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Third Workshop of Working Group 1 – Landed property

Scientific report

*Property rights to land, social structures, environment and sustainable development
from the Middle Ages to the 20th century*

*Roma (Italy)
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The topic

Recent research makes increasingly clear that human agency plays a large part in environmental changes; not only at present, but also in the past. An example is the deforestation in the upland regions of Europe in the late Roman era, producing floods and silting up of river arms in the lower areas, as in the river delta of the Rhine and Meuse in the Netherlands. There is also the destruction of coastal barriers in the Low Countries as a result of salt winning and peat winning in the high and late Middle Ages, leading to massive loss of land. A maybe even more striking example is the disappearance of forests and native fauna on the island of Madeira after the arrival of Portuguese settlers around 1425. In these ecological catastrophes human action played a large, or even determining part. This human action was shaped and directed by property arrangements. Research into economic and social history has put forward property rights - particularly rights to land - as a main constituent of social structure and a main determinant of the development of rural economy and society. Since social relations to a large extent determined the use and formation of the land, the cultural landscape and the environment, property rights to land formed an important factor in the interaction between man and environment. In trying to uncover causes and find explanations for these catastrophes and changes the primary target in research should be the specific arrangement of property rights.

In recent decades, interest in the interaction between man and environment has been growing, also because of acute environmental problems. Historical research can help analyzing these problems and clarifying their causes.

Research into economic and social history has put forward property rights – particularly rights to land - as a main constituent of social structure and a main determinant of the development of rural economy and society. Since social relations to a large extent determined the use and formation of the land, the cultural landscape and the environment, property rights to land formed an important factor in the interaction between man and environment. The workshop aimed to systematically investigate the link between these elements, in order to better understand their mutual interaction.

This workshop dealt with the mutual interaction between property rights to land and environmental development, investigating this interaction in a dual way:

- how did and does the environment, and the way it is socially perceived, influence the formulation of property rights to land and their social management?
- how did and does the specific organization of these rights, i.e. their formulation and their social management, affect the environment, both in a positive and a negative way?

The particular formulation of property rights (understood here as the bundle of rights to land, such as the right of access, the right of use, the right of sale, the right of inheritance, etc.) could encourage reclamation or embankment or the formation of varied farming landscapes, thus stimulating a positive development. On the other hand, the particular formulation and its social management could, and can, also lead to deforestation, erosion and have negative environmental consequences, thus eroding the basis for sustainable development, that is - in our definition, the possibilities for creating social agro-systems which allow, or conversely do not allow, for the very same systems to be perpetuated or to further develop without endangering or negatively affecting the basis for a balance between rural economic development and environment.

The workshop started from the idea that this approach will thus allow us to better understand the human role in environmental change as well as deterioration, and to judge how specific property regimes affect the possibilities for sustainable development.

Delimitation

The workshop dealt with both the pre-industrial and industrial periods, roughly from the 11th century up to the present. It was not assumed beforehand that the pre-industrial and industrial periods show fundamental differences in this respect; rather the workshop questioned this assumed difference and investigated continuities.

The workshop concentrated on long-term developments, with a preference for comparative analysis. Although most of the papers focused on local and regional cases, and sometimes national cases, and use the results of empirical research, all papers were required to place the results in the light of longer term developments and be linked up with the issue of the possibilities for sustainable development.

Linking up with the other workshops of Workgroup 1, the workshop concentrated on land, i.e. on property rights to land and environmental changes in land. Excluded were property rights to and pollution of water and air, for instance. Also, the workshop concentrated on the rural, agrarian economy, leaving out disturbances in the environmental equilibrium in an urban setting.

Themes within this topic

Specific themes that were addressed in this workshop were:

- the role of soil and landscape in the choice and formulation of various property arrangements (Vivier, Dam)
- the role of water management needs (control, drainage or irrigation) in the choice and formulation of various property arrangements (Van Cruyningen, Vari)
- the role of physical environmental problems in the changes of property rights to land, e.g. in coastal areas due to compression of peat or rising water tables, in mountain areas due to climatic changes (Soens)
- the role of property rights and their social management in reclamations, embankments (Van Cruyningen, Soens)
- the role of common rights on land and communal organization in ecological sustainability (Antoine, Vivier)
- the role of property rights and their social management in systematic deforestation, erosion, salinization, soil exhaustion and the emergence of sand-drifting (Iriarte Goñi)
- the role of property rights and their social management in fundamental changes of the landscapes, such as enclosures, 'bocage' and land re-allotments, and vice versa (Antoine, Olivier)

The organizers of the workshop first invited all people interested in presenting a paper on these topics, within the chosen framework, to submit an abstract of the paper. A selection of the abstracts that were sent in was made, taking into account especially that the papers had to possess these characteristics:

- High quality standards
- Comparative outlook;
- Analysis of long term processes;
- Empirically grounded contribution to more general issues or even theoretical debates.

On the basis of these criteria eleven papers were selected out of some 20 proposals.

The workshop was attended by 20 researchers specialised in this topic; both members of the COST network as well as some invited experts, with a fairly even spread over the European countries: namely Morell Mats (SE) Bas Van Bavel (NL) Vivier Nadine (F) Béaur Gérard (F) Thoen Erik (B) Antoine Annie (F) Cocard Martine (F) Soens Tim (B) Santos Rui (Portugal) Hoyle Richard (UK) Oliviers Sylvain (F) Andràs Vari (Hun) Rasmussen Carsten (DK) Rita Cognost (SP) Eva Cudlinova (Czech Rep) Miloslav Lapka (Czech Rep) Maria José

Roxo (Portugal) Piet Van Cruyningen (NL) Peter Dam (DK) and Iñaki Iriarte Goñi (SP)

The workshop can be seen as an intellectual success. The discussions were lively. These, firstly, clarified some terminological matters, which allowed – secondly - to arrive at comparative analysis. These analyses pointed particularly to the importance of the social context in assessing the relationship between property rights and the environment. Crucial questions in analyzing this relationship is: who is holding the various rights to the land and to which ends is he using this? And: are their other parties, such as the state or parties affected by the externalities of the use of property rights, able to influence this relationship, and to what exact end do they do so?

The best way to make an historical analysis of this turned out to be a focus on the marginal areas, where the process and the mutual interaction can be observed at the ecological margin. This applies to extremely hot and arid areas (south of Portugal, Santos), mountainous areas (Alpine region, Vivier), infertile lands (garrigues, Olivier) and waterlogged regions (North Sea coast, Soens and Van Cruyningen), for instance. Still, even here the interaction between property rights and sustainability turned out to be determined by the social-political and economic context, and not by the marginality of the areas in itself. Within a specific social context where the holders of the various property rights had a clear long-term interest in sustainable development, even marginal areas could sustain a healthy social agro-system, while loss of economic vitality or the emergence of absentee landowners could have clear negative effects. This, again, shows how the effect of property rights on economic and ecological development can only be understood within the social context.

Along these lines, and according to the critical remarks and suggestions of the referees and invited specialists, the papers will be revised (deadline September 2008) and next submitted for peer review and transformed into a book in the COST Series.