



REMOTE WORKSHOP ON PRIVATE LAW & EMERGING TECHNOLOGY

Call for Papers

We are excited to invite legal scholars to participate in a virtual Workshop on Private Law and Emerging Technology. This Workshop will be a forum for in-depth engagement with works-in-progress at the intersection of private law, technology policy, and the societal changes engendered by widespread adoption of new technologies. Rather than identifying *sui generis* policy proposals for specific ills, we are interested in determining how our systems of private law and private ordering are affected by, provide solutions for, and influence technological change. Our broad understanding of technology is summarized as follows:

Before the 20th century, the term *technology* primarily referred to the study of the so-called useful arts, the skills and methods of manufacturing and craftsmanship. The term's contemporary usage, however, has evolved. Technology is now the means through which humanity applies its aggregate knowledge to solve problems, fulfill desires, or avoid perils. Technology's pervasiveness has led to an understanding that *tech* is quite simply just the way we do things. This technology-driven shift has drastically reshaped the underlying social and economic norms over which our systems of private ordering are built. Our needs, wants, and behaviors have been unprecedentedly altered. It is only fitting that we challenge the underlying assumptions inherent both in private law and in conceptualizations of tech.

As part of private law, we include property, contracts, torts, equity, as well as intellectual property and commercial law, among others. The fundamental questions guiding this Workshop include:

- Which legal concepts may require re-thinking in light of technological change?
- What can private law tell us about technology's role in society and what can technology's effect on society teach us about private law?
- How are equity, contract, and other private law doctrines themselves "technologies" that offer means to conceptualize emerging technologies and private law?

While we are open to papers on all topics relating to technology and private law, we encourage participants to engage with fundamental questions about private law doctrines rather than policy solutions. General technological themes may include (listed alphabetically):

- Cryptocurrencies, Blockchain, Smart Contracts, and Private Ordering
- Digital Resource and/or Data Management through Contract, Property, IP, or Equity
- Ownership of and Liability for AI and AI-Generated Content
- Privacy Policies and Terms of Service: Autonomy and Contract Under Surveillance Capitalism
- Tort Liability in the Context of Robotics, Cybersecurity, or other Disruptive Technologies

This remote Workshop is scheduled for three consecutive **Fridays in September 2021: Sept. 3, 10, & 17 from 1–3PM (Eastern)**. For each work-in-progress, a designated discussant will comment on the piece (10 min) allowing for a response from the author (5 min), followed by an open Q&A session (35 min). For submissions, please send an **abstract (≤ 600 words) and contact information** for the author(s) to cfp.isp@yale.edu with the subject "**Submission for Private Law & Emerging Tech CFP.**" Three weeks prior to each presentation, a draft of 10k–25k words will be expected for circulation. The priority deadline for submissions is **June 13, 2021 at 11:59PM (Eastern)**. Depending on demand, the Workshop may also facilitate an additional opt-in paper exchange for comments to expand access and facilitate connections within the tech and private law community. If you have any questions, please email João Marinotti (jmarinot [at] iu [dot] edu).