CALL FOR ARTICLES

ABANDONED PROPERTIES: CRISIS AND LIABILITY

This call for articles is addressed to researchers in history and social sciences and aims to address the following question: what happens when things, during and after a period of crisis, remain temporarily or definitively «without an owner»? ~~The objective of~~ this dossier aims at exploring the precise conjunctures and responses that each society, in different periods and geographical areas, offers to the problems resulting from the absence of the owner.

Epidemics, wars, natural disasters, famines, and economic crises frequently lead to the disappearance or emigration of entire families and communities. These crises are often drivers of conflicts and reconfigurations in property relations, in relations between people and things, between people and local resources. Focusing on the absence of the owner is a way of observing, from an «extra-ordinary» point of view[1], how communities try to respond to the problem of social discontinuity and patrimonial refusal in order to prevent the dissipation of resources[2].

A profitable research path, then, is to explore the close relationship between property rights and liabilities: In the absence of the owner, who assumes the rights and obligations associated to the ownership of things? Who is liable for their care and maintenance?

The topic of the management of abandoned and unclaimed property has a long history and raises many problems triggering the birth of corporate bodies, associations, institutions, and jurisdictions, entrusted with the management of the relationship between things and people. In the Western world, since ancient times, authorities have attempted to appropriate property left without an owner. In the Roman world, property without an owner fell into the Populus' coffers (the *erarium*) and then into that of the prince (the *fisc*). Acquisitive prescription responded precisely to the demand to sanction the defaulting owner and to reward the occupant who, by his work, improved the good[3]. Since medieval times, the monarchical authorities have tried to assert their jurisdiction over abandoned property, by expropriating and re-assign-

ing them, leading to intense clashes with other social and local bodies (religious, seigneurial, territorial, domestic) who claimed its possession.

Behind these possessions without an owner, the whole legal and economic order is at stake: as Simona Cerutti emphasizes, each inheritance must have an heir, so that credit relations, the payment of taxes, and in general all rights and duties associated with the property are satisfied, and local resources are not wasted[4]. Consequently, the magistracies of the cities and states of the European *ancient régime* were entrusted to find the owners of property left without an owner, in the event of death or the heirs' refusal to accept the inheritance[5].

The abandonment of villages and entire regions in the contemporary world testifies to a resurgence of these questions. The problem of abandoned houses, in societies with large numbers of elderly people such as Japan, is increasingly pressing[6]. In France, the recent change in the legislation on the allocation of property without an owner (law of August 13, 2004 relating to local autonomies and liabilities) responds to the repeated demands of local town councilmen to incorporate these assets into municipal property and thus support their local finances assets[7]. The regime of vacant estates has also just been modified in order to absorb this increasing burden.

The authors of this call for articles invite all researchers, in particular, to focus on the following topics:

Who abandons ownership, how and in what context? How do individuals, families, communities, and various authorities react to the problem resulting from the lack of owner or heir? How to collect the taxes, what to do with the collapsing buildings, how to find the missing owners?

When vacant properties exceed 20% of the housing units in a municipality, it is common to hear that «the market is stopping». The value is close to zero or even negative since the cost of maintenance, taxes, or even demolition is greater than the real estate value: property, in this case, more than capital, is a burden[8]. How do the authorities – often called upon by neighbors, creditors, and various interested parties – act to restore order into the market? How to re-infuse value to goods that risk ending up off the market? What transactions, formal and informal, are generated by abandoned goods, by their management and occupation (legal or illegal)?

Finally, if economic history has analyzed the relationships between mortality crisis and redistribution of property from a macroeconomic point of view, the analysis of micro-conflicts generated by the management of abandoned property, ruined property, and property without an owner remains to be done. All proposals aimed at analyzing the concrete

practices of appropriation and the conflicts that the disappearance of people entails within communities and families, as well as the attraction that these possessions without an owner exert on «foreigners», with the consequence of redefining boundaries of local affiliations, will be welcomed.

Abstract Submission Deadline: October 1st, 2021.

ALESSANDRO BUONO
Dipartimento di Civiltà e Forme del Sapere
Università di Pisa
alessandro.buono@unipi.it

EMILIA SCHIJMAN
Centre Maurice Halbwachs (ENS-EHESS-CNRS)
Centre National de la Recherche Scientifique
emilia.schijman@ens.fr

Note al testo

1 Y.THOMAS, *L'extrême et l'ordinaire. Remarques sur le cas médiéval de la communauté disparue*, in J. REVEL, A. PASSERON (dir.), *Penser par cas*, Paris 2005, pp. 45-73.

2 A. BUONO, L. GABBIANI (dir.), *Sous tutelle. Biens sans maître et successions vacantes dans une perspective comparative, XIIIe-XXe siècles*, in «L'Atelier du Centre des Recherches Historiques», 22/2020 (edizione elettronica, 25 novembre 2020, https://doi.org/10.4000/acrh.10893).

3 F. LEVESQUE et M. CLOUTIER, *Lorsque le temps est l'ennemi de notre bien: les fondements et les origines de la prescription acquisitive en matière immobilière*, in «Les Cahiers de droit», 58/4 (2017), pp. 789-818.

4 S. CERUTTI, *À qui appartiennent les biens qui n'appartiennent à personne ? Citoyenneté et droit d'aubaine à l'époque moderne*, in «Annales. HSS», 62/2 (2007), pp. 355-83; EAD., *Étrangers. Étude d'une condition d'incertitude dans une société d'Ancien Régime*, Bayard 2012.

5 T. KUEHN, *Law, Death, and Heirs in the Renaissance: Reputation of Inheritance in Florence*, in «Renaissance Quarterly», 45/3 (1992), pp. 484-516; ID., *Heirs, Kin and Creditors in Renaissance Florence*, Cambridge 2008; C. PÉRÈS (dir.), *Renonciations et successions: quelles pratiques?*, Defrénois 2017; A. BUONO, *The King Heir. Claiming vacant estate succession in Europe and in the Spanish World (13th-18th centuries)*, in *Sous tutelle* cit.

6 N. KADOMATSU, J.J.JR. KELLY, R. MELOT, A. PILNIOK. (eds), *Legal Responses to Vacant Houses. An International Comparison*, New York 2020; T. KUBO, Y. YUI (eds), *The rise in vacant housing in post-growth Japan: housing market, urban policy, and revitalizing aging cities*, New York 2020.

7 J. PENTECOSTE, *Les collectivités locales et les biens sans maître. Guide juridique et modèles d'actes d'incorporation*, Voiron 2016.

8 E. SCHIJMAN, *A qui appartient le droit? Ethnographier une économie de pauvreté*, Paris 2019.