R

3501 Sansom Street,

Philadelphia, PA 19104 **Faisal Chaudhry**

*ACLS New Faculty Fellow*

**Shyam Balganesh**

*Assistant Professor of Law*

**Property in South Asia: History, Law, and Politics**

*A Conference at the University of Pennsylvania: April 18-19, 2014*

*Organized by The Department of South Asia Studies and Penn Law School*

*With support from Penn’s South Asia Center, Department of History, Center for the Advanced Study of India, and the Christopher H. Browne Center for International Politics*

What is property? Considered in the context of the contemporary societies of South Asia—with their bursting populations, pervasive land hunger, and ongoing tug of war between the urban and the agrarian, the developmental and the neoliberal, and the elite and subaltern—the answer may seem to go without saying. The question’s extreme simplicity of form, however, should not conceal the great complexity it harbors. Even strictly from the contemporary perspective—whether philosophical, legal, or economic—there is little agreement on the nature and basis of property. Is there a difference between property and the right to property? Are rights, themselves, inherently proprietary? If we speak of property as a social relation must we necessarily also be speaking about rights that are in some sense legal? What is the relationship between the logic of property and the logic of commodification? What of property’s relationship to possession, occupancy, use, and de facto control? Does that relationship imply that property is simply the reality of control over things in the world or is it a conceptual system for representing how control over such things is organized, parsed, and reckoned with? Is there something inherently Eurocentric or otherwise misleading about calling all such conceptual systems by the name of ‘property’? If we restrict our focus to property in land or rudimentary—rather than highly financialized—‘moveables’ are these difficulties likely to multiply or diminish? Finally, how do we go about meaningfully interrogating these questions not just through reference to our contemporary world but the much more daunting historical worlds of the past?

In this two-day workshop we hope to address some of these questions through creating a historically informed dialogue about property in South Asia that cuts across the institutional boundaries that often separate legal scholars from scholars of the humanities and affiliated social sciences. In so doing, our hope is to assemble a broad range of academicians to explore five key ‘moments’ in the conceptualization of land control and related issues concerning the evolution of ideas and practices related to the disposition of land-based wealth in the South Asian subcontinent from the early modern to the early post-colonial. We have organized these five moments according to the following progression of panel topics.

**FRIDAY APRIL 18, 2014: 9:00 a.m.- 5:00 p.m.**

 **8:30 a.m. - 9:00 a.m.: Registration and Breakfast**

**9:00 a.m. - 9:15/30 a.m.: Introduction and Framing Remarks**-Dr. Faisal Chaudhry (South Asia Studies), University of Pennsylvania

**9:30-11:15: Panel One**

***Precursors: Śāstra and Sharīʿa as Resources for Representing and Administering Land Control***

*Panelists:*

- Professor Farhat Hasan (History), University of Delhi

Title: “Property and Power Relations in Mughal India: Litigations and Disputes at the Qazi’s Court in Urban Localities, 17-18th Centuries”

-Professor Tim Lubin (Law/Religious Studies), Washington and Lee University

Title: “Śāstric Rules and Customary Norms in Epigraphic Records of South Asian Property Deeds and Disputes”

*Moderator and Respondent:*

-Professor Deven Patel (South Asia Studies), University of Pennsylvania

*Respondent:*

-Professor Teren Sevea (South Asia Studies), University of Pennsylvania

**11:15 a.m. - 11:30 a.m.: Coffee Break**

**11:30 a.m. - 1:15 p.m.: Panel Two**

***Colonial Transitions/Transformations: Land, its Produce, and the Transferability of ‘Proprietary’ Rights***

*Panelists:*

-Professor Robert Travers (History), Cornell University

Title: “Rethinking Land Rights in Early Colonial Bengal”

-Professor Bhavani Raman (History), University of Toronto, Scarborough

Title: “Property and the Historicity of *Mirasi* Law in Early Colonial South India”

*Moderator and Respondent:*

-Professor Lisa Mitchell (South Asia Studies), University of Pennsylvania

*Respondent:*

Dr. Arthur Mitchell Fraas (Van Pelt-Dietrich Library Kislak Center for Special Collections, Rare Books and Manuscripts), University of Pennsylvania

 **1:15 p.m. - 2:15 p.m. Lunch and Opportunity to Talk Informally**

Boxed Lunch will be served on site.

**2:15 p.m. - 4:00 p.m.: Panel Three**

***Making the Modern by Looking to the Past: Codifying and Collectivizing ‘Property’ During the Late 19th and Early 20th Centuries***

*Panelists:*

-Professor Karuna Mantena (Political Science), Yale University
Topic: Collective Property and “The Nineteenth-Century Debate on Property”

-Dr. Nandini Bhattacharyya-Panda (History), Maulana Abdul Kalam Azad Institute for Asian Studies; Kolkata, India
Title: “Law and Tradition: Women's Rights to Property and Legal Modernity in India.”

*Moderator and Respondent:*

-Professor Ramya Sreenivasan (South Asia Studies), University of Pennsylvania

*Respondent:*
-Professor Shyamkrishna Balganesh, University of Pennsylvania School of Law

**8:00 p.m.: Conference Dinner**

All panelists and respondents are invited for dinner at Han Dynasty (3711 Market Street)

**SATURDAY APRIL 19, 2014: 9:00 a.m. – 1:00 p.m.
Silverman 147**

**8:30 a.m. - 9:00 a.m.: Breakfast**

**9:00 a.m. - 10:45 a.m.: Panel Four**

***Post-Colonial Challenges: Re-Cognizing Property in the Jurisprudence of Land Reform***

*Panelists:*

-Namita Wahi, Fellow at the Centre for Policy Research, New Delhi; SJD Candidate, Harvard Law School
Title: “Agrarian Reform and the First Amendment”

-Professor Zubair Abbasi (Dept. of Law and Policy), Lahore University of Management Sciences
Title: “Non-legislating State: Islamic Law and Modern State in the Discourse on Judicial Islamisation of Property Laws in Pakistan”

*Moderator and Respondent:*

-Professor Sanjoy Chakravorty (Geography and Urban Studies), Temple University

*Respondent:*
-Aniruddha Jairam, Ph.D. Candidate (Political Science), University of Pennsylvania

**10:45 a.m. - 11:00 a.m.: Coffee Break**

**11:00 a.m. - 12:45 p.m.: Panel Five**

***Contemporary Complexities: Are Legal Entitlements to Social and Economic Rights Property /Are all Legal Rights Proprietary? A Conversation and Roundtable***

*Panelists:*
-Professor Devesh Kapur (Political Science), University of Pennsylvania

-Madhav Khosla, Ph.D. Candidate (Dept. of Government), Harvard University

*Moderator and Introductory Remarks by:*

-Professor Eduardo Peñalver, University of Chicago School of Law

**12:45 p.m.: Closing Remarks**

-Professor Shyamkrishna Balganesh

**1:00 p.m.: Departures**