

Land policy in France and its consequence for the farmers

Politika ve vztahu k půdě ve Francii a její důsledky pro farmáře

J.P. BOINON

Unité Mixte de Recherches INRA-ENESAD, Dijon Cedex, France

Abstract: This paper is related to the application of the land policies implemented in France in 2nd half of the 20th century, and their consequences on the economy of the agricultural sector and the operation of the farms. Starting from a framework of historical and institutional analysis, the object of this research is to analyse the economic and institutional determinants of these land policies. In France of small landowners, the existence of the right of ownership is considered as an obstacle for a fast evolution of the structures of farms which are sufficient size to implement technological progress allowing the profits of productivity. The aim of the land policy followed in France since the end of the Second World War was to encourage the development of such farms. The main measures were the statute of the tenant farming, the control of the structures and the control of the land market by the SAFER. This policy is implemented at a departmental level by the representatives of the Farmers Unions and generally supports the access to the land for young farmers or the middle-sized farmers.

Key words: agricultural land policy, France, institutional theory, land property

Abstrakt: Příspěvek se vztahuje k aplikaci zemědělské politiky ve vztahu k půdě uplatňované ve Francii od druhé poloviny 20. století a k jejím důsledkům pro ekonomiku sektoru zemědělství a fungování zemědělských farem. Vychází ze základního rámce historické a institucionální analýzy a jeho cílem je analýza ekonomických a institucionálních determinant politiky ve vztahu k půdě. Francie je zemí drobných vlastníků a existence vlastnického práva je považována za překážku rychlého rozvoje zemědělských podniků o potřebné velikosti vhodné k uplatnění technologického pokroku vedoucího k vyšší produktivitě. Cílem ekonomické politiky ve vztahu k půdě byla od konce 2. světové války právě podpora těchto farem. Hlavním nástrojem bylo vytvoření statutu nájemce půdy, kontrola vlastnické struktury a kontrola trhu půdy prostřednictvím SAFER. Tato politika je uplatňována na úrovni odvětví zástupci Unie farmářů a obecně podporuje přístup k půdě pro mladé farmáře a vlastníky farem střední velikosti.

Klíčová slova: zemědělská politika ve vztahu k půdě, Francie, institucionální teorie, vlastnictví půdy

Contrary to the majority of the other economic activities, the agricultural activity requires the use of land. As recalled by Boussard (2000), "agriculture occupies space", which raises specific problems. The agricultural surface is available in limited quantity, it rather tends to be reduced under the effect of the request for agricultural land for non-agricultural uses (urbanisation, infrastructure). There results from it a sharp competition for the access to the land which opposes the farmers to the other economic actors, but also the farmers against themselves. The access to land is perceived by the farmer as an additional production cost which puts a strain on his competitiveness. The financing necessary to the acquisition of land can enter in competition with those which would make it possible to carry out investments of productivity.

During the 19th century, the recognition of the right of private property of land allowed the fodder revolution

and significant profits of productivity, thus supporting the industrial development of second half of the 19th century. However gradually, this too absolute right of ownership proved to be an obstacle with the growth of the productivity of agriculture.

If it were never the case in France to question the right to the private property of the land defined by the civil code (article 544) like "to enjoy and have the things of the most absolute manner", the legislators introduced increasingly significant limits with its exercise and in particular as regards landed property. If restrictions on the right of ownership could be made as from the 19th century with the aim of public utility, it is since the end of the Second World War that land policies concerning agricultural sector were laid down and implemented in France to face the needs for the development of national economy.

Starting from the framework of historical and institutional analysis, the object of my research was to analyse

The paper was prepared for the seminar of RIAFE Bratislava "Utilization of the agricultural land, with regard to the accession of Slovakia to the EU", October 7–11, 2002, Slovak Republic.

the economic and institutional determinants of these land policies. Even with clearly defined objectives, a law can remain un-applied or be applied in an imperfect way. Also my research related to the application of the land policies implemented in France in 2nd half of the 20th century, and their consequences on the economy of the agricultural sector and the operation of the farms. My analysis thus relates at the same time to the determinants of the land policies, the methods of application of these policies and to the effects of these policies.

The period marked by the accumulation of the fordist type and its crisis

The crisis of the Second World War highlighted the structural weaknesses of French agriculture and in particular its incapacity to generate profits of productivity. The most visible signs were the deficit of the French foreign trade in agricultural produce and food (deficit which lasted until 1977) and a high ratio of the agricultural labour force in the total labour force. The first equipment and modernisation plan installed at the end of the Second World War judged the modernisation of agriculture as condition necessary to the economic revival of the country. It was thus a question of ensuring the security of the food supply at a lower cost and at the same time of supplying workers which would allow the development of industry. Agriculture is registered since 1945 in the fordist diagram which "articulates a mode of productivity based on a logic of economy of scale and a mode of demand where the growth of the purchasing power supports the rise of a consumption of mass" (Dutertre at al. 2001, p. 1). The economic development of France, and thus the resumption of the conditions of accumulation of the capital slowed down or stopped following the crisis of 1929 and of the Second World War, required a strong improvement of labour productivity in agriculture, which should result by a modernisation of agriculture allowing a fall of the production costs and in the possibility of supplying workers with agricultural origin necessary to the industrial development. The state had a central role in this mode of accumulation by accompanying the reorganisation of the farms and by guaranteeing the outlets for the agricultural produce, as well as certain price stability.

From the beginning of the 80ies, the agricultural model of production developed during 30 previous years is in crisis. The characteristics of this crisis were often described (see for example Allaire, Boyer 1995): chronic crisis of overproduction for certain agricultural produce, excessive budgetary costs of the policy of support of the agricultural markets, negative effects as regards environment or regional planning. The efficiency of the orientation on a too productivist agriculture was disputed: high cost of the imported products necessary to produce surpluses sold off in the world markets, negative externali-

ties of such a mode of production paid by the whole of the society. One also disputes the equity of such a policy which profits in priority with the farmers having the best incomes. All the model of fordist accumulation is in crisis and industry does not need any more workers from agriculture. If the share of the food continues to decrease in the household budget, the model of mass consumption is blown and new requests express themselves in the direction of agriculture. Besides the considerations regarding the negotiations to WTO, the emergence, during the 90ies, of the concept of multi-functionality of agriculture translates the political good-will of a model of agricultural production which is not any more directed solely towards the production of foodstuffs at the cheapest cost.

If the land policies followed in France since 1945 aimed to facilitate economic development and accumulation of capital, while maintaining the right of private property on the land, regarded as being necessary to the good social cohesion characteristic of an economic development, new stakes have appeared for a few years such as the environment, the regional development or the maintenance of certain social forms of production. These new stakes must be taken into account in the evolutions of the land policies.

Landed property and statute of the tenant farming

The development of the farmers' property to replace the feudal property had, as a consequence, parcelling out of the landed property and there were estimated at the beginning of the 60ies approximately 6 millions of the arable land owners. Admittedly, the disparities were large, but this scattering of the landed property became an obstacle with the development of productive agriculture which requires regrouping in farms of increasingly significant acreage. The economists of the 19th century who studied the question of the land rent have, in majority (Ricardo, Walras or Marx), shown the obstacle which the private property of the land for the economic development represented.

Walras in particular, coming within a liberal logic, showed the interest of the purchase of the land by the State. However, measures of nationalisation of the land, whatever was their interest, did not correspond to the logic of compromise characteristic of the fordist period. In France with small landowners, the existence of the right of ownership became an obstacle with a fast evolution of the structures of farms which are of sufficient size to implement technological progress allowing the profits of productivity. To encourage the development of such farms was the aim of the land policy (statute of the tenant farming, control of the structures and control of the land market by the SAFER¹) followed in France since the end of the Second World War.

¹ The SAFER are companies which can buy and sell land and have a pre-emptive right on all sales of agricultural land (see Barthelemy, Boinon 2001).

However, the state of the agricultural landed property in France is very contrasted. We can contrast the South of France, where small land property is farmed by the owner, to the North of France, where tenant farming is the main mode. In the North of the country, more than half of the area (and more of the 3/4 in certain departments) was cultivated in the tenancy at the end of the Second World War. There is a great diversity of landowners. Some, rather located in the West and the North-West had large landed properties which they divided into farms and rented to farmers or sharecroppers. Until the adoption of the statute of the tenant farming, the leases meant a strong dependence of the farmer towards his owner: contracts of short duration, rent representing a significant share of the agricultural produce. The farmer, and more still the sharecropper, did not have the financial capacity and the guarantee of stability to carry out the investments necessary to the profits of production and productivity. It is mainly in direction of these farmers that the statute of the tenant farming of 1946 was adopted. In these areas, by limiting the amount of the rent and by reducing the income of the landowners, the statute of the tenant farming encouraged them to sell. The large landed properties were often dismantled in small units which could be bought by the farmers in place or the neighbours of these farmers who wanted to increase. The result was the development in these areas of a small land property of the farmers. In other areas, mainly the North-East and the Paris basin, one found non-farmers small landowners, often heirs of the small farmers. The acreages which they could offer for lease were not sufficient to constitute a farm. The farmers were then obliged to have several small landowners and developed an increasingly autonomous logic of agricultural firm towards the landed property (Barthélemy 1988). The statute of the tenant farming, by consolidating the capacity of the tenant farmers towards the landowners, reinforced the logic of firm for the large-scale farmers and allowed an acceleration of the modernisation of agriculture. With the mechanisation and the increasing use of artificial fertilisers, the breeding does not become necessary any more for traction or the fertilisation: technological obstacles with the specialisation of these areas in field crops were raised and only the small-scale farms maintained breeding (Barthélemy and Boinon 1974). By the simplification of the work which it implies, specialisation in field crop becomes often an objective for each farmer, but this objective can be achieved only by the increase of acreage. As the amount of the rent has reached a maximum, it is especially through the land market that strong land competition between farmers is expressed.

South of the line La Rochelle – Geneva, in 1945 more of the 3/4 of the areas were cultivated by the owner. The land ownership by the farmer was a factor of maintenance and resistance of the small-scale farms. The areas under tenant farming often belonged to the family of the owners because of the rules of heritage. The transmission of the farm was done with the transmission of the real estate and often with the death of the owner. There was thus in

these areas a strong proportion of old peasants, with successors who took the direction of the exploitation tardily. This structure of development of family property, slightly turned towards the market, without being completely autarkic, was an obstacle to the development of technological progress and profits of productivity which appeared necessary after the Second World War. In these areas, the statute of tenant farming had a weak impact on the modernisation of the farms. The land owners are often former small farmers without successors or heirs. These owners, which did not have sufficient means to take the train of modernisation when they were farmers, have often only their landed property as inheritance and principal source of incomes. Also, they are attached to the right of ownership, most refractory to the statute of the tenant farming. In order to benefit the best from their landed property, they will rent in a precarious way, apart from the statute of the tenant farming. Sometimes even, in the areas where land appreciation is hoped for, these owners, or their heirs prefer to leave the land fallow rather than to rent or sell it. In comparison with the objectives of profits of productivity, the statute of the tenant farming was relatively not very effective in these areas where there dominated the land property of small farmers. The landed property was a factor of resistance of the small farmers and the objective of the structural policy installation in the 60ies was to support the sale or the renting out of land by the small farmers.

The statute of the tenant farming, while bringing the stability to the farmer and by limiting the amount of the rents, made the development of the productivity in agriculture possible. However, it had real effectiveness only in the areas of large property. And even in these areas, until the beginning of the 60ies, the statute of the tenant farming was applied with difficulty because of the strong resistance of powerful landowners. The statute of the tenant farming caused also to encourage these landowners to sell land to their tenant farmers. This land investment, often not desired by the tenants, required concurrent monetary resources with those used for investments of productivity. Also, it became necessary, at the beginning of the 60ies, to install mechanisms which guaranteed the access to land for the farmers who had the highest potential profits of productivity.

Land policy and management of the decreasing agricultural labour force

The reduction of agricultural labour force and, at least until the end of the 70ies, the increase of agricultural production, were the conditions of the increase of the productivity in agriculture and the fall of the costs which had to result. This development of the production and the productivity of agriculture is done with constant agricultural area (rather in light reduction). It was thus necessary to ensure a transfer of land from the farms with the worst level of performance towards those which had the strongest hopes of profit of productivity.

The main objective of the agricultural laws of the 60ies was to accelerate the reorganisation of agriculture by supporting the development of middle-sized farms. The concept of surface minimum of installation (SMI) was in the centre of this structural policy. Below this threshold of surface, it was considered that the farm did not have the sufficient means of production to provide a satisfactory income for an agricultural family. These farmers thus had to be encouraged either to be retired, for the oldest ones, or to re-qualify professionally. By a series of inciting measurements, including complements of retirement and subsidies for vocational training, the agricultural exodus was encouraged. The areas thus released were directed towards the middle-sized farmers able to be modernised (young farmers having a surface higher than the SMI). For that, the control of the structures aimed at blocking the access to land for the farmers having large surfaces. Every farmer who exploits an area higher than the level defined in each department, must ask an authorisation to exploit if he wants to enlarge his farm². The capacity given to the SAFER to control the land market was going in the same direction to support the access to land for the most productive farmers. By its intervention on the land market, the SAFER directed the destination of the grounds in the desired direction and partly controlled the price of the land.

One can wonder about the reasons of this political objective to support the middle-sized farms and not to let the mechanisms of the market control the assignment of land to the farmers who can obtain the best economic results. The first reason is economic: it is necessary that the expected surpluses of productivity can be reinvested in investments of productivity. If these surpluses of productivity result in an increase in the land rent (either in the form of raising prices of the rent, or in the form of raising prices of the land), the effect will be a deceleration of the profits of productivity for the following period and this effect is against the required objective.

Competition in the land market or tenancy market can lead to a rise in the price of the rent or of the land, to be a barrier to the reduction in the production costs in agriculture and thus an obstacle to the development of the mass consumption necessary to the regulation of the fordist type. For this reason, the statute of the tenant farming regulated the price of the rent, the SAFER had a pre-emptive right to control the land market, and the farmers who have the largest acreage must obtain an administrative authorisation for operating additional acreage (control of the structures).

The control of the structures prevents the largest farmers from bidding higher on the land or tenancy market at a level such which would absorb the profits of additional productivity expected from enlargement, which will not have the effect on reduction of the production costs. Moreover, it allows the middle-sized farmers to purchase land at a lower price. As the land is of limited quantity, in

the absence of control of structures, a higher bid of the large farmers could prevent the improvement of the productivity of the middle-sized farmers and thus the reduction in their production costs. By limiting the exercise of the full and whole right of ownership, in particular by limiting the possibilities of choice of the tenant or the choice of the purchaser, the control of the structures limits the cost of land for the middle-sized farmers.

At this, the economic reasons do not appear sufficient to justify the control of the structures. It would seem that one of the significant reasons for adoption of the control of the structures is the need for giving guarantees to the middle-sized farmers that the grounds released by the small farmers are not completely recovered by the largest farmers. It was the price to pay to obtain a consensus on a policy of which the foreseeable effects were the drop of the number of the small and middle-sized farmers (De Crisenoy 1988). By supporting the allocation of land to the middle-sized farmers who had abilities, but whose factor limiting to the improvement of their productivity was the access to the land, this policy had a broad consensus in the opinion of all the middle-sized farmers who hoped to increase: the majority of farmers thus accepted the inevitability of the agricultural exodus. Most of small and middle-sized farmers having benefited by this policy had thereafter to give up the installation of one their children as a farmer. In the 90ies, at the time when these middle-sized farmers of the 60ies took their retirement, only the third of these farmers had a successor.

Continuing large pressure for enlarging of the farms

The main objective of land policies was to remove the obstacle which the landed property represented to the modernisation of agriculture. The profits of productivity of agriculture resulted at the same time in the increase of acreage per one worker and, at first, at the increase in the productivity per hectare. Since 1980, the profits of productivity per hectare do not increase or increase very slightly. The improvement of labour productivity in agriculture goes through the increase of the acreage per one worker.

The pressures on enlarging of the farms are accentuated by the dynamics of change in the productions and the systems of production. The claim of income parity of the farmers with the other professional categories shows the will of the agricultural trade unions (and mainly of the Young Farmers Union CNJA), that the agricultural workers have the same conditions as the other workers, in particular regarding working conditions. Whereas the income per hectare is higher in the small livestock farms than in the large cereal farms, the income per hour of work is higher in the cereal farms. Also, the will to improve the conditions and the remuneration of labour results it in the search of new acreage in exploiting in order to reduce the

² The surfaces above which it is necessary to ask an authorisation to exploit vary from 50 hectares to 150 hectares according to the department.

share of livestock productions, or even to remove them, for the benefit of the production of field crops. This movement of transformation of the production systems in the areas of the Paris basin enabled us to account for the geographical differences in the trend of land price (Boinon 1988). The results of the last census of agriculture show a stronger reduction in the number of livestock farm than of the number of farms of field crops and a transfer of acreage from the former to the latter.

Since the beginning of the 90ies, the introduction of environmental concerns into the agricultural policy involved the installation of subsidies for the development of extensive systems of production (using more land per produced unit). To have these supports, with equal volume of production, it is necessary to increase the acreage of the farm, what involves an increase in the land pressure. One can add, since the reform of the CAP of 1992, a request for enlarging related to the system of compensatory premiums.

During the 60ies and 70ies, the land pressure resulted in a strong raising of the land prices: the supply of land on lease was weak, because of the statute of the tenant farming, the landowners preferred to sell. As from the 80ies, the accelerated departure of former farmers without successors increased the supply of land, often on lease, which allowed a less pressure on the raising of land prices. The transfers of land are more often done by leasing than by sale and the former farmers became, during the 80ies, the main landowners.

The difficulties of access to the land for young farmers

In the 60ies, the policy of modernisation of agriculture and encouragement of the agricultural exodus very quickly knew its limits, in particular in the less favoured areas where the maintenance of a sufficient agricultural activity to maintain natural space was not assured. This is why in 1973, a specific subsidy, called DJA, for young farmers is instituted for the benefit of the installation of young people, less than 35 years old, promising to be farmers for 5 years in the mountain or less favoured areas. This subsidy was extended in 1976 to the whole national territory, but its amount can be modulated according to the site of installation (mountain, less favoured areas or plain) and according to criteria which take account of more or less favourable elements in the situation of the young person who settles. The objective of this help is then to facilitate the transmission of the farms by an improvement of the treasury of the young farmers during the first years which follow their installation. To have this subsidy, young farmers must have a sufficient level of agricultural training and prove that their farm provides to the family workers an income comparable with that which they would have obtained in other branches of industry.

Since then, the concept of installation of the young farmers, as a goal of agricultural policy, did not cease

gaining in importance. Following the law of agricultural modernisation of 1995, programs for the installation of young people in agriculture are elaborated at a regional level, between the state, the local authorities and the local agricultural unions. These programs adapt the conditions to benefit the subsidies to the diversity of the local situations. These programs subsidise the transmissions of farms in tenant farming (which are thus less expensive in capital). Subsidies are added to the DJA for the young people who settle under particularly difficult conditions (absence of family contribution, installation on farms not very productive requiring a large effort of new investments...). Since 1999, the programs of installation of young farmers are integrated in the programs of rural development set up following the Berlin agreements.

The subsidies are not sufficient to favour the installation of young farmers, who cannot settle on the farms of their parents: they must find a farm on which they can develop a viable economic project. Generally, the farms of old farmers without successor do not interest them: they are generally rather small, the buildings and the machinery are not really suited to a good organisation of the agricultural production, and often the old farmer requires a too high price, taking into account the investments which would have to be done so that the farm can function under good conditions. These small farms normally interest a nearby farmers already well equipped in means of production (land, machinery, right to produce...), who have generally a better capacities to pay, than a young farmer. Generally, these farms are leased and not sold. The main reason is that the sale of land always leaves space for a possible intervention of the SAFER. If the SAFER uses its pre-emptive right and if the final purchaser is not the farmer chosen by the seller, nothing obliges the purchaser to buy the fixed and operational asset of the farm: livestock or machinery can become unsaleable. So, the old farmers without successor rent out their farm to the farmers who buy at the best price its fixed and working asset (farm building, material, livestock, possibly stocks). And generally, the young farmers cannot buy at a good price the asset of the old farmers: the consequence is an enlargement of the nearby farms and not the installation of young farmers. Only a rigorous application of the control of the structures can prevent this enlargement for the biggest farmers. For the small old farmers, their landed property and thus the right to choose their tenant, are the only things that remain to them to have a good enhanced value of their fixed and working asset. The control of the structures limits the possibilities of choice of a tenant farmer for the old farmers, and generally they are not favourable to them.

A policy applied by the interested parties themselves

If the aims of the land policy are clearly defined and in coherence with the other policies acting on the structures of the farms, such as the subsidies for the installation of

young farmers or subsidies for the modernisation of farms, the rules and methods of its application are defined on a departmental level.

The application of the land policy to a local level come within the framework of co-administration of the agricultural policy between the authorities and the agricultural Unions considered to be representative, defined during the 70ies (Coulomb 1990). The administrative forms of this co-administration are rather complex combining the representatives of the state, primarily the Departmental Direction of Agriculture, with the agricultural professional organisations (Room of Agriculture, majority agricultural trade unionism, institutes of technological development, co-operative organisations). As regards orientation of the structures of farms, it should be noted that two commissions are of a particular importance:

- 1) The departmental committee of the SAFER, charged to apply the policy of retrocession of the grounds acquired by the SAFER. Until 1999, this committee was composed by the shareholders of the SAFER, i.e. majority agricultural trade unions and professional organisations which were dependent on them, to which were added two government commissioners charged to take care of the legality of the decisions of this committee. Since 1999, the representatives of the minority agricultural trade unions can sit in this committee.
- 2) The Departmental Commission of Orientation of Agriculture (CDOA), in charge of the implementation of the control of structures, of the policy of installation and modernisation and starting from the end of the 80ies, in charge of the management of the departmental reserves of dairy quotas and rights to premiums. This commission must define the departmental orientations of agriculture to reinforce the coherence of the decisions as regards orientation of the structures of the farms of the department. Representatives of the state and Agricultural Union make up this commission.

The analysis of the departmental agricultural projects, elaborated by the CDOA (Berriet-Sollicie and Boinon 2002), shows that if in a very great majority of the departments the marked objective is the installation of young farmers and the development of the middle-sized farms, the tools and ability available to the CDOA are not sufficient to achieve these goals. In spite of the very clear improvements made to the control of the structures by the law of 1999, in particular as regards sanction in the event of non-observance of the refusal of authorisation to exploit, this one remains difficult to apply. Indeed, if the CDOA can refuse to give an authorisation to exploit because there is a priority candidate (young farmer for example), it cannot impose this candidate on the owner. However, so that the CDOA has really the means of implementing a policy of installation which it considers priority, it would be necessary that it has the means of proposing a farm. Only the SAFER, because it can propose grounds, has the means of directing the land towards the farmers which they consider desirable. But nothing obliges the departmental technical committees of the SAFER to make decisions in coherence with the

orientations of the CDOA. In a very large majority of the cases, the operations of the SAFER are not subjected to the control of the structures. A better dialogue between the SAFER and the CDOA is sometimes wished.

One of the limits often announced as regards control of the structures is the bad information (or lack of information) of the young farmers candidates for installation on the available grounds which are used to enlarge other farms. Also the decree No. 99-964 of November 25, 1999 envisaged an obligatory publicity for the demand of authorisations to exploit. This publicity must allow a better knowledge of the availability of land and should make it possible young people interested to be made known.

About a third of the CDOA chose a minimal public intervention blocking the least possible the mechanisms of market as regards structures of production. In these departments, it is possible for the largest farmers to enlarge again their farms without difficulties. But, the majority of the CDOA chose, through the departmental agricultural project, to limit the structures of agricultural production in order to favour the installation of young farmers. But, even in these departments, efficiency of the control of the structures is often attenuated by the prevalence of the right of ownership and the will not to injure the small landowners, often former farmers.

CONCLUSION

The land policy implemented in France since 1945 was mainly directed to adapt the right of ownership to the needs for the development of an agriculture capable of high profits of productivity. Where still the large landed property prevailed, the limitations of the right of the landowners for the benefit of the farmers initially supported the development of the land property of the farmers by the purchase of the land by the tenant farmers. The existence of a significant property of the small farmers at the beginning of the 60ies became an obstacle with a necessary reorganisation of the agricultural units. The laws of agricultural orientation of the 60ies, by giving the capacity to control the assignment of the arable lands to the representatives of the farmers most favourable to modernisation, supported the realisation of local compromises, which guaranteed the property of the small farmers while encouraging them to rent out their grounds for the benefit of the middle-sized farmers to the high potential profits of productivity.

However, today with the crisis of the model of accumulation fordist, this policy appears more difficult to implement. On one side, one encourages, for environmental reasons, the less intensive system development of production which pushes the farmers to increase their surfaces. On the other, one would wish, for reasons of regional planning and social cohesion, to stabilise the number of farms and to support the installations of young farmers. Competition for the use of the grounds becomes again sharper and the tools of the land policy, such that the control of the structures or the statute of the tenant

farming, penalise the former farmers landowners who do not have family successors.

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Arrived on 24th January 2003

Contact address:

Jean-Pierre Boinon, Unité Mixte de Recherches INRA-ENESAD, BP 87999, 26 Boulevard Docteur Petitjean, 21079 Dijon Cedex, France
e-mail: jp.boinon@enesad.fr
