



Association of Law, Property, and Society Annual Meeting
University of Southampton Law School
May 11 - 13, 2023

#ALPS23 PROGRAM DETAIL

Unless otherwise noted, all meeting events are headquartered at the Staff Club on University of Southampton's Highfield Campus (adjacent to the Law School). Highfield Campus is accessible from downtown Southampton hotels via ride-share, taxi, and the campus Unilink bus routes U1A, U1E, or U2. All buses accept contactless or cash payments. More information on the meeting webpage (www.alps2023soton.com). If you need further local assistance during the event, please contact local host and event coordinator, Tracy Storey at the registration desk in the Hartley Suite or fss-events@soton.ac.uk.

Thursday, May 11

- Approx. 1:30pm **Field Trip to the New Forest National Park** (buses to pick up registered participants at designated times/locations pursuant to emailed directions and will drop off at welcome reception)
- 5:30-7:30pm **Welcome Reception** (Arlott Bar, Staff Club, Highfield Campus, University of Southampton)

Friday, May 12

- 7:30-8:30am **Registration, Coffee, and Continental Breakfast** (Hartley Suite, Staff Club, Highfield Campus, University of Southampton)
- 8:30-10:00am **Concurrent Panels Session I**
- 1.1 Submitted Panel: Occlusion and Anti-Avoidance in Trusts and Estates (Building 4, Room 1033) (Chair: Nick Piška)
- Allison Anna Tait, *The Hidden Beneficiaries of Responsibilization*
 - Adam Hofri-Winogradow, *Anti-Avoidance Responses to Trusts-based Planning: Comparative Law, Political Economy and Theory* (with Mark Bennett)
 - Nick Piška, *The Case for Public Access to Wills*
- 1.2 New Property Paradigms and the Anthropocene (Building 4, Law Staff Room, Room 2055) (Moderator: Erin Ryan)
- Melanie McGlone, *The Problem with Property: The Elephant in the Room*
 - Jessie Owley, *Judicial Obstacles to Environmental Protection in the United States: The Role of Property Rights* (with Mike Pappas)
 - William Norcup-Brown, *Protest, Private Land and the Quasi-Public Trust*
- 1.3 Access Rights from Theory to Practice (Building 4, Room 3057) (Moderator: Bróna McNeill)
- Malcolm Combe, *Rights, Remedies and Resources: A Mixed Story about Homelessness in Scotland*
 - Sue-Mari Viljoen, *Housing in Public*
 - Carin Tunaker, *Seen/unseen and Poverty/wealth Dichotomies: Tolerance, Shame and Stigma in Housing and Homelessness in Rural England* (with Laura Burke)

1.4 Public, Private, and Cooperative Resource Agreements (Building 4, Room 2007)

(Moderator: Leon Terrill)

- Sari Graben, *Resource Contracting in Indigenous Territories: Public or Private and Why it Matters*
- Bonnie Holligan, *Crystals and Mud in a Changing Climate: Securing Environmental Values in Long-Term Agreements relating to Land*
- Margaret Stephenson, *Indigenous Peoples and the Co-Management of National Parks and Indigenous Protected Areas in Canada and Australia* (with Bradford Morse)

1.5 Property, Markets, and Decision Scales (Building 4, Room 3007) (Moderator: Lorna Fox O'Mahony)

- Robin Malloy, *Perspectives on Property in Adam Smith's Market Jurisprudence*
- Martin Lockman, *Transactional Governance and the Enclosure of Everything*
- Björn Hoops, *The Energy Commons: Between Ostrom and the Italian Beni Comuni*

10:00-10:30am

Refreshment Break (Hartley Suite, Staff Club)

10:30am-12:00pm

Concurrent Panels Session II

2.1 Property, Families, and Assigning Duties (Building 4, Room 1033) (Moderator: Dave Fagundes)

- Peter T. Wendel, *Gifts to Parents for the Benefit of a Child and the Presumption of a Trust: Is the Presumption an Ass?*
- Peter Jaffey, *Property Rights and the Trust*
- Sarah L. Swan, *The Premises of Family Liability*

2.2 Changing Conceptions of Property and Nature (Building 4, Law Staff Room, Room 2055) (Moderator: Jessie Owley)

- Erin Ryan, *How the Successes and Failures of the Clean Water Act Fueled the Rise of the Public Trust Doctrine and the Rights of Nature*
- Pèter D. Szigeti, *Pests: Biodiversity, Property Law and Human-Use Categories in Animals*
- Jan Biemans, *Planet Earth and Property Law*

2.3 Submitted Panel: Equality and Property Law (Building 4, Room 3057) (Chair: Bram Akkermans)

- Bram Akkermans, *Do We Have the Necessary Toolset in Property Law to Accommodate Equality?*
- Elsabé van der Sijde, *Resilience of What, Against What, and for Whom? Exploring the Role of Resilience Thinking at the Intersection of Property Law and Equality*
- Kate O'Reilly, *Sustaining (in)Equality: Revisiting the Uneasy Relationship Between Property Law and Equality*

2.4 Cultural Property (Building 4, Room 2007) (Moderator: Sara Ross)

- J. Peter Byrne, *Cultural Property as Progressive Property*
- Emily Behzadi, *Desettling Fixation*
- Charlotte Woodhead, *Qualifying Ownership Rights in the Name of Heritage Protection*

2.5 Property and Tax (Building 4, Room 3007) (Moderator: John Infranca)

- Timothy M. Mulvaney, *Beneath the Property Taxes that Finance Education*
- Tracey M. Roberts, *Taxation and the High Road to Servitude*

- Kellen Zale, *Taxing Short-Term Rentals: Implications of the Commercial/Residential Property Tax Differential*

2.6 From Individual to Cooperative Property Paradigms (Building 4, Room 1035)
(Moderator: Sarah Blandy)

- Nena van der Horst and Eva Vermeulen, *Individualist Institutions: Ownership in European Housing*
- Sally Zhu, *Negotiating the Paradox between Private and Collaborative Property*
- Elizabeth Elia, *Confessions of a Tenant-Purchase Lawyer*

12:00-1:30pm

Lunch and Plenary Panel – Alternative Property (Building 2a, Room 2065)

Discussion Leader: Alison Clarke (University of Surrey School of Law)

Additional Participants:

- Amanda Byer (University College Dublin)
- Estair Van Wagner (Osgoode Hall Law School, York University (Canada))
- Frankie McCarthy (University of Glasgow and Scottish Law Commissioner)
- Luke McDonagh (London School of Economics and Political Science)
- Paddy Ireland (University of Bristol)

2:00-3:30pm

Concurrent Panels Session III

3.1 (Re)Possession and Property Law (Building 4, Room 1033) (Moderator: Doug Harris)

- Jenny Russell, *Vulnerability, Financial Conduct Authority Regulation and Mortgage Possession Law*
- Caroline Hunter and Ed Kirton-Darling, *Reforming the Law on Illegal Eviction and Harassment in England*
- Lisa Whitehouse, *Missing in Action? Mortgage Enforcement Under Section 126 of the Consumer Credit Act 1974* (with Cecily Crampin)
- Lerato Rudolph Ngwenyama, *Alternative Accommodation of an Unlawful Occupiers' Preference: Some Reflections from Grobler v. Phillips*

3.2 New Conceptions of Planning in a Climate-Changing World (Building 4, Law Staff Room, Room 2055) (Moderator: Rebecca Hardin)

- Yael R. Lifshitz, *Planning for the Future*
- Claudia Stachel, *Conflicts over Windfarms and Citizen Participation in Germany*
- Heidi Gorovitz Robertson, *Irrationalizing the Local Role in Energy Development: Oil and Gas v. Wind and Solar in Ohio*
- Danielle Stokes, *From Redlining to Greenlining*

3.3 Submitted Panel, Part I: Continuing Discussion of Alternative Property (Building 4, Room 3057) (Chair: Frankie McCarthy)

- Dina Lupin, *Indigenous Peoples' Rights and the Limits of Property*
- Bróna McNeill, *Agricultural Landholding and Nature Conservation in Northern Ireland: Reconceptualising Property to Enhance Environmental Protection*
- Nicole Graham, *Enduring Property Regimes: Questions for Non-Indigenous Scholars*

3.4 Racialized Property, Yesterday and Today (Building 4, Room 2007) (Moderator: Marc Roark)

- Melvin J. Kelley, *The Perpetrator's Perspective on Golden Ghettos*
- Jessie Allen, *Personhood, Property and Slavery*
- Steve Clowney, *Do Fraternities Violate the Fair Housing Act?*

3.5 Theoretical Dimensions: What Property Is, What Property Is Not (Building 4, Room 3007) (Moderator: Sarah Schindler)

- Maja Reynebeau, *Energy as a Service: An Analysis from a Property Law Perspective*
- Victoria Ball and Martin George, *Nuisance in Property*
- Ira K. Lindsay, *Property Rights as a Default Rule*
- Kathleen Hammond, *The Usefulness of Property Law Principles for Dealing with Disputes over Frozen Embryos and Gametes: A Canadian Perspective*

3.6 High-Tech Property (Building 4, Room 1035) (Moderator: Kelvin Low)

- Joke Baeck, *Who Owns Bitcoins when a Cryptocurrency Exchange Goes Bankrupt?*
- Dave Fagundes, *Smart Trusts*
- Paulien Wymeersch, *Ownership of AI Systems*

3:30-4:00pm

Refreshment Break (Hartley Suite, Staff Club)

4:00-5:15pm

Keynote – *Resilient High-Rise Property: Grenfell Tower and Beyond* (Building 100, Room 1001)

- Sue Bright, Professor of Land Law and McGregor Fellow at the University of Oxford Faculty of Law

5:30-7:00pm

Evening Reception – Launch of Southampton’s Centre for People, Property, and Community (John Hansard Gallery, 142 Above Bar Street, Southampton, UK) (immediately following the keynote, buses will transport attendees to downtown reception venue)

Saturday, May 13

8:15-9:00am

Coffee and Continental Breakfast Service (Hartley Suite, Staff Club, Highfield Campus, University of Southampton)

9:00-10:30am

Concurrent Panels Session IV

4.1 What Does Property (Narrative) Do? (Building 4, Room 1033) (Moderator: Björn Hoops)

- Helen Carr and Jed Meers, *Is ‘Home’ a Dead-End Concept for Property Lawyers?*
- Sarah Blandy, *Security, Privacy and Control in the Home in Multi-Occupied Property: A Narrative Analysis*
- Leon Terrill, *The Role of Property in Shaping People*

4.2 Social and Cultural Dimensions of Intellectual Property (Building 4, Room 1031) (Moderator: John Lovett)

- Mikhalien Du Bois, *Some Fundamental Rights Considerations Intersecting with Property Rights in Trademarks*
- Sunelle Geyer, *Indigenous Communities’ Right to Attract Custom: A South African Intellectual Property Perspective*
- Hedvig Schmidt, *Guardians of Innovation: Do Intellectual Property Rights Still Protect and Promote Innovation Efficiently?*

4.3 Book Panel: Author-Meets-Reader: SQUATTING AND THE STATE: RESILIENT PROPERTY IN AN AGE OF CRISIS (Building 4, Law Moot Room, Room 4003) (Moderators/Authors: Marc Roark and Lorna Fox O’Mahony)

- Readers: Robin Malloy, Bram Akkermans, Sue-Mari Viljoan

4.4 Assessing Actual Planning Practice (Building 4, Room 1035) (Moderator: Nestor Davidson)

- John Infranca, *Variations on the Variance*

- Daniel B. Rosenbaum, *The Local Lawmaking Loophole*
- Girion Blomdahl, *Has There Been a Shift from Democratic to Legal Land Planning in Sweden?*

4.5 Remote Panel I (Building 4, Law Staff Room, Room 2055) (Moderator: Dean Taylor)

- Cathy Sherry, *Condos in the time of COVID: Crisis Management in the Context of Density* (with Amnon Lehavi and Evan McKenzie)
- Edmund Schuster and Wan Wai Yee, *The Company and the Blockchain Technology* (with Kelvin Low)
- Norman P. Ho, *Recreational Use and Adverse Possession in US Law*
- Dana Alexandru, *Property Rights Shaped under the Pressure of Climate Change Policies: Transitions to New Realities*

4.6 Submitted Panel, Part II: Continuing Discussion of Alternative Property (Hartley Suite, Staff Club) (Chair: Alison Clarke)

- Alexander Damianos, *Property Ownership Beyond the Anthropocene*
- Sarah Nield, *Right to Roam, Wild Camping or Whatever ...*
- Luke McDonagh, *Exploring “Ownership” of Irish Traditional Dance Music: Heritage or Property?*

10:30-11:00am

Refreshment Break (Hartley Suite, Staff Club, Highfield Campus, University of Southampton)

11:00am-12:30pm

Concurrent Panels Session V

5.1 Property and Political Change (Building 4, Room 1033) (Moderator: Robin Hickey)

- Mark Jordan, *Contesting the Property Paradigm amid ‘Radical’ Constitutional Change in the UK*
- Eduardo Villavicencio-Pinto, *The Persistence of Memory. Evidence for a New Narrative on the Problem of Rural Property in Chile*
- Ting Xu, *Propertisation in Post-Mao China: A Scaled Analysis of State Governance and the Resilience of Property*

5.2 Evaluating Governance Strategies for Housing (Building 4, Room 1031) (Moderator: Brandon Weiss)

- Carl Makin, *Pulling Strings: Regulating Social Housing in England*
- Johnathan Carrington, *Neoliberal Building Regulations: A Race to the Bottom?*
- Edward J. Sullivan and Caleb J.N. Huegel, *Oregon Celebrates Fifty Years of Statewide Planning: Lessons and Cautions*

5.3 Book Panel: Ideas from RESEARCH AGENDA FOR LAND USE PLANNING (Building 4, Law Moot Room, Room 4003) (Moderators/Editors: Sarah Schindler and John Infranca)

- Anika Singh Lemar, *Assessing the Law’s Effects on Public Participation in Land Use Decisions* (with Vicki Been)
- Danielle Stokes, *Climate-Conscious Land Use Planning*
- Sarah Fox, *Research Directions in Sustainable Land Use Policy and Planning*
- Gregory Shill, *First Principles in Transportation Law and Policy* (with Jonathan Levine)

5.4 Property Making Place and Making Space (Building 4, Room 1035) (Moderator: Elsabé van der Sijde)

- Charlotte Willemot, *Legal Obstructions for the Renovation of Redevelopment of Co-Owned Buildings: Exposing ‘Weaknesses’ in the Belgian Civil Code*

- Avital Margalit and Shai Stern, *Between Inclusion and Exclusion: Should Locals be Preferred in Housing Allocation and Benefits?*
- James J. Kelly, Jr., *Scaling Up Stewardship: Citywide Community Land Trusts*

5.5 Remote Panel II (Building 4, Law Staff Room, Room 2055) (Moderator: Lisa Whitehouse)

- Timothy Chan, *Blockchain Tokenisation: “NFTy” trick or Griftonomics?* (with Kelvin Low)
- Rosa M. Garcia-Teruel, *Overcoming Split Incentives for Energy Efficiency Works in Private Rental Markets*
- Simon Best, *Conservation Covenants and Freehold Positive Covenants: Do They Reconcile?*
- Eseosa Omoruyi, *Regulation and Use of Crypto-Assets as Collateral in Secured Transactions*

12:30-1:45pm

Networking Lunch (Hartley Suite, Staff Club, Highfield Campus, University of Southampton)

2:00-3:30pm

Concurrent Panels Session VI

6.1 The Future of Fair and Affordable Housing (Building 4, Room 1033) (Moderator: James J. Kelly, Jr.)

- Brandon M. Weiss, *The Case for National Rent Stabilization & Tenant Protection*
- Marc Roark, *LIHTC Covenants, Community Development and Resilience Gaps Between Black and White Neighborhoods*
- Emma Laurie, *Regulating Rents in English Private Rental Housing: Thinking the Unthinkable*

6.2 Property after Crisis (Building 4, Room 1031) (Moderator: Bram Akkermans)

- Hano Ernst, *Informal Ownership in Post-Disaster Urban Reconstruction: A Tale of Two Cities*
- Gregory Shill, *Flames of Scale? Legacies of the Great Chicago Fire on Firm Size and Entity Mix*
- Rebecca Leshinsky, *Tensions and Stresses in Multi-Unit Residential Strata (Condominium) Developments: A View from the Voices of Stakeholders in Melbourne, Australia* (with Dulani Halvitigala and Judith Callanan)

6.3 Book Panel: Ideas from HANDBOOK OF PROPERTY, LAW, AND SOCIETY (Building 4, Law Moot Room, Room 4003) (Moderator/Editor: Nicole Graham)

- Doug Harris, *Condominium: A Transformative Innovation in Property and Local Government*
- Estair Van Wagner, *Notes from the Periphery: Finding More than (Non)Ownership in Property Law?*
- Henry Jones, *Property and Commons: The Tangible and Intangible* (with Chris Gerrard)
- Nicole Graham, *Property Rights, Power and Rural Landscapes* (with Jessica A. Shoemaker)

6.4 Submitted Panel, Part I: Housing Rights and Data Science (Building 4, Room 1035) (Chair: Michel Vols)

- Michel Vols, *Developing the Right to Housing Index: The Role of the Right to Property*

- Michelle Bruijn, *Wrongly or Rightfully Evicted: Studying the Impact of the Right to Housing, the Right to Property, and the Social Control Function of Eviction by Statistically Analysing Eviction Litigation of the European Court of Human Rights*
- Iris Schepers, *Detangling and Understanding the Web of Housing Rights*

6.5 Remote Panel III (Building 4, Law Staff Room, Room 2055) (Moderator: Mark Jordan)

- Tola Amodu, *Transcending the Divide Between Tenants and Landlords: What Have we Learned from Times of Crisis?*
- Joyman Lee, *Land Law in Francophone West Africa: The Failure of Commission-Led Reform*
- Jenna Prochaska, *Breaking Free from “Crime-Free”: State-Level Solutions to Harmful Housing Ordinances*
- Andrea McArdle, *Social Housing in the U.S. and UK: Resident Consultation in the Trajectory of Privatization*

3:45-5:15pm

Concurrent Panels Session VII

7.1 Interrogating the Bounds of Property Categories and Jurisdictional Lines (Building 4, Room 1033) (Moderator: Patricia Farnese)

- Robin Hickey and Sarah Hamill, *Land Law on the Island of Ireland: The Importance of Cross-Jurisdictional Conversations* (with Mary Dobbs)
- Haim Sandberg, *How and Why the Supreme Court of Israel Reinvented Equity: Universal Solutions to Proprietary Conflicts*
- Gezim Zejnullahu and Padraic Kenna, *Typologies of Property Types in Kosovo*
- Tina Soliman-Hunter, *The Legal Character of Offshore Energy Licences: Real Property, Lease, Profit à Prendre, or Mere Licence?*

7.2 From Securities to Servitudes: Problems for Property in the Modern World (Building 4, Room 1031) (Moderator: Malcolm Combe)

- Paula Drabant, *The Recognition of Proprietary Security Rights in Movables within the Cross-Border Movement of the European Union*
- Kate de Contreras, *‘Not in Your Backyard?’: Identifying Values in the Exercise of the Jurisdiction to Modify or Discharge Covenants Restricting Development*
- Joshu Majima, *Revisiting the Debate on Positive Covenants in English Law*

7.3 Property Frontiers (Old and New) (Building 4, Law Moot Room, Room 4003) (Moderator: J. Peter Byrne)

- Henry Jones, *Property at Sea*
- Sarah Fox, *Soil Governance and Private Property*
- Sara Ross, *Space Debris, Abandonment, Heritage, and Property in the Global Commons of Outer Space*
- John Lovett, *Submerged Land on the Louisiana Coast: Ownership, Access, and the Public Interest*

7.4 Submitted Panel, Part II: Housing and Property Rights (Building 4, Room 1035) (Chair: Michel Vols)

- Emma Sweeney, *The Implications of the Revised Social Charter’s Right to Housing on Private Property Rights: A Systematic Content Analysis*
- Irene Visser and Nora Bouzora, *A Right for Respect for the Home – But Not in Mortgage Enforcement Proceedings? Findings from the Netherlands*
- Andrei Quintiá Pastrana, *On the Edge of the Right to Housing: The Obligation to Offer a Social Rental Contract in Spanish Regional Law*

7.5 Evaluating Constitutional Property Rights (Building 4, Law Staff Room, Room 2055)
(Moderator: Margaret Stephenson)

- Víðir Smári Petersen, *The Role of Compensation in the European Court of Human Right's Case-Law on Article 1 of Protocol No. 1 to the European Convention on Human Rights* (with Valgerður Sólmes, Bram Akkermans, Gijs van Dijk, and Róbert Spanó)
- Tanveer Rashid Jeewa, *Yes, There is a Right to Property – Just Not for Everybody: Revising the Legitimacy of the South African Property System 29 Years Down the Line*
- EJ Marais, *Revisiting the Purpose of Possessory Protection Under the Mandament Van Spolie: A Theoretical and Constitutional Analysis*

5:15pm

Traditional English Tea (Hartley Suite, Staff Club) (informal farewells to close #ALPS23)