
Editorial

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Abstract: Property regimes shape the social relations, in particular, social settings, and represent an important element for external intervention and sustainable rural development. The introduction recalls common aspects and specific conceptualisations of property analysis in the field of economics, sociology and social anthropology and summarises main academic discourses about property rights in order to develop a differentiated understanding of property. In Section 1, general trends in property relations characterising modern rural societies are outlined. It is argued that economic and social changes in rural areas have brought about a process of revalorisation of rural property objects. Property rights can be a useful analytical concept to scrutinise and understand the transformation processes in rural areas and, moreover, a concept that has meaning in everyday talk. More important than accounting new property objects is the notion that revalorisation is connected with shifts in the balance of rights and obligations, of benefits and costs, and with qualitative changes of internal and outward social relations of rural societies.

Keywords: agriculture; development; inequality; knowledge society; land ownership; modernisation; natural resources; property objects; property rights; revalorization; rural change; rural policy; sustainability.

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1 Introduction

Rural areas in developed societies have undergone a fundamental transformation in recent decades which have also changed the societal resource use interests and ideas on a 'fair' allocation of associated rights, obligations, benefits and liabilities. Property regimes shape the social relations in particular social settings, and represent an important element for external intervention and sustainable rural development. In this context, the objectives of this special volume are twofold. First, we consider rural property rights not only a useful, but also a necessary requirement to understand conflicts about rural resources and to construct policies that intend to promote sustainable rural development. Second, we specifically want to illustrate that processes of rural change can be understood as processes of revalorisation of rural property objects.

The focus on property rights in rural research is not new. Land reforms and land ownership have been on the agenda of rural researchers from the very beginning of modern rural research. Some of the arguments have also found recognition in the academic and public debate about resource management or rural development. However, while there is some discussion on land reform and property rights in developing and transition countries, comparatively little research on rural property in Western societies and particularly in Europe has been undertaken in recent years. Quite to the contrary, even rather conventional analyses of rural land markets have become a rare undertaking, particularly in European rural research. In addition, much of the analysis is bounded by narrow disciplinary agronomic borderlines, ignoring the state of discourse in other disciplines.

The lack of research appears to have a number of causes. On one hand, the historical focus on land ownership seems to support a view that in face of a declining agricultural sector, property research can be considered as a historically resolved issue in most developed countries (Blomley, 2005). This is upheld by the simplified neo-liberal claim for privatisation of property rights. Accordingly, much of the research undertaken in rural Europe in recent decades has focused on post-socialist privatisation (Turnock, 1998; Swinnen, 1999; Hann, 2003). On the other hand, post-modern and -material thinking in sociological theory seems to have encouraged a prognosis that land property does not matter in globalised knowledge societies. Such arguments are based on an unjustified focus on the property object land alone, on a superficial conceptualisation of property rights and also overlook the consequences of substantial rural change.

Here, we assert that property rights are a useful analytical concept to scrutinise and understand transformation processes in rural areas and, moreover, a concept that has meaning in everyday talk. Property rights are in the centre of current rural dynamics and conflicts. We argue that economic and social changes in rural areas have brought about a process of revalorisation of rural property objects. Revalorisation means that new property objects receive increasing interest, while other property objects that have long been important have lost social significance. However, more important than accounting new property objects is the notion that revalorisation is connected with shifts in the balance of rights and obligations, of benefits and costs, and with qualitative changes of internal and outward social relations of rural societies.

The editorial is structured as follows. First, we recall common aspects and specific conceptualisations of property analysis in the field of economics, sociology and social anthropology. The main intention of this section is to briefly summarise the main academic discourses about property rights in order to develop a differentiated

understanding of property. Second, we outline general trends in property relations characterising modern rural societies. In the final section we briefly introduce the papers in this special issue.

2 Theoretical approaches to rural property and its revalorisation

Rural property rights are discussed in economics, sociology, social anthropology and increasingly also in geography. We understand rural property as property related to natural resources, in particular land, and products of primary production and other services related to these resources. The following paragraphs will distinguish between economic and sociological–anthropological approaches. The two differ in the way property relations are conceptualised, the main research questions and the research approaches. Yet the disciplinary boundaries are not always clear, as property rights analyses are generally located at the edges of or between different disciplines. It is not the purpose of this editorial to provide an extensive examination of the differences and similarities of various research traditions. Rather, we try to address the main issues in property research related to agriculture, nature and rural development. After that we discuss causes and the process of revalorisation.

Most economists start from the assumption of isolated, utility-maximising actors and social interaction as exchange and/or contractual relations. Their research focus is on an optimal allocation of property rights in a resource system in order to make efficient use of scarce resources (Bardhan, 1989; Swinnen, 2002; Castle, 2003; Papageorgiou and Turnbull, 2005). Limitations of individual actors have been reflected in the concept of bounded rationality. Economists view property rights under the premise of efficient allocation and emphasise the production function of rural resources. There is a kind of common sense among mainstream economists that well-defined and -defended private property rights enhance growth and economic development. Privatisation and the establishment of land markets therefore have been considered as prerequisites of rural development.

“The evolution of land property rights from the vaguely defined communal or tribal forms toward the modern individualistic concept of private property increased the efficiency of investment in capital improvements applied to land”. (Papageorgiou and Turnbull, 2005, p.272)

Sociologists and social anthropologists mostly start from a constructivist premise that values and utilities as well as individual practices are shaped by culture and institutions and imprinted in social practices through processes of socialisation (von Benda-Beckmann, 1995; Geisler, 2000; Geisler and Danecker, 2000; Carruthers and Ariovich, 2004; von Benda-Beckmann, von Benda-Beckmann and Wiber, 2006). Property rights are seen as socially constructed. The conclusion of this is twofold. First, institution-building means constructing a social definition of reality, so that certain courses of action are taken for granted as the ‘right’ if not the only way to do things (Scott, 2001). Second, interactions with regard to property are embedded in social relations (Hann, 1998), and thus the definition of property rights and property-related practices are dependent on the social context. Therefore, society itself forms an entity that can and has to be analysed independently of individual actors’ behaviour. In the most radical view, the legal system itself constitutes an auto-poetic social entity that follows its own rationale independently

of specific action situations (Luhmann, 1987). Sociological and anthropological research focuses more strongly on legal practices ('living law') and social inequalities. Therefore, social scientists have been much concerned with access (Berry, 1989; Ribot and Peluso, 2006) and individual entitlements to make use of a resource (Leach and Mearns, 1999; Singer, 2000).

Although the main disciplinary distinctions have been relatively stable over recent decades, some considerable cross-disciplinary conceptualisations of property have evolved. Much of this research has been inspired by the rise of, and progress made in, institutional economics and public choice theory, on the one side, and new economic sociology inspired by network analysis, on the other (e.g. North, 1991; Smelser and Swedberg, 1994; Williamson, 1985). Although these developments have not broken down the disciplinary boundaries, they have led to concepts such as transaction costs (Demsetz, 1967; North, 1990; Williamson, 1994) and social capital (Dasgupta and Serageldin, 2000; Woolcock, 1998), which have found general recognition, allowing for increasing interdisciplinary exchange. They have also contributed to a new interest by economists in public and common goods, particularly in the context of sustainability research (Bromley, 1991; Hodge, 2007; Ostrom, 1990). Therefore, some common ground can be found in the conceptualisation of property rights and its elements and analytical layers.

Property defines a social relationship between actors with regard to a valuable property object (von Benda-Beckmann, von Benda-Beckmann and Wiber, 2006; Bromley, 1991; Carruthers and Ariovich, 2004). The values may be material/tangible (e.g. food) or immaterial/intangible (e.g. religious, informational, aesthetic values). Property objects may be used as inputs for the production process or as consumables. Property defines various rights (and duties) with regard to the property object in question. This is reflected in the metaphor of *bundle of rights*, which has found cross-disciplinary recognition (von Benda-Beckmann, von Benda-Beckmann and Wiber, 2006; Bromley, 1991). Various typologies exist that distinguish different property rights. The most common, originating in Roman law, is the distinction between the right to make use of a property object (*usus*), the right to make use of the yield (*usus fructus*), the right to change a resource (*abusus*) or the right to transfer.

In some cases, a resource, such as land, may offer diverse valuables, each of which may constitute a property object (Lippert, 2002). In such circumstances, land ownership may be connected with some rights (e.g. to use the land for farming purposes), but limited in relation to others (e.g. hunting). Also land ownership is sometimes restricted to making use of the surface, while that which is under the surface may be allocated to somebody else. Schlager and Ostrom (1992) have conceptualised a detailed schema for arraying property rights regimes that distinguishes among diverse bundles of rights and holders of these rights with regard to common property. They distinguish between operational and collective choice rights. Operational rights are access and withdrawal rights. On this basis, the authors distinguish between owners, proprietor, claimant and authorised users. Hence, different property rights in a resource may be allocated to different actors. In addition, partial rights may be transferred. Tenants hold the right to make use of the yield, but usually no other rights. Further, property rights may differ in quality and durability. Land ownership in many societies can be understood as a "master right" (von Benda-Beckmann and von Benda-Beckmann, 1994), which expresses the fullest range of rights that are bundled with the legal property category. Taking into account also the different obligations, risks and liabilities connected with property titles,

it becomes apparent that property rights to rural resources can define relatively complex social settings. Because of this, some authors prefer to talk from property regimes with regard to resource systems.

The 'bundle of rights' metaphor highlights the fact that various actors can be connected through a single property object. Much attention has also been paid to the characteristics of these actors themselves. Most commonly, private, collective and state ownership is distinguished. Some confusion derives from a sometimes incoherent separation of those groups. On the one hand, these terms focus on a distinction between individuals and collectives; on the other hand, they refer to state and private sector relations.

However, regarding the characterisation of property objects as either public or private goods can also be ambiguous and confusing. In a commonly applied economic definition, goods are defined by the characteristics excludability and rivalry (Samuelson, 1954). In the case of a private good, rivalry in consumption exists, while it is possible to exclude actors from access. Private in this sense defines only that ownership of a good *can* be allocated to an individual actor. It does not necessarily imply that the owner has to be a private person (a natural human being). The owner may be the state or a collective (e.g. company, community). Similarly, public goods are defined by the absence of consumer rivalry and excludability. Again, public goods in many cases imply collective or no ownership rather than state ownership. Similarly, private actors may provide public goods. However, despite such inconsistencies, in the political debate in the European Union (EU) and the World Trade Organisation (WTO), the distinction between public and private goods is of particular relevance, since the legitimisation of agricultural subsidies is limited to non-trade concerns of agriculture that are again generally restricted to public goods provisioning (Lowe and Baldock, 2000; Vanslebrouck and Huylenbroeck, 2005).

For sociologists and social anthropologists, property is fundamental to the understanding of social stratification and inequalities. The conventional view among rural sociologists is that almost any social problem in rural areas can be traced back to land regulation and ownership structures (Planck and Ziche, 1979). The conversion of common or public into private property has often been criticised since such collective forms of ownership have guaranteed at least some access to resource usage to the landless poor. The allocation of property rights may also differ according to ethnicity, religion and gender. However, despite the significance of (formal) property rights for resource usage, the resource use practices may be shaped by other factors, too. To capture those flexibilities and dynamics, some authors have tried to extend the concept of property. Thus, Leach and Mearns (1999) have suggested distinguishing between 'endowments' – as the rights and resources an actor has – and 'entitlements' as the legitimate effective command over alternative commodity bundles. Ribot and Peluso (2006) have emphasised that resource access and resource usage is not shaped solely by property rights, but mediated by a set of other conditions such as access to capital, labour, knowledge, identity and social relationships. They also stress that illegal access is not only a possible, but a common feature of social realities.

Across disciplines there is a common sense that property requires some legitimate authority to install, protect and enforce property rights (and duties). In modern societies, the main authority is usually the state. However, the role of the state is viewed very differently by the different disciplines. For mainstream economists, the role of the state is to properly define and ensure property rights. Property rights structures are often assumed

as givens in economic models. Sociologists, social anthropologists, but also institutional economists have challenged this view. With the concept of transaction costs, institutional economists highlight the relevance of the costs of monitoring and enforcing rights and obligations (North, 1990; Williamson, 1985). They argue that the characteristics of action situations and the property objects in question call for diversified governance structures and accordingly different property regimes.

In the tradition of Eugen Ehrlich's sociology of law, sociologists, and particularly social anthropologists, have emphasised that beyond state law other sources of legitimisation and legal practices exist (von Benda-Beckmann, 1995; von Benda-Beckmann, von Benda-Beckmann and Wiber, 2006; Geisler, 2000). Property rights derive from generalised rules that have to be interpreted in concrete action situations. Therefore, formal rights have to be distinguished from (informal) rights in practice, or rights *de jure* from rights *de facto* (Carruthers and Ariovich, 2004). It is partly with respect to the contingency of property rights that *de facto* rights may differ from formal rights. Ideology, various (sometimes contradictory) legal acts from the international to the regional level, actual relations and practices are the forums in which property rights are negotiated and processes of institutionalisation take place (von Benda-Beckmann, von Benda-Beckmann and Wiber, 2006; for an overview see also Gill, this issue). Property rights are not static norms which the actors follow, but are constantly (re)constructed. While according to their state-centred view, economists tend to focus on top-down processes of property rights reform, other social scientists, and in particular anthropologists, have highlighted property dynamics on the ground and from the bottom up (von Benda-Beckmann, von Benda-Beckmann and Wiber, 2006; Lund, 2002).

Property relationships are also characterised by the conditions and procedures under which property rights can be acquired, maintained and transferred. In principle, we can distinguish market and non-market transfer of property rights. For durable property, such as land, the intergenerational transfer through inheritance is particularly important. Land markets generally show some particular features that derive from a lack of market transparency, the linkages between land and other resources (capital, technology and knowledge) and the multiple social and economic functions and the immobility and durability of land (Hurrelmann, 2002). Land markets usually respond slowly to market changes and therewith contribute to economic difficulties in the primary sector.

Starting from this compound understanding of property rights, the revalorisation of property objects has various implications. We may distinguish origins and outcomes of revalorisation. From an economic perspective, revalorisation of property objects is caused either by changing consumer preferences or by resource shortages. The latter may result from either absolute shortages (e.g. in the case of non-renewable resources) or relative shortages/abundance due to technological progress. In conventional economic thinking, all those processes are exogenous and imply shifts of the demand and/or the supply curve on the relevant markets, and as a consequence would lead to changing price relations for revalued property objects. New property objects require the clarification and institutionalisation of property rights and the creation of new markets. Otherwise externalities would lead to inefficiencies. From a sociological perspective, preference changes and (alternative) pathways of technological progress are often included in the analysis and, hence, treated as endogenous variables, and outcomes of property revalorisation are judged by their distributional effects. However, changes in the biophysical environment are also treated as exogenous causes.

Beyond such static perception that pays attention merely to the starting and terminal points of the evolution of property rights, what “should seize our interest is the movement, the process between these ideal constructs” (Lund, 2002, p.18). Revalorisation should be understood as a dynamic, more or less conflictual negotiation process. The papers in this volume are examples of such a dynamic perspective. In this view, actors may stake a property claim and seek recognition through negotiation by legitimate political institutions. Negotiation may take place as a formalised, legalised procedure, but beyond that “comprises all sorts of tactical and strategic manoeuvres that affect the outcome in terms of changing, transforming and solidifying” (Lund, 2002, p.18) a property claim. More complexity in the process of property negotiation derives from the fact that political-administrative systems themselves are no static entities. They may have an overlapping field of jurisdiction, multiple purposes and are platforms for political competition. Political-administrative systems therefore are not only forums for claimants to negotiate property, but they may use disputes for their own political ends. They are also actors in the arena of property relations.

3 Rural change in advanced societies and revalorisation of rural property objects

In the following we want to briefly sketch rural change in contemporary Europe and reflect on some general tendencies of revalorisation and related shifts in property patterns. Rural areas have undergone fundamental changes in recent decades, which can be conceptualised as revalorisation of new or old property objects. A main driver for change in rural areas is rapid technological changes in the primary sector, in particular agriculture. Technology-driven agricultural modernisation is going along with a disconnection of agriculture from its local resource base (van der Ploeg, 1991). As a consequence, we observe an increasing spatial segregation, with intensification in some and agricultural marginalisation in other areas (EEA, 2006). Both cause significant unwelcome environmental and landscape effects. In addition, changing food consumption patterns have increased the demand for food processing and additional services. This has allowed for fundamental restructuring of the rural economy itself, but also shifting urban–rural relations (Watts, 1996; Marsden, Banks and Bristow, 2000; Murdoch, Marsden and Banks, 2000; Watts, Ilbery and Maye, 2005).

In rural geography and sociology another fundamental pattern of rural change has been discussed under the notion of consumptive or post-productivist countryside (Halfacree, 1994; Marsden, 2003; Mather, Hill and Nijnik, 2006), that is that agricultural production is increasingly contested by other ‘consumptive’ land use interests, such as nature conservation, environmental protection, and recreation. Consumptive land-use interests supported by improved rural infrastructures have brought about significant shifts in permanent and temporary mobility patterns, such as counter-urbanisation (Halfacree, 1994) or amenity migration (McCarthy, 2008), second homes (Hall and Müller, 2004) and tourism, and therewith altered the structure of actors in the countryside.

These technological, environmental and consumptive changes trigger revalorisation processes of and property negotiations about (new) valuables, such as clean water, beautiful countryside, plant genes, organically produced or GMO (genetically modified organism)-free food, geographical indications, etc. and initiated a quest for the

recognition of property rights in them. Such processes are what we consider as 're-valorisation of rural property objects'.

The contemporary revalorisation of rural property objects shows some general features, five of which we want to discuss in the remainder of this section. First, it is notable that many property objects in question are immaterial (labels, patents, bonds). Similar to the wider development towards a post-industrial knowledge society as described by sociologists (Carruthers and Ariovich, 2004), rural change seems to reflect a shift from material to immaterial values.

Second, with regard to the actors involved, revalorisation of rural property objects is about reshaping the relations between non-rural and rural actors (defined as actors whose livelihood depends more or less directly on use of rural resources (Tovey, 1998)) rather than relations among rural actors. Hence, a major impulse for revalorisation processes appears to derive from the interest of non-rural actors in gaining control over rural resources (e.g. in the case of environmental protection, landscape or genes) and, accordingly, also from the counter-movement of rural actors to maintain control (e.g. in the case of geographical indications or organic farming). However, the ability of rural areas to counteract is unevenly distributed. This is reflected in growing spatial disparities (Murdoch et al., 2003; Marini and Mooney, 2006).

Third, there is the search for the rural idyll and a growing appreciation of the aesthetic value of the countryside, but also the discovery of and publicity given to the thread of degradation and the fragile future of nature (Goldman, 1998): scientists and policy makers are directly challenging the rights of private land users as against the rights of the general public, most of them non-land holders, and their recreational and aesthetic needs. Landowners are confronted with more and more restrictions defined by public law and liabilities towards the general public. In this context, Aznar and Perrier-Cornet (2004) refer to "publicization of rural areas".

Fourth, there is a significant change of the political-institutional arenas in which property rights are negotiated. Negotiations are taking place in a complex multi-level institutional setting of regional, national and evolving supra-national institutions. Property negotiations over new valuables are arenas for new international organisations to define and broaden their influence. For example, environmental regulation is a comparatively new political arena, which the EU has used to expand its own political influence (Jordan et al., 2003). Free trade agreements discussed in the WTO are reshaping rural property relations. Despite all efforts to arrive at more local, community-based forms of resource management, von Benda-Beckmann (2001, p.310) notices an increasing 'deterritorialisation' (Appadurai, 1990) of property rights and dissociation of managerial and governance organisation from the spatially grounded land – through the globalisation of environmental values and the construction of common goods at world scale.

Finally, the justification of property claims as well as forms of negotiation has also changed on the local level. New groups have altered the terms and focus of the rural policy discourse. In small-scale disputes over barn conversion, blocked footpaths, street lighting or tree felling, and larger-scale conflicts over new roads, wind farms, waste dumps and major housing developments, the appropriateness of these to the rural setting and their impact on the rural character are commonly evoked alongside issues of environmental impact, pollution, noise disturbance, traffic, property devaluation, etc. (Woods, 2007). Stahl et al. (this issue) illustrate how state and local actors devote significant effort to justifying their claims on rural resources, linking their material

practices to larger social norms, such as sustainable development, economic prosperity, historical justice and peaceful relations. Changing policy regimes and social priorities have also called for new approaches to rural governance (Rhodes, 1996; Hodge, 2001, 2007; Little, 2001; Marsden, 2003; Woods, 2007) and therewith have redefined forms, arenas and practices of rural property negotiation on the local level.

4 Empirical and theoretical analyses of the revalorisation of rural property objects – the four articles

The general topic of this special issue is well elaborated, theoretically and empirically, in the four articles following this brief introduction. They are the outcome of the ‘Rural Property Network’ that examines contemporary processes of rural transformation and differentiation. The network seeks explicit comparisons of empirical cases and theoretical work from scholars of diverging disciplinary backgrounds. The four papers compiled in this special issue shed light on several transformation processes characterising contemporary rural life in Europe.

The first article represents an example of property conflicts in changing and interacting political institutional arenas on the international level. Bernhard Gill describes the negotiation and definition of new property rights as they emerge in the genetically and non-genetically modified controversies in the USA and EU/Japan. He analyses the different property claims and shows how the different claimants try to legitimise them. Gill argues that the worldwide dispute can be seen as a ‘battle between two types of ‘immaterial’ property rights’ entering the farm from both sides of the value-adding chain: the intellectual property rights ‘are penetrating ‘from below’, literally through the seeds’, the brand property rights ‘from above’ through consumer demand for authentic, natural and regional food ‘mediated by retailer chain strategies and market access regulations’ (Gill, this issue). Indeed, the genetically modified case illustrates the general conflict between the Fordist bulk commodity strategy and the ‘multifunctional’ European food model. On the one hand, we observe a ‘general revalorisation of nature and traditional rural life, with its consequences on food demand, green housing and eco-tourism’. On the other side, we find ‘a science- and innovation-orientated model of safety and health’ (Gill, this issue).

The other three papers exemplarily analyse processes of property negotiation in sub-national rural contexts. Dik Roth and Madeline Winnubst give an example of new rural governance and the publicisation of rural resources. They show how a change in the Dutch flood policy towards ‘Room for the River’ influences the negotiation of property rights at the farm level. Furthermore, this case illustrates the challenges and uncertainties that come with an open participatory process compared to a hierarchical ‘command and control’ style. The authors argue that security against flooding is rapidly becoming a public good.

Johannes Stahl, Thomas Sikor and Stefan Dorondel deal with the institutionalisation of biodiversity as object of international value, and the associated implication on local land use in two national parks in Romania and Albania. Like the former paper this is a good example of how new property objects are defined from the outside and different property claims are negotiated in the local context. They argue that “negotiations over property do not take place in separation from radical revalorisation of rural property objects, but they are an integral part of it” (Stahl et al., this issue). By contesting park

regulations, the Romanian and Albanian land users dispute the rights, obligations, benefits and liabilities that accompany biodiversity conservation. In this local struggle, they are simultaneously bargaining over the very nature of what is (to be) considered as valuable in their area.

Like the Romanian–Albanian paper, Christian Schleyer’s institutional economic contribution is also located in a post-socialist context, in northwest Poland. His paper gives a rare property rights perspective on reclamation infrastructure. He analyses changes in the collective action necessary for operating and maintaining the reclamation infrastructure in a period characterised by major political and market transformations: on the one hand, the post-socialist market liberalisation and the abolition of input-related subsidies in the late 1980s and early 1990s, and, on the other hand, the preparation for and then actual EU accession in 2004 and the associated implications for market conditions and agricultural subsidies, but also administrative reforms. Although the formal rights and obligations associated with the use and maintenance of the reclamation infrastructure stayed the same, the actual practices were transformed by the de- and revalorisation of agricultural land and the effectiveness of state control. This reclamation case nicely confronts formal property rights with the dynamic of actual local practices in a period of major revalorisation of agricultural land in Poland.

The empirical cases and theoretical work presented in this special issue highlight that property offers a potent analytical framework to examine and compare contemporary rural change in different settings. Apart from their contribution to the debate on rural change and revalorisation, the papers also elaborate and compile different property rights concepts. Thus, this special issue gives an overview of contemporary rural property analysis but also indicates that despite different research traditions, property research is a useful analytical perspective for integrative, interdisciplinary research on rural change.

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