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RESEARCH ARTICLE

Moving toward a fairer access to land fostering agroecological transition? A decade of legal change and reframing of debates around soil and climate in France

Adrien Baysse-Lainé^{1,*} 

Although farmland concentration receives narrower media coverage than land grab, it goes hand in hand with impactful environmental and demographic consequences. This article examines the case of France, one of the European countries with the highest level of farmland market control. It questions to what extent the regulation of access to land is adapted to initiate an agroecological and food transition. Its objective is to analyze why and how land concentration has been reframed in the past decade, by which types of stakeholders, building on which sources of legitimacy, and with which legal strategies and results. The theoretical framework combines the sociology of controversies and agenda-setting with a land justice-based approach. This article builds on a textual hermeneutics of 3 documental corpora encompassing a press review with 172 items, 112 documents (press releases, opinion pages, reports, notes, interviews, public speeches, amendment proposals, draft bills, laws, and decisions), and 3,409 tweets (those mentioning *loi foncière* or the #LoiFoncière hashtag, and those quoting, retweeting, or replying (to) them). These data were contextualized using sporadic participant observation. Since 2013, and more specifically since 2018, 2 networks of left-wing politicians, left-wing farmers' unions, and civil society nongovernmental organizations have brought land justice concerns up-to-date to put farmland concentration on the political agenda. However, only minor progress has been made. A major factor in this is the chronological gap between, on the one hand, the successive reframings of the issue (from soil quality and climate change mitigation lenses), the proposed legal devices, the degree of projected legal change and, on the other hand, the pace at which the window of opportunity for a new land law has opened and closed. Indeed, the land imaginaries of land commons that underpin the agroecological transition are not yet sufficiently socially legitimate to be enshrined in law.

Keywords: Farmers' unions, Corporate farms, Land concentration, Land imaginaries, Window of opportunity

1. Introduction

Beyond the spectacular nature of land grab, the more ordinary movement of land concentration results in growing inequalities in the distribution of global land resources. On a macro level, economic factors are first at play: land concentration goes hand in hand with economies of scale, making it difficult to meet social and environmental sustainability objectives (van der Ploeg et al., 2015). Second, land imaginaries, defined by Sippel and Visser (2021) as “the underlying understandings, views, and visions of what land is, can, and should be,” have a major influence on land dynamics. Finally, political factors must be considered, particularly through the framing

effects of law. Major legal developments in the field of agricultural land tenure with major spatial implications are therefore studied. On the one hand, renewed interest in the commons is contributing to the international recognition of peasants' rights to land (Claeys, 2015) and to the securitization of land in Southern countries (Valkonen, 2021). On the other hand, de-collectivization in Eastern Europe (Visser and Spoor, 2010; van der Ploeg et al., 2015) and property transformations in settler-colonial countries (Desmarais et al., 2017; Wittman and James, 2022) reinforce the weight of private property and promote land concentration.

Consequently, a growing body of literature questions the paths toward land reforms capable of promoting specific agricultural and food models by changing power relationships around property (Calo et al., 2022). Beyond the major cases of legal change mentioned above, extending the analysis to situations of slower, more

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minor legal change helps to gain an understanding of how transition dynamics can be set in motion in more numerous contexts. France¹ is an interesting case study through which to explore this question. The level of regulation surrounding access to farmland is high compared to the rest of Europe (Swinnen et al., 2016), but many other agricultural policies operate as a barrier to generation renewal (van der Ploeg et al., 2015). The literature on this subject, however, focuses mainly on alternative initiatives facilitating access to land (Rioufol and Voltz, 2012; Calo and Master, 2016; Wittman et al., 2017; Baysse-Lainé, 2022; Pinton et al., 2023), without analyzing the links with macro legal constraints and power relationships. Yet, the way in which subsidies from the European Union's Common Agricultural Policy (CAP) are distributed pushes for farm enlargement and does little to encourage the greening of practices (Piet et al., 2012). The pivotal role played by the biggest farmers' union, the National Federation of Farmers' Unions (FNSEA)² in defining agricultural policies has a lock-in effect that maintains the paradigm of agricultural modernization. Finally, land regulation does not apply in the same way to the 2 legal statuses that farms can have individual or corporate farms. However, this point is crucial, as corporate farms are subject to lighter farmland regulation (see Section 2), while land concentration is most intensely driven by them (Preux, 2019).

Farmland concentration reappeared on the French national agenda in the middle of the 2010s. The unequal opportunities between individual and corporate farms were particularly highlighted by 2 mediatized cases of large-scale farmland acquisition through complex corporate plans by nonagricultural investors. In the southern part of the Paris Basin, 3 Chinese corporations took control of nearly 2,000 ha of cropland initially farmed by 4 individual farms.³ In the northern part of the Paris Basin, a French construction company manager established a "1,000-cow farm" by taking control of nearly 3,000 ha of fodder land initially farmed by 18 individual farms.⁴ This started a cycle of still ongoing debates around updating land regulation and adapting it to the new forms and effects of land concentration: numerous organizations from the agriculture, rural law, environment, and public action sectors have indeed expressed their views on a potential "new land law." To date, the literature on this topic is limited to legal commentaries (Grimonprez and Aubin-Brouté, 2018).

1. Here limited to metropolitan France, as land issues in the overseas territories are largely dissimilar.

2. *Fédération nationale des syndicats d'exploitants agricoles*.

3. Example of media coverage, by one of the main national daily newspapers: <https://www.lefigaro.fr/societes/2016/04/13/20005-20160413ARTFIG00138-des-terres-agricoles-rachetees-par-un-mysterieux-groupe-chinois-dans-le-berry.php> (the article title is "Farmland bought by a mysterious Chinese group in Berry").

4. This case even has its own Wikipedia page: https://fr.wikipedia.org/wiki/Ferme_des_mille_vaches.

This article questions to what extent the regulation of access to land is effectively adapted, on a sociopolitical level, to initiate an agroecological and food transition. To do so, it is based on the analysis of the contorted evolution of the general regime of access to land in France. More specifically, its objective is to analyze how land concentration has been framed and reframed to ensure that agricultural land law evolves to take account of social and environmental issues. What types of stakeholders with what links are taking up this issue? What sources of legitimacy and arguments are they mobilizing to put the need for reform on the political agenda? What legal strategies are they pursuing?

To address these questions, this article builds on 2 theoretical backgrounds. The first is the sociology of controversies and agenda setting, which defines a controversy as the staging of a dispute between peers within a particular social world, opening "opportunities for stakeholders to call into question certain power relationships and beliefs hitherto instituted" (Lemieux, 2007). Some controversies lead to agenda setting through processes of framing and reframing, which contribute to opening, closing, and/or reopening windows of opportunities for legal change. Framing is the process of building the frames through which a social or political issue is understood, considered as a problem, and dealt with, while reframing redefines a problem in a new way that can enroll new stakeholders in agenda-setting actions. This theoretical framework is combined with a land justice-based approach (Horst et al., 2021), considering the moral values of stakeholders "regarding what and whom rural land is for" (Brown, 2006). "Land justice" is an application of social justice theories and notions (dimensions of procedural, distributive, and recognition justice) to the distribution of land resources.

This article comes from a long-term interest in the issue. I began with nonformal observant participation in protests against the 1,000-cow farm in 2015, before pursuing my exploration of the subject through thematical information monitoring and non-active membership in a nongovernmental organization (NGO) involved in advocacy work. I therefore set my research approach a posteriori, collecting documentary material in a standardized way. My aim was to reconstruct the chronology of events, the structuring of networks of stakeholders, and the construction of arguments, building on other studies of controversies about farmland politics (Beingessner, 2021; Beingessner et al., 2022), and public discourses on planned increase in farmland regulation (Magnan, 2018).

This article first provides background information on the specific features of the French legal context surrounding farmland, before focusing on materials and methods. The remainder of the text first analyzes the stakeholders involved in agenda-setting activity who are calling for farmland regulation to be updated and their rationales. Second, it questions why the avenues for legal change have not led to the adoption of a new land law despite 2 successive reframings of farmland issues in terms of soil and climate.

		Markets regulated since the 1960s	More recent markets
Ownership of land	kind of ownership	Direct ownership	Indirect ownership, through shares of companies owning land
	regulation authority and kind of market control	SAFER , holding a right of pre-emptive purchase on all farmland sold	Up to 2023: no regulation (From 2023: SAFER , administrative authorization of the sale of shares)
Use of land	kind of use right	Fermage long-term and renewable lease agreement	Shorter-term subcontracting of farm work, subleasing and oral leasing
	regulation authority and kind of market control	CDOA , administrative authorization to farm	No regulation

Figure 1. Four farmland markets and their regulation bodies in France. In the 1950s and 1960s, a window of opportunity for strengthening public regulation on access to land opened and the French state created authorities to control 2 land markets existing at that time: the Land Use and Rural Settlement Corporation (SAFERs) for the direct ownership market and the Departmental Agricultural Guidance Commissions (CDOAs) for the rental market. More recently, new ways to access farmland have developed, which circumvent these controls. On the one hand, with the rise of corporate farms, land ownership is increasingly indirectly sold, outside the area of expertise of SAFERs. On the other hand, informal rental forms outside the *fermage* status are increasing, far from the area of expertise of CDOAs. Source: Author’s own.

2. Background to the regulation of access to land in France

Prior to postwar agricultural modernization, public policies on farmland aimed to support small-scale ownership of land by peasants, considering farmland to be above all private property. During the agricultural modernization process, farmland became more valued as the working tool of farmers (Croix, 1999), who were encouraged to invest in productive capital (e.g., tractors or stabling) and not in land, through the creation of the *fermage* status. The *fermage* guarantees strong protection to the tenant: a rent cap system administrated by the state allows for some of the lowest prices in Europe; the standard land tenure agreement is 9 years long, is automatically renewed and transferred to the tenant’s relatives (unless the owner wishes to farm the land themselves or to rent it to relatives); and when the land is sold, the tenant has a right of preemptive purchase (Léger-Bosch et al., 2020). As a result, in 2020, 51% of agricultural land was farmed by tenants and the remaining 49% by owners (directly or through a corporate farm under their control): in this setting, from a public policy perspective, both rental and ownership markets appear important to control.

Beyond this regulation of the relations between tenants and owners, regulation of farmland markets was introduced in the early 1960s (Figure 1), in response to farmers’ struggles against the so-called *cumulards*.⁵ The direct ownership market is controlled by Land Use and Rural Settlement Corporations (SAFERs),⁶ private bodies with public interest missions, which hold a right of

preemptive purchase on all farmland put on the market (Piet et al., 2012). The rental market is controlled by Departmental Agricultural Guidance Commissions (CDOAs),⁷ administrative committees which deliver authorizations to farm to tenants before they officially sign a lease (Piet et al., 2021). SAFERs and CDOAs were created to support the increase in size of middle and large family farms at the expense of small farms, while avoiding land grab. This has led to a situation with large farms and low farm size inequality compared to the rest of Western Europe (Loughrey et al., 2016). Their aim was also to prevent price speculation, to limit land acquisition by non-agricultural investors, and to give some priority to young farmers for access to land. Their decisions are taken by committees with a majority of farmers’ representatives. As a result of their action, in 2020, the mean size of a farm was 69 ha, the mean price of farmland lower than in the neighboring countries (€6,000/ha), and around 80% of farmland belonged to retired farmers, relatives of current farmers, and farmers themselves.

Four main farmers’ unions participate in defining and implementing farmland politics in France, at the local level through their participation in the committees of SAFERs and CDOAs, and at the national level through lobbying activity. The 2 majority farmers’ unions (which jointly earn around 55% in professional elections) are the FNSEA for middle- and end-carrier farmers and JA (Young Farmers)⁸ for early carrier farmers. Regarding farmland, JA is slightly more involved than the FNSEA in denouncing urbanization and agrivoltaics and in defending young farmers’ installation in front of farm expansion. The *Confédération paysanne* (Peasant’s Confederation) is a minority

5. “Those who accumulate land,” or the land grabbers of the time.

6. *Sociétés d’aménagement foncier et d’établissement rural*. There is one SAFER per administrative region and a national federation called FNSAFER.

7. *Commissions départementales d’orientation de l’agriculture*.

8. *Jeunes Agriculteurs*.

union (earning around 20% in professional elections) and a member of the international umbrella organization *La Via Campesina*, which promotes among others small-scale agriculture, food sovereignty, and agrarian reform (Torrez, 2011). It has a long history of contesting large-scale development projects, such as airports, motorways, commercial and leisure centers, and irrigation infrastructure. The *Coordination rurale* (Rural Coordination) is another minority union (earning around 20% in professional elections) created against the 1992 reform of the CAP introducing the current types of subsidies. It has a more liberal orientation and is opposed to many environmental regulations.

In recent decades, 2 new farmland markets have emerged without being regulated (Figure 1). On the ownership side, an increasing number of individual farms have switched to the legal status of corporate farms and increasingly more land is owned by companies. When a company share is sold, land is indirectly sold through it, which circumvents the control by SAFERs. In 2021, the areas of land sold through the market of shares of companies owning farmland was 38% higher than that sold through the direct ownership market.⁹ On the rental side, a growing number of owners are subcontracting farm work to specialized companies instead of leasing their land to tenants through the *fermage* status, which circumvents the control by CDOAs (Nguyen et al., 2022). Other ways of circumventing the regulation to earn a higher land rent are subleasing by tenants and informal oral leasing by owners.

3. Materials and methods

The argumentation is based on a cross-analysis of the limited evolution of the law and the large number of proposals made by a series of stakeholders. This textual hermeneutics is based on 3 complementary sets of data.

First, I conducted a review of the national agricultural press from January 2013 to March 2023 to both reconstitute the stages of the controversy and identify the main stakeholders. The review was based on keyword queries within the online archives of 4 publications.¹⁰ Each mention of a proposed or actual legal change to standards relating to farmland was listed in a chronological table (in Excel) with 172 items recorded. I then wrote a structured narrative commentary of the table and asked 2 stakeholders involved for a decade in the controversy—a former deputy who cosigned the first draft bill on the subject and the President of the NGO AGTER,¹¹ who had previously worked for the SAFERs' research office—to check its accuracy.

9. 644,500 ha against 467,800 ha, pp. 5 and 7 in https://www.le-prix-des-terres.fr/app/uploads/2022/05/2022_PDT_SYNTH12p-BD.pdf.

10. *La France Agricole*, *Terre-Net*, *Agra Presse*, and *Réussir*.

11. *Association pour contribuer à améliorer la gouvernance de la terre, de l'eau et des ressources naturelles*, an association contributing to improve the governance of land, water, and natural resources, based near Paris and involved in advocacy and training programs in France and countries in the Global South.

Second, I collected the documents produced by the identified stakeholders (shown in the external ring of Figure 2), retrieved from their respective websites, to examine which topics were addressed in which way by whom. This enabled me to investigate the positions taken on food, soil, and carbon issues, which did not systematically appear in the press corpus. The corpus comprises 112 items: 77 public statements (Figure 2: press releases, opinion pages, study reports, notes, interviews, public speeches, amendment proposals) and 35 legal and governmental texts (Figure 3: parliamentary and administrative reports, draft bills, laws, circulars, court and committee decisions). I compiled all the mentions of land concentration, land grab, agroecology, fair and/or sustainable food systems, social justice, soil, and carbon storage in a double-entry table (in Excel) to compare the views of each stakeholder on each issue and the way in which they evolved.

Third, I built on a corpus of 3,409 tweets to characterize the relationships between stakeholders, beyond the (dis)similarities of their arguments observed in the previous corpus. The Tweets selected are those relating to the French context and mentioning “loi foncière”¹² or the #LoiFoncière hashtag (591 primary tweets), and those quoting, retweeting, or replying to the primary tweets (2,818 secondary tweets). They were harvested via the Twitter API, using the *rtweet* library in R language. The harvest covered the period from the campaign for the 2017 general elections up to the end of the 2022 general elections (January 1, 2017, to June 19, 2022, first presidential term of Emmanuel Macron and its temporal margins). The text, potential hyperlink, date, account name, and the primary or secondary tweets related to each tweet were gathered in a table (in Excel). Network and lexical analyses of the corpus were performed using R and Gephi to identify communities of closely linked accounts (Gau-mont et al., 2018) and the main keywords used within each community (Grandjean et al., 2016). Figure 5 particularly draws on this material.

Finally, I contextualized these data (Figure 4) based on my non-active membership for several years within the NGO AGTER.

4. Stakeholders, rationales, and agenda-setting activity around farmland concentration

In the 1950s and 1960s, the demand for a reform of the regulation of access to land came from the majority farmers' unions. They supported a new paradigm featuring farmland as a working tool, rather than as a private heritage. Over the last decade, who has called for an update of the regulation? And based on which land imaginaries? I show that left-wing politicians and farmers' unions, and NGOs brought land justice concerns up-to-date to put farmland concentration on the political agenda.

12. Statute law on land.



Figure 2. Distribution of the public statements studied, by stakeholder (external ring) and group of stakeholders (internal ring). The most active group of stakeholders in the controversy is the Land Coalition trans-sectoral advocacy alliance, who issued more than the half of the corpus (orange). Members of this alliance are the farmers' union *Confédération paysanne*, the civic land trust *Terre de Liens* (the main French civic land trust for agroecology, literally "Land of Links," which owns more than 7,000 ha rented to more than 350 farms) and the NGO AGTER. The mainstream stakeholders and institutions of the agricultural sector (gray) were much less active, as they issued almost the same number of statements as the research and political sectors (yellow). Source: Author's own.

4.1. The land justice rationales of the stakeholders supporting an ambitious reform of farmland regulation

Two networks of stakeholders are building on justice issues to promote sustainable agricultural and food models in the context of land law reform.

Looking at the way the debates on a new land law developed on Twitter is a first way to sketch the relationships between the main stakeholders of the controversy (Figure 5). Comparing their number of tweets gives indications as to their level of activity and involvement. The

accounts with the most primary tweets are those of the farmers' union *Confédération paysanne* (22 tweets), the agricultural newspaper *La France Agricole* and the civic land trust *Terre de Liens* (20 tweets each), with the deputy Dominique Potier joint fourth (10 tweets). Initially an organic farmer involved in popular education organizations, Potier was elected deputy for the Socialist Party¹³ in 2012, 2017, and 2022. Moreover, comparing the most

13. A social-democratic party at the head of the government from 2012 to 2017.

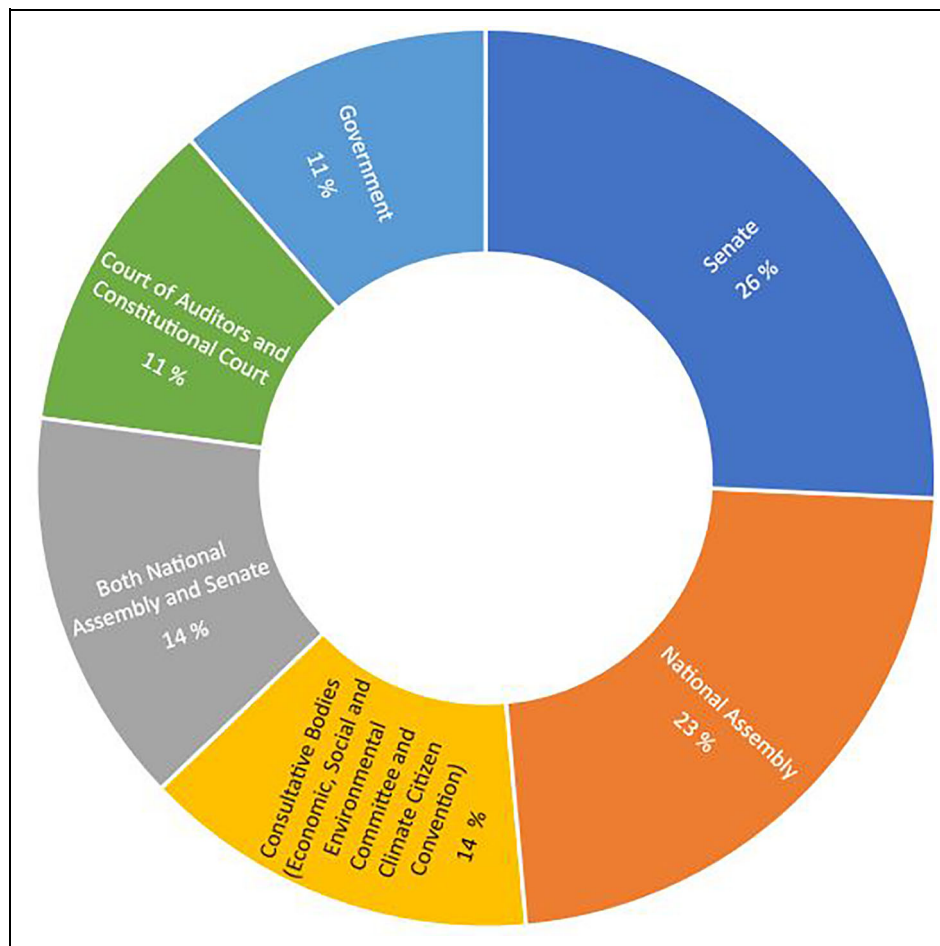


Figure 3. Distribution of legal and other government texts by institution. Legislative bodies (Senate and National Assembly, together or separately) made the largest contribution to the proposals of legal change (blue, orange, and gray). Governmental texts make up the smallest part of the corpus, since even consultative bodies and jurisdictions issued more decisions. Source: Author's own.

quoted, retweeted, and replied-to accounts gives indications about the stakeholders who polarize the debates the most. These accounts are those of the *Confédération paysanne* (337 items), *Terre de Liens* (325), Dominique Potier (235), a leftist candidate to the National Assembly in 2022 (149), the majority farmers' union JA (90), an environmental NGO (86), a candidate in the Green Party presidential primaries of 2022 (84), and a local branch of the *Confédération paysanne* (76). To varying degrees, all 8 of them are in favor of an ambitious reform.

According to the content of their tweets, the most active and central stakeholders on Twitter (*Terre de Liens*, the *Confédération paysanne* and Potier) belong to the strongest supporters of a strengthened farmland regulation. Some tweets particularly illustrate this point by insisting on the urgent need of a legal update. The *Confédération paysanne* states: "Let's take the land back from the land-grabbers and financiers. Let's give it back to those who cultivate it: the peasants. We'll be bringing the urgent need for a land law to the Paris International Agricultural Show" (February 26, 2022).¹⁴ *Terre de Liens* argues that

"farmland is becoming a scarce resource. That's why we're fighting for it to be a common good, owned by the community that decides how it's used" (August 31, 2020).¹⁵ For his part, Potier highlights that "the time has come to fight against land grabbing with a major land law to share and protect land, enabling generational renewal and agroecology" (May 6, 2020).¹⁶

These stakeholders also authored many position statements in the document corpus (**Figure 2**). Conversely, 2 main stakeholders appearing in the document corpus (AGTER and the FNSAFER) are not present on Twitter. Combining both corpora (tweets and position statements) highlights 2 main networks of people and organizations that have advocated for a reform of land law considering sustainable agriculture and food systems issues. The first network is formed around Potier. Beyond his relations with other politicians, Potier has developed connections with scholars and with organic agriculture, social Christian, and environmental NGOs. The second network is centered around the alliance of the *Confédération*

14. <https://t.co/EMrRqWOH4C>.

15. <https://t.co/fORA2uAcPu>.

16. <https://t.co/peYBR9p8QV>.

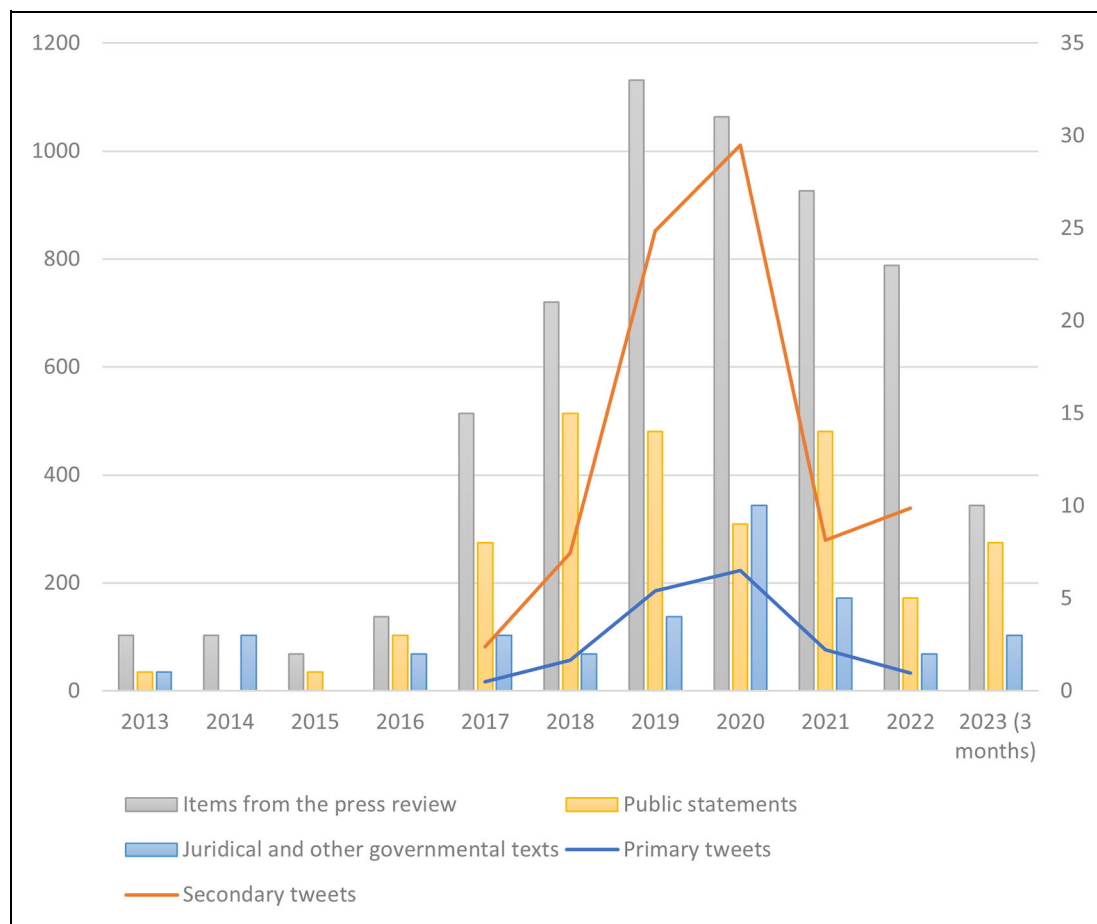


Figure 4. Breakdown of the elements of 3 documental corpora by year of production. Changes in the number of items give an indication of variations in the intensity of the controversy. A peak was reached between 2019 and 2021, with the highest production, respectively, in 2019 (press review), 2020 (tweets), and 2021 (documents). Source: Author's own.

paysanne, Terre de Liens, and AGTER, who created an informal “Land Coalition” to coordinate advocacy efforts. They were later joined by the French branch of the Friends of the Earth. More broadly, their advocacy work is carried out in nonbinding association with other NGOs less concerned by land issues, from the sectors of alternative rural and agricultural development and environment.

Both networks aim to “transition [...] land into agroecological use [...] by legitimizing and legalizing new land tenure relations” (Calo et al., 2022). The relationship they establish between land, agriculture, and food is that, to meet the objectives of sustainable agriculture and food production, it is necessary to—literally—make space for agroecological young farmers. Potier has argued on many occasions, in a catchphrase, “that there will be no agroecology without generation renewal and that generation renewal is impossible without a fair land policy.”¹⁷ This requires changing farmland market regulation to be able to assign freed plots to people based on the agricultural and food model they practice, or plan to. Therefore, AGTER and *Terre de Liens* suggest that “land put on the

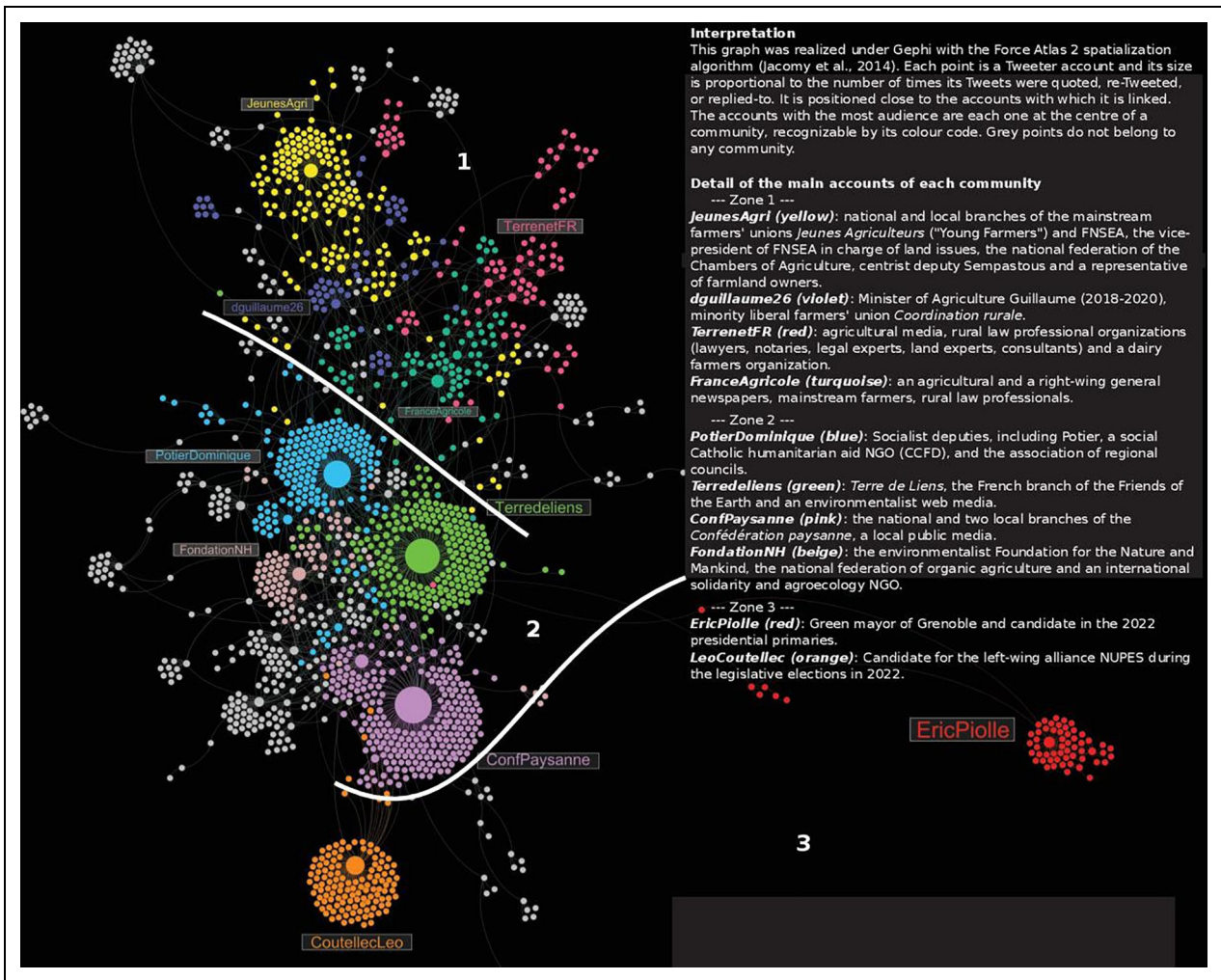
market would be directed as a priority to farmers with agroecological projects.”¹⁸ All these stakeholders understand land as a collective and limited resource, which should be more than a technical topic limited to the agricultural sector. They are opposed to what Calo et al. (2021) call the renewed dominant logics of property, which serve the extension of commodity farming.

The legal change aimed at by these stakeholders is driven by the analysis that the current farmland regulation is believed to be unfair. In the French context, Potier’s call for a “fair land policy” mentioning the term “*justice foncière*” is extremely rare. Land policies conceived within the paradigm of agricultural modernization prioritize farmers who are considered to merit land to enlarge their farm and not those who would need land (Baysse-Lainé and Perrin, 2021). For SAFERs, access to land is indeed a matter of “unbiased competition”¹⁹ between the business plans of farms. The term “*justice foncière*” only partially corresponds to the Anglophone notion of “land justice,” which was coined in countries marked by settler

17. For instance, during a debate in Bruxelles on July 28, 2020 (<https://www.agrobiosciences.org/agriculture-115/article/foncier-agricole-dans-le-champ-des-communs?fbclid=IwAR0In3heuqdpZrrGi7raiHEAISUp60ileR6L-qfIoIY7MXE1ce-QT-oQluc#.X5ab1O1CeUI>).

18. <https://ressources.terredeliens.org/les-ressources/preserver-et-partager-la-terre>.

19. <https://www.safer.fr/actualites/actualite/regulation-du-foncier-la-contribution-dun-expert-propositions-du-groupe-safer/>.



Downloaded from <http://online.ucpress.edu/element/article-pdf/12/1/00070/829206/elementa.2023.00070.pdf> by guest on 18 July 2024

Figure 5. Graph of Twitter communities active on the issue of land law from 2017 to 2022. Ten main communities of Twitter accounts that formed during the first presidential term of Emmanuel Macron can be grouped into 3 zones (separated by the white lines) based on their affinities. Zone 2: Networks around the Land Coalition (green and pink), Dominique Potier (blue), and allies (beige) are ideologically close, but each community stays relatively coherent: few accounts simultaneously follow different opinion leaders (no color overlapping). Zone 1: Networks of mainstream stakeholders and institutions of the agricultural sector, and of rural law professional organizations, are more intertwined, with less exclusive leaders of opinion (more frequent color overlapping). Zone 3: Two very temporary communities (around candidates for elections: red and orange) remain isolated. Source: Author's own.

colonialism: It does not consider race or gender issues but focuses on professional and generational concerns (Horst et al., 2021). Potier and the Land Coalition raise 2 main concerns of “*justice foncière*,” on 2 different levels. At the local level, the first concern is related to procedural justice issues, regarding the inclusiveness of distribution processes. Within the farmland allocation processes between competing farms, individual and corporate farms do not have equal opportunities, as only the direct ownership market (in which individual farms are active) is regulated by the SAFERs. Potier stated that the current control is “weak with the strong [the corporate farms] and strong with the weak [the individual farms].”²⁰ Progressing

toward land justice would mean to control the access to land of both legal statuses of farms with common criteria. At the national level, a second concern is related to distributive justice issues, regarding the equitable repartition of resources. The quantitative distribution of land between agricultural models currently favors conventional agriculture. This is partly due to the corporatism and clientelism affecting the decisions taken by the SAFERs and CDOAs, which favor farmers close to the majority unions. In addition, incentives for existing farmers to change their practices are not sufficient to significantly increase the proportion of land transitioning into agroecological use. According to Potier and the Land Coalition, in the interests of agroecological and food transition, land should therefore be reserved for existing agroecological farmers or those wishing to establish a business. Progress toward land justice would mean introducing in the current

20. <https://www.lafranceagricole.fr/actualites-gestion/article/798429/il-faut-une-reforme-fonciere-pour-sauver-notre-agriculture>.

regulation social and environmental criteria orientating freed plots of land to agroecological farmers. This implies hierarchizing agricultural models based on social (including food) and environmental criteria.

The main point on which Potier and the Land Coalition differ is that of the “alternative or counter imaginaries [...] they promote] to contest and replace mainstream existing land imaginaries” (Sippel and Visser, 2021). To the Land Coalition, farmland should become common good whose management would be open to civil society. This vision is put into practice by *Terre de Liens* on its more than 350 farms spread throughout France (Léger-Bosch et al., 2020). In contrast, for Potier, farmland is an element of the common heritage of the nation and should be protected by the state not by citizens’ associations.

4.2. The successive openings and closures of the window of opportunity for a new land law

Over the last decade, the window of opportunity for a new land law has twice opened and closed. The main issue has been the extension of the SAFERs’ control to the sale of shares of companies owning farmland.

A first period (2013–2017) was marked by repeated attempts from socialist deputies to extend the right of preemptive purchase of the SAFERs to the sale of shares of companies owning farmland (see pink dotted arrows #1 and #2 in **Figure 6**). The SAFERs would have been able to preempt the sale of every single company share, as land is sold through them. The Constitutional Court, however, twice censored this measure, first for formal reasons, then because it was deemed to be disrespectful of the right of ownership and of the principle of free entrepreneurship.²¹ The only not censored measure was that the SAFERs received the right to preempt the sale of company shares in the case 100% of the shares of a company are sold all at once. This measure had no consequence as it was easy to circumvent but gave the SAFERs access to data on the market of the shares of companies owning farmland. The second censorship by the Constitutional Court gave credit to the idea that a more wide-ranging legal update of farmland regulation was necessary. A growing number of voices²² started to call for a paradigmatic evolution that would integrate social and ecological criteria in farmland regulation.

A second period (2017–2019) was marked by the opening of the window of opportunity for a new land law addressing both land concentration and land consumption issues. Such a law including the extension of the control of SAFERs to the market of shares of companies

owning farmland had been promised during the presidential campaign by President Macron.²³ Consequently, in early 2018, an ad hoc Deputies Committee chaired by the centrist Sempastous was tasked to prepare the law and carried out a large survey.²⁴ It finally failed to reach an agreement due to a political mismatch between both co-rapporteurs, one of them being the socialist Potier and the other a centrist deputy, but it published a report with avenues to reform farmland regulation (see the end of the pink dotted arrow #3 in **Figure 6**). Taking advantage of this opening of the window of opportunity, stakeholders from diverse sectors (e.g., the Land Coalition, the congress of notaries or the FNSAFER: see **Figure 6**) had released programmatic documents to defend their options, particularly on a potential reform of the SAFERs. The final lack of consensus of the committee gave the government a reason to postpone the effective preparation of the law. Its liberal orientation was not in fact aligned with its announcements to strengthen regulation.

A third period (2019–2020) was marked by the progressive withdrawal of the new land law projected by the government. For a year and a half, the Minister of Agriculture, Didier Guillaume, alternately spoke up in favor of passing an all-encompassing law or only regulatory texts on detail issues, before finally abandoning the reform. This resulted in multiple calls from civil society organizations and institutional stakeholders trying to stop the closure of the window of opportunity for legal change. At the end of 2019, an unprecedented unanimity of the agricultural sector was reached within the transpartisan “Call for a new land law. Protecting and sharing land” (green star on **Figure 6**), which was also signed by national federations of local authorities and environmental NGOs. Consequently, the controversy gradually moved away from the agriculture sector to the general public. Although the government could have built on the report of the Deputies Committee published at the end of 2018, 2 successive preliminary consultations of stakeholders were carried out in 2019 and 2020.²⁵ Neither of them resulted in the preparation of a new land law. Consequently, the legislative bodies (National Assembly and Senate) and the consultative Economic, Social, and Environmental Council adopted several reports regarding agriculture and food (see **Figure 6**), which appealed to a new land law. The Court of Auditors also pointed out the inefficiency of the current regulation and urged the government to choose between strengthening or liberalizing farmland regulation.²⁶ However, in the

21. <https://www.conseil-constitutionnel.fr/decision/2017/2017748DC.htm>.

22. From the *Confédération paysanne* in a press release in 2016 (Land embezzlement by corporate farms: overcoming hypocrisy: <https://confederationpaysanne.fr/actu.php?id=5338>), *Terre de Liens* in a press release in 2017 (Censorship of the law against land grabbing: *Terre de Liens* affirms the need to regulate the agricultural land market: <https://terredeliens.org/national/actu/une-loi-sur-laccaparement-des-terres-censuree-03-05-2017/>), and the inner think tank of the Ministry of Agriculture in a report in 2017 (Farmland, land grab or investment? The need for new regulatory tools: <https://agriculture.gouv.fr/telecharger/90522>).

23. “We will increase the transparency of agricultural transactions by subjecting all companies owning farmland to Safer control” (in his program: <https://www.luiipresident.fr/emmanuel-macron/engagement/renforcer-transparence-des-transactions-agricoles-grace-au-safer-48792/>).

24. All documents produced by the committee can be accessed at <https://www.assemblee-nationale.fr/dyn/15/organes/misinfocom/foncier-agricole>.

25. <https://www.terre-net.fr/ministere-de-l-agriculture/article/166336/un-retard-lie-a-une-immense-consultation-explique-didier-guillaume>.

26. <https://www.ccomptes.fr/fr/publications/les-leviers-de-la-politique-fonciere-agricole>.

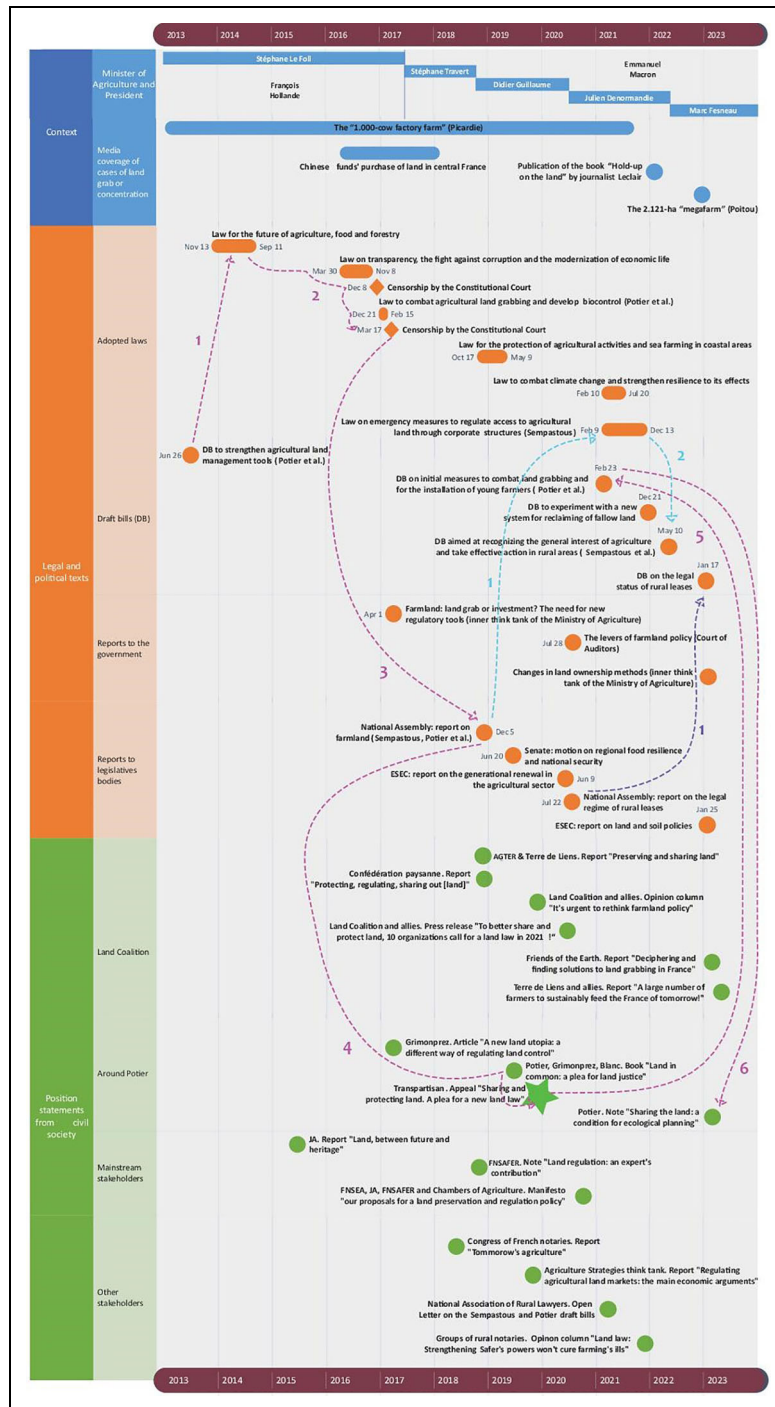


Figure 6. Timeline of the main events contributing to the agenda-setting of farmland concentration in France, 2013–2023. The 3 parallel lines, respectively, refer to contextual elements (blue), legal and political texts (orange), and public statements from civil society (green). The “context” line features the mandates of the political decision-makers in charge and the duration of the media coverage of the main land concentration and land grabbing cases. Two other lines build on the main items of the document corpus. The line “legal and political texts” features the adopted laws and also the more hidden side of legal change: draft bills that failed to become law and reports ordered by the government and legislative bodies to prepare laws. The line “position statements from civil society” features a variety of documents issued by 4 groups of stakeholders: the Land Coalition and allied organizations; the network around Potier; the mainstream and institutional agricultural organizations (such as the FNSEA and the FNSAFER); and other civil society organizations. Each event that occurred on one specific day (e.g., the publication of a report) is represented by a small circle, except for both censorships of the Constitutional Court (by a rhombus, in the “adopted laws” subline), and for the only transpartisan position statement (by a star, in the “around Potier” subline). The events that occurred over longer periods (e.g., the preparation of a law, from its tabling to its adoption) are represented by round-cornered rectangles. Three trajectories, which are analyzed below, are represented by pink, blue, and purple rows of numbered dotted arrows. Source: Author’s own.

end, the only legal development of the period was a marginal extension of the right of preemptive purchase of SAFERs, to the ex-farm buildings in coastal areas.²⁷

A fourth period (2020–2022) was marked by the opening of a new window of opportunity, not for a major land law, but for a smaller law, nicknamed the “Sempastous law,”²⁸ after the head of the 2018 Deputies Committee (see blue dotted arrow #1 in **Figure 6**). This law finally managed to extend the area of expertise of SAFERs to the market of the shares of companies owning farmland. Unlike during the first period, the solution was not to extend the SAFERs’ right of preemptive purchase but to grant them the examination of a newly created administrative authorization for the sale of company shares. This authorization is nevertheless not needed in all cases, but only when the land farmed by the buying company happens to exceed a certain threshold after the purchase is completed. This extension of the regulation to a new farmland market was supported by the mainstream and institutional stakeholders of the agricultural sector.²⁹ Conversely, supporters of a strong regulatory approach (Potier, Land Coalition) criticized the level of threshold for control activation, which, to them, was too high and therefore perpetuated inequities between individual and corporate farms. To Potier, the law “institutionalizes a privilege for corporate farms [...] that derogate from the rules that apply to all farmers.”³⁰ A third party in the discussion was rural law and real estate professional organizations, who opposed to what they considered to be an overly large extension of SAFERs’ powers (see **Figure 6**).

A fifth period (2022–2023) was marked by the preparation of an orientation law for agriculture, that finally did not address farmland regulation as a whole. This law was announced by President Macron during his reelection campaign in 2022. At first, in parallel with the media coverage of a new land grabbing case,³¹ it reopened the

window of opportunity to adopt all-encompassing measures regarding farmland regulation. The framing of the issue by the new Minister of Agriculture, Marc Fesneau, however, rapidly focused not on the regulation of access to land but on the means to attract investors to buy farmland and rent it to young farmers.³² This was denounced by the Land Coalition as a lever for the financialization of farmland.³³ To overcome what they considered to be an incomplete treatment of farmland issues, centrist and right-wing deputies who had prepared a report on the update of the *fermage* status during the third period tabled a draft bill to implement their ideas, but it was not adopted (see purple dotted arrow in **Figure 6**).

4.3. The agenda-setting roles of Potier and the members of the Land Coalition

Over 5 periods, the members of 2 networks around Potier and the Land Coalition played different agenda-setting roles, which impacted the successive openings and closures of the window of opportunity for a new land law.

The trajectory of Potier across political and civil society sectors is represented in **Figure 6** by the pink dotted arrows. During the first period, Potier was among the socialist deputies trying to extend the right of preemptive purchase of the SAFERs. A first draft bill proposed in 2013³⁴ was rejected by the Minister of Agriculture, Stéphane Le Foll (arrow #1). As the more general agricultural law prepared by Le Foll and adopted in 2014³⁵ did not include their ideas, Potier and other deputies shoehorned it in an anti-corruption law in 2016, which was partially censored (arrow #2). In 2017, Potier finally managed to make the National Assembly adopt a law focusing on the extension of SAFERs’ preemptive right (which was censored). During the second period, Potier again played a pivotal role as he was co-rapporteur of the Deputies Committee on Farmland, but due to his membership in a minority group of the National Assembly, his propositions were not taken into consideration by the government (arrow #3). During the third period, he consequently moved to advocacy work at the crossroads of political and civil society sectors. He reinforced his prominent position in the debate first by

27. Law No. 2019-469 of May 20, 2019, for the protection of agricultural activities and marine cultures in coastal areas (<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000038489303/>), initially proposed by centrist deputies, featured in the “Adopted laws” subline of Figure F.

28. Law No. 2021-1756 of December 23, 2021, on emergency measures to ensure the regulation of access to agricultural land through corporate structures (<https://www.legifrance.gouv.fr/jorf/id/JORFARTI000044553577>).

29. For instance, in a press release by the FNSEA, JA, and the Chambers of Agriculture on December 3, 2021 (regulating the land market: a new tool to enable the renewal of generations in agriculture: <https://chambres-agriculture.fr/actualites/toutes-les-actualites/detail-de-lactualite/actualites/regulation-du-marche-foncier-un-nouvel-outil-pour-permettre-le-renouvellement-des-generations-en-ag/>).

30. In the note “Sharing the land: A condition for ecological planning” (<https://www.jean-jaures.org/publication/le-partage-de-la-terre-condition-de-la-planification-ecologique/>).

31. The 2,121-ha “megafarm” in the Poitou region. An example of media coverage is the paper “Safer criticized after the sale of a ‘mega-farm’ in Vienne” (<https://france3-regions.francetvinfo.fr/nouvelle-aquitaine/vienne/poitiers/la-safer-critiquee-apres-la-vente-d-une-mega-ferme-dans-la-vienne-2680700.html>).

32. All the documents produced during the concertation of stakeholders to prepare the law can be accessed at <https://agriculture.gouv.fr/concertation-sur-le-pacte-et-la-loi-orientation-et-davenir-agricoles>.

33. See the press release of *Terre de Liens* on December 15, 2023: Renewal of agricultural generations: the government is tempted to focus on private investment, to the detriment of the general interest and the agro-ecological transition. (<https://terredeliens.org/national/actu/renouvellement-des-g%C3%A9n%C3%A9rations-agricoles-le-gouvernement-tent%C3%A9-de-miser-sur-linvestissement-priv%C3%A9-aud%C3%A9triment-de-lint%C3%A9r%C3%AAt-g%C3%A9n%C3%A9ral-et-de-la-transition-agro%C3%A9cologique-15-12-2023/>).

34. “Draft bill to strengthen agricultural land management tools” (https://www.assemblee-nationale.fr/dyn/14/dossiers/renforcement_outils_gestion_foncier_agricole).

35. Law #2014-1170 of October 13, 2014, on the future of agriculture, food, and forestry (<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000029573022>).

coauthoring a book with 2 scholars, in law (Grimonprez) and history, entitled *Land in common: A plea for land justice*³⁶ (arrow #4). Second, he co-organized a symposium at the National Assembly, during which the transpartisan Call for a new land law (green star in **Figure 6**) was signed. This momentum lasted just 4 months as the mainstream organizations rapidly agreed to work with the government to address the issue through decrees and not through a law. During the fourth period, Potier returned to parliamentary work by tabling a draft bill to compete with the Sempastous law under preparation (arrow #5). This was due to a difference between both visions of the goal of farmland market regulation—for the centrist Sempastous, the target was only land grab, also phrased as excessive or disproportionate land concentration, while for Potier, land concentration had to be regulated. As his ideas were, again, not included in the adopted law, Potier returned to advocacy work, by publishing a note³⁷ for the think tank of the Socialist Party (arrow #6).

For its part, the Land Coalition started its advocacy work during the second period, taking advantage of the opening of the window of opportunity by the Deputies Committee on Farmland. In 2018, AGTER and *Terre de Liens* published a joint report on farmland regulation,³⁸ while the *Confédération paysanne* wrote another report,³⁹ however with similar proposals (see the Land Coalition subline in **Figure 6**). During the third period, the *Confédération paysanne* published press releases referring to the closure of the window of opportunity, such as “Is land not one of the government’s priorities?”⁴⁰ The Land Coalition also started to cooperate with (often more widely known) organizations from other sectors, such as Greenpeace, to situate farmland issues within broader concerns.⁴¹ During the fourth and fifth periods, the Land Coalition focused on proposing amendments to the Sempastous law and the orientation law for agriculture. The *Confédération paysanne*, *Terre de Liens*, and AGTER were also joined by the French branch of Friends of the Earth, who contributed to the debate by proposing to cap the ownership of farmland to a maximum of 300 ha per (natural or legal) person.⁴²

36. <https://www.jean-jaures.org/publication/la-terre-en-commun-plaidoyer-pour-une-justice-fonciere/>.

37. *Sharing the land: A condition for ecological planning*, <https://www.jean-jaures.org/publication/le-partage-de-la-terre-condition-de-la-planification-ecologique/>.

38. Preserving and sharing land (<https://ressources.terredeliens.org/les-ressources/preserver-et-partager-la-terre>).

39. Protecting, regulating, sharing out [land] (https://www.confederationpaysanne.fr/sites/1/elections_art/documents/FONCIER.pdf).

40. On June 13, 2019: <https://www.confederationpaysanne.fr/actu.php?id=8957>.

41. Like in the press release “To better share and protect land, 10 organizations call for a land law in 2021!” (<https://www.greenpeace.fr/espace-presse/pour-mieux-partager-et-protger-la-terre-10-organisations-demandent-une-loi-fonciere-en-2021/>).

42. In the report Deciphering and finding solutions to land grabbing in France (<https://www.amisdela terre.org/wp-content/uploads/2023/02/la-terre-aux-paysans-vdef2.pdf>).

They also became members of the French platform “*Nourrir*,” comprising 42 NGOs defending alternative agricultural and food models.⁴³ This can be understood as a strategy to “frame agricultural politics in broader, public interest terms, marking a potential challenge to neoliberal ideology,” as observed by Beingessner et al. (2022) in Western Canada.

5. Framings, reframings, and the diverging paces of the social controversy and of the political window of opportunity

Despite 2 successive reframings of farmland issues in the light of soil and climate, no new land law was adopted. How can this be explained? I would argue that a major factor is the chronological gap between, on the one hand, the 2 successive reframings of the issue, the proposed legal devices, the degree of projected legal change, and, on the other hand, the pace at which the window of opportunity for a new land law opened and closed.

5.1. A first reframing: Toward an integrated political handling of soil and land issues

The rationales spread within the networks around Potier and the Land Coalition initially referred to traditional leftist agrarian objectives (Fraser, 2008) aimed at a quantitatively fairer distribution of land between farmers and agricultural models. Potier put forward the idea that land should go “to those who need it, and not to those who can afford it.”⁴⁴ In line with the political orientation of *La Via Campesina*, the *Confédération paysanne* focused on “maintaining viable and transferable farms, [...] increasing the number of farmers, [...] and promoting living and attractive rural territories.”⁴⁵ During the first period, the government was led by the Socialist Party (under President François Hollande), which did not, however, align itself with these rationales—partly due to the Ministry of Agriculture’s emphasis on agroecological transition, which was already raising conflicts with the FNSEA. Over the next 4 periods, the liberal orientation of the centrist government (under President Macron) was even less in tune with these “land imaginaries” of land reform.

This ideological mismatch led to a first reframing of farmland regulation issues by the Land Coalition and Potier in light of a more consensual concern than agrarian justice. Soil quality was indeed brought to the forefront of advocacy, based on the idea that a more equitable distribution of farmland was a lever for disseminating practices of soil care. However, despite the important advocacy work of both networks, farmland regulation and soil protection were handled separately by the government:

43. <https://collectifnourrir.fr/in-english/who-we-are/>.

44. For instance, during a debate on July 28, 2020 (<https://www.agrobiosciences.org/agriculture-115/article/foncier-agricole-dans-le-champ-des-communs?fbclid=IwAR0In3heuqdpZrrGi7ralHEAISUp60ileR6L-qfIoIY7MXE1ce-QT-oQlUK#X5ab1O1CeUI>).

45. Press release “Law for the future of agriculture and farmland: Putting an end to laxity and double standards,” November 13, 2013, <https://www.confederationpaysanne.fr/actu.php?id=2059>.

during the fourth period, the protection of the functions of soil against land take entered the Climate and Resilience Law,⁴⁶ institutionalizing a net zero land take goal in 2050. In parallel, the control of farmland was dealt with by the Sempastous law.

The focus put on soils can be understood in the context of an increased awareness of their pivotal role (Granjou and Meulemans, 2023), contributing to a greening of the general understanding of farmland. Since the 2000s, conversely to the former visions as private heritage or working tool, farmland has progressively been highlighted by stakeholders from civil society as a vital resource that provides services to all society (Perrin, 2022). Soils however do not benefit from a proper legal regime, unlike water and air (Desrousseaux, 2016): They are still outsiders to the political debates on the control of farmland markets. More broadly speaking, even land issues are addressed by several sectors of public action, in a classical process of path dependency of public policies. Built-up land is dealt with by the Ministry of Housing, farmland and forest by the Ministry of Agriculture, and other types of land use by the Ministry of Environment. During the second period, in 2019, left-wing senators even tried in a draft motion⁴⁷ to pass through military law to strengthen farmland regulation, mainly against foreign investment, encouraging the government to “integrat[e] agricultural [...] land as a vitally important sector of activity.” Consequently, protecting agricultural soil through an agricultural law would not solve all at once, 3 problems of (1) land take (depending on urbanization drivers), (2) soil degradation due to farm intensification (which is a concern for the Minister of Environment, more than for the Minister of Agriculture), and (3) land concentration.

Already during the first period, Potier started to reframe farmland regulation and protection from a soil perspective. In his 2017 law,⁴⁸ he states that land concentration leads to a simplification of farming practices and models, which has a negative impact on the quality of soil. Consequently, to him, protecting soil without strengthening farmland control would be without effect. In this assumption, soil is addressed not only from a quantitative metric (aimed at limiting land take) but also from a qualitative one (aimed at preserving the functions of soils).

During the second period, the Deputies Committee on Farmland jointly addressed land take and farmland market control. This had a framing effect on the following debates, until the third period (2019 and 2020, progressive withdrawal of the projected law), which was particularly notable in the programmatic documents released by the Land Coalition in 2018, and in an opinion page

46. Law No. 2021-1104 of August 22, 2021, on combating climate change and building resilience to its effects (<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000043956924/>).

47. Motion for a resolution on regional food resilience and national security (<https://www.senat.fr/dossier-legislatif/ppr18-588.html>).

48. Law No. 2017-348 of March 20, 2017, on combating farmland grabbing and developing biocontrol, <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000034228050>.

published in 2019 by the Land Coalition and allies: “We call for a law to overhaul French land policy in order to preserve land both quantitatively (zero land take) and qualitatively, and to share it.”⁴⁹ This vision featuring the connection of 3 silos of public policies in the framework of a new land law also appears in the documents⁵⁰ produced by law scholar Grimonprez.

During the fourth period (2020–2022, when the Sempastous law was voted), the window of opportunity of a trans-sectoral land law closed because the protection of soils against land take was included in the Climate and Resilience Law, while market regulation was postponed to another legal vehicle. After their convergence into the transpartisan appeal of the “Call for a new land law,” the advocacy strategies of mainstream and alternative stakeholders diverged. The mainstream majority unions, the SAFERs, and the Chambers of Agriculture focused first on farmland regulation issues,⁵¹ whereas the Land Coalition continued trying to advocate for an integrated political handling of soil and land. Tactically, it however split its narrative in two to propose amendments to each of the forthcoming Climate and Resilience and Sempastous laws. Only during the fifth period did *Terre de Liens* again link soil and land issues in its position statements, in anticipation of the adoption of the orientation law for agriculture. It even took on a knowledge broker role in 2023, by financing a study on farmland ownership and owners⁵² to update the last, 30-year-old, work on the topic.

5.2. A second reframing: The “climatization” of agrarian advocacy

In the initial agrarian rationales of Potier and the Land Coalition, there was no room for climate issues. In 2017, in a manifesto with 22 other NGOs,⁵³ *Terre de Liens* and the *Confédération paysanne* highlighted a possible risk that projects focusing on sequestering carbon in agricultural soils could make farmers’ access to land more difficult, echoing the link between land grabbing and green capitalism pointed out by Franco and Borras (2019).

Progressively, however, the Land Coalition and, to a lesser extent, Potier, included in their narrative arguments relating to the carbon sink role of agricultural soils. According to this new climatized rationale, the

49. https://www.lemonde.fr/idees/article/2019/12/03/sans-nouvelle-loi-fonciere-la-destruction-des-espaces-naturels-se-poursuivra-a-un-rythme-insoutenable_6021445_3232.html.

50. In particular in the book, he coauthored with Potier: <https://www.jean-jaures.org/publication/la-terre-en-commun-plaidoyer-pour-une-justice-fonciere/>.

51. See the leaflet “Our proposals for a land preservation and regulation policy” (https://chambres-agriculture.fr/fileadmin/user_upload/National/002_inst-site-chambres/actu/2020/Livret-journee_fonciere_VF.pdf).

52. Farmland ownership in France. Who benefits from land? (<https://ressources.terredeliens.org/les-ressources/la-propriete-des-terres-agricoles-en-france>).

53. Thirteen grievances for access for all to quality food, produced by farmers who make a living from their work and practice peasant farming: <https://confederationpaysanne.fr/actu.php?id=5463>.

agricultural models that store the most carbon (such as agroecology and small-scale agriculture) should be favored and every plot of farmland protected against urbanization, as carbon is stored in it. Consequently, the need for a new land law comes from the need to mitigate climate change.

This second reframing represents a direct continuation of the first, by putting one ecosystem service of soils (the mitigation of climate change) at the forefront of advocacies. This “climatization” (Aykut, 2020) is to be understood against the background of the growing development of climate policies. Strategically, in the second half of the 2010s, referring to carbon-centered arguments became a legitimate lens (Hrabanski and Le Cocq, 2022) to put older proposals of strengthening farmland regulation on the political agenda. The first period witnessed COP 21 (held in Paris in 2015), during which the Minister of Agriculture, Stéphane Le Foll, initiated the 4-per-1,000 initiative (Kon Kam King et al., 2018), which aims to increase the organic carbon content of agricultural soils worldwide by 0.04% per year. The implementation of these objectives led to soil becoming increasingly understood from the perspective of carbon storage.

The climatization of advocacy started during the third period. Indeed, in 2019, both the release of the IPCC’s report on soils⁵⁴ and the launch of the French Citizens’ Convention for Climate⁵⁵ led more stakeholders to pay attention to carbon issues. AGTER and *Terre de Liens* developed a rationale prescribing farming practices and even agricultural models: “The allocation [of land] to practices that reinforce this carbon storage, such as grazing, agroecology, and agroforestry, is decisive.”⁵⁶ Furthermore, from 2020, environmental NGOs specializing in the climate (e.g., *Notre affaire à tous* and *Réseau Action Climat*) started to cosign texts of the Land Coalition. Even the mainstream farmers’ unions FNSEA and JA at one point backed a climatic justification of the new land law, in a tweet during the 2020 Paris International Agriculture Show: “Because agricultural soil is an important carbon sink, it must be better protected and also better shared to support our family farms.”⁵⁷

During the fourth period, in 2020, the publication of the 146 propositions of the Citizens’ Convention for Climate opened an even larger window of opportunity for climate-based advocacies. The Land Coalition took advantage of this to play a moral entrepreneur role, situating the increase in farmland regulation against the backdrop of climate mitigation, and of its related soil issues.⁵⁸ The Climate and Resilience Law, however, focused on

promoting an objective of net zero land take. This decoupled the political treatment of soil protection (addressed by the Climate and Resilience Law) from farmland regulation (to be addressed in another law). After the adoption of the law, during the fifth period, the climatized rationales tend to be less present within the advocacy of the Land Coalition and Potier, who again focus on the multiple ecosystem services of soils.

5.3. Beyond reframing: The (in)compatibility between the degree of proposed legal change and the extent of the window of opportunity

Reframing is central in agenda-setting activities. However, it is not only the way an issue is understood that plays a role in a successful or failed reform, but also the way it is supposed to be introduced in the law. Over the last decade, there has been an incompatibility between the extent of the window of opportunity and the degree of proposed legal change. The proposed evolutions of farmland regulation range within 3 degrees of change intensity, from merely adjusting existing mechanisms, to extending regulation to new markets, and redesigning the whole control system.

First, due to the path dependency of public policies, adjusting existing mechanisms is the most frequent form of legal change. Over the last decade, 2 statute laws have been adopted in this context. In 2019, a law extended the preemptive right of the SAFERs to the sale of ex-farm building in coastal areas. In 2023, the planned orientation law for agriculture plans to introduce criteria favoring organic agriculture within the control by CDOAs of the rental market. Regulatory law was also envisioned to adopt detailed adjustments. In 2020, when the window of opportunity of a new land law was closing (third period, see Section 4.2), the Minister of Agriculture, Didier Guillaume, pledged not to abandon updating farmland regulation by referring to such governmental decisions,⁵⁹ which he finally did not take.

A second degree of change is to regulate nonregulated farmland markets. This is the core idea of the Sempastous law, which gave to the SAFERs the prerogative to authorize or not the sale of shares of companies owning farmland. The socialist draft bill (rejected in 2013) and laws (censored in 2016 and 2017) also aimed at this. To circumvent the censorship of the Constitutional Court and make such a measure constitutional, Potier proposed to amend the Constitution. Introducing jointly a definition of soils as part of the common heritage of the nation, and provisions to protect the common good against the principles of ownership right and free entrepreneurship, would have legitimated the protection of soils through a statute law on farmland regulation.

54. <https://www.ipcc.ch/srcc1/>.

55. <https://www.conventioncitoyennepourleclimat.fr/>.

56. Press release: “Preserving land to preserve the climate,” March 14, 2019: https://www.agter.org/bdf/_docs/201903_communique_de_presse_tdl-agter_-_climat_v_def.pdf.

57. <https://t.co/cTOJa3Lo5U>.

58. Press release: “To better share and protect land, 10 organizations call for a land law in 2021!” (<https://www.greenpeace.fr/espace-presse/pour-mieux-partager-et-protger-la-terre-10-organisations-demandent-une-loi-fonciere-en-2021/>).

59. He declared at the National Assembly: “I think we have to be frank: it’s going to be difficult [to pass a land law . . . but] backtracking on this is out of the question. [. . .] Anything that can be done by decree, by order, we’ll do it” (<https://www.lefigaro.fr/societes/installation-des-agriculteurs-la-loi-fonciere-ne-verra-pas-le-jour-20200611>, June 11, 2020).

A third degree of change is to redesign the whole institutional system of farmland regulation. Current appeals to such an all-encompassing reform build on the incomplete extension of farmland regulation resulting from the Sempastous law: various rental markets remain unregulated, such as that of the subcontracting of farm work. In 2018, *Terre de Liens* and AGTER proposed unifying the SAFERs and CDOAs in “Departmental Land Regulation Committees,” which would have allocated land according to 3 social and environmental criteria (added value/ha, working force/ha, and sustainability of the practices).⁶⁰ A more radical change, beyond merely agricultural issues, was proposed by law scholar Grimonprez in 2018⁶¹ with the creation of a National Agency for Territories, which would have centralized all decisions regarding land, whatever its use (agriculture, forestry, environmental, housing, and others). In line with Borrás et al. (2015) criteria of “democratic land control,” the decisions of such an Agency would have been taken by trans-sectoral and representative local assemblies.

Finally, during the first period, attempts to regulate the sale of shares of companies owning farmland failed, not only because the legal strategy was not adequate (extension of SAFERs’ right of preemptive purchase) but also because the window of opportunity was not yet sufficiently opened: the Ministry of Agriculture, Stéphane Le Foll, was already focusing his efforts on agroecological transition. During the second period, with the intense activity of the Deputies Committee on Farmland, the window of opportunity seemed sufficiently wide to the supporters of an ambitious reform for an institutional redesign. Despite the ongoing reframing of the agrarian concern of farmland distribution through the lens of soil quality, this was however not the case. The government was not ready to implement such a far-reaching reform, and the Deputies Committee failed to reach an agreement. In the third period, existing mechanisms were only adjusted, without acknowledging the beginning of climate reframing, which managed to coalize stakeholders from various sectors. The most significant change in farmland regulation occurred in the fourth period, with the Sempastous law, which partially regulated the indirect ownership market. The fifth period was marked only by adjustments of existing mechanisms, within the context of the agriculture orientation law.

6. Conclusion

This article has focused on the way in which land imaginaries centered on the figure of the land commons have fueled debates over the past decade on actual or envisaged changes to the legal framework surrounding farmland. Unlike the last major paradigm shift in French farmland policy in the early 1960s, the window of opportunity for

extending control of farmland markets closed quickly, and no major institutional changes were made. The main legal progress made is that a new farmland market (of the sale of shares of companies owning farmland) is now controlled under the Sempastous law by the SAFERs, who are consolidating their position within the French agricultural institutional landscape. This may appear to be a step back from the ambitions set out in the studied corpora, but it is the result of an institutional trajectory that reinforces market control, in contrast to the liberalization reforms seen in Western Canada (Beingessner et al., 2022), Australia, and Japan (Calo et al., 2021). However, this control maintains inequality of opportunity between farm legal statuses (individual vs. corporate) and does little to promote agroecology: It is not a direct translation of the land commons’ and land imaginaries. In recent decades in Western Europe, the Scotland Land Reform, which gave legitimacy to community land ownership (Calo et al., 2022), may indeed be the only example of such a paradigmatic legal change.

The inclusion of land concentration in the social agenda was prompted by the controversies surrounding several cases in which nonagricultural investors, some of them foreign, took control of farmland. These cases have more to do with land grabbing than simple land concentration. Their media visibility however enabled stakeholders such as Potier and the Land Coalition to give new currency to earlier agrarian concerns regarding social justice in access to land, more in tune with the contemporary paradigm of agroecological transition.

For them, the sharing of farmland at the farm level takes on a new meaning considering the inequalities of opportunity between individual and corporate legal status, particularly in the face of SAFER control. However, this sharing is not only to be considered between farms but also at the level of agricultural and food models. Sharing farmland would therefore not simply be a question of allocating a resource between farmers, but also of optimizing the use of this resource at the national level, with a view to democratic land control. The aim is to move away from a model-blind land regulation to one that hierarchizes agricultural models based on social and environmental criteria to optimally allocate farmland, making land a lever for agroecological transition. In their systemic thinking, these stakeholders link farmland regulation and soil preservation, contextualizing them within the dynamics of climate change and agroecological transition.

This systemic understanding of farmland and soil issues was however not adapted to the silos of governmental action. In addition, it was supported by stakeholders who were too marginal within the farming sector to be given the force of law, and its pace was not sufficiently correlated with the opening of the window of opportunity. Indeed, the proposals made when the window was open (2016–2017) were not legally appropriate and censored by the Constitutional Court. By the time a more ambitious reform was proposed by civil society (2018–2019), the government’s agenda was no longer so favorable to strengthening public regulation. The 2 successive reframings from the perspectives of soil quality and climate

60. pp. 17–20 in “Preserving and sharing land” (https://ressources.terredeliens.org/les-ressources?task=download&collection=u_util_jquery_docs_upload&xi=0&file=u_util_jquery_docs_upload&id=11).

61. In “Land: an extraordinary asset. From utopia to land revolution” (<https://hal.archives-ouvertes.fr/hal-02916784>).

change mitigation succeeded in delaying the closing of the window of opportunity, without reopening it. Soil preservation ended up being dealt with separately from land issues, in a law dedicated to climate action.

Ultimately, the analysis of the contorted evolution of the general regime of access to land in France shows that this regulation proved poorly adapted, on a sociopolitical level, to initiate an agroecological and food transition. The land imaginaries underpinning this transition are not yet sufficiently socially legitimate to be enshrined in law. The environmental and demographic consequences of land concentration are not considered sufficiently important, given the economies of scale it enables, to be the subject of reinforced regulation; only land grabbing seems to mobilize political leaders.

Data accessibility statement

Not applicable (social sciences research).

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Competing interests

The author is a non-active member of the AGTER NGO.

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