



## **Obligations X: Call for Papers** *Private Law and the State*

The Tenth Biennial Conference on the Law of Obligations will be hosted by Western Law and held in Banff, Alberta from July 12-15, 2022. The conference will be co-convened by Professors Jason Neyers, Andrew Robertson, Zoë Sinel, and Joanna Langille. The biennial Obligations Conference brings together legal scholars, judges, and practitioners from throughout the common law world to discuss current issues in private law theory and doctrine. The tenth conference in the Obligations series was scheduled to be held at Harvard Law School in 2020, but that event unfortunately had to be cancelled due to the Covid-19 pandemic.

The theme for Obligations X is *Private Law and the State*. This theme will allow participants to explore numerous questions concerning the relationship between private law obligations and the state as a public institution. Examples of such questions include, but are not limited to, the following:

- Are private law rights and duties pre-institutional—that is, can such rights and duties exist without, or outside of, the state?
- What role do public law norms, public values, state interests, and community welfare considerations have to play in private law decision-making? Should we distinguish between norms and values enshrined in constitutions and those expressed in ordinary legislation?
- How should we understand private law doctrines (such as the public policy exception in contract law or the defence of illegality) that appear to incorporate public law norms, community interests, and public values?
- What does the relationship between private law obligations and public law powers tell us about the private law rights, duties, and liabilities of the state, public authorities, and state officials?
- Can the law of obligations and its constituent doctrines apply to the state, public authorities, and public officials in the same way that they apply to individuals and corporations?
- Is there a sense in which private law litigants operate as quasi-public officials when they hold wrongdoers to account?

- Are there aspects of private law that would be better thought of as public law (such as torts relating to governmental inaction or misfeasance)? Conversely, are there matters that are currently in public law's ambit (such as remedies for discrimination or other human rights violations) that would be better handled through, or conceived as, private law?
- Do private law obligations and rights extend beyond the boundaries of the state, and, if so, what does this mean for our understanding of private law? How should the transnational character of current thinking about rights and obligations inform our understanding of the relationship between the state and private law?

Both established and early-career legal scholars are invited to submit proposals to present papers addressing the conference theme, either at a general level or in relation to any aspect of the law of contract, agency, torts, unjust enrichment, or equity. In light of Canada's bijuridical heritage, papers that explore the relevant issues from a common law, civil law, or comparative law perspective are all welcome.

Anyone wishing to offer a paper should submit a working title and an abstract of no more than 500 words by email to [obligationsconfx@uwo.ca](mailto:obligationsconfx@uwo.ca) by August 16, 2021. Papers will be selected on the basis of quality, originality, engagement with the conference theme, and fit with other papers being presented at the conference. Individuals proposing papers will be notified whether their papers have been accepted by October 1, 2021. A waiting list may be established, depending on the level of interest. Late submissions will be considered for inclusion in the waiting list.

Speakers will be asked to submit fully written draft papers by June 24, 2022 for distribution to conference participants via a password-protected website. A small number of papers that are closely focused on the conference theme may be selected to be published in an edited collection following the conference.

Presenters whose papers are accepted will be expected to cover their own travel and accommodation costs and pay a discounted registration fee.