Up Against Family Law Exceptionalism
A Conference
Co-sponsored by the Program on Law and Social Thought and the European Law Research Center
February 2–3, 2007,
at Harvard Law School

In this distribution you will find:

1. The program
2. A statement of the questions we will be asking
3. The registration form
**Up Against Family Law Exceptionalism**
A Conference
Co-sponsored by the Program on Law and Social Thought and the European Law Research Center
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Note: The **Workshops** will involve short presentations by several Conference participants followed by discussion. The **Seminars** will provide the opportunity for the entire Conference to discuss shared “texts” – a film and a short selection of readings.

**Friday, February 2**

2:30–3pm  **Registration**  
HLS, Pound 335

3–5pm  **Workshop**  
*Performing Family Law Exceptionalism*  
Brenda Cossman, moderator  
Brenda Cossman, Linda McClain, Duncan Kennedy, Libby Adler, Reva Siegel, Janet Halley  
HLS, Pound 335

6–8pm  **Seminar**  
*Screening of Babel*  
HLS, Pound 101; light snacks will be served.

8–10pm  **Seminar, continued ...**  
*Discussion of Babel*  
Hani Sayed, moderator  
HLS, Hark South Dining Room; dinner will be served.
Saturday, February 3

8:30–9  Registration and Coffee
HLS, Pound 335

9–11am  Workshop
HLS, Pound 335
Philomila Tsoukala, moderator
Tracy E. Higgins, Philomila Tsoukala,
Havva G. Guney-Rubenacker, Isabel Christina Jaramillo,
Arnulf Becker Lorca, Yun-Ru Chen

11am–1pm  Workshop
Labor Markets, Migration, Gendered Work and the Economic Family
HLS, Pound 335
Kerry Rittich, moderator
Martha McCluskey, Maria Rosaria Marella,
Lucy Williams, Hila Shamir, Chantal Thomas,
Prabha Kotiswaran

1–2:15  Seminar
The Political Economy of the Family
HLS, Pound 332
Richard Thompson Ford, moderator
Short readings have been distributed to all registered participants.
Lunch will be served.
2:15–4:15pm **Workshop**  
*Subordination/Exploitation and Family Law Exceptionalism*  
Janet Halley, moderator  
Anne C. Shalleck, Helena Alviar García,  
Adrienne D. Davis  
Kate Sutherland, commentator  
HLS, Pound 335

4:30 – 6:00pm **Workshop**  
*Mapping Family Law: Taxonomies of the Curriculum, the Casebook, the Code, Private and Public Law, Civil and Common Law, Local and Federal Law, General and Special Courts ...*  
HLS, Pound 335  
David Kennedy, moderator  
Katherine Ann Ross, Mary Anne Case, Brenda Cossman, Janet Halley

6–6:30pm **Plenary Discussion**  
*Future Directions*  
HLS, Pound 335

7:30–10:30pm **PARTY!!!**  
Chez Janet; a buffet dinner will be served.
Our Questions

Is the family (along with the law that helps define and regulate it) a unique and autonomous domain? Family and family law are often treated as exceptional, and for a wide variety of reasons: they are unique because (unlike the market) they house intimate, private, emotional and vulnerable relationships; they are unique because they preserve (against modernity and/or the global or foreign) the traditional, the national, the indigenous; they are unique because (as against the secular) they derive from sacred command. Sometimes family law is maintained as exceptional merely descriptively: the law curriculum, for instance, implicitly claims that family law is an autonomous domain of legal regulation with a distinctive set of rules, norms and practices that sets it apart from other regulatory domains. But family law exceptionalism is also packed with many normative projects: family law itself is saturated with claims that family law (or marriage, or “the family”) should be different because of the unique, special, crucial, affective, altruistic, social-ordering and/or sacred nature of the relationships that it houses. Together, the descriptive and normative claims of family law exceptionalism produce a vast range of disciplinary effects, running from the curriculum, the code, and caselaw to our understandings of sexuality, our habits of domestic architecture, our modes of distributing social security.

This conference will provide us with an opportunity, first, simply to get a descriptive grip on family law’s exceptional status. How is it deployed and to what effects? What regulatory possibilities, intellectual inquiries and disciplinary effects does family law exceptionalism produce and facilitate? What ones does it obscure or even block? What questions do,
and what questions do not get asked? In what ways does family law exceptionalism discipline the ways in which we think about the family? The family as economic, the family as modern, the family as secular: do we know as much about how to understand these modes of family and family law as we do about the family as altruistic, traditional and/or sacred? How might we understand family law differently if we understood it as a crucial site of neo-liberal governance? Or as a form of commodified self governance? How might we teach it differently if we embedded it in legal domains – social security systems, globalization, contracts – from which it is typically divided?

The conference also aims to provide opportunities for political reflection on the stakes that are distributed by various modes of family law exceptionalism. When we’re up against family law exceptionalism, are we also against it? If so, why, and to what ends? What risks do we run – for ourselves and for myriad others – when and if we resituate the family and its law in existing political forces?

The conference will take place at Harvard Law School on February 2 and 3, 2007 (starting Friday afternoon at 3pm and ending with a PARTY!!! on Saturday night). Please use the attached form to register. We hope you will join us!

Brenda Cossman and Janet Halley
for the Program on Law and Social Thought
 PROGRAM ON LAW AND SOCIAL THOUGHT
HARVARD LAW SCHOOL

Up against Family Law Exceptionism
A Conference, February 2–3, 2007

Name:____________________________________________________

Title and Affiliation (e.g. LL.M. student, Harvard Law School):

_____________________________________________________

Address:_________________________________________________

_____________________________________________________

Phone/Fax:______________________________________________

E-mail:___________________________________________________

Friday, February 2

☐ I will attend the Friday evening screening and dinner

Saturday, February 3

☐ I will attend the luncheon
☐ I will attend the evening party hosted by Janet Halley

Fee (to defray food and administrative costs):

☐ $25 Students
☐ $50 Professors/Attorneys

Please return your reply form to:
   Terry Cyr
   Harvard Law School
   1575 Massachusetts Avenue
   Cambridge, MA 02138 USA
   tcyr@law.harvard.edu

Please reply by Monday, January 22. Please make your check payable to
Harvard Law School. You may send it or give it to us at the Conference.