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Is an alternative to private property durable in agriculture?

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Abstract

The desire for sustainability calls for new development paths for the agricultural sector. Some suggest creating small to medium size farms, performing agricultural practices that preserve ecosystems, are labour intensive and connected to local markets. New farmers are a necessity in many rural areas, yet the main obstacle to the settlement of newcomers is access to land. This research suggests an alternative to private property of land, such as experienced by the Foncière Solidaire created by the association «Terre de Liens» in France, which collectively buys land (13,500 shareholders, end of 2019) to lease them to new farmers under long-term basis. The research question is therefore: “Is this alternative to private property of land durable?” Here, durability means the permanence of farms, despite the on-going upheavals. We suggest that the values are the key, and that values leading to everlastingness describe a conception of Justice. To identify whether or not the values describe a conception of Justice in practice, the discourses should be consistent with the six axioms of the Grammar of Justice by Boltanski and Thévenot (1991) when implemented to a Local Common Good (Thévenot, 1993). The whole movement cannot last without the association Terre de Liens being permanent itself. We will highlight that the discourse (official communication) of the Terre de Liens association calls on Justice, being consistent with the six axioms. We

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also underpin that the main challenges are the evolution of regulations, and especially the European laws and French annual financial laws, which set the rules for fiscal exonerations and drive agricultural practices. Whatever these evolutions, it is likely that the association would achieve permanence because of the high number of actors (communes searching for farmers, applicants to taking or transferring farms, donors, shareholders) who are federated around its “Fair” *raison d’être*. Yes, there is a potential for durable alternative to land private property in agriculture.

Introduction

European agriculture has been losing jobs since the end of the Second World War, and farm numbers are continuously decreasing. The average annual rate of decline between 2005 and 2013 stood at 2% for the EU-27, but is slowing down in the older Member States (EU-15: -0.9% per year). The overall decrease in the number of farms is mainly linked to expansion, which for a long time seemed to be the only way to save farmers. Indeed, only large farms were profitable (in purely financial terms) in response to the constant political and regulatory pressure in favour of industrialised agriculture based on mass production (Rioufol, 2020). This agro-industrial model seems to be triumphant everywhere. Yet many indicators are demonstrating its limits. The effects of expansion are well-known in rural areas: drastic reduction in the number of agricultural workers, desertification of the countryside, disappearance of services to the population, advance of wastelands, risk of fires, etc. Today, social requirements for sustainability (rejection of pesticides, deforestation etc. (Ricci *et al.*, 2018) and new biophysical threats to agriculture (crop loss due to climate change) are challenging the agro-industrial model. So, alternative development paths for agriculture are needed.

To replace agro-industrial agriculture, two new models are being developed. The first does not renounce mass production, and advocates for so-called agro-ecological practices. These assume that farmers design their production systems (e.g. crop diversification and extension of rotations, establishment of hedges) based on the functionalities offered by ecosystems, while reducing pressures on biodiversity (Alim’Agri, 2013; Caquet *et al.*, 2019). The second model renounces mass production in favour of agricultural or food products that are distinguished by their qualities (Appellation of Controlled Origin, Protected Geographical Indication, organic farming

products etc.). Both alternative agricultures can be practiced on smallholdings (market gardening, small fruits, orchards, small livestock) or medium farms (traditional livestock, cereals, seeds, oils), applying agricultural practices that preserve ecosystems, labour-intensive and connected to local markets. Some new business models already running (e.g. selling through AMAP¹), but setting up new farmers is a necessity. Indeed, the transformation will never be fast enough if we count on current farmers only. For instance in 2017, land under organic farming represents between 0.2% (in Malta) to 23% (Austria) of the cropland, i.e. on average 7% of Member States' croplands (EU, 2019).

The agro-ecological or organic model make it possible to densify the rural population, renovate buildings and provide decent jobs for new agricultural workers, while almost 16 million Europeans are unemployed (Eurostat, 2019). Multiple trials show that these alternative models work and continue to work, yet the new comers are not numerous enough. In Europe, Monllor and Fuller (2016) demonstrated that the newcomers are in average 26 years old, with higher education, one half from urban background, the other half from rural one, the proportion of male and female being balanced. They are seeking to develop business models based on pluriactivity and multifunctionality. The main obstacles they face are firstly access to land, and also access to capital and market (Monllor and Fuller, 2016). Proposals for the rental of residential and operational buildings and associated land are rare. Agricultural land prices are very uneven in Europe, and it is impossible for many prospective settlers to buy a farm.

In this case, it is worthwhile to propose alternatives that make it possible to establish newcomers under long-term leases, without imposing the burden of land ownership on them. On the ground, the alternative systems are collective ownership of land, by collecting funding from shareholders, acquiring land and leasing the farms to new farmers. Are these alternative systems durable? Indeed, aren't they victims of the "tragedy of the Commons" (Harding, 1968) already denounced by Aristotle²? The purpose of this paper is to contribute to the discussion, based on the case study of a French associative system of collective ownership of agricultural land. The "Foncière Solidaire", created by the "Terre de Liens" (TDL) association in France, collectively buys land (13,500 shareholders, end of 2019) to lease them to new farmers on a long-term basis. The initial research question is therefore "In the TDL case study, is the system of collective property durable?".

1. An AMAP means "Association pour le Maintien d'une Agricultuer Paysanne", and is an association of consumers bound to a local producer by an agreement providing for bulk delivery of vegetables.

2. Aristotle «What is common to all is cared for less, because people are more interested in what is theirs than what they have in common with their peers».

1. Materials and methods

Investigation method

To study the case of the “Terre de Liens” association (TDL) and its associated pillars the “Foncière solidaire” and the “Foundation”, from a durability perspective, several methods can be envisioned, depending on the meaning given to “durable”.

First, the meaning of durability can be “sustainability” as used in the famous Brundtland report (Brundtland, 1987). But it is not at all the meaning given in this paper, because the relevant question is effectively the perennity of the system over time. The question is not if the system provides more positive externalities in terms of environmental, social, cultural or other issues than a conventional alternative. These are totally different issues. Indeed, a system can provide positive externalities without lasting and, at the contrary, certain systems last without providing positive externalities.

Second, in English, the meaning of durability can be “that lasts, that persists over time”. Applied to an organization, lasting means – to put it bluntly – that its activities will continue over time, for example beyond 35 years (Mignon, 1998). This is precisely the meaning that is used in this paper. One first method would be to find whether the collective property system effectively lasts or not over time. Unfortunately, in the case of TDL (which is one of the oldest initiatives of collective ownership of land in Europe), the institutions to make collective ownership possible are young, as they were created in 2006 and 2013. There is therefore a lack of hindsight in estimating the long-term lasting of the system. Nevertheless, there is another method to assess not the effective perennity, but the potential for perennity of an organization, through the features of its values. In such a perspective, the effective research question becomes: “In the TDL case study, has the system of collective property the features of durable companies?”.

To do so, we rely on works on the perennity of companies. The meaning of “durability” is taken here from the point of view of the likelihood of organization survival, despite the current upheavals. It questions the survival of TDL itself as an association, since the movement as a whole cannot last without it (explained below). In accordance with the seminal works by Collins and Porras (1994) and Mignon (1998) about survival of firms, we suggest that the values are the key, and that values leading to survival describe a certain concept of Justice (Macombe, 2003). In other words, the values of the organization leading to perennity are compliant with a conception of Justice. Yet, several conceptions of Justice are possible (Walser, 1983; Boltanski and Thévenot, 1991). But all of them follow the same rules, which have been identified and formalized by Boltanski and Thévenot (1991) under the name of “Grammar of Justice”. In practice, the rationale leading to

survival are values expressing a certain conception of Justice, which is itself consistent with the six axioms of the Grammar of Justice by Boltanski and Thévenot (1991) when applied to a Local Common Good (Thévenot, 1993). For instance, the local common good can be “an environmentally friendly agriculture” or somewhere else “an exporting agriculture”, or “a particular endangered cow breed”.

To identify the values of TDL, we will seek calls for justice in the rationale (official communication) of the TDL association, which are in relationship with the six axioms (either affirming the axiom, or denying it). The sentences relating to subjects other than values are not selected. We analyzed all the texts presented on the TDL website (including the movement’s charter) according to the grid provided by the Grammar of Justice of Boltanski and Thevenot (1991). The Grammar of Justice axioms are as follows: (a1) There is a common humanity; (a2) There are different states among people, and they are not stable; (a3) All the states are accessible to anybody; (a4) There is an order among the states: The Grands who contribute to the Common Good, and the Petits, who do not; (a5) To become Grand, there is a necessary effort; (a6) There is a Common Good which benefits all (Petits and Grands) whatever their contribution.

Presentation of the case

The TDL association was created in 2003, out of the desire of several French actors (from popular education, organic and biodynamic agriculture, ethical finance, solidarity economy and rural development) to influence the evolution of agriculture. It has helped many neo-rurals (more than 1,000 in 2019) get established since 2003. Noting the difficulty of would-be new farmers, TDL created the “Foncière Solidaire” (a social and solidarity economy company, a limited partnership with variable capital shares, 81 million euro at the 31st of December 2019) at the end of 2006, and in 2013 a “Foundation” recognized as a public utility (which mainly receives farms as donations and legacies, capital is 1.9 million euro in 2019). These two institutions purchase the land on which a would-be farmer is bidding, and lease it according to the status of the environmental rural lease (which guarantees ecological practices), in the long term. For the “Foncière”, the funds come from joint and several shareholders who are natural or legal persons under private law. The “Foncière” also collects employee savings funds and institutional savings bank funds (e.g. Caisse des Dépôts et Consignations). Altogether, TDL, the Foncière Solidaire and the Foundation include 78 employees and 900 volunteers.

75% of the funds are used to collectively purchase the land, while 25% remain on the reserve to reimburse shareholders who wish to withdraw. When a candidate for installation has located land, his file is examined by

TDL. In case of acceptance (80% of cases), TDL launches a public subscription to buy the domain in question. To date, TDL has created 207 farms, out of 5,500 ha that belong collectively to the “Foncière Solidaire” and/or the “Foundation”. The type of farms that can benefit from this scheme was clarified in 2018. They must respect the following four criteria: the values of the TDL charter, the specifications of organic farming, the values of the smallholding charter, and develop mainly food production (Annual Report, Assemblée générale Foncière Solidaire, 2018). Farmers set up with the help of TDL form a network, supported by local actors (about 100 volunteers devoted to this task in France), which increases farm survival (Bloch *et al.*, 2012). The “Foncière” undertakes never to resell any of the land acquired, and systematically seeks a buyer in the event of the termination or departure of the farmer in place. It should be noted that TDL also provides legal support for management, and communication (classifieds site) for the many local authorities who are looking for candidates to settle on their own land. In 2019, ad traffic (land demand/disposition) represents three to five ads per day.

2. Results and discussion

We present an extract of the verbatim from TDL while deliberately using the same vocabulary as TDL, although many terms would require discussion or definition.

If the extract comes from the TDL charter, this is mentioned. All other excerpts are taken directly from the TDL website.

It appears that TDL recognizes a common humanity of citizens (axiom a1) in relation to the agricultural issue, and that land is the common good that benefits all, because it ensures the food sovereignty of populations (axiom a6). There are several “states” linked to different types of farms and people who favour either the agro-industrial model or the opposite local agricultural model (axiom a2). These states are ordered: the Grands are those who fight against speculation, and stop the disappearance and destruction of farms; different kinds of Petits are those who speculate or support agro-industrial agriculture (axiom a4). Citizens can access all states (i.e. support any of the models). In particular, TDL has invented mechanisms that allow everyone to support the local agricultural model (axiom a3). Accessing the state of Grand (supporting local agriculture) requires personal investment (training to become voluntary, lucid, responsible, autonomous, capable), and the provision of farms is a “long process” (axiom a5). The six axioms of the Grammar of Justice are therefore clearly stated by the TDL movement. In accordance with the work on perennity of organizations mentioned above (Collins and Porras, 1994; Mignon, 1998; Macombe, 2003), we can conclude that from a values

Table 1 - Axioms of the Grammar of Justice and verbatim illustrations from the website of TDL (December 2019)

No.	Name of the axiom	Extracts
A1	There is a common humanity	“It wishes to enable everyone to exercise their responsibility [-] towards the land that they consider [-] as a common good” (charter). “Enable citizens , individually and collectively, to exercise their responsibility with regard to the use of their land, particularly in the agricultural and food sectors” (charter).
A2	There are different states among people, and they are not stable	“More than 200 farms quit their business every week in France, particularly in favour of ever larger agro-industrial farms ”. “Local agriculture, through its local roots, is at the heart of this dynamic: it is based on farms on a human scale and makes it possible to build relationships between citizens and farmers who produce our food”.
A3	All the states are accessible to all	“These tools are within everyone’s reach , so that everyone can become effectively involved in the future of our farms and agriculture”. “ Popular education : creating conditions for volunteers to act [-]” (charter)
A4	There is an order among the states: The Grands who contribute to the Common Good, and the Petits, who do not	TDL was created to “ free the land from land and real estate speculation [-], support environmentally friendly agriculture” (website and charter). “This land is definitively emerging from the speculative market , is guaranteed to be maintained in the long term in its agricultural vocation and is ready to welcome new farmers with farming practices that respect the soil and the environment”. “More seriously, a small number of farms continue to expand by taking up land resources, to the detriment of young farmers who are discouraged by the difficulties of setting up”. “Give meaning to your money by focusing on its exchange value, encourage transparency and combat speculation ” (charter). “Favour setting up new farmers over expansions ” (charter). “Stop the disappearance and destruction of agricultural land” (charter).
A5	To become Grand, there is a necessary effort	“To create conditions for volunteers to be able to act [-] in a lucid, responsible and autonomous manner and to participate in the social transformation towards a freer and more just society” (charter). “The purchase of a farm is a long process in several stages: monitoring and identification of opportunities, valuation of assets, project appraisal, financial arrangements, legal and administrative arrangements for transactions”.
A6	There is a Common Good which benefits to all (Petits and Grands) whatever their contribution	“To consider the land as a living and inalienable common good to ensure the food sovereignty of the populations” (charter). “The land that they consider [-] as a common good ” (charter). “Without agricultural land, there can be no peasants or local agriculture that respects the environment and creates links ”.

perspective, TDL presents a rationale that is compatible with the durability over time of its activities. In the TDL case study, the system of collective property has the features of durable companies.

What are the challenges for the association? Looking back over TDL's history shows that governance issues are well addressed over time and with experience. The result is a fairly complex system for the layperson, but transparent (there is a diagram on the website) for managing and monitoring of all activities. On the other hand, the number of employees remains modest because many tasks are carried out by volunteers. However, specialisation (e.g. tax) and the growth of activities require new hiring. Through the activity reports of the "Foncière Solidaire" and the "Foundation", it is clear that the constant fluctuation of legal provisions on the regulation of shareholding, donations, and especially on taxation (possible tax exemptions) that apply to shareholders are permanent subjects of concern. The rules concerning the nature of the savings that can be raised, the limits on annual subscription, the ceiling and the rate of tax exemptions, are challenged almost every year, threatening the "Foncière Solidaire's" land acquisition model (through public savings calls). In response, TDL adapts its underwriting rules annually, and carries out ongoing lobbying work with French parliamentarians, directly and through its members. As long as the influence of TDL and the other French Solidarity Owners associations concerns a marginal fraction of the land released each year, they do not disturb the powerful interests of real estate or land speculation. The land targeted by TDL is too small to be of interest to investment funds (average of 23 ha per farm, i.e. 13 ha per farmer TDL while the average size is 36 ha per farmer in France). Yet, the movement is growing (with other initiatives also, see de Haas, 2007), and could come up against a regulatory and fiscal "wall". However, despite a probable slowdown in acquisitions, TDL is set to continue its assistance to local authorities and its spin-offs to other French and foreign structures.

TDL must be able to stay on course in this complex and changing institutional environment. Having a robust and coherent theory of justice is a definite asset in finding one's way in this context.

3. Conclusions

Is an alternative to private property of agricultural land durable, or are these alternatives always victims of the "Tragedy of Commons"? The contribution of this paper is not about the effective long-term lasting of the TDL system (indeed, there is a lack of hindsight in estimating the long-term lasting of the system), but about to know whether the values of TDL display the specific features of durable companies. Our brief investigation concludes

that, from a values perspective, TDL presents a rationale that is compatible with the durability over time of its activities. Of course, it is not possible to conclude that TDL itself will effectively last over time, nor will reproduce in sister organizations with the same purpose. Indeed, Belgium, Germany, the United Kingdom, Spain, Italy and Lithuania are developing similar structures as TDL (Rioufol, 2020). The formula of the “Foncière Solidaire” and the “Foundation” seems likely to develop strongly, as long as the legislator allows them to do so. Since 2012, TDL animates the network “Access to Land” of 15 European sister organizations, with the purpose of launching similar initiatives especially in Eastern Europe, to develop organic and agro-ecological agriculture. “Access to Land” lobbies the European Commission to influence regulations about agriculture practices and land tenure.

TDL not only organizes the preservation of agricultural land, but also anticipates the generalization of crop/livestock systems that consume less inputs and are more labour-intensive, which will likely become more widespread in the future. Also, TDL’s way of working could be a model pathway towards forests protection, which seems to be less developed in France to date (despite some trials like the “groupement forestier citoyen du chat sauvage”, in the Morvan region). There is therefore a potential for durable collective alternatives to individual ownership of agricultural land, the future extent of which depends on future policy decisions.

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