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## Inequities and relations of domination in farmland management in France through the prism of *justice foncière* and land justice

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### Abstract

This article proposes to question the meaning of the concepts of *justice foncière* and land justice. What do they bring to the analysis of inequities and relations of domination in farmland management in France? In what way do they help to renew the understanding of the sociopolitical production of rural and periurban spaces? First, we offer a literature review of both concepts. Land justice is not well known in France and is much more frequently used in English-speaking literature than *justice foncière* is in French-speaking literature. We then build an analytical framework in terms of *justice foncière*, which is applied to feelings of injustice regarding access to land property rights, which we collected during surveys. Our results show how power relations reproduce structural land inequalities through local public action, an allocative justice dimension that is understudied in land justice research, which most often focuses on claims related to historical traumas such as colonization. Conversely, we show how the adoption of a land justice perspective opens up intersectional avenues of and can help to reconsider French land history.

**Keywords:** land property rights, corrective justice, allocative justice, procedural justice, feeling of injustice

## Résumé

Cet article propose de s'interroger sur le sens des concepts de justice foncière et de *land justice*. Qu'apportent-ils pour analyser les inégalités et rapports de domination dans la gestion du foncier agricole en France ? En quoi permettent-ils de renouveler l'appréhension de la production sociopolitique de l'espace rural et périurbain ? Nous commençons tout d'abord par un état de l'art du terme de « justice foncière » et du concept de *land justice*. Méconnue en France, la *land justice* est bien plus fréquemment employée dans la littérature anglophone que ne l'est la justice foncière dans la littérature francophone. Nous construisons alors un cadre d'analyse en termes de justice foncière qui est appliqué à des sentiments d'injustice dans l'accès aux droits fonciers rassemblés lors de nos enquêtes. Nos résultats indiquent comment les rapports de pouvoirs entretiennent la reproduction d'inégalités foncières par l'action publique locale. Cette dimension de justice allocative est en effet sous-étudiée dans les recherches sur la *land justice* qui portent le plus souvent sur les revendications liées à des traumatismes historiques tels que la colonisation. Réciproquement, nous montrons comment l'adoption d'une perspective de *land justice* ouvre des pistes de recherches intersectionnelles et peut aider à reconsidérer l'histoire foncière française.

**Mots-clés :** droits fonciers, justice corrective, justice allocative, justice procédurale, sentiment d'injustice

## Introduction

Land inequities are often thought of as matters of history or international geopolitics, but they also form an interesting area of study in modern France.

Pierre Blanc (2018) underlines how land ownership has shaped territorial conflicts and how, in turn, it was shaped by subsequent political regimes. Today on a global level, farmland allocation is increasingly an object of tensions due to three major transformations: climate change—which leads to submersion of coastlands and turns fertile areas into deserts, but also opens up formerly frozen grounds to farming; urban sprawl continues to swallow farmland up; and the globalization of land markets and proliferation of large-scale state concessions raise concerns over accelerating the concentration of farmland in the hands of international operators (Roudart and Guénard, 2019). These questions have entered the international political agenda primarily through the efforts of rural or civil society organizations, for example the International Land

Coalition's Tirana Declaration (2011), the UN Committee on World Food Security's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012), the Valencia World Forum on Access to Land (2016), and the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018).

In France in the summers of 2016 and 2017, Chinese investors purchased a combined 2,650 hectares of grain-growing land in the south of the Parisian basin from farmers affected by the agricultural crisis, leading to concerns over land grabbing. Yet France is a country where the farmland market has been tightly controlled by the state since World War II (Boinon, 2011). Privately owned smallholdings remain a majority and belong to agricultural families: several million individuals each own an average of 9 ha of farmland, while 40,000 large owners each own over 100 ha (Perrin, 2017). In all, 40% of French farmland belongs to the farmers who work it and another 40% to their relatives. However, land concentration happens more through land use than through land ownership (Barral and Pinaud, 2015). Statistics also downplay how the average holding size has increased (63 ha in 2016). This trend reflects the rise of agricultural firms that consolidate multiple holdings into unified decision-making and work entities that address large holdings, work with agricultural contractors, and coordinate crop rotation/shared crop areas (Purseigle et al., 2019).

Several legislative attempts to strengthen legal tools for land market regulation, fueled by a report issued by the General Advisory Council on Food, Agriculture, and Rural Areas (CGAAER, 2017), have failed to pass the Constitutional Council's review, notably due to their encroachment on principles of free enterprise and private property. In the scope of a future land law, a parliamentary information report (Petel and Potier, 2018) recommended improving land protection and allocation. Simultaneously, the demands for land management alternatives by the *zadistes* (land development protesters) of Notre-Dame des Landes (who fought until 2018 against a now-abandoned new airport near Nantes, in western France), which share a lineage with the Larzac struggle, have raised questions around seemingly agreed-upon topics such as boundaries between land use and land ownership, land use restrictions, the legitimacy of land allocation principles, and the proper place for alternative agricultural practices.

In this context, our article proposes a framework to analyze the power dynamics governing the definition of agricultural land property rights and their allocation between

farms in metropolitan France,<sup>1</sup> and in a broader sense the production of agricultural spaces as a whole. To that end, we question the meaning of the concepts of land justice and *justice foncière*. How can they be of use in analyzing the inequities and relationships of domination in agricultural land management in France? How complementary are they to each other? How do they allow us to renew our understanding of the sociopolitical production of rural and periurban spaces against the backdrop of agroecological transition? Our analysis is centered mainly on the links between farmland and public action, as land policies are particularly well developed in France. Land regulations in France indeed concern a range of matters from the administrative and juridical procedures regarding farmers' access to land, to allocations and regulation of building rights on agricultural land, all within a legal context characterized by a lack of financial compensation for those affected by urban expansion.

Our approach is supported by results from a doctoral thesis in geography and land use planning (Baysse-Lainé, 2018) and a French National Research Agency (ANR) program (JASMINN: Perrin and Nougaredes, 2020a). Qualitative field surveys were conducted between 2014 and 2018 in four areas of France, namely the Amiens and Lyon urban regions, the south of the Aveyron department, and the former region of Languedoc-Roussillon. These surveys gave us the opportunity, via semi-structured interviews, to meet a vast array of stakeholders. We interviewed farmers (operators and union representatives); farming advisory services actors (employees from the Chamber of Agriculture and agricultural development associations); government actors (elected officials and public workers from local communities); and citizen actors (associations such as the Terre de Liens organization). The vast majority of farmers and operators we mention in the text are white, self-employed French men, much like the general agricultural population<sup>2</sup>. We surveyed both farmers taking over family farms and new entrants into farming, the latter of whom often come from upper-middle-class urban backgrounds. These interviews were complemented by document analyses, primarily of local agricultural media and documents related to land projects (in the second half of the 2010s).

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1. Some Francophone works have dealt with these issues in the Global South, particularly in Mexico and West Africa. The aim here is not to question their validity or interest, but to outline a heuristic framework adapted to the French context. The article focuses mainly on metropolitan France, but the third section discusses the challenges particular to overseas France.

2. Women comprise one quarter of farm managers in France. While this percentage has remained stable since 2010, it bears mentioning that the figure was only 8% in 1970 (Agreste data, 2016).

Our next step was to analyze survey participants' statements, i.e., individual feelings, union positions, and activists' demands. These statements rarely included explicit references to the concept of justice; participants commented more in terms of what they regarded as illegitimate, abnormal, or unacceptable. Consequently, we analyzed these views from a social justice theory standpoint in order to understand how actors' value systems account for land inequities. Our analysis was therefore shaped by surveyors' chosen system of categorization, which took the form of dichotomies between agricultural and food models (Gasselin et al., 2020): "conventional" vs. "alternative" or "atypical", "small" vs. "large", "grain producers" vs. "vegetable growers". Sometimes exaggeratedly binary, these category pairs tend to oversimplify groups in the agricultural world despite power imbalances that exist therein; for example, organic farmers vary widely in cultural and economic resources. Also, agricultural models and their social representations are evolving in tandem due to production methods marked by the complementary logic of specialization and diversification. Nevertheless, in all areas of our study, some unions and some systems of production or marketing can be objectively classified as minority or majority. In this respect, organic agriculture is a minority practice on a national scale, but is growing rapidly: in 2019, it represented 10.8% of farms and 8.5% of agricultural surface area, as compared to 5.5% of farms and 5% of agricultural surface area in 2013.

The article shows first how French scientific literature has rarely employed the concept of justice to address land management issues, in contrast to approaches in the Anglophone world. Next, we propose a framework for analyzing land justice in five dimensions, one which allows us to analyze feelings of land injustice while incorporating inputs from both concepts of land justice and *justice foncière*. Finally, we review the recent history of land in France beyond our case studies through the intersectional, long-term perspective of land justice, and look at new research pathways opened up by this perspective.

### **Land justice and *justice foncière*: two different views on land inequities**

"*Justice foncière*" is rarely mentioned in French-language publications and interpreted varyingly when it does appear. In contrast, works in English make greater mention of "land justice", a broader concept in the sense that it examines relationships with both land and place, yet the term's use is often restricted to large-scale movements such as settler colonialism. Furthermore, the two concepts do not correspond completely;

"land" can be translated variously into French as "*terre*", "*foncier*", or "*sol*"<sup>3</sup>. As we will be going beyond soil aspects to examine social ones as well, we have chosen to exclusively employ *justice foncière* in the rest of our text.

### *Justice foncière: a scarce concept in French-language research*

The term "*justice foncière*" has been used in French chiefly in three fields, but the term has never truly been distilled into a concept and thus its use differs across disciplines.

In law history, *justice foncière* refers to the first level of legal recourse administered by lords in the French modern age (1492-1792). "It is the right that lords exercise to make admissions, obediences, censive recognitions... and to know the men who submit to them, the goods to which these rights relate, and the contracts related to these goods (sales, exchanges, rentals, sharing...)" (Antoine, 2003, p. 269). Consequently, this type of justice does not only concern land holdings.

In land planning, the term is used to address the interplay of actors related to issues of urban planning development or land consolidation procedures. Having formed the basis of Vincent Renard's 1980 book, land planning's definition of *justice foncière* was re-examined by Coline Perrin to highlight how, depending on existing political contexts and land tenure structures, early versions of "urban plans reflect different conceptions of *justice foncière*: The distribution of building rights among landowners [in Provence] and the working class's right to housing [in Tuscany]" (Perrin, 2013, p. 187). Furthermore, Jean Renard (2013) utilizes the term to promote the procedure of land consolidation and redevelopment, which combines land restructuring with the distribution of building rights and aggregates capital gains linked to urbanization. Even though *justice foncière* remains a relatively technical term in the field of planning, it still refers to the fundamental question of the gains and costs associated with urbanization (Comby, 2009).

Francophone researchers have employed *justice foncière* mainly to address issues of land tenure security in countries in the Global South. A report on Southeast Asia by Marie Mellac and Christian Castellanet concludes by emphasizing that "land tenure security—and more broadly, *justice foncière* as one of the dimensions of spatial justice—depends on the way in which land is thought of at the heart of power relations" (Mellac

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3. The term "*sol*" refers to the material dimension of land (soil, ground, earth) while "*foncier*" refers to the more immaterial economic relations linked to land (tenure, property, estate). "*Terre*" combines both meanings, while "*territoire*" refers to land as a geographical entity, such as "England".

and Castellanet, 2015, p. 37). The term "*justice foncière*" thus goes beyond an often law-based, technical vision of land tenure in order to better integrate its social, historical, and political dimensions. By invoking spatial justice, *justice foncière* affords a perspective of geographical analysis of inequities and power relations regarding land. In a similar fashion, Éric Léonard places agrarian reform in Mexico in the context of social, economic, and political transformations, but he uses *justice foncière* simply to refer to the demands of social movements rather than as a theoretical concept: "the slogan 'Land and Freedom' underlines [...] the inseparable nature of demands for political autonomy and those of *justice foncière* associated with territorial control. The implementation of agrarian reform has thus been embedded in the persistent logic of (re)constructing political territories that are autonomous from municipal and regional powers." (Léonard, 2004, p. 97).

In this respect, South Africa appears as an exemplary case in which agricultural land and urban land intersect. Francophone researchers use the term "*justice foncière*" to refer to the restitution of land to non-whites, for example for Sylvain Guyot et al. (2014) and Philippe Gervais-Lambony it is a matter of "restoring *justice foncière* by giving back to non-whites the rights of which they have been deprived" (Gervais-Lambony, 2013, p. 91). In the same vein of restorative justice, Pascale Maire-Amiot (undated) emphasizes that South African land reform is, in fact, a policy of social justice, since it consists of: returning land to people evicted by whites; redistributing land to the most impoverished residents (for residence, subsistence, and land market purposes); and securing official tenure in cases where rights are informal, such as when people have built their houses on plots without holding the corresponding deeds. As we will examine further, this understanding of *justice foncière* closely resembles that of land justice.

Overall, few French-language works treat land issues explicitly from a perspective of justice—and those that do tend not to delve much deeper in their analysis, such as Frédéric Landy and Sophie Moreau's 2015 publication, which simply recognizes that "the theme of access to land, from these different aspects, is indeed one of spatial justice" (Landy and Moreau, 2015, p. 12). To our knowledge, Francophone researchers have never attempted to define what the concept of *justice foncière* might encompass theoretically. Additionally, the potential differences between *justice foncière* and American land justice have not truly been questioned (Paddeu et al., 2018).

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*Land justice: a more central concept in English-language literature*

The concept of land justice is more frequently employed than the French term *justice foncière* and differs slightly in meaning.

Before researchers began to study the concept of land justice, social movements mobilized it as a militant slogan to tackle the issue of race, much as they had done with environmental justice and food justice. In the United States, African Americans and Native Americans speak of land justice in the context of reparations for slavery, genocide, and theft of indigenous lands (Holt-Gimenez, 2017; Paddeu et al., 2018). Land justice researchers are therefore frequently invested participants who work *with* actors, not *on* them.

In concert with these social movements, most research work approaches land justice from a position of corrective (or restorative) justice. This type of justice advocates for returning to the state of affairs in place prior to a major transformation,<sup>4</sup> one marked by traumatic dynamics of oppression and domination that led to dispossession, displacement, and segregation. Four types of transformations stand out in particular: (i) the settler colonization in British dominions (Atkinson, 2001; Lane, 2006; Rotz, 2017), the United States (Houston, 2012; Safransky, 2018), and Algeria, for example; (ii) apartheid, in South Africa (Kepe and Hall, 2018) and Palestine; (iii) warfare, particularly in Colombia (Karl, 2017; Berry, 2017); and (iv) land grabbing, as a new stage in the privatization of land commons in the countries in the Global South (Borras and Franco, 2012). The claims for land restitution mentioned in these works are based, on one hand, on the territorial rights of indigenous peoples, and on the other hand, on the land rights of peasant communities in the countries in the Global South (Claeys, 2014, 2015). Sometimes, these claims lead to demands for transitional justice (Moyo, 2015).

The concept of land justice therefore appears to differ greatly from the French usage of *justice foncière*. From the first step, land justice is a long-term process; its incorporation of historical remembrance is paramount.

Additionally, particularly in the United States, though the question of race has been the traditional foundation of land justice approaches, researchers today are paying attention to a diversity of relations of domination from an intersectional perspective. They study not only power relations between socioeconomic classes, but also (or rather

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4. Or at least to make reparations for damages, notably in terms of legitimate historical narrative (Hirt and Collignon, 2017).

simultaneously) in terms of gender, race, or other minorities (Cadieux and Slocum, 2015; Holt-Giménez, 2017). For example, Megan Horst and Amy Marion (2018) analyze disparities in the use of agricultural land in the United States in terms of race, ethnicity and gender. Their research shows that non-white or non-Hispanic farmers own less land and have lower incomes; women farmers are in a similar situation. Such analyses are impossible in France because censuses do not collect data on ethnic origin.

Finally, the “land” in land justice goes beyond tenure alone: it includes the soil, both in its agronomic sense as well as representing ancestral land (especially in ceremonial uses) and the territory. Being part of a land justice perspective therefore makes it possible to critically address not only physical and legal appropriation (access to land), but also the territorial and symbolic appropriation of space, such as what it means to belong to it (Claeys, 2015; Safransky, 2017). In Detroit, where land speculation has led to the expulsion of impoverished populations, especially those of color, the surveys conducted by Sara Safransky emphasize that “the official categorization of plots as vacant and abandoned often contrasted with how inhabitants used and cared for these plots materially, instilled affective significance in them, and laid claim to them. They also revealed ways of understanding and relating to land that contradicted the dominant ideas of land as property and as something of value to exchange” (Safransky, 2018, p. 501). Given these principles, the *storied land* of these populations serves as the foundations of moral land economies, which are alternatives to the dominant narrative of a society still indelibly marked by the pioneer ideal of settler colonialism.

Here, Sara Safransky reveals the heuristic scope of land justice’s conceptual application to land issues in Global Northern countries. It beckons us not only to analyze who owns the land, who has access to it, and who makes decisions for it and on what basis, but also to reflect on our conceptualizations of property and land: “land justice, in this sense, was not simply about community-based land management, but also about imagining new relationships to land as necessary foundations for rebuilding a new civilization and a new humanity” (Safransky, 2018, p. 508).

French works address these questions through concepts other than *justice foncière*. For example, in the Global South, the anthropologists Jean-Pierre Jacob and Pierre-Yves Le Meur (2010) focus on the concept of “the intellectual property of land”. Regarding French land, Catherine Herrera (2010) and Anne-Marie Jouve and Gisèle Vianey (2012) treat agricultural land as a territorial resource and common good. Economists have also long been interested in the equity of land markets. They scrutinize the allocation of

land (via inheritance), farm structures, the inclusion/exclusion of different population categories, as well as possible power imbalances (economic or political) and the information exchanges between actors (buyers/sellers, owners/tenants). Their work has, for instance, revived the land tenure market as an easier way than buy-sell to transfer land resources efficiently and equitably (Sadoulet et al., 2001; Colin, 2001; 2003).

The concept of *justice foncière* seems to us, however, to add additional benefits to geographical reflection on French agricultural land management.

### **In pursuit of a heuristic framework of *justice foncière***

In order to build a heuristic tool adapted to French fieldwork, we have used the concept of *justice foncière* as an analytical framework that allows us to pay specific attention to power relations and social inequities, gender, and ethnic and religious categories. We have identified five dimensions of *justice foncière* (corrective, redistributive, allocative, procedural, and recognition), which allow us to analyze feelings of injustice in France related to access to agricultural land and buildings.

#### *Five dimensions of justice foncière*

We propose defining agricultural *justice foncière* as equitable and inclusive access to land, its resources, and its associated building rights. This interpretation makes it possible to take into account not only the stakes of resource distribution and allocation procedures, but also to recognize minorities.

*Justice foncière* can be broken down into distributive (or structural) justice and procedural and recognition justice, the two main classical dimensions of social and spatial justice. As shown in figure 1, distributive *justice foncière* is composed of three subsets: corrective justice (which corresponds to the initial understanding of land justice discussed previously), redistributive justice (an idea that emerged from work on agrarian reforms), and allocative justice (which we propose to analyze the transfer of land through markets and inheritances). These three dimensions cover a range of land tenure configurations observed worldwide, for example the predominance of medium-sized farms in settler-colonized and non-settler-colonized countries, as well as the dualism of land tenure between large landowner or post-collectivist ownership and subsistence plots. This gives our grid greater adaptability than the notion of land justice.

Agricultural <i>justice foncière</i>				
Corrective	Distributive Redistributive	Allocative	Procedural	Recognition
A return to the state of affairs that existed before a population's forced removal (via settler colonialism, apartheid, warfare or land grabbing)	The large-scale transformation of land allocation, not based on any existing model; agrarian reform	The gradual transformation of land allocation; increased regulation of land markets and hereditary transfers	Participation in the transfer of land property-rights; better circulation of information	The absence of oppression and domination; empowerment and reductions in cultural and cognitive imperialism

Figure 1: The five dimensions of agricultural *justice foncière*.

Standing in contrast to the *corrective justice* we already mentioned in relation to land justice, *redistributive justice* leans towards an ideal of land distribution that has yet to exist. It is based on redistributing the ownership and/or use of land within an area or a country. The numerous cases of agrarian reforms implemented in the 20th century, mostly in countries of the Global South, stand as examples of this principle (Barbay et al., 2013; Jessenne et al., 2017). In France, there are few vocal advocates for such a project, and those we have encountered share a desire to nationalize land ownership. They adhere to the proposals put forth by Edgar Pisani in his book *Utopie foncière (Land Utopia)* (1977), whose 2009 reprinting seems to have generated renewed interest. For example, the Confédération Paysanne (a minority agricultural union identified as leftist, and a member of the Via Campesina organization<sup>5</sup>), published a column in its magazine in March 2014 titled "An Agrarian Reform: Why? How?", denouncing the current state of private property distribution as a roadblock to the settlement of new farmers: "The State can requisition land in the name of the general interest [...] The largest farms must let go of some land!"<sup>6</sup>, with the aim of repopulating the countryside with the settlement of 500,000 new peasants. However, this redistributive dimension went unmentioned in the discourse we gathered from various fieldwork areas.

Our investigations have led us to define a third dimension to these two dimensions of distributive *justice foncière*, which are based on actors' claims and scientific work. *Allocative justice* aims to gradually change the distribution of land ownership and use,

5. Via Campesina is a global movement of peasant, rural and indigenous organisations at the national or regional level. It promotes food sovereignty and small and medium-sized farms.

6. Prod'Homme Clarisse, « Une réforme agraire, pourquoi, comment ? », *Campagnes solidaires*, n° 293, 2014.

following the rhythm of land and inheritance markets.<sup>7</sup> This allocative dimension has allowed us to analyze the extensive body of discourse related to public regulation of land markets in France (Boinon, 2011; Akimowicz et al., 2020). Administrative commissions (the Commissions départementales d'orientation de l'agriculture—CDOA) and private companies with public utility missions (the Safer—Sociétés d'aménagement foncier et d'établissement rural, which can pre-empt agricultural land dealings), act as intermediaries to evaluate candidates respectively for the rental and purchase of available land according to certain predefined criteria (such as surface area farmed per farm worker or job creation). The competing principles of legitimacy at play in these multiparty arenas can be interpreted via allocative *justice foncière*. Indeed, our work has shown that the positions held by each of the three main agricultural unions represent a division of values: among the leadership of the Fédération nationale des syndicats d'exploitants agricoles (FNSEA), the majority farmers' union, the most "deserving" farmers (those who most successfully follow the model of agricultural modernization) must be given priority; according to the Confédération Paysanne, those who need land (small farms) most come first; according to the Coordination rurale, a more politically right-leaning organization, the choice of private owners counts above all else (Baysse-Lainé, 2018).

Secondly, procedural *justice foncière* refers to the formal and informal processes of land distribution and opportunities to participate in them. Initially very agriculturally oriented, Safer committees have opened up to include local elected officials and representatives of civil society. This is a sign that the imperative of procedural justice has been taken into account, in that all those potentially affected by a public policy should be able to participate in its development.<sup>8</sup> In the French context, the dynamics of exclusion at play in the dissemination of land information are particularly relevant to this dimension of *justice foncière*. Land information relates to ownership and use of land, changes in ownership and use, and the anticipation of these changes. Access to this information is crucial to establishing or expanding a farm, but it is largely shared within tight-knit groups of farmers in the same area (Clément et al., 2019). The Safer committees and CDOA facilitate formal land information networks, but these are restricted to records of ongoing changes and are marked by imbalances stemming from union clientelism

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7. The feminist sociologists Céline Bessière and Sibylle Gollac (2020) have shown how family arrangements, particularly those regarding inheritance, contribute to maintaining gender inequities and male dominance over capital, specially in agriculture (Bessière, 2010). This work confirms the value of adding the dimension of allocative land justice.

8. Claims for intergenerational *justice foncière* are often made within this framework of participation in democratic decision-making: as land cannot be reproduced in large quantities on the temporal scale of a human life, its preservation therefore necessarily concerns future generations' capacity to produce food.

(Barral and Pinaud, 2015). One option for total transparency would be to centralize all land information in a freely accessible system according to a schedule set in advance.

As a second dimension of procedural justice, an approach in terms of *recognition* would seek to assess various principles of legitimacy or moral economies of land without ranking them according to a set of values. To avoid upholding normative standards, this approach must consider the range of actors' conceptions of justice (e.g., land to those who work it, to those who need it most, to those who were there before, to those who have the skills to cultivate it). In practice, this means taking into account both the diversity of aspiring farmers and their land needs. According to Marion Young (1990), justice in access to land means the absence of oppression. Two of the five facets of oppression are particularly linked to access to land in France: powerlessness (in the form of heteronomy, lack of authority, or lack of respectability) and cultural imperialism. The latter manifests as the invisibilization and stereotyping of subaltern populations when dominant populations "universality" claims lead, on the one hand, to considering different identities as being deviant or abnormal and, on the other hand, to the dominated populations seeing themselves from the dominant group's point of view rather than their own. In the current agricultural context in France, these forms of (in)visibility and stereotyping of certain farmer groups are becoming more complex: while organic new entrants remain often considered atypical by the rest of the profession, some conventional farmers are also kept shut out by periurban agricultural policies designed for, or even with, so-called "alternative" farmers<sup>9</sup> (Baysse-Lainé et al., 2018).

Defining these five dimensions of agricultural *justice foncière* sheds light on the analysis of feelings of injustice in agricultural land and building access.

### *Feelings of injustice through the prism of justice foncière*

We have already utilized the *justice foncière* framework to evaluate policies for the protection of periurban agricultural land (Perrin and Nougaredes, 2020b). In a French context where land inequities are rarely portrayed as injustices, we will hereby elaborate on more specific examples of analyses of feelings of injustice related to agricultural land. The low occurrence of such land claims can be explained using the three criteria defined

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9. Here, we have adopted the categorizations used in the discourses we analyzed, but farmers referred to as "alternative", "atypical", or "minority", may utilize, depending on the fieldwork area, different production systems and may hold differing values or visions of sustainability and agroecological transition (Plumecocq et al., 2018).

by Claire Bénit-Gbaffou (2014) to analyze the translation of inequities into feelings of injustice.

(i) *The visibility of contrasts in physical space.* The perception of inequities in land distribution is mitigated by the opacity of land ownership and land use relations.

(ii) *The existence of benchmarks,* i.e., sets of experiences that establish standards to evaluate the normality of a spatial configuration. With regard to land, referents can be mobilized by farmers who do not come from the territory (who are nevertheless familiar with other local situations), but these referents are not always known to local farmers in a position of domination, who are most often native to the area.

(iii) *The existence of public spaces where one may verbalize the just and the unjust,* without social control and or political censorship. With regard to agricultural land, there are few inclusive arenas in which the grievances of farmers with less (or less desirable) land can be expressed.

In fact, feelings of injustice are more pronounced when there is public debate and therefore knowledge of inequities, whereas opaque, closed procedures sometimes render inequities less visible and, therefore, diminish feelings of injustice. Consequently, the Safer's handling of land allocation can have contradictory effects: on one hand, farmers who are poorly or not at all connected to majority farmer unions can apply with full knowledge of the criteria to be used and might obtain access to land, but on the other, the greater volume of applications increases the number of disappointed people and the possibility that grievances will arise (Perrin and Nougarede, 2020b).

At the local and national levels, leftist peasant organizations are demanding to change current land management practices. They attribute inequities in land allocation among farmers to the co-management of land between state services and majority unions, which favors medium-sized productive farms. In this example, we encounter issues of justice in the form of recognition. These organizations see majority unions' strong influence in defining institutionalized principles of legitimacy in access to land as powerlessness: the criteria used by CDOAs and Safer are often defined upstream by assemblies dominated by FNSEA members (Hobeika, 2013). In a similar fashion, they perceive as cultural imperialism the access to land difficulties met by aspiring farmers who are considered "atypical", often because they do not adhere to the favored model of agricultural modernization. As a result, these farmers are sometimes ineligible for the *Dotation Jeune Agriculteur* [DJA] (Young Farmer Endowment), which facilitates land

allocation by the Safer and CDOA.<sup>10</sup> Limiting this imperialism would require applying what Brendan Coolsaet (2016) calls cognitive justice, which is based on the concept of epistemicide developed by Boaventura de Sousa Santos (2014) along the lines of Nancy Fraser (1995): a broader range of skills and knowledge should be able to be recognized as legitimate, especially those in the agroecological sphere (which are currently undervalued compared to those of a more reductionist agronomy).

Inequities between farmers in accessing land are primarily qualitative. Thus, a common discourse among agricultural development professionals and in scientific literature (Baysse-Lainé, 2019) holds that alternative farmers would be relegated to the least productive margins of the agricultural space, abandoned by conventional agriculture. Consequently, minority farmers in the agricultural field would exploit proportionally more *saltus* (low-production meadows, semi-natural spaces) and agri-urban interstices (wasteland, building roofs, *dents creuses* [literally “hollow teeth”, meaning empty lots with adjacent buildings]). In the cases we studied, this “hypothesis of the abandoned” is valid for a few farmers who settled outside the family framework (mostly those of the first wave, in the 1970s and 1980s), and in certain areas, such as the south Aveyron plateaus (*saltus*) and the *hortillonages* (floating gardens) of Amiens (agri-urban interstices). More generally, for minority farmers, it is the trajectories to access land themselves that are longer and more complex.

Inequities are also quantitative, as atypical farming profiles often settle on smaller areas of land. The figure of the “large, selfish farmer” is repeatedly invoked, for example by the director general of services of a local authority in south Aveyron: “There are 400 hectares [sheep breeding] farms [where] two or three of them are in GAECs [unions of family farms], and they don’t want to give up a square meter for market gardening... [They] prefer to keep some land [...] to reap the subsidies. [...] They see market gardeners as young oddballs, whimsical, adventurous, privileged. When all is said and done, between the large farms and the market gardeners, I’m not sure who gets more help...” (Interview, February 2014.)

Regarding building rights, some farmers are also demanding greater recognition of their construction needs. Indeed, while the allocation of building permits rests partly on the needs of the farmer, it depends above all on spatial criteria (what zone the plot

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10. The Coordination Rurale, a union identified as more right-wing, also maintains that “the disparity between subsidized and unsubsidized farm settlements [i.e., by farmers who receive the DJA or not] [...] is an injustice [and] a strategy employed by some [implying the FNSEA] to maintain control over the newly settled farmers.” ([www.coordinationrurale.fr/installation](http://www.coordinationrurale.fr/installation)), accessed July 2, 2018.

sits in, as determined by the Plan Local d'Urbanisme (PLU, Local Urban Plan) and economic criteria (assessment of the economic viability of the farm). In PLU-designated agricultural zones, current farmers indicate they have much more difficulty obtaining residential building rights than previous generations did. They also decry the preferential treatment of certain products: in the Hérault *département*, only wine growers with private cellars and livestock breeders have the right to build housing. These inequities in the allocation of building rights (allocative and recognition justice) spurred feelings of injustice, expressed during surveys.

Beyond denunciations of the systemic functioning of land management, we observed reactions to periurban land policies, which transform local landowners' and farmers' waiting horizons (for expansion or construction). In agriculture, these policies aim at triggering a very local scale transition, by promoting the evolution of production and marketing modes towards agroecology and short supply chains. The feelings of injustice expressed on these occasions provide information on the obstacles that would be met if the agroecological transition called for a national or European agricultural policy was to include a land component. These reactions take three major forms.

(i) *Resentment over the unequal endowment of land rights (allocative justice)*. This is the situation in Amiens, when conventional cereal growers under a precarious tenure agreement are being evicted in favor of installing organic market gardeners on a leasehold basis (a much more secure contract for the new farmer). In terms of building rights, this is the case when a plot of land is classified as non-constructible in a PLU while the neighboring plot remains constructible.

(ii) *Anticipated marginalization (procedural justice)*. This is taking place in the monts d'Or du Lyonnais, where a mixed association is pursuing a proactive land acquisition policy that worries large local farmers about their ability to expand their own property: "What bothers me is that they really do want to buy everything. The positive side is that it has [...] avoided any speculation. [...] The big negative is that it has prevented us from buying. [...] I think we're going back to [communist] Russia. [...] If there is only one owner [in all the monts d'Or] who makes it rain or shine, it's going to be very complicated" (interview, September 2016). In terms of building rights, this is the case

when *zones d'aménagement différé* (ZAD, Deferred Development Zone)<sup>11</sup> or public acquisitions prevent private owners from pocketing the added value of urbanization.

(iii) *The feeling of a lack of recognition (justice in terms of identity and recognition).* This sentiment is the reality for some cereal farmers in the plain of Vaulx-en-Velin, who have been cultivating this land for several decades. They are confronting land artificialization on one side and are being evicted to allow the settlement of short supply chain-oriented market gardeners on the other. In terms of building rights, this is the case when agricultural project holders are unable to obtain a building permit before their farms prove economically viable, a state which sometimes cannot be achieved without this building.

Ultimately, the feelings of injustice related to agricultural land that we have collected in metropolitan France relate exclusively to the allocative, procedural, and recognition elements of *justice foncière*. This underscores the need for an analytical framework adapted to countries without a history of settler colonization, who thus cannot use land justice's corrective approach. These sentiments are certainly formulated at the individual level, by individual farmers, but they can also be found at the systemic level within minority political and union movements. These feelings may be quantitative or qualitative in scope, actual or anticipated. Furthermore, they vary in intensity according to the extent of information sharing and procedural transparency, elements which are linked themselves to local power balances between the dominant and the dominated (Baysse-Lainé, 2020; Perrin and Baysse-Lainé, 2020).

## Revisiting land inequities in France from a land justice perspective

Our five-dimensional analytical framework could prove useful in addressing other historically or socially significant subjects. While our case studies mainly mobilized the allocative and procedural dimensions of *justice foncière*, our retrospective look now takes place through the corrective and recognition prisms. To us, the restorative and memorial dimension of land justice may enable new perspectives in France, ones that take a more explicit approach to the management of agricultural land from the point of view of minorities and marginalized people in incorporating long-term historical contexts and perspectives. This section therefore proposes avenues for research or reflection in three

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11. The approval of a ZAD perimeter freezes land prices for six years and provides a preemption right to the structure in charge of the development.

areas: relations between the central government and local populations, racial discrimination, and the legacies of colonial history. The choice of these themes in no way negates the fact that there are other interesting topics to study from a *justice foncière* perspective, foremost among them the place of women in family patrimonial arrangements (Bessièrè, 2010), their status on farms (partner, employee, collaborating spouse), and the trajectories of access to land by female aspiring farmers. Another relevant subject would be the migration of farmers in the face of urbanization or to repopulate former front lines of trench warfare zones.

The French central state has repeatedly failed to recognize the unique nature of rural populations' relationships with place when it has imposed major changes in land use, leading to exclusionary dynamics. For example, let us consider the privatization of communal areas throughout the 19th century (Vivier and Corbin, 1998). Within this framework, the policy of entrenchment in the Landes de Gascogne was based on perception of the area as a "French desert" to be conquered. The industrial capitalism of the Second Empire transformed the land management structures, landscapes, and lifestyles of the Landais people, who were often considered outsiders nationally (Aldhuy, 2008; Temple, 2009). To a lesser extent, other marshland regions (Dombes, Sologne, Brenne) were affected by this movement. The creation of national parks in the 1960s and 1970s in inhabited areas (Cévennes: Vidalou, 2017) and seasonally used areas (Vanoise, Écrins, Mercantour) led to a unilateral reduction of access rights of local populations, as public authorities treated such people as displaceable. More recently, the boundaries of simple less favored areas (or LFA, an EU Common Agricultural Policy zoning system that allows access to subsidies meant to offset the "natural handicap" of an area) were modified by the Ministry of Agriculture without public debate, leading to very strong resentment. As a result, some mountain farmers have lost a source of income crucial to the sustainability of their farms, while cereal farmers in the lowlands already enjoying irrigation were able to benefit from the subsidies for the first time. In the summer 2018 edition of the quarterly publication of the Confédération Paysanne of the Rhône, a woman farmer framed her plight in terms of justice: "I feel a great injustice working difficult land at an altitude of 400 meters, especially when I see that our territory is being pushed out of the [simple LFA] zone to let the plains of eastern Lyon enter."<sup>12</sup> The absence of prior local consultation, a component of procedural justice, reinforces this feeling of lack of recognition.

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12. SR, « Zonage ICHN : "C'est vraiment une aide indispensable" », *Le réveil paysan*, n° 111, 2018, p. 3.

On a much more micro scale, this lack of recognition also contributes to inequities in access to land according to aspiring farmers' ethno-religious affiliations, whether self-proclaimed or assigned externally. There is still a dearth of research on access for minority populations. Anne Lascaux's work on Moroccan migrant access to land in the Comtat is innovative in this respect. These individuals are often former agricultural workers who manage to revive agricultural wastelands (abandoned plots) through informal arrangements. Nevertheless, they "remain criticized, even marginalized, actors", arousing "the curiosity and mistrust of local farmers" (Lascaux, 2019, p. 6). Loiseau (2019) also detailed the discrimination towards people from the gypsy, Roma, and traveller communities in access to land and building rights. Her investigations around Montpellier report on the strategies they use to mask their community affiliations in order to succeed in buying or renting agricultural land. Building rights are also concerned, as the traditional mobile housing these communities live in is ignored by urban planning law (justice of recognition). These communities' significantly nomadic existence engenders risk of legal action (in the name of the fight against "cabanization", i.e. construction without a permit Crozat, 2009). Indeed, Roma are most frequently prosecuted in informal settlements because, in addition to the fact that they are not considered indigenous, their way of life is easily visible within the landscape.

Lastly, land justice's origins in the context of settler colonization compel us to reframe the French state as a colonial power in its overseas territories, one exposed to demands for corrective justice. While the Kanaks of New Caledonia have obtained a customary status that renders their land inalienable, unseizable, incommutable, and non-transferable (Herrenschmidt and Le Meur, 2016), the Amerindians of French Guiana are demanding the repatriation of state land to their communities. The latter situation is currently only informally conceded (Palisse and Davy, 2018), but for some, it evokes the "moral reparation of a colonial crime, which is the plunder of our ancestral lands by colonization itself" (Glowczewski, 2020). The preservation of a specific land tenure system in Alsace-Moselle, however, shows that the state is open to legal pluralism in territory under its direct administration. Moreover, the earmarking of aid from the Société pour la mise en valeur de la Corse (Society for the Development of Corsica) for pied-noir farmers fleeing Algeria in 1962 underlines the possibility of creating restorative justice mechanisms, even if they may be somewhat opportunistic (Baysang, 1971). It should be noted that on former sugar-producing islands, alongside demands for restorative justice, the stranglehold of former settler families on land (and the agri-food system by extension), also leads to demands in terms of redistribution (Candau and Gassiat, 2019).

These cases are only touched upon here, but compiling examples of them would facilitate the creation of a more critical overview of contemporary French agricultural land history. Simultaneously, the researcher's role must be examined in order to develop ways of working together with survey respondents, rather than treating them merely as study subjects (Paddeu et al., 2018). For example, studies could aim to produce results that respondents can experience for themselves or perhaps even utilize. Methodological contributions from land justice, such as the use of life stories to account for individual and groups' emotional relationships with land and territory, or the presentation of sound recordings or photographs to humanize and give voice to respondents, could be useful in this pursuit.

## Conclusion

In summary, Francophone literature has sometimes employed the term *justice foncière* to address the distribution of gains and costs associated with urbanization and land security in countries in the Global South. However, the concept's lack of a formal definition means it does not at all examine the structure of analyses of power and domination relationships that determine land tenure dynamics. In contrast, English-speaking literature contains a significant number of works that mobilize land justice as a concept to open perspectives for intersectional and long-term analysis of the social and political embedding of land ownership and use. Our results underline the interest of comparing these Francophone and Anglophone scientific approaches.

We propose combining the general framing of French-style spatial justice with the specificity of Anglophone land justice to establish a heuristic concept of "*justice foncière*". Our analytical framework comprises five dimensions, considering *justice foncière* successively through its corrective, redistributive, allocative, procedural, and recognition aspects. Such a tool makes it possible to reap new insights from a rich body of material often considered of secondary importance: the expression of feelings of injustice related to the distribution of and access to land rights (including building rights). On both the individual and the systemic scale, these statements illustrate the inherent tensions associated with contemporary agricultural land management in France.

Our reflections have been based on rural or periurban land, especially in relation to public policies, and on demands for justice, mainly allocative, procedural, and recognition-based justice. The role of power relations in perpetuating land inequities and

newfound feelings of injustice arising from local public actions form a relatively absent dimension of work on land justice. Our aim is thus to enrich this theoretical framework in order to analyze claims unrelated to traumatic dynamics like colonization. Inversely, it seems interesting to extend these reflections not only to demands for corrective justice (in overseas territories) and issues of recognition (in the relations between the central government and local populations, and access to land from minorities' points of view), but also to urban land matters (see Youness Achmani's PhD thesis project under the direction of José Serrano at the CITERES Research Center, university of Tours, France). Future work will therefore require an interdisciplinary approach that combines, at a minimum, geography, history, and anthropology.

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