

**The challenges of (joint) ownership.
Some political considerations**

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Introduction

The right to own property lies at the heart of contemporary democratic systems.

For some people, this is a basic right, particularly from an economic point of view. Since the time of the physiocrats, certain schools of economic thought have seen ownership as the basis of all economics. Some authors maintain that private ownership combined with market-oriented rationale contributes towards the optimal allocation of rare resources. It gives economic agents incentives to create, innovate and enhance the value of assets. So ownership is a prerequisite for economic growth¹.

But this right is also fiercely criticised. Karl MARX, for example, was very harsh as regards the right to own property and more broadly human rights. In his view, the intangibility of the right to own property lies at the heart of human rights². They are considered merely those of "egoistic man, man as a member of bourgeois society, that is an individual separated from his community, inward-looking, preoccupied solely by his personal interest"³. According to Karl MARX, the supposed universal rights of the abstract individual would in reality promote the interests of a very specific social type, that is the possessive individual of capitalism⁴.

While the Marxist criticism is harsh, the fact remains that the right to own property concerns many citizens, in all social classes, *a fortiori* in Belgium, where current figures indicate that 72% of the Belgian population are property owners⁵. This right to own property may be associated with other rights, such as the right to privacy, the sanctity of the home and above all, the right to housing.

It may be useful to refer to the 2013 report from the working committee on ageing which notes in particular that 80% of retired people own property, that ownership remains a very important element of stability in our economy and that, ultimately, owning your home makes retirement easier⁶.

¹ This short summary is extracted from CAILLUET Ludovic et SABOLY Michèle, « De la propriété à l'appropriation », *Entreprises et histoire*, 2007, vol. 4, n° 49, p. 5.

² LACROIX Justine et PRANCHÈRE Jean-Yves, *Le procès des droits de l'homme. Généalogie du scepticisme démocratique*, Paris, Seuil, coll. « La couleur des idées », 2016, p. 229.

³ MARX Karl, *La Question juive*, Paris, Union Générale d'Éditions, coll. « 10/18 », 1968, quoted by LACROIX Justine et PRANCHÈRE Jean-Yves, *Le procès des droits de l'homme. Généalogie du scepticisme démocratique*, op. cit., p. 215.

⁴ LACROIX Justine et PRANCHÈRE Jean-Yves, *Le procès des droits de l'homme. Généalogie du scepticisme démocratique*, Paris, Seuil, coll. « La couleur des idées », 2016, p. 215.

⁵ These figures include owners who do not have mortgages or loans as well as those who have property with a mortgage or a loan. Voy. EUROSTAT, *Housing statistics*, November 2015, available on the following website: <http://ec.europa.eu/eurostat/> (visited on 17 November 2016).

⁶ COMITÉ D'ÉTUDE SUR LA VIEILLISSEMENT, « Rapport annuel », Bruxelles, Conseil supérieur des finances, juillet 2013, 97 p.

At the beginning of the 21st century, these rights to own property and to housing constitute fundamental challenges both in political terms and from a socio-economic perspective. In this respect, it may be interesting and stimulating to highlight a number of the challenges – although there are others – that lie behind the right to own property and the right to housing, linked to the subject of joint ownership.

Readers will also be aware that the budgetary resources available to governments no longer permit the funding of major investment policies involving public or private housing. So to meet the needs of our fellow citizens, in terms of both quantity and quality, private investors play a major role, as no doubt does the ability to rely on a large number of small private investors rather than large real-estate groups.

At this stage, and in order to open up the debate, the challenges relating to (joint) ownership are set out around three main axes. These axes may take various forms and be analysed in the light of the legislation of different European states, while promoting prospective avenues of study.

1. Basic rights and freedoms

The right to own property raises eminently current questions in terms of **basic rights and freedoms**. From an international perspective, it should be remembered that this right is set out in the Universal Declaration of Human Rights:

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

It is also asserted in the additional Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms⁷:

Article 1 – Protection of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Finally, it may be noted that the right to own property has been mentioned in the Belgian Constitution since 1831, thus revealing the

⁷ For an accessible explanation of the scope of this article, see GRGIC Aida, MATAGA Zvonimir, LONGAR Matija et VILFAN Ana, *The right to property under the European Convention on Human Rights: A guide to the implementation of the European Convention on Human Rights and its protocols*, Strasbourg, Council of Europe, coll. "Human rights handbooks", n° 10, 56 p.

fundamental position it occupies in our state governed by the rule of law:

Article 16

No one can be deprived of his property except in the case of expropriation for a public purpose, in the cases and manner established by the law and in return for fair compensation paid beforehand.

In the Belgian legal system, this right is combined with the right to housing laid down in Article 23 of the Constitution, as a socio-economic right⁸:

Everyone has the right to lead a life in keeping with human dignity.

To this end, the law, the federate laws and rules referred to in Article 134 guarantee economic, social and cultural rights, taking into account corresponding obligations, and determine the conditions for exercising them.

These rights include among others:

[...]

3° the right to decent accommodation; [...]

These various legal provisions give rise to a number of challenges.

Firstly, the principle seems clear as regards the right to own property. However, questions should be asked regarding the conditions governing access to ownership. In a study carried out by the European Systemic Risk Board (ESRB), the high price of real estate in Belgium is pinpointed as a threat weighing on Belgian households, who are forced to borrow more in order to buy real-estate property. The ESRB therefore points to the risk, in the event of an economic or financial shock, of seeing families experiencing particularly serious difficulties in repaying their loan, with all the consequences that this may have for the banks.⁹ This phenomenon is not specific to Belgium and the media report regularly on the exorbitant cost of real estate in other European capitals and cities.

Secondly, while the principle is clear, the right to own property is subject to various types of limitations. Examples include the rise in the index of rental prices¹⁰ (a case concerning this issue is pending before the

⁸ It may be useful to point out that the coordinated Constitution of 17 February 1994 makes a distinction between two main types of rights: civil and political rights on the one hand and socio-economic rights on the other. Civil and political rights protect citizens against unlawful and illicit interventions by the authorities. Socio-economic rights oblige the authorities to create conditions that make it possible to guarantee the exercising of certain rights. More specifically, as Francis DELPÉRÉE stresses, "in reality, all that differ are the means of intervention of the public authorities. Not, as is so often repeated, because, in the field of traditional freedoms [civil and political rights], the State should refrain and, in the context of modern freedoms [socio-economic rights], it has a duty to intervene. But because, in the former case, the State is bound by what the civil law specialist would call an obligation *to do* or *not to do* and, in the second case, the State is bound by an obligation *to give* which mainly takes the form of pecuniary benefits" (free translation). DELPÉRÉE Francis, *Le droit constitutionnel de la Belgique*, Bruxelles et Paris, Bruylant et Librairie Générale de Droit et de Jurisprudence, 2000, p. 258 [in italics in the text].

⁹ European Systemic Risk Board, "Vulnerabilities in the EU residential real estate sector", November 2016, pp. 55-56, available on the following website: <https://www.esrb.europa.eu/> (visited on 30 November 2016).

¹⁰ HAMAL Olivier, « Le saut d'index en Région wallonne : avis critique du Conseil d'État », *Le Cri*, mars 2016,

Belgian Constitutional Court¹¹), the choice of the tenant¹², the length of leases and the conditions to be fulfilled in order for landlords to be able to recover their property, even though tenants can leave very easily, the tax system applicable to real estate on both income and assets or the administrative fines¹³ or clauses forbidding pets in rented premises¹⁴, among other things. Similar questions could also be raised as regards joint ownership¹⁵. Identifying the limitations currently placed on the right to own property would provide valuable indications of the way in which (joint) ownership is perceived at the start of the 21st century, notably from the socio-political point of view.

Thirdly, in this period described by many analysts as one of 'crisis', a more general question arises as to the right to own property and more specifically the free disposal of real-estate property. For instance, many urban dwellings are unoccupied (above stores, in particular), whereas there is a demand for housing, particularly in the Walloon Region and in the Brussels-Capital Region.

The demographic outlook should also be taken into account. Over the next twenty to thirty years, we will certainly have to cope with growing demand, taking into account in particular the increase in the number of single-parent families.

The Walloon Government is currently putting in place a legislative and regulatory framework designed to introduce greater social mixity in public housing and to reinforce the fight against non-occupation in all types of housing. For instance, a new procedure aimed at expanding the possibilities for action against non-occupation in private housing could be created. In concrete terms, this means a procedure for unilaterally taking over management, aimed at property owners of bad faith, will henceforth be possible. On the basis of a certificate of non-occupation, the competent municipal service will be able to mobilise a real-estate operator to take over management of the housing. The owner will, however, retain possession of his property and will receive a rent (less the charges) when the housing has been allocated. The *Syndicat national des propriétaires et copropriétaires* (property owners association) has taken care to stress that this type of procedure should also be conceivable for public properties that are unoccupied¹⁶. Finally, the tax consequences for the owner should also

n° 402, p. 3 et DELCOURT Bénédicte, « Loyer : le saut d'index adopté et un recours du SNPC devant la Cour constitutionnelle », *Le Cri*, avril 2016, n° 403, p. 27.

¹¹ HAMAL Olivier, « Le recours en annulation du décret 'saut d'index sur les loyers' », *Le Cri*, octobre 2016, n° 416, pp. 23-24.

¹² DEVREUX Alfred, « Location et discrimination », *Le Cri*, décembre 2015, n° 399, p. 22.

¹³ NOPÈRE Stéphane, « Code bruxellois du Logement : amende administrative, de l'importance de l'argumentation initiale », *Le Cri*, novembre 2015, n° 398, pp. 30-32.

¹⁴ DELCOURT Bénédicte, « Les tenants, leur chien et la convention européenne des Droits de l'Homme : épisode II », *Le Cri*, juin 2016, n° 405, pp. 24-26.

¹⁵ See for example HAMAL Olivier, « Energie : comment combiner la liberté de choix des copropriétaires et la souplesse nécessaire au syndic pour agir ? », *Le Cri*, juin 2016, n° 405, pp. 14-16.

¹⁶ COULÉE Philippe, « La lutte contre les propriétaires (privés et publics) de logements inoccupés est relancée », *Les Échos*, samedi 30 juillet 2016, p. 25.

be considered: who will pay the withholding tax on property, for example, and what will he have to declare in terms of personal income tax?

The City of Brussels recently made use of the 'right of public management'¹⁷ and intensified the hunt for empty housing. In the Brussels-Capital Region, the right of management permits the competent bodies in each of the 19 communes to appropriate empty housing by force, carry out the necessary work and then manage the tenancy until the investment has been paid off by the rent. The owner only recovers his rights at the end or if he reimburses the investments made¹⁸.

Fourthly, while a right to own property is open to citizens, the method of exercising this right has yet to be identified. The issue of slum landlords consequently becomes acute. In fact, in big cities in particular, property owners who are in fact slum landlords can come under the particular scrutiny of the public authorities¹⁹. A keen fight against this type of practice could be encouraged in order to protect vulnerable citizens and curb the devaluation of real-estate assets in certain towns and cities.

Fifthly, the right to housing raises the question of the duties that weigh, in return, on citizens who assert this right. In this respect, the offence of renting property without being able to pay for it is a phenomenon which is tending to be repeated, prompting some liberal members of parliament to want to criminalise this type of behaviour²⁰. But above and beyond this extreme attitude, there are all the problems of unpaid rent, property that is let and that becomes a dumping ground and is damaged, and the possibilities for recourse open to landlords in the face of a legal system that does not always move very quickly.

Finally, a situational analysis could be drawn up on the principles resulting from the right to own property and the right to housing, from a comparative perspective, both at Belgian level (between the Regions) and from a transnational point of view, more precisely at European level. This analysis would make it possible to revive the debate on the link between individual rights (right to own property) and social rights (right to housing); we are still a long way from achieving the balance between these two rights at present.

¹⁷ Ordonnance du 17 juillet 2003 portant le Code bruxellois du Logement (M.B. 18 juillet 2003), see specifically articles 15 to 19.

¹⁸ SENTE Arthur, « Fait inédit, Bruxelles force la location d'un immeuble vide », *L'Écho*, jeudi 24 novembre 2016, p. 7.

¹⁹ For example, on 14 June 2016, the City of Verviers, the Public Social Assistance Centre, the Vesdre police zone and the public prosecutor's office in Liège signed a protocol of collaboration to fight effectively against slum landlords and condemn dishonest owners more systematically. BELGA, « Les marchands de sommeil pris en tenaille », *Le Soir*, mercredi 15 juin 2016, p. 30.

²⁰ CHAMBRE DES REPRÉSENTANTS DE BELGIQUE, Proposition de loi visant à prévoir des sanctions pénales pour les personnes qui de manière intentionnelle et répétitive ne paient pas leurs loyers, S.O. 2010-2011, DOC 0647/001, 9 p. et CHAMBRE DES REPRÉSENTANTS DE BELGIQUE, Proposition de loi visant à prévoir des sanctions pénales pour les personnes qui de manière intentionnelle et répétitive ne paient pas leurs loyers, S.O. 2014-2015, DOC 0430/001, 10 p.

2. The principle of equality and non-discrimination

The right to own property raises questions about the principle of **equality** and **non-discrimination**.

This principle can first be considered as regards the owners: public and private. Is it normal, for instance, that public owners do not face any penalties or taxation on unoccupied buildings because they may not have the financial resources to renovate them and enable their services to occupy them or rent them out?

Secondly, it may be interesting to look at the legal mechanisms put in place both in Belgium and in the other European states to guarantee or not guarantee equality between (joint) owners and tenants. Do current standards or those being prepared favour (joint) owners, tenants or both? We could, for instance, think again about the penalty for renting premises without being able to pay for them²¹ to be viewed in parallel with the fight against slum landlords, the limits of the free disposal of jointly owned property²², the organisation of the end of a lease²³ or the deterioration of rented property²⁴.

Let us take a concrete example which could provide interesting food for thought. Indicative rent grids are a subject very much in fashion in the Walloon Region and the Brussels Region. The stakeholders – landlords and tenants – have a legitimate claim to knowledge of market prices in the interests of transparency, as is the case for other goods, such as the prices of cars with their many options. For some political decision-makers, however, the interest of these grids lies solely in the fight against excessive rents and speculators. They are not alone in this. At a colloquium organised by the *Conseil supérieur du Logement de la Région wallonne*²⁵ (Walloon housing board) in 2014 for instance, Professor Nicolas BERNARD (Université Saint-Louis) asserted the need to bring the rent grid to the knowledge of the public:

For stakeholders in the rental sector (landlords and tenants), the rental market is characterised by a singular lack of transparency as regards market values. It may be interesting, in this context, to disclose the rent grid to the public in order to provide an objective basis for comparison in contractual negotiations. The aim is to achieve a sort of self-regulation: now in a position to assess the rent charged in terms of the grid, potential tenants can more easily put pressure on the owner or even bring competition into play.

²¹ HAMAL Olivier, « Sanctionner la grivèlerie locative et raccourcir les délais de procédure en cas de loyers impayés », *Le Cri*, juin 2016, pp. 5-7 et DEVREUX Alfred, « Grivèlerie locative et autres comportements fautifs », *Le Cri*, juin 2016, n° 405, pp. 29-30.

²² PALAMIDES Marianne, « D'une clause statutaire interdisant de disposer librement de son lot », *Le Cri*, septembre 2015, n° 396, pp. 15-17.

²³ MEUNIER François, « Comment réagir face à un tenant peu participatif à la fin du bail ? », *Le Cri*, avril 2015, n° 393, pp. 34-35.

²⁴ HAMAL Olivier, « Comment un tenant transforme la maison louée en poubelle », *Le Cri*, octobre 2015, n° 397, pp. 26-27.

²⁵ The symposium focused on the following theme: *La dé-fédéralisation du bail d'habitation : quel(s) levier(s) pour les Régions ?*

However, since the grid reflects average market values, it is probable that a certain number of dwellings are currently rented out at lower rates. It is therefore important to avoid [...] public disclosure of this grid leading certain landlords (the elderly, for instance, or those who are not very familiar with the real-estate sector) to put up prices. However, it is possible to format the information made available to the public to some extent, on the basis of rent brackets, for instance²⁶.

However, is it not discriminatory to consider putting in place these grids solely 'in favour of tenants'? Should the indicative grids not also enable a certain number of owners to realise in the future that they are renting out property too cheaply and enable them, complying with the legal provisions, to make the necessary adjustments at a later stage or when concluding a new lease. Are they not entitled to receive a rent, within the market brackets, that is supposed to enable them to cope with the expense of maintaining and renovating their property and avoid the deterioration of the building. At the end of the day, this question²⁷ illustrates the importance of the principle of equality as regards (joint) ownership.

Another current example is worthy of particular attention, in particular in terms of a comparison at European level: the rental model developed by the Airbnb platform. It should be remembered that this system enables private individuals to let (or even sublet) their personal home to other private individuals. This platform is gradually keeping pace with the popularity among owners who have several apartments or buildings, in the same way as professional rental agencies.

For example, the platform saw a 45% increase in dwellings on offer in Brussels between 1 July 2015 and 1 July 2016²⁸. This system of letting or even subletting raises a number of questions in terms of equality and non-discrimination. These include the following:

- *Primo*, the fierce competition that is emerging between *traditional* owners on the one hand, who remain subject to the legal provisions on leases and on the other hand, hosts who use the Airbnb platform to (sub)let their property to clients of the platform;
- *Secundo*, the problems posed by the platform for joint owners of a building, particularly in certain more touristic towns and cities. In fact, they may suffer inconvenience owing to tourists constantly passing through their buildings;

²⁶ BERNARD Nicolas, « De l'encadrement des loyers (en Région bruxelloise et ailleurs) », Intervention dans le cadre du colloque organisé par le Conseil supérieur du logement de Wallonie, *La dé-fédéralisation du bail d'habitation : quel(s) levier(s) pour les Régions ?*, février 2014, p.9. See also Bernard Nicolas, « Encadrement des loyers (grille 'de référence' et taxation des loyers réels) : développements récents », *Les Échos du Logement*, mai 2014, pp. 10-20.

²⁷ On this question, see also HAMAL Olivier, « Les grilles indicatives de loyers ne sont pas à sens unique... », *Le Cri*, janvier 2010, n° 410, p. 3.

²⁸ CLOOT Amandine, « Airbnb craint pour sa croissance à Bruxelles », *Le Soir*, samedi et dimanche 30 et 31 juillet 2016, p. 18.

- *Tertio*, the discrimination between the owners of hotels and guest rooms who are subject to a whole series of legislative provisions on the one hand and on the other the hosts who use the Airbnb platform to (sub)let their property to clients of the platform;
- *Quarto*, the different treatment of (joint) owners depending on the Region in which their property is located; some regions of Belgium have regulated the (sub)letting system run by the Airbnb platform²⁹. For instance, the Brussels-Capital Region now has two standards in its legislative and regulatory arsenal to deal with this type of tourist accommodation³⁰. The constraints imposed by this Region include in particular prior declaration and registration procedures, information obligations, logo use, the fire safety procedure, specific safety standards and the issuing of a simplified inspection certificate.
- *Quinto*, the different penalties which may or may not be applied to the platform or to certain hosts. For instance, further to numerous complaints lodged by joint owners, the city council in Barcelona decided to react by imposing financial penalties when tourist accommodation is not declared among private individuals, specifically when apartments are let without a licence to do so, even though such a licence is mandatory. However, aware of the offensives led against (joint) owners who fail to comply with the municipal rules, local authorities fear coming up against judges for attacks on the right to own property³¹.

An analysis of the different Belgian and transnational legislation would outline the developments in the principle of equality and non-discrimination in terms of (joint) ownership.

3. Passing on assets

The right to own property raises interesting questions in terms of the accumulation of **assets**. (Joint) ownership of real estate involves the need to plan for it to be passed on either to descendants or to other people (by donation, for instance).

In this respect, from a historical point of view, Thomas PIKETTY shows in his work *Le capital au XXI^e siècle* (Capital in the 21st century) that the accumulation of assets has declined drastically since the Second World War, enabling the redistribution of wealth in Europe³².

²⁹ For example, in the Brussels-Capital Region, hosts who use the Airbnb platform to (sub)let their property, in a joint ownership context, will henceforth have to obtain the backing of all the joint owners of the building. While this may curb the Airbnb platform, this authorisation nevertheless enables compliance with certain minimum rules in terms of joint ownership.

³⁰ Ordonnance du 8 mai 2014 relative à l'hébergement touristique (M.B. du 17 juin 2014) et Arrêté du Gouvernement de la Région de Bruxelles-Capitale du 24 mars 2016 portant exécution de l'ordonnance du 8 mai 2014 relative à l'hébergement touristique (M.B. du 14 avril 2016).

³¹ CHAUVOT Myriam, « Amende record pour des hôtes Airbnb de Barcelone », *Les Échos*, mardi 16 août 2016.

³² PIKETTY Thomas, *Le capital au XXI^e siècle*, Paris, Seuil, coll. « Les livres du nouveau monde », 2013, p. 630.

There is no doubt that the management of assets (transmission, donation, confiscation, even in extreme cases, destruction) is considered by some people to be a means of dealing with inequalities.

Conversely, however, some would assert the motivating effect of accumulating assets to pass on to children, for instance.

Bearing in mind a similar observation in the British context, Anthony B. ATKINSON, in his work *Inequalities*, suggests considering the "implementation of a minimum inheritance"³³ in order to reduce inequalities in our European societies.

Frédéric LALOUÉ, a specialist in social policies at *Sciences Po* (institute of political studies) in Paris, recently advocated the sharing of inheritances among generations. His idea is fairly simple. He takes as a basis French figures relating to the possession of assets, noting that median net assets amount to less than EUR 50,000 between the ages of 30 and 40, whereas the figure rises to over EUR 200,000 between 50 and 70 years. So he suggests sharing inheritances within families, among the children and grandchildren of the deceased:

This involves replacing a succession where all the assets go the first degree (the children), by a succession where the assets are divided between the two direct degrees (children and grandchildren). [...] Sharing the inheritance among the generations means tangibly modifying the distribution of wealth in our country, boosting growth and reducing inequalities³⁴.

The legal provisions on the transmission of real-estate capital therefore provide food for debate, which can be lively, between (joint) owners, tenants, possessors and non-possessors, in the name of a principle of the redistribution of wealth.

These debates seem to occur with a certain acuteness on the political scene, as is borne out by the reduction in the duties payable on real-estate donation and the debates on the taxation of these donations³⁵.

More generally, the economic crisis facing ordinary people may represent a source of concern as to the seizure of real-estate property. In Greece, for instance, it may be noted that a partial moratorium was renewed by the government led by Alexis TSIPRAS to avoid seizing real-estate properties. So only owners whose own home has a value equal to or less than EUR 180,000 – plus EUR 20,000 per dependent child – can

³³ ATKINSON Anthony B., *Inégalités*, Paris, Seuil, coll. « Économie humaine », 2016, p. 229.

³⁴ LALOUÉ Frédéric, « Partageons les héritages entre générations », *Le Monde*, dimanche et lundi 30 et 31 octobre 2016, p. 27.

³⁵ See for example DE CLIPPELE Olivier, « Réduction des droits de donation immobilière en Flandre à compter du 1^{er} juillet 2015 », *Le Cri*, mai 2015, n° 394, pp. 32-33 ; DE CLIPPELE Olivier, « Comparaison sommaire des droits de succession et de donation », *Le Cri*, octobre 2015, n° 397, pp. 21-23 et DE CLIPPELE Olivier, « La Région bruxelloise et la Région wallonne vont diminuer la taxation des donations immobilières », *Le Cri*, novembre 2015, n° 398, pp. 28-29.

still escape the seizure of real estate³⁶.

A survey of the current legislation, both in Belgium and in Europe, would provide food for thought on the subject of passing on capital.

Conclusion

This paper aimed to pinpoint a series of challenges linked to (joint) ownership, considered simultaneously from the point of view of the right to own property and the right to housing.

Far from considering these issues from a divisive point of view which could prove sterile with regard to the practical consequences of (joint) ownership, we have sought to highlight three challenges which concern both owners and tenants. In fact, in the context of this subject, it would be pointless and counterproductive to set these two groups in opposition to one another.

Moreover, we have already stated that to cope with all the housing needs of our fellow citizens, private rental investment must not be ignored – quite the reverse.

More broadly, the avenues of thought opened up in the context of this paper would make it possible to assess the place held by the right to own property and the right to housing in our contemporary societies by means of a cross-disciplinary discussion of the tricky co-habitation of a civil right and a socio-economic right. This assessment would also make it possible to define the similarities which may or may not exist between the various European states.

³⁶ DE CLIPPELE Olivier, « La révolte des propriétaires grecs face au surendettement de leur État », *Le Cri*, novembre 2016, n° 408, pp. 33-34.