Property rights and their violations
Expropriations and confiscations, 16th–20th Centuries
La propriété violée
Expropriations et confiscations, XVIe–XXe siècles

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Introduction – Property and Its Antithesis: Confiscations and Expropriations at the Heart of History

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Men more quickly forget the death of their father
than the loss of their patrimony

In recent times the history of the right to property has aroused renewed interest among scholars. In the wake of the frenzy of legal changes introduced by new emerging countries and by the European economies in transition¹, historians and social scientists are once again focusing their investigations on the evolution of one of the cornerstones of capitalism and modernity: the right to private, absolute and exclusive property, as framed in Europe by the 19th century codifications².

The formidable number of studies generated on ownership and property have tended to focus mainly on two main questions: the ways in which private and individual property emerged to the detriment of collective property, a concept which a number of scholars believe to be completely inadequate³, and

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¹ In particular, we are referring to China or Eastern Europe countries: both of these areas have seen significant changes to their property-rights systems: by way of example see Colombatto Enrico, Macey Johnatan, “Lessons from Transition in Eastern Europe. A Property-Rights Interpretation”, in *International Bulletin*, vol. I, n. 1 (1997), pp. 23–29, and Oi Jean, Walder Andrew (eds.), *Property rights and economic reform in China*, Stanford, Stanford University Press, Stanford, 1999.


³ Think of the huge amount of literature available on the history of the Enclosures, from the classic works of Marc Bloch to more recent studies such as Allen Robert’s, *Enclosure and the Yeoman. The Agricultural Development of the South Midlands, 1450–1850*, Oxford, Oxford University Press, 1992; Neeson J. M., *Commoners. Common Right, Enclosures and...*
the impact of this process in terms of economic efficiency and improvement of the institutional systems\textsuperscript{4}.

While not eschewing the important results of these lines of study, they tend to fatally overlook the “other side of the story”: the restrictions imposed on the individual’s right to property over the centuries to the benefit of the collectivity, a subject which has been the object of decidedly fewer studies\textsuperscript{5}.

The works gathered in this volume – fruit of an international conference held at Mendrisio in September 2010\textsuperscript{6} – attempt to shed light on this little


\textsuperscript{5} See Jacquot Henri (sous la dir de), \textit{Histoire de l’expropriation du XVIII\textsuperscript{e} siècle à nos jours}, \textit{Actes de la 1\textsuperscript{ère} Journée d’études historiques du Laboratoire collectivités locales}, Orléans, 13 May 1996, Orléans, Laboratoire collectivités locales, 1997. Although it deals exclusively with France, reference should also be made to the classic work of Halbwachs Maurice, \textit{Les expropriations et le prix des terrains à Paris (1860–1900)}, Paris, Rieder, 1909, and to Laccè Luigi, \textit{L’espropriazione per pubblica utilità. Amministratori e proprietari nella Francia dell’Ottocento}, Milano, Giuffrè, 1995.

\textsuperscript{6} The conference, held on 24 and 25 September 2010 at the Laboratorio di Storia delle Alpi at the Università della Svizzera Italiana, was financed by the Swiss National Foundation (SNF), which the organizers thank. The texts published here are a selection of the reports presented on that occasion.