

European Science Foundation
Standing Committee for the Humanities (SCH)

ESF SCH EXPLORATORY WORKSHOP

**Property rights, land market
and economic growth in Europe
(13th-19th centuries)**



Chateau de Ripaille
Thonon les Bains, France, 13-16 October 2005

Convened by:

**Gérard Béaur^①, Jean-Michel Chevet^②,
Maria-Teresa Perez-Picazo^③ and Phillipp R. Schofield^④**

^① Département d'Histoire, CNRS-EHESS, Paris

^② INRA, Ivry

^③ Dpto. de Economía Aplicada, University of Murcia

^④ Department of History and Welsh History, University of Wales, Aberystwyth

Co-sponsored by

the Groupe de Recherches CNRS 2912 « Sociétés Rurales Européennes »

Scientific Report

The exploratory workshop, « Property rights, Market in Land and Economic Growth », took place from the afternoon of the 13th of October to the afternoon of the 15th of October in the castle of Ripaille at Thonon-les-Bains (Haute-Savoie, France). Seventeen speakers from ten countries attended, as well as five discussants and the four organizers (see further list of participants). Every speaker who had been invited was present with the exception of Professor Dumanowsky (Poland), who was replaced by Professor Tedeschi (Italy).

The workshop commenced with a power-point presentation of ESF, its aims and means. This was given by Professor Béaur, who also distributed an ESF information booklet. Professor Béaur underlined the importance of the support received ESF in its financing of the present project, as proposed by himself and his three colleagues (Professor Chevet, France; Professor Perez-Picazo, Spain; Professor Schofield, United Kingdom).

In the names of the four organizers (Professors Chevet, Perez-Picazo and Schofield and himself), Professor Béaur then opened the workshop by drawing the attention of the participants to the main themes of the topic of this exploratory workshop. He stressed the relationship between juridical, economical and historical approaches, all of which highly relevant to actual and acute modern questions regarding the redistribution of land, forms of allocation of farms and agricultural policy. He considered that the themes for consideration were necessarily conceived broadly and would encourage the co-ordination of a European-wide history of agriculture. Besides the themes identified here, this workshop would need to draw together a range of approaches relevant to the main issues.

Professor Béaur stressed that historians had, for a long time, neglected to give serious consideration to institutional constraints as key explanations for the slowness or absence of growth between the thirteenth and nineteenth centuries. The development of economic theory has reversed this trend but other research has brought a nuanced perspective to this issue, which might otherwise fall accused of failing to take full account of the variety within processes of evolution. This workshop had therefore to re-examine the role of the institution in respect of rights in property and, as its corollary, the circulation of land in a true market, to explore the conditions which either did or not permit the progress of agriculture in Europe and the emergence of capitalism in the countryside.

Professor Béaur identified the following key questions which it was intended to re-examine in exploring the variety of contextual situations on a European scale:

- What forms could restrictions upon the land market take : legal condition of the land, the relativities of demands, institutional claims, rights of inheritance,...
- What was the influence of certain factors : the type of lordship or estate, the rights of different social groups over the land, the extent of transaction costs,...
- What were the debates which encouraged politicians or economists to permit a circulation of property and to what degree did the freeing up of such a market evolve to overcome constraints?
- What is the relationship between a process of liberalisation of exchange in land and economic progress? Could the development of market encourage initiative or either/both liberate/immobilise capital ? Did it or did it not open the way to economic progress?

The first session took place on the Thursday afternoon. Three papers were presented by Mathieu Arnoux, Markus Cerman and Rui Santos (for himself and José Vicente Serrao) and were commented upon by the discussant Cormac O'Grada. Mathieu Arnoux's paper was an exploration of the 'real' nature of ecclesiastical tithes. Were they a form of property rights, "Feudal abuses" exploited to the consequent damage of farmers and landowners, or a part of a complex social organization, a general contribution devoted to welfare? Markus Cerman's paper focused on the formation of land markets in East-central Europe during the Middle Ages and demonstrated that land for flexible transactions or for new holdings was taken also from areas previously held by the landlord (e. g. demesne farms), from common land or, more generally, from land not directly integrated into the open fields of the peasantry (e. g. unsettled areas, new clearances). Finally, Rui Santos analysed the changing social appropriations and functions of two different yet tightly knit institutional arrangements through which property rights were transacted: emphyteusis and lease tenancy contracts in a country characterized by large farms (*herdades*) in the Southern Portuguese province of Alentejo during the last third of the eighteenth and the early nineteenth century.

The second session took place on Friday morning. Four papers were presented by Rosa Congost, Paolo Tedeschi, Anne-Lise Head-König and Inaki Iriarte. The discussant for the session was Maria-Teresa Perez-Picazo. Rosa Congost aimed to show the advantages of the interrelation between emphyteusis agreements in 18th century and the land market. Hence she focused on the Catalan region for a rather short period (two years) and concluded by drawing attention on the role of emphyteus on the social dynamic of agricultural growth. Paolo Tedeschi showed that the transformations in the land market of the province of Brescia during the 19th Century (noble people sold their land to rich bourgeois people of the town) had some consequences for agriculture : the new landlords had a greater propensity to risk and to invest a good deal of money in order to increase the productivity of their lands, but until the great agrarian crisis they only invested in new productivity process. Anne-Lise Head-König focused on the problems related to changes in the conception of property rights and their influence upon various areas of Switzerland. This was dependent upon the extent of the survival of the constraints created by the Old Regime agriculture and the fact that each canton had sovereign powers in its internal affairs up to 1848. Inaki Iriarte (presenting for himself and José Miguel Lana) ascertained that changes in property rights do not follow a predestined trajectory but are linked to a range of social, economic and environmental factors. In investigating this he looked at the historical case of the public lands in Spain from the middle of the nineteenth century to 1936.

The third session took place on Friday afternoon with four papers presented by Annie Antoine, Philippe Jarnoux, Paul Servais and Luigi Lorenzetti, with Nadine Vivier as discussant. In Annie Antoine's view the agriculture of the bocage of the West of France was, until the 19th century, partially extensive with much uncultivated land and partial specialization, notably cattle breeding. The collective use of the waste lands, which made the border between common and private uses indistinct, permitted this specialization. Philippe Jarnoux described the *domaine congéable*, a particular and widespread form of seigniorial tenure in Brittany and its effects on the land market and on economic growth. He concluded that a large rural minority participated in specific ways in the land market but did not, as a consequence, have at their disposal sufficient capital to invest effectively. Paul Servais emphasized that the commons were always a part of the geographical and mental landscape of the Ardennes area (in Belgium) at the end of the XIX^e century. The law of 1847 which permitted

commons sales helped generate a total improvement of the commons management. Luigi Lorenzetti described *livello*, the Italian name for a form of emphyteutic contract in Valtellina, an Alpine valley in north-eastern Lombardy. If during the Grisons' rule (early 16th century–end 18th century), the *livello* spread in parallel with the expansion of viticulture, it underwent some retraction in the nineteenth century as farmers sought to bolster their sense of ownership. This in turn encouraged them towards a more modern agricultural system.

The fourth session took place on Saturday in the morning with Pablo Luna, Patrick Svensson and Rocardo Robledo's papers, and with comments from the discussant, Erik Thoen. Pablo Luna examined three "enlightened" peninsular Spaniards and Hispanic American reformers of the eighteenth-century (Jovellanos, Campomanes and Bishop Abad y Queipo) who, convinced of the necessity to increase land labour and cultivable land through collective land redistribution, tried to enforce land reforms, giving way to the "*désamortisation*" in the 19th and 20th centuries. Patrick Svensson sought to understand why the land market emerged late in the Swedish agrarian transformation process, in fact well into the nineteenth century while agricultural transformation occurred much before, heralded by rising incomes for peasants, the strengthening of property rights through enclosures, as well as new ways of managing land, and the introduction of new crops and new tools. Ricardo Robledo showed that the logic of the *mayorazgo* led to a process of property concentration and gave power to managers to administer, inefficiently, the losses or the stagnation of the major *estates* in their own interests. Since the assets used as loan guarantees were entailed, the gentry found it increasingly difficult to borrow money and the *mayorazgo* turned out to be an obstacle to the lending of money and the improvement of agriculture.

The fifth and final session took place on the Saturday afternoon. Three papers, Richard Hoyle, Danilo Gasparini and Christine Fertig's were discussed by Maurice Aymard. The original purpose of Richard Hoyle's paper was to find figures of the mobility of land in England between 1540 and 1700, using the number of transactions registered on the Close Rolls and the number of Feet of Fine for two counties. Hoyle's evidence showed that the activity of the land market increased between c.1540 and c.1610 after which there was a slow decline to 1700, and that a collapse of the market during the English Civil War was the most marked feature of the data. Danilo Gasparini stressed the importance of the expansion of Venetian "patriciat" property by buying estates on the "Terre Ferme" from the sixteenth century onwards. He set out the contractual nature of the management structures and their consequences for agricultural production and specialisation in the Venetian country. Starting from the case of two villages (Löhne in the eastern part of Westphalia, Borgeln near the Ruhr area), Christine Fertig discussed which parts of rural society benefited from emerging land markets and access to real estate in the nineteenth century as well as the kind of social networks which enjoyed a real influence on the accumulation of landed property.

Gérard Béaur, then Jean-Michel Chevet, Maria-Teresa Perez-Picazo and Phillipp Schofield set out their own conclusions in relation to the workshop before the session was closed.

Assessment of results

The organizers recalled once again the main themes of this workshop: the potential research relationship between property rights, market in land and economic growth. This also allowed consideration of the institutionalist theories which consider that institutions are the tools for economic change. In this respect, the project was a return to the agenda of the enlightened reformers, the Spanish ones for instance, who had perceived change in the property system as a necessary condition for economic progress. They wanted to give added impulse to the market in land in order to select the best farmers, the best 'entrepreneurs', to improve agricultural production.

What then were the results of this workshop, taking into account the facts that no less than ten countries were represented in presentations and that the chronological spread covered more than seven centuries? A list of limitations was constructed, constraints which could be set against the 'liberal' right of individuals in relation to their property. This suggests very particular moments, across space and time separating and distinguishing between a traditional and a modern conception of these issues. We observe, over this long period :

- a) A superimposition of rights over property, but also a hierarchy of rights, variable in time and space and determined by particular types of contract (bail, livello etc).
- b) A superimposition of rights over the enjoyment of property. As regards collective rights or restrictions of use, these include rights of pasturage and of easement. The limits on these rights are fluid and all but ephemeral, practically indistinguishable on occasion from collective or individual rights.
- c) The existence of specific property rights, notably collective ones. Communal goods, for instance, were frequently noted in such ways as use and function.
- d) The presence of legal controls intended to regulate the market : these resided, for instance, in the rights of a middle class as well as with mercantile elites. So regulated, a customary system helped ensure transmission of integral units, as farms, for example.
- e) La permanence de droits liés à des circonstances particulières : la faculté de réméré et l'usage du crédit, qui marquent les limites des découpages classiques et entraînent le marché dans une véritable sarabande de contrats portant sur des fragments de propriété.
- f) The existence of impositions which burdened and determined property rights. These include tithe. Do these impositions encourage a fragmentation of property or are they simple impositions and rights of imposition, which can be extracted without serious implication for the value and quality of landholding?

2) The question of the relationship between these forms of allocation of land and socio-economic explanations which underpin them were also examined. This presents an important contribution to our understanding of property and the mechanisms which permitted agrarian change over a long timeframe and across a broad geographical space. Two themes distinguished the presentations :

- a) Certain papergivers identified a rational characteristic and positivist view of the forms of tenure which they described, tending to relativise the consequences of that landholding ; others, by contrast, characterised these features as catastrophic.
- b) Further, a feature of some presentations was to dismiss the likelihood that, under prevailing conditions, an effective exploitation of the land was possible, crippled as it was by restrictions in the credit market.

However :

c) In certain contexts, it was acknowledged, there were unintentional consequences of these arrangements, including the versatility of contracts, effective in some instances, problematic in others.

d) A degree of complementarity within contract types. The juxtaposition of rights could be maintained in different contexts, dependent on the additional factors within those regional or temporal contexts.

e) In this sense the workshop's presentations illustrated the socially selective effects of contracts which permitted access to partial rights. The role of family and individual strategies had consequences in this sense. Thus, the acceptance or rejection of risk, the availability of necessary information for parties to contracts, and the social status of parties were all of consequence.

The members of the workshop were required to consider the importance of market activity and returned a range of nuanced responses to the following particular questions:

Did market activity depend upon institutional factors?

Did property rights have to ease to permit a functional market?

If so, where should a distinction of that kind be drawn?

What was the market's impact upon specialisation?

It seems, from this, that:

1) Property rights appear to have been not only complex, fluctuating according to identified zones, but undergoing significant transformation in their force across temporal and spatial divides. We could say that it is in the identification of this meaningful variety rather than in the particularities that the real interests resides, and which permits effective comparison.

b) The capacity of institutions and societies to adapt to economic contexts, in relation to the moment and to place allowed either advance or stagnation. Forms of tenure and use which were 'rational, useful, favourable at a given moment could become obstacles and counter-productive at the next. There is logic here, but it can present to the historian as bizarrely diverse and problematic, especially in identifying and describing moments of change, and especially where the historian is faced with particular and partial slices of those moments.

c) There exists no clear and distinct division or contact between the land market and economic growth, even though the presence of the market could exercise a distinct influence in certain contexts.

Future Development of the project

All the results and questions raised by the workshop are intended as the basis for further investigation of this topic.

First, we will organize a second workshop with the same topic which will be held in June 2006 in Aberystwyth (Wales), and where other papergivers will present on these same themes. We will seek papers from eastern and central Europe in order to allow broader comparison. These two workshops have been and will be organized to prepare a session in Helsinki in the framework of the International Congress of Economic History, the main meeting on the field, which occurs every four years and which will take place in August 2006. This session (number 21) will last one full day and consist of the discussion of the 32 papers of the two workshops which will be presented by 9 discussants. A considerable number of researchers have expressed their intention to participate to this important session.

This second workshop will be included in a cost action (A35) in which 20 European countries are involved and this topic will be one of the four proposed for this program. Gérard Béaur is the chair of the action and shall play a central role in the organization of this topic, as will Jean-Michel Chevet, Maria-Teresa Perez-Picazo and Phillipp Schofield while Bas van Bavel is the leader of the working-group. This action will last 4 years and will include 3 workshops directed at the general topic of property rights. The Aberystwyth workshop will be the first and shall be organized mainly by Gérard Béaur and Phillipp Schofield with the collaboration of Jean-Michel Chevet and Maria-Teresa Perez-Picazo. The second will be held in Lisbon in 2007 and the last in Rome in 2008. In each case, we will make a broader investigation. In Lisbon, we shall deal with market and non-market forms of land transactions; in Rome the question of the action of environmental factors on the traffic of land and forms of allocation of land will be stressed as well as its reversal.

The question of the publication of the papers has been raised in Thonon, among the organizers. They have requested that the participants send their paper before the 31th of December either in English or in French. The papers after being duly revised will be edited by the four organizers either in English (Wales University Press) or in French (Presses Universitaires de Rennes), or ideally by both, in the course of year 2007 with the support of the GDR (Groupe de Recherches) Sociétés Rurales Européennes of the CNRS (France).

The final product will become a scientifically reliable contribution to our understanding of economic features and institutional actions not only in the past but in the present also, insofar the phenomenon under observation could be applied to contemporary contexts. It will of course be of the highest interest to scholars in the field but will also be of benefit to those involved in juridical, economical, and historical works and more broadly for all people who are eager to obtain some understanding of modern societies and economies, particularly regarding property and agricultural income.

FINAL PROGRAMME

Thursday 13 October 2005

- 14:00 - 14:30 *Welcome*
- 14:30 - 15:00 **Introduction** **Gérard Béaur**, **Jean-Michel Chevet**, **Maria-Teresa Pérez-Picazo** & **Phillipp Schofield**
- 15:00 - 15:30 **Presentation of the activity of the ESF**
- 15:30 - 16:15 **Mathieu Arnoux**, « Droits communautaires et droits individuels sur les fruits de la terre (France-Angleterre, XIIIe-XVe siècles »
- Markus Cerman**, « Open fields, tenurial rights and the development of the land markets in medieval East-central Europe »
- Rui Santos** and **José V. Serrão**, "Institutional arrangements and functions of tenancy and emphyteusis in Southern Portugal in the late 18th century"
- 16:15 - 16:30 *Break*
- 16:30 - 17:00 Discussant: **Cormac O'Grada**
- 17:00- 18:00 **General Discussion**
- Dinner*

Friday 14 October 2005

- 09:30 - 10:30 **Rosa Congost**, « Derechos de propiedad. Relaciones sociales y desarrollo económico en Cataluña, ss. XV-XX »
- Paolo Tedeschi** « Land Market and Productive Systems in Agriculture in the 19th Century: the Case of the Province of Brescia (Eastern Lombardy) »
- Anne-Lise Head-König** "Les droits de propriété dans les régions de la Suisse centrale (XVIIe-XXe s.): une explication possible des formes diverses du changement économique?"
- Iñaki Iriarte** and **Mikeas Lana**, « Concurrencia y jerarquización de derechos sobre la tierra. Formas de propiedad y desarrollo agrario en la España Contemporánea »
- 10:30 - 10:45 *Break*
- 10:45 - 11:15 Discussant: **Maria-Teresa Perez-Picazo**
- 11:15 - 12:30 **General Discussion**
- 12:30 *Lunch*

- 14:00 - 15:00 **Annie Antoine**, « Les usages collectifs du sol dans les Coutumes de l'Ouest »
- Philippe Jarnoux**, « Contrainte seigneuriale, marché de la terre et changement agraire en Bretagne »
- Paul Servais**, « Biens communaux et mutations agricoles: les contreforts ardennais entre 1750 et 1900 ».
- Luigi Lorenzetti**, « Droits de propriété, changements économiques et rapports sociaux : deux exemples sudalpins au 19^e siècle »
- 15:00 - 15:15 *Break*
- 15:15 - 15:45 Discussant: **Nadine Vivier**
- 15:45 - 17:00 **General Discussion**
- Dinner*

Saturday 15 October 2005

- 09:30 - 10:15 **Pablo Luna**, « Les Lumières hispaniques et les projets de réforme de la propriété »
- Patrick Svensson**, "Commercialisation and Growth in Swedish Agriculture - Property Rights, Land Market, and Enclosures, 1680-1870"
- Ricardo Robledo**, « Managers and Landlords Farmers at the end of Ancien Régime in Spain »
- 10:15 - 10:30 *Break*
- 10:30 - 11:00 Discussant: **Erik Thoen**
- 11:00 - 12:00 **General Discussion**
- 12:00 *Lunch*
- 13:45 - 14:30 **Richard Hoyle**, « Estimating the size of the English land market, 1540-1640 »
- Danilo Gasparini** « " Le Sérénissime capitalisme agraire". Les campagnes de la Vénétie au XVI siècle »
- Christine Fertig**, « Social networks and agrarian resources : the access to land through social relations in 19th century Westphalia »
- 14:30 - 14:45 *Break*

14:45 - 15:15 Discussant: **Maurice Aymard**

15:15 - 16:15 **General Discussion**

16:15 - 17:00 **Conclusion, Gérard Béaur, Jean-Michel Chevet, Maria-Teresa
Perez-Picazo, Phillipp Schofield**

Dinner

Sunday 16 October 2005

Departure

Final List of Participants

Prof. Antoine Annie
Université Rennes 2
Campus Villejean
UFR Sciences Sociales
Département Histoire
Place Recteur Henri Le Moal
CS 24307
35043 Rennes – France
annie.antoine@Uhb.fr

Prof. Arnoux Mathieu
Université Paris-7
UFR GHSS
case 7001
2 place Jussieu
75005 Paris - France
arnoux@ccr.jussieu.fr

Prof. Aymard Maurice
EHESS-MSH
54 bd Raspail
75006 Paris – France
maurice.aymard@msh-paris.fr

Prof. Béaur Gérard
CNRS-EHESS
Centre de Recherches Historiques
54 bd Raspail
75006 Paris – France
beaur@ehess.fr

Prof. Cerman Markus
Universität Wien
Historisch-Kulturwissenschaftliche Fakultät
Institut für Wirtschafts- und Sozialgeschichte
Derzeit karenziert
Dr.-Karl-Lueger-Ring 1
1010 Wien – Austria
markus.cerman@univie.ac.at

Prof. Chevet Jean-Michel
INRA - Unité CORELA,
65 bd de Brandebourg
94205 Ivry-sur-Seine Cedex – France
chevet@ivry.inra.fr

Prof. Congost Rosa
Universitat de Girona
Facultat de Lletres
Plaça Ferrater Moral, 1 – Spain
rosa.congost@udg.es

Prof. Fertig Christine
Westfälische Wilhelms
Universität Münster
Historisches Seminar
Domplatz 20-22
D - 48143 Münster – Germany
christine.fertig@uni-muenster.de

Prof. Gasparini Danilo

Universita degli Studi Di Padova
Dipartimento di Storia
piazza Capitaniato, 3
35139 Padova – Italy
gasparda@tin.it

Prof. Head-Konig Anne-Lise
Université de Geneve
24, rue du Général-Dufour
1211 Geneve 4 – Suisse
Anne-Lise.Head@histec.unige.ch

Prof. Iriarte Inaki
Universidad de Zaragoza
Pedro Cerbuna 12
50009 ZARAGOZA – Spain
iiriarte@unizar.es

Prof. Jarnoux Philippe
Université de Bretagne Occidentale
UFR Lettres & Sc. Sociales
Dép. d'Histoire
20, rue Duquesne
CS93837
29238 Brest Cedex 3 - France
Philippe.Jarnoux@univ-brest.fr

Prof. Lorenzetti Luigi
Istituto di Storia delle Alpi
Universita della Svizzera italiana
Via Lambertenghi 10
CH-6900 Lugano – Switzerland
luigi.lorenzetti@lu.unisi.ch

Prof. Luna Pablo
Université Paris 4
UFR Etudes Ibériques
1 rue Victor Cousin
75230 Paris - France
Pablo-F.Luna@paris4.sorbonne.fr

Prof. O Grada Cormac
UCD School of Economics
John Henry Newman Building
University College Dublin
Belfield, Dublin 4 – Ireland
cormac.ograda@ucd.ie

Prof. Perez Picazo Maria Teresa
University of Murcia
Dpto. De Economia Aplicada-A4.06
Facultad de Economia y Empresa
Campus de Espinardo
30100 Murcia – Spain
mtpicazo@um.es

Prof. R W Hoyle Richard
School of History
University of Reading
Whiteknights, PO Box 218
Reading, RG6 6AA - UK
r.w.hoyle@rdg.ac.uk

Prof. Ricardo Robledo Hernandez
Universidad de Salamanca

Historia Economica
Patio de Escuelas 1
37008 Salamanca - Spain
rrobledo@ono.com

Prof. Santos Rui
Universidade Nova de Lisboa
Faculdade de Ciências Sociais e Humanas
Departamento de Sociologia/Instituto de Sociologia Histórica
A. Berna 26-C
1069-061 Lisboa Portugal
rsantos@fcsb.unl.pt

Prof. Schofield Phillipp
University of Wales Aberystwyth
Department of History and Welsh History
Hugh Owen Building
Penglais
Aberystwyth
Wales UK - SY23 3DY
prs@aber.ac.uk

Prof. Servais Paul A.G.
Collège Erasme
Place Blaise Pascal, 1
1348 Louvain-La-Neuve – Belgium
servaispaul@yahoo.fr

Prof. Svensson Patrick
Dept. of Economic History
Lund University
P.O. Box 7083
S - 220 07 Lund - Sweden
patrick.svensson@ekh.lu.se

Prof. Tedeschi Paolo
Università degli Studi di Milano
Campus Bicocca
Piazza dell'Ateneo Nuovo, 1
20126 Milano – Italy
paolo.tedeschi@unimib.it

Prof. Thoen Erik
Universiteit Gent
Faculteit Letteren en Wijsbegeerte
Vakgroep
Middeleeuwse Geschiedenis
Blandijnberg 2
B-9000 Gent – Belgium
erik.thoen@Ugent.be

Prof. Vivier Nadine
Université du Maine
Faculté des Lettres et Sciences Humaines
Avenue Oliver Messiaen
72085 Le Mans Cedex - France
Nadine.Vivier@univ-lemans.fr

Statistics on Participants

Nationality	Contributors	Discussants	Organizers	Total
Austria	1			1
Belgium	1	1		2
France	4	2	2	8
Germany	1			1
Ireland		1		1
Italy	2			2
Portugal	1			1
Spain	3		1	4
Sweden	1			1
Switzerland	2			2
United Kingdom	1	(1)	1	2
Total	17	4	4	25

Age Range

30-40	4
40-50	9
50-60	9
60-70	3