

call for papers

INTERNATIONAL CONFERENCE ESTATE, SUCCESSION AND AUTONOMY – NEW ASSETS AND NEW TRENDS AND ADFAS 5TH INTERNATIONAL CONGRESS April 13th and 14th 2023

INITIAL STATEMENT

The pressure of cultural, economic and technical forces, the impact of phenomena such as "globalization", "digitalization" and "dematerialization", the development and application of artificial intelligence, the markets and financial products and free movement of persons and goods have brought about new dimensions for ancient legal problems. A reflexion on the traditional approach methods to Citizenship, Solidarity and Social Inclusion is warranted, particularly with regard to the complexity of regulation of access to goods and rights over goods.

In this context, some attempts at theoretical renovation have appeared, which seek to build ways of relating goods and the social collective and allow the fruition by all of the goods meant for all, beyond public and private property.

Indeed, the attitude of persons in what regards wealth mirrors the nature of current ways of life and of both intra and intergenerational solidarity. The reversal of the age pyramid defies the sustainability of public protection systems for old age and sickness created after World War II, generating the need for accumulation (individually or within a family) of enough wealth to ensure a reasonable level of welfare in old age or in sickness.

The lack of social support activity by the State and the regrettable observation of an increase in the number of spontaneous non-compliance with help and mutual assistance within a family constitute opportunities for the renovation of legal solutions such as social providing and alimony. Autonomy in the formation of individual and complementary welfare schemes should be reinforced to keep up with the inevitable transition to a diversified social protection system in view of Social Security's sustainability problems. The pandemic context experienced in recent years has reinforced the urgency of efficient responses to situations of vulnerability. Concurrently, new challenges and possibilities have arisen, since the said context revived the

essentiality of proximity-based support networks, calling for familiar and community solidarity; it has also opened a new space to the "digital revolution" and to new assets.

A legal framework that permits solutions that allow the profits of family businesses to be invested locally in programs that support and value intermediate communities, of which said companies are part of, can be instruments that contribute towards intragenerational justice.

Therefore, the discussion concerning the free transmission of private property should not be restricted to a political level; instead, it should be extended and include topics such as the protection of fundamental rights. The extent to which the State interferes with individual choices of the holder of wealth, namely through the taxation system, reflects the fundamental values of a society. The role of reducing inequalities should not be limited to the State, rather it should include each one of us. Society should make wealth holders aware of the social function of private property, providing them with autonomy on "how" to realize such social function and which communities and needs they will assist. Today, Society demands that private wealth must somehow benefit communities, promoting intragenerational solidarity and preventing intergenerational transmission of poverty. Regarding the rights of persons with disabilities, for example, it is imperative to rethink private law institutes, based on private autonomy, in order to reduce inequalities.

As far as succession law is concerned the question arises to know if and to what extent the State should, or can, limit private autonomy, namely by imposing mandatory heirs. Special mention is warranted here to the legal framework resulting from Regulation 650/2012, which transforms cross-border succession planning models and underlines the differences between national legal orders.

Up until the last decades, succession issues concerned only a small part of the population, a group with capacity to accumulate goods to leave to others. Today - and insofar as Inheritance Law can establish connections between the fundamental institutions of Family and Property - it has become generally accepted that succession issues concern each one of us.

Law has to find new ways to address the challenges of the relationship of each citizen with goods, without excluding others, positioning the holder of goods as a member of a wider community. The reflection over the question of private autonomy, in the sense that each citizen can determine the fate of his property *post mortem*, has to take place in the broader context of current problems regarding new goods, and of private property and collective goods.

This Congress will focus on all these topics above, providing as well an overview on the state of the art of the legal frameworks from selected countries.

We invite you to join us in the ancient, most noble, loyal and undefeated city of Porto!¹

¹ Wording of the the City's crest

ABSTRACT SUBMISSION GUIDELINES | MAIN TOPICS

The International Conference “Estate, Succession and Autonomy: New Assets and New Trends” will be hosted in 2023, between **April 13th and 14th**, at the **Porto School of Law of Universidade Católica Portuguesa, in Porto, Portugal**.

We invite members at all stages of their scientific career, from advanced graduate students to senior scientists, to present their work at the Conference.

Main topics

- Autonomy of will and *mortis causa* transmission of property
- Current challenges in Family Law and its projection in Succession Law
- Taxation aspects of access to goods, management and transmission of property
- Trust
- Effective beneficiaries
- Productive goods, business goods, corporate property
- Common goods, collective goods
- Co-ownership
- Autonomous estate, separate estate, collective estate and protected estate
- Social function of property
- Succession contract
- Digital assets/ digital transformation and digital platforms
- Conflict Resolution and Digital Justice
- Electronic transfers and estate transmission
- Artificial intelligence and electronic personality
- *Post mortem* protection of personality
- Limits to the exercise of rights
- Succession planning
- Family businesses and succession in leadership
- Family foundations
- Cross border successions

If you would like to submit an abstract to the Conference, you must send all the information needed by email to esaconference.porto@ucp.pt

Your submission should comprise the following information:

- Title;
- Author(s);
- Abstract with 250/300 words (for an oral presentation of **approximately 15 minutes**, followed by time for discussion).

Each abstract will be evaluated by two independent reviewers who will be asked to evaluate them in accordance with different pre-set parameters.

English is the working language of the Conference (presentations and abstracts must be in English).

The deadline for abstract submissions is **March 15th, 2023**.

Authors will be informed by **March 20th, 2023**, by the latest, whether they have been selected for the conference.

You can find the provisional programme at our site.

We are looking forward to receiving your submission,

The Executive Committee