given to papers that are substantially complete and that offer novel scholarly insights. Untenured scholars in particular are encouraged to submit their work.

**Eligibility:**

Per AALS rules, only full-time faculty members of AALS member law schools are eligible to submit a paper to Sections' calls for papers. Faculty at fee-paid law schools, foreign faculty, adjunct and visiting faculty (without a full-time position at an AALS member law school), graduate students, fellows, and non-law school faculty are not eligible to submit.

*All panelists, including speakers selected from this Call for Papers, are responsible for paying their own annual meeting registration fee and travel expenses.*

**Deadline and submission method:**

Submissions must be received *no later than* September 1, 2017. Individuals interested in presenting are encouraged to send letters of interest and an abstract as soon as possible (with expectation of a paper to follow), even if you will not submit a final paper for consideration until closer to the deadline.

Please email your submission, in Word or PDF format, to the Property Section chair, Donald Kochan at [kochan@chapman.edu](mailto:kochan@chapman.edu) with "Submission: AALS Property CFP" in the subject line. All submissions will be reviewed and selected by the Property Section's Executive Committee. The individuals selected to present papers will be notified no later than Thursday, September 28, 2017.

**Questions:** Please direct inquiries to the Property Section chair, Donald Kochan at [kochan@chapman.edu](mailto:kochan@chapman.edu).